



**Planning Commission
Regular Meeting
June 2, 2026, 6:00 PM
Council Chambers, La Plata Town Hall
305 Queen Anne St.
La Plata MD**

Agenda

1. Call to Order

- 1.1. Attendees, please use meeting courtesy. Virtual attendees are asked to mute microphones when joining the meeting. Participants may be muted by the Town Clerk and meetings will be recorded.

In accordance with the Open Meetings Act, the public has the right to view/listen to the discussion only. At their discretion, the Planning Commission may allow participants to voice questions or provide comments on the topics under discussion. Written comments may be submitted via e-mail to Legislative@townoflaplata.org. Members of the public wishing to address the Planning Commission in person may sign up in advance via the [town webpage](#) or upon arrival at the Council Chamber.

[Join the meeting now](#)

Meeting ID: 228 255 787 294 15

Passcode: t729yv36

(Calendar Year 2026)

1.2. Call to Order

2. Roll Call and Quorum Verification

3. Pledge of Allegiance

4. Ex Parte Disclosure

5. Public Hearing

5.1. Zoning Text Amendment (ZTA) 02-2026- Adequate Public Facilities Ordinance - Roads

Applicant: Town of La Plata, Maryland

Owner: N/A

Project Location: Town-wide

Request: To amend Article X (Adequate Public Facilities Requirements) in Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of creating, managing, and maintaining adequate public road facilities in the Town of La Plata.

5.2. Review of Purpose and Procedures for Public Hearing (Town Clerk)

5.3. Call to Order (Presiding Officer/ Chair)

5.4. Review of Public Notices (Town Clerk)

5.5. Review of Sign-In Sheets (Town Clerk)

5.6. Presentation by Staff

5.7. Planning Commission Questions and Comments

5.8. Public Comment

- Speakers (signed up) are called on by the presiding officer.
- Those wishing to provide in-person testimony may sign up in advance, no later than 3:00 PM on the day of the public hearing, via the town webpage, or upon arrival at the Council Chambers via sign-up sheet.
- Speakers who register in advance will be recognized prior to speakers who register upon arrival at the public hearing.
- In-person registration to speak will end when the relevant public hearing is opened.
- At the discretion of the presiding officer, time may be limited to 3 minutes and may not be yielded.

5.9. Applicant Rebuttal

5.10. Planning Commission Discussion

5.11. Applicant Closing Statements

5.12. Closing of Public Hearing

When the hearing is concluded, the Board will not hear further comments or questions during the meeting.

6. Approval of Minutes

6.1. Approval of minutes from meeting on May 5, 2026.

7. Matters of Discussion

7.1. Zoning Text Amendment (ZTA 03-2026) Proposed Water Conservation Ordinance

7.2. 2025 Annual Report

8. Public Comment

9. Matters of Information
 - 9.1. Staff Report
 - 9.2. Town Council Report
10. Adjourn
 - 10.1. Adjournment



TOWN OF LA PLATA
305 Queen Anne Street
Post Office Box 2268
La Plata, Maryland 20646

PLANNING COMMISSION STAFF REPORT

DATE: June 2, 2026

TO: Honorable Chair and Members of the Planning Commission

FROM: Don Dooley, Planning Director

PREPARED BY: Don Dooley, Planning Director

APPLICATON NO.: Zoning Text Amendment (ZTA) 02-2026 – Adequate Public Facilities for Roads

APPLICANT: Town of La Plata, Maryland

OWNER: N/A

PROJECT LOCATION: Town-wide

REQUEST: To amend Article X (Adequate Public Facilities Requirements) in Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of creating, managing, and maintaining adequate public road facilities in the Town of La Plata.

BACKGROUND

The La Plata Town Council expressed interest in creating requirements for new development to ensure adequate public infrastructure and services are in place to support new construction in Town so as not to diminish the quality of life for residents, businesses and visitors to La Plata. The Council is particularly interested in developing and retaining minimum public infrastructure standards pertaining to roads, water, sewage, and school seating capacity. This will ensure new development does not impact minimum infrastructure thresholds set by the Town

On April 7, 2026, the Planning Commission recommended Town Council approval of Zoning Text Amendment 01-2026, which developed adequate public facility regulations for water, sewage, and school seating capacity under proposed Article X in Chapter 191 of the La Plata Zoning Code. However, adequate public facility regulations pertaining to "Roads" were not included in Zoning Text Amendment 01-2026. The Commission will recall that staff needed additional time to further develop the technical regulations for roads and traffic in consultation with Brudis and Associates (BAI), a professional traffic

**Zoning Text Amendment (ZTA) 02-2026 – Town of La Plata, Maryland
Planning Commission Meeting of June 2, 2026**

engineering firm whom the Town hired as a consultant on this portion of the Town’s draft APFO regulations. With the professional assistance of BAI, staff is ready to propose a comprehensive new set of provisions to manage and maintain the adequacy of the Town’s public roads to accommodate existing and new development under Zoning Text Amendment (ZTA) 02-2026. As presented in Attachment No. 1, the draft provisions for Roads have been incorporated within Article X in conjunction with the AFPO regulations pertaining to water, sewage, and school seating capacity that the Commission recommended to the Town Council for approval on April 7, 2026.

Although there was insufficient time to notice a public hearing for Zoning Text Amendment 02-2026, for the Planning Commission Meeting of May 5, 2026, staff introduced the draft APFO provisions concerning “Roads” for initial Commission review and comment.

Planning Commission Meeting of May 5, 2026

At the Planning Commission Meeting of May 5, 2026, the Commission, staff, and Brudis and Associates, Inc (BAI), the town’s contracted traffic engineer for this project, discussed the proposed APFO text for “Roads.” The Commission expressed support for the draft text and directed staff to make the following amendments to the draft ordinance:

- 1) Provide a provision requiring the Town to regularly update the Town’s *“Official Street Map of the Town of La Plata.”* The Map is to incorporate and identify all Local, County, and State Highway Administration (SHA) Roads in La Plata, including their respective minimum Levels of Service (LOS) established for each roadway.
- 2) Provide provisions in the draft ordinance requiring the Town to facilitate interjurisdictional, government, coordination and cooperation with the County and SHA when traffic mitigation measures for a proposed project in La Plata identify the need to mitigate development impacts to existing roadways outside of the Town’s control to make such improvements.
- 3) Clarify in the draft ordinance the references to existing development and proposed (new) development for reader clarity.

In anticipation of incorporating of the above provisions, the Commission directed staff to advertise Zoning Text Amendment (ZTA) 02-2026 for public hearing during the regularly scheduled Planning Commission Meeting of June 2, 2026.

DISCUSSION

APFO Revisions to the Draft Ordinance for Roads

To address the directed revisions to the draft ordinance under Zoning Text Amendment 02-2026, staff has:

- 1) Added Subsection (H) to §191.93. (Adequate public facilities study) requiring an

**Zoning Text Amendment (ZTA) 02-2026 – Town of La Plata, Maryland
Planning Commission Meeting of June 2, 2026**

annual update to the Town’s “*Official Street Map of the Town of La Plata, Maryland*” following the processes and procedures outlined in Section 170-7 of the La Plata Municipal Code. As such, it will require Town Council approval for all future updates. Although last updated in 2024, there is no current requirement specifying when the Town’s Official Street Map is to be updated. This provision will fill that gap.

- 2) Staff has clarified when the APFO provisions are referencing “proposed” development for reader clarity throughout the draft ordinance. Staff has identified “proposed” in **blue text** to highlight those clarifications.
- 3) With regard to facilitating County and SHA coordination with the Town concerning traffic and road mitigation measures resulting from proposed new development in Town, staff added Subsection B(5) to Section 191.96 (Standards, criteria and procedures for adequate public facilities studies), to provide broad public policy direction. Specifically, the subsection directs that the Town shall create and utilize a “*Traffic Impact Study Implementation Manual*” (“Implementation Manual”). The Implementation Manual will be prepared as a corollary document after the adoption and codification of the draft APFO provisions for Roads. As of this writing, staff is engaged in developing the scope of work and a professional services agreement for a contractor to assist staff in developing the Implementation Manual. This is consistent with how other government agencies, such as Charles County Government, handle the administrative implementation details for their APFO for Roads.

Public Comments

Subsequent to the May 5, 2026, Planning Commission Meeting, staff received e-mail correspondence supporting Zoning Text Amendment 02-2026 on May 28, 2026. In summary, the correspondence states that the writer is a daily commuter through La Plata and believes traffic congestion on Route 301, Route 6, and Crain Highway has significantly increased as new development outpaces road capacity. They believe this creates unsafe conditions, delays emergency services, and causes economic losses for workers. They support ZTA 02-2026, stating it is a practical requirement for developers to show that public roads can handle added traffic before projects are approved. They believe growth should continue, but only in a way that does not overwhelm existing infrastructure (see Attachment No. 11).

CONCLUSION

Staff believes it has satisfactorily addressed the broad comments made by the body of the Commission based on public feedback and commissioner input.

RECOMMENDATION

Staff recommends the Planning Commission adopt the attached, draft, Planning Commission Resolution recommending Town Council approval of Zoning Text Amendment 02-2026, as drafted.

**Zoning Text Amendment (ZTA) 02-2026 – Town of La Plata, Maryland
Planning Commission Meeting of June 2, 2026**

ATTACHMENTS

- 1) Draft Planning Commission Resolution for Zoning Text Amendment 02-2026
- 2) Revised Draft (Redline) Text Amendments to Chapter 191 (Article X. - Adequate Public Facilities Requirements) for “Roads.”
- 3) William Zeid, Kimley-Horn Comments Dated January 28, 2026
- 4) Charles County Government Comments
- 5) Scott Law Group Comments Dated February 6, 2026
- 6) Chair Banks Comments (undated)
- 7) Council Liaison Guttenberg Comments Dated December 19, 2025
- 8) Vice-Chair Hudnell Comments (Undated)
- 9) Commissioner Miller Comments December 7, 2025
- 10) Planning Commission Staff Report for May 5, 2026
- 11) E-mail Letter of Support for ZTA 02-2026 from Kha Nguyen dated May 28, 2026

-End of Report-

DRAFT

**TOWN OF LA PLATA, MARYLAND
PLANNING COMMISSION RESOLUTION NO. 2026-04**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LA PLATA, MARYLAND, RECOMMENDING TOWN COUNCIL APPROVAL OF ZONING TEXT AMENDMENT (ZTA) 02-2026 TO AMEND ARTICLE X (ADEQUATE PUBLIC FACILITIES REQUIREMENTS) IN CHAPTER 191 (ZONING) OF THE LA PLATA MUNICIPAL CODE FOR THE PURPOSE OF CREATING, MANAGING, AND MAINTAINING ADEQUATE PUBLIC ROAD FACILITIES IN THE TOWN OF LA PLATA, MARYLAND.

WHEREAS, at the direction of the Town Council in 2025, an application for Zoning Text Amendment 02-2026 was initiated by the Town of La Plata, Maryland, for the purpose of amending Article X (Adequate Public Facilities Requirements) in Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of creating, managing, and maintaining adequate public road facilities in the Town of La Plata, Maryland

WHEREAS, the proposed text changes within the Zoning Text Amendment will apply Town-wide; and

WHEREAS, the Planning Commission held a public meeting on May 5, 2026, to review and discuss Zoning Text Amendment (ZTA) 02-2026. The Commission subsequently held a duly noticed public hearing on Zoning Text Amendment (ZTA) 02-2026 on June 2, 2026, at which time the Commission received all public testimony and reviewed all documents and information concerning proposed Zoning Text Amendment (ZTA) 02-2026 before closing the public hearing on Zoning Text Amendment 02-2026; and,

WHEREAS, after reviewing and considering the entire public record concerning proposed Zoning Text Amendment (ZTA) 02-2026, the Commission makes the following Comprehensive Plan findings:

1) **GOAL 2: The new development will reflect the principles of walkability, sustainability, and environmental protection** in that, Zoning Text Amendment 02-2026 supports sustainability and environmental protection by promoting smart-growth policies that allow development to proceed only when adequate public facilities and resources are available to support new development or growth.

2) **GOAL #5: Improve intergovernmental coordination with respect to annexation, development processes, and public facilities** in that, the draft text provisions contained in Zoning Text Amendment 02-2026 promote intergovernmental coordination between the Town of La Plata, Charles County Government and the Maryland State Highway

Draft Planning Commission Resolution 2026-____
Zoning Text Amendment (ZTA) 02-2026

Administration to cooperatively work together to coordinate on traffic and roadway mitigation measures to support new development in La Plata.

NOW, THEREFORE, BE IT RESOLVED, that the La Plata Planning Commission hereby recommends to the Town Council approval of the draft text changes within Chapter 191, Article X, in Zoning Text Amendment 02-2026 as incorporated herein by reference and attached to this Resolution.

PASSED AND ADOPTED BY THE LA PLATA PLANNING COMMISSION on June 2, 2026, by the following vote:

Yes:
No:
Abstain:
Absent:

Dawn Banks, Planning Commission Chair

Attest:

Don Dooley, Director of Planning

Attachments:

- 1) Draft (Redline) Text Amendments to Chapter 191 (Article X - Adequate Public Facilities Requirements) for Roads.

Chapter 191 - Zoning Regulations

Article X. - Adequate Public Facilities Requirements

§ 191.86. Purpose.

The purpose of the adequate public facilities review is to:

- A. Require developers to provide new, additional, or upgraded public facilities for water, sewage, roads and school seating capacity, when necessary, to ensure the Town's ability to provide adequate public facility levels to serve new developments without impacting the existing community.
- B. Ensure that all proposed development will not adversely affect the public's health, safety, and welfare; and,
- C. Encourage new development to occur in areas of the Town where public facilities are being provided.

§ 191.87. Adequate public facilities required.

- A. Unless stated otherwise within this Ordinance, no preliminary plat maps or site plans shall be approved by the Town unless it can be demonstrated that the development will not impact the adequacy of the Town's public facilities to provide adequate water, sewage, roads and school seating capacity to serve the development, as specified in this Ordinance.
- B. This Ordinance does not apply to minor residential subdivisions, minor site plans, and non-residential developments containing less than 1,200 square feet of gross floor area unless determined necessary by the Planning Director due to unique or unusual circumstances associated with the development and/or the surrounding environs of the development.
- C. Unless exempted within this Ordinance, all preliminary plat maps and site plans submitted to the Town for approval shall be accompanied by an Adequate Public Facilities Study (APFS) pursuant to Section 191.93. The vehicular trip generation threshold for requiring a traffic study shall be 50 or more peak-hour vehicular trips during any of the peak study periods.

§191.88. Roads. ~~(Reserved)~~

- A. The traffic generated by a proposed development shall not reduce the level of service (LOS) at intersections or along roads below the standards established in this section.
- B. This section does not apply to any proposed development project that generates fewer than 50 peak-hour vehicular trips during any of the study peak periods.
- C. Roads shall be considered adequate to accommodate the projected vehicular traffic generated by a proposed development if:
 - (1) All existing traffic, the traffic expected from a proposed development, and the cumulative traffic from previously approved developments within the traffic study area must either meet, or be capable of being adequately mitigated to meet, the minimum Level of Service (LOS) required for the roadways affected by the proposed new development. Traffic service levels at all intersections within the traffic study area defined in §191.93(F) shall be evaluated using the following methodology:

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(a) Primary Analysis Methodology. All Traffic Impact Studies (TIS) shall use the most current edition of the Highway Capacity Manual (HCM), published by the Transportation Research Board, as the sole primary method of traffic analysis. HCM-based analysis shall be performed by the project developer using traffic analysis software capable of producing HCM-based measures of effectiveness for signalized and unsignalized intersections, including overall intersection, average control delay, approach delay, individual movement delay, volume-to-capacity ratios, and 95th percentile queue lengths. The Critical Lane Volume (CLV) method shall not be used as a substitute for, or screening alternative to, HCM-based analysis.

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(b) Level of Service (LOS) Determination. Level of Service shall be determined using HCM delay-based measures of effectiveness. For signalized intersections, the LOS shall be based on the overall intersection average control delay using a weighted average across all approaches. For unsignalized intersections, the LOS shall be based on the worst minor-street movement or approach delay, as specified by the HCM. The 95th percentile queue lengths from traffic simulation analysis shall be reported for all study intersections.

(c) Signal Timing Baseline. All traffic analysis models for roads shall use the existing signal timing data obtained from the controlling jurisdiction (i.e., Town of La Plata, Charles County, or State Highway Administration) as the baseline. Developer-assumed signal timing shall not be used. Where the controlling jurisdiction for a road has developed and made available calibrated traffic model files for study intersections, project developers shall use those files as the basis to start their analysis.

(d) Trip Generation Standard. All trip generation calculations shall use the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Trip generation shall be based on new net trips, which is defined as vehicular trips generated by a proposed development minus vehicular trips generated by any existing or previously approved development on the same site for which APFO approval has been granted by the Town.

(e) Adequacy Standards: The adequacy of roadway operations shall be evaluated using the following impact-based thresholds, applied separately to each study intersection under opening-year total traffic conditions for a proposed new development:

(i) If the proposed development's opening-year background Level of Service (LOS), excluding site-generated traffic, is LOS "D" or better, then the overall intersection LOS with total traffic, including the proposed development's traffic, must also remain at LOS "D" or better. If the opening-year background LOS is LOS "E" or worse, then the overall average control delay per vehicle under total traffic conditions may not exceed the average control delay under background conditions. The proposed development may not increase traffic delays at any intersection that is already operating below acceptable standards.

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(ii) Individual Movement Floor. Regardless of the overall intersection result under subsection (i), no individual turning movement or approach at a signalized intersection shall operate at LOS "F" under total traffic conditions where the movement operated at LOS "E" or better under background conditions. At unsignalized intersections, the worst minor-street movement or approach shall serve as the basis for the adequacy determination, using the same background-versus-total comparison framework as referenced in subsection (i).

(iii) The Traffic Impact Study (TIS) for a proposed development must report the following for each study intersection: peak AM and PM traffic levels, plus any additional periods required under §191.96(B)(3); the opening-year background LOS and average control delay; the opening-year total traffic LOS and average control delay; the change in delay attributable to the proposed development; and the 95th-percentile queue lengths for all movements based on traffic simulation analysis.

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(f) Model File Submission. All traffic analysis model files used in a TIS must be submitted

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electronically to the Town as part of the APFS submittal, in a format that is readable by the Town.

(g) Peer Review: The Town of La Plata reserves the right to retain a qualified, independent, traffic engineer to review all TIS submittals to the Town for their input and recommendations. The total cost of all reviews shall be borne by the project developer.

(2) Infrastructure Priority Hierarchy. In evaluating CIP programmed improvements for developer credit under this subsection, and in programming new transportation CIP projects funded in whole or in part through Escrow Fund contributions under §191.94(F), the Town shall apply the following priority hierarchy. Higher-priority improvements shall be advanced ahead of lower-priority improvements when Escrow Fund balances or CIP capacity require sequencing decisions:

Priority 1 — Multimodal Traffic Safety: Improvements that demonstrably reduce crash frequency or severity for all road users, including vehicle-vehicle, vehicle-pedestrian, and vehicle-bicycle conflicts. This includes intersection geometry corrections, sight distance improvements, speed management measures, signal safety upgrades, and projects identified in any Town or State Highway Administration Road Safety Audit or Pedestrian Safety Action Plan. Consistent with Maryland's Vision Zero goal and MDOT's Complete Streets Policy, safety improvements shall be the first call on available Escrow Fund balances.

Priority 2 — Emergency Vehicle Access: Improvements that enhance the reliability and speed of emergency vehicle response within the Town, including intersection modifications to facilitate emergency preemption, turning radius corrections at constrained intersections, and roadway geometry improvements to reduce response times to residential and commercial areas. The Town shall certify that proposed improvements satisfy emergency access standards prior to CIP programming.

Priority 3 — Pedestrian and Bicycle Accessibility and Complete Streets Conformance: Improvements that expand or close gaps in the Town's pedestrian and bicycle network, bring existing facilities into conformance with the Town's adopted Complete Streets standards, improve ADA accessibility, enhance Safe Routes to Schools connections, and provide protected or separated facilities for non-motorized users on high-volume corridors. Consistent with Maryland Department of Transportation's Complete Streets Policy, which requires APFOs to ensure Complete Streets design features are provided, this priority shall apply to all Escrow Fund-eligible improvements involving the reconstruction or significant modification of existing roadway cross-sections.

Priority 4 — Vehicle Capacity and Operations: Improvements primarily intended to increase vehicle throughput or reduce vehicle delay, including intersection turn lane additions, signal coordination, and roadway widening for vehicular capacity. Such improvements remain eligible for Escrow Fund programming but shall be sequenced after Priorities 1 through 3 have been adequately addressed in the affected corridor or study area.

(3) A sufficient public right-of-way width is provided to serve the volume of pedestrian and vehicular traffic to accommodate the proposed development, including adequate road widths to facilitate vehicular mobility, maneuverability, and on-street parking, when applicable to the roadway type and context.

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D. Levels of Service.

(1) The established minimum level of service (LOS) standards shall be tiered based on roadway jurisdiction and context, as follows:

(a) Town of La Plata Controlled Roads: LOS "C" for all Town-owned and maintained roads.

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(b) Charles County-Controlled Roads: LOS "D" for all Charles County-owned and maintained roads

within the La Plata Town limits, consistent with the "Charles County Adequate Public Facilities Manual." The Town shall defer to the County's adopted adequacy standards for County-controlled roads.

(c) State Highway Administration (SHA) Controlled Roads: LOS "E," or no worse than the background (pre-development) LOS where existing conditions already exceed LOS "E," for all SHA-controlled and maintained highways in the Town. The Town shall defer to SHA's adopted "Traffic Impact Study Guidelines" for its facilities. Any mitigation requirement involving the SHA right-of-way shall be expressly subject to SHA review and approval. If SHA declines to approve proposed mitigation, the Town of La Plata shall consider alternative mitigation strategies, including but not limited to pro-rata contributions toward SHA-programmed improvements.

(2) When a TIS is conducted pursuant to §191.88(C)(1) and it determines that a study intersection fails the adequacy standards established in §191.88(C)(1)(e), the following mitigation framework shall apply. All adequacy determinations and mitigation calculations under this section shall use opening-year background conditions (existing traffic plus approved-but-unbuilt development traffic) as the baseline, consistent with §191.88(C)(1)(e).

(a) At Functioning Intersections (opening-year background LOS "D" or better) under the applicable tiered standard in §191.88(D)(1)). Mitigation is required where the proposed new development causes the overall intersection LOS under total traffic conditions to fall below LOS "D," or causes any individual movement that operated at LOS "E" or better under background conditions to fall to LOS "F." The project developer shall mitigate the proposed development's impact to restore the intersection to its existing background LOS or better.

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(b) At Deficient Intersections (opening-year background LOS "E" or worse). Mitigation is required where the proposed new development increases the average control delay per vehicle under total traffic conditions above the average control delay per vehicle under the proposed new development's opening-year background conditions (i.e., where the proposed development measurably worsens delay at an already-deficient intersection). The project developer shall adequately mitigate impacts to restore total traffic delay to no worse than the opening-year background delay. Mitigation may consist of one or more of the following, as approved by the Town:

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(i) Proportional Impact Mitigation. At the discretion of the Town, the project developer may contribute toward the cost of the improvement in proportion to the proposed development's share of the total traffic delay increase calculated as: $(\text{Proposed Development-Attributable Delay Increase} \div \text{Total Delay Under Total Traffic Conditions}) \times \text{Total Improvement Cost}$, based on a third-party engineering estimate.

(ii) Pro-Rata Escrow Contribution. At the discretion of the Town, the developer may contribute to the Town's Transportation Improvement Escrow Fund pursuant to §191.94(F) in lieu of direct construction, where the improvement is programmed in the Town's CIP or is a shared improvement benefiting multiple developments.

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(iii) Alternative Improvements. At the Town's discretion, a project developer may propose alternative improvements that clearly restore total traffic delay to a level no worse than the proposed development's opening-year background delay without the project. Any such proposal shall be reviewed and approval by the Town and, when applicable, by SHA or the County. When evaluating alternative improvements, the Town shall apply the Infrastructure Priority Hierarchy established in §191.88(C)(2).

(c) Denial. The Planning Commission shall deny a proposed development if the developer fails to demonstrate a feasible, secured, mitigation pathway under subsections (a) or (b) above. The Planning Commission shall not deny a project solely because an intersection operates below the applicable LOS standard under background conditions unrelated to the proposed development.

E. The determination of the Level of Service for a road shall consider the effects of existing traffic and traffic projected to be generated from proposed new developments in the traffic study area, as determined by the Town, for which final subdivision plats and site plans have been approved as well as increases in through traffic and all traffic projected to be generated from the proposed development for a specified development completion year.

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F. Unless exempted within this Ordinance, the project developer shall submit with their preliminary plat map or site plan, a preliminary Adequate Public Facilities Study (APFS) which indicates the proposed development's anticipated vehicular trip generation rates, a list of existing roads and intersections that will be impacted by traffic to and from the proposed development, and the anticipated completion date of the proposed development. The Planning Director shall review the APFS to determine whether it satisfies the standards adopted herein for the proposed development and shall add or remove roads or intersections as necessary to evaluate the impact of the proposed development.

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§191.89. Schools.

See Section 173-92 under Article IX (School Seat Allocation Policy) of the La Plata Subdivision and Land Development Ordinance.

§191.90. Sewage system.

- A. Pursuant to Title 9 of the Annotated Code of Maryland, new development can only be approved if there are adequate wastewater systems and supporting infrastructure. Therefore, no site plan or subdivision plat shall be approved for any new or expanded development in La Plata unless the Town's wastewater treatment plant and infrastructure has or will have sufficient capacity to support new development prior to its commencement. It is the intent of this Chapter to ensure that sewer infrastructure capacity serving existing residential and non-residential users are not adversely affected by the sewage capacity and infrastructure needs from new development.
- B. Standard for Adequacy. The Town's sewage system shall be considered inadequate and the development deemed to create an adverse impact on the Town's wastewater treatment plant and its infrastructure when a development causes it to operate at or above eighty percent (80%) of the plant's maximum capacity. This limitation is to ensure the Town maintains sufficient reserve capacity to account for system inefficiencies and short-term spikes in treatment demand. Eighty percent (80%) of sewage capacity shall be determined by multiplying the Town's treatment plant's design flow (MGD) by 0.80, then comparing that value to the facility's average daily wastewater flow. If this standard is exceeded, the project shall not be approved unless adequate mitigation is provided in accordance with §191.94 (Mitigation).
- C. The Town of La Plata shall publish on its website every six (6) months a sewage capacity report identifying the Town's current wastewater treatment plant capacity level and its remaining availability to serve new development. The most current wastewater capacity report shall be used as the authoritative reference source for determining a development's impact on the Town's wastewater capacity limit as part of any Adequate Public Facilities Study submitted to the Town.

§191.91. Water supply system.

- A. Pursuant to Title 9 of the Annotated Code of Maryland, new development can only be approved if there is an adequate water supply and infrastructure to support it. Therefore, no preliminary plat map or site plan for any new or expanded development requiring water allocation from the Town of La Plata shall be approved unless there is or will be sufficient water supply to support the development prior to its commencement. It is the intent of this chapter that water supplies serving existing residential and non-residential users are not adversely affected by the water usage from new development.
- B. Standard for Adequacy. The Town's water supply system is considered inadequate and a proposed development is considered to have an adverse impact on the Town's ability to provide sufficient water when the projected water demand from new development will cause the Town to reach or exceed eighty percent (80%) of its maximum water appropriation permit for annual average daily withdrawal, as issued by the Maryland Department of the Environment. The 80% threshold is intended to ensure the Town maintains sufficient reserve capacity to account for water loss, system inefficiencies, and short-term spikes in water usage. Eighty percent (80%) of the Town's water allocation is calculated by multiplying the permitted annual average daily withdrawal limit by 0.80 and comparing that value to the Town's actual annual average daily water use. If the projected demand from a development causes this threshold to be exceeded, the development may not be approved unless adequate mitigation is provided in accordance with §191.94 (Mitigation).
- C. The Town of La Plata shall publish on its website every six (6) months a water capacity report of the Town's water allocation usage for determining the remaining water availability to serve new development against its maximum water appropriations permit limit for average daily withdrawal. The most current water capacity report shall be used as the authoritative reference source for determining a development's impact on the Town's water supply as part of any Adequate Public Facilities Study submitted to the Town.

§ 191.92. Water, sewage, and school capacity allocations

- A. Water and sewer capacity allocation shall be guaranteed to any approved preliminary plat map or site plan requiring such allocation for a period of six (6) years after its original approval by the Town. Failure, for any reason, to obtain a building permit within six (6) years to begin construction for a new building(s) under an approved site plan or preliminary plat map or for a new development shall render the water and sewer allocation void.
- B. For preliminary plat maps and site plans that have been previously approved without water and sewer allocations prior to the adoption of this Ordinance, water and sewer allocations shall be based on the following allocation methodology:
 - (1) All preliminary plat maps and site plans that have been approved and are still valid as of the date of the adoption of this Ordinance shall be exempt from Section 191.92(A) unless the approved preliminary plat map or site plan is allowed to expire for any reason. Water and sewer allocations for previously approved and legally valid preliminary plat maps and site plans shall have priority over any preliminary plat maps and site plans not approved by the Town as of the date of the adoption of this Ordinance. Water and sewer allocations for unexpired preliminary plat maps and site plans under this code provision shall be allocated as follows:
 - (a) Each year, the Town of La Plata shall identify the maximum water and sewer capacity allocations to be devoted to previously approved preliminary plat maps and site plans that are valid.
 - (b) Water and sewer allocations shall be distributed by the Town to each previously approved

preliminary plat map or site plan beginning with the oldest to the most recent until all such water and sewer allocations have been distributed by the Town of La Plata for each calendar year.

(c) Failure to begin using authorized water and sewer allocations within six years shall render the water and sewer allocations under this provision of the Ordinance null and void.

- C. Once all previously approved preliminary plat maps and site plans have received their necessary water and sewer allocations under Section 191.92(B), water and sewer allocations required for the approval of new preliminary plat maps and site plans may be granted by the Town as provided in this Ordinance.
- D. School capacity allocations shall be granted pursuant to Article IX (School Seat Allocation Policy) of the La Plata Municipal Code.

§ 191.93. Adequate public facilities study.

- A. An Adequate Public Facilities Study (APFS) shall be prepared by qualified, independent, third parties, in conformance with the requirements of this Ordinance, and submitted as part of any preliminary plat map or site plan submittal to the Town for approval.
- B. An APFS shall contain the following information:
 - (1) Background information describing the proposed development, its location, and the most current conditions of all public facilities that are regulated by this Ordinance.
 - (2) Analyses and identification of all anticipated project impacts and facility needs for water, sewer, roads and school seating capacity to serve the proposed development.
 - (3) As necessary, a proposed mitigation program to eliminate all anticipated environmental impacts caused by the development to enable the Town to provide sufficient water, sewage, roads and school seating capacity to serve the proposed development.
 - (4) Any other additional information deemed necessary by the Planning Director to adequately evaluate a project's impact(s) on the Town's water, sewage, and school seating capacity.
- C. An APFS must address the incremental and cumulative impacts of a project that is to be developed in phases, including all incremental mitigation measures.
- D. The Planning Commission shall review the APFS and other information submitted by the project developer to determine if the level of public infrastructure exists or will exist to meet the standards of this Ordinance and whether the approval of the proposed development will be in the public interest.
- E. The project ~~developer applicant~~ shall pay all ~~the o~~ costs associated with the Town's review of an APFS in addition to all other applicable development fees in the Town's current fee schedule.
- F. Traffic Study Area Definition. The Traffic Impact Study shall analyze, at a minimum, the following baseline study area:
 - (1) All signalized intersections providing direct access to the proposed development site;
 - (2) The nearest two principal arterial intersections in each direction from the primary vehicular street entrance(s) to the proposed development;
 - (3) All intersections within 1.5 miles of the primary site entrance(s) that receive 50 or more peak-hour trips generated by the proposed development;
 - (4) The Planning Director may expand the required study area based on: (i) the proposed development generating more than 250 peak-hour vehicular trips; (ii) known traffic distribution patterns affecting more distant facilities; (iii) proximity to sensitive uses such as schools or hospitals; or (iv) reasonable justification demonstrating a project nexus for the expanded scope of the study.

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G. Piecemeal Development. Circumventing the trip threshold by submitting piecemeal development applications is not permitted. If a project developer submits a new preliminary plat map or site plan for proposed development at the same property location where a previous preliminary plat map or site plan was approved within the preceding five (5) years, the Traffic Impact Study shall include all trips generated by both the proposed and previous development approvals when determining whether the 50 peak-hour trip threshold is met or exceeded.

H. For public reference, the Town shall update its "Official Street Map of the Town of La Plata, Maryland" each year to identify all new roads and road extensions in La Plata pursuant to the updating processes and procedures contained in Section 170-7 of the La Plata Municipal Code. The "Official Street Map of the Town of La Plata, Maryland" shall include the minimum Level of Service (LOS) for all Town, County and State Highway Administration roadways in La Plata.

E.

§ 191.94. Mitigation.

Creative development design measures are encouraged within each new development to reduce or eliminate impacts to the Town's water, sewage, roads and school seating capacity limits whenever possible. However, if the Planning Commission determines that one or more public facilities associated with water, sewage, roads, or school seating capacity are not adequate, the Planning Commission shall deny the project or require sufficient development mitigation measures as follows:

- A. Mitigation by the project developer is required to avoid exceeding water, sewer, roads and school seating capacity limits to enable the Town to provide sufficient public facilities to support the developer's project and comply with all applicable provisions of the Town's Municipal Code and Maryland Department of the Environment permitting requirements, conditions, and regulations placed upon the Town. If the mitigation measures are considered infeasible to implement for a new development, the Town may accept an in-lieu fee equal to the developer's pro-rata share of the total estimated cost of their required mitigation measures for their project, as determined by the Chief Executive Officer of the Town.
- B. If one or more mitigation measures are required for an approved development to comply with this Ordinance and those mitigation measures will be fully completed through a Town of La Plata, Charles County, or State Highway Administration approved capital improvement project before all Town issued development permits are finalized, the Town shall consider the required development mitigation measures necessary to comply with this Ordinance satisfied. However, if a Town of La Plata, Charles County, or State Highway Administration approved capital improvement project does not fully satisfy all mitigation measures required for an approved development to comply with this Ordinance, the developer shall be responsible for completing their pro-rata share of the remaining mitigation measures. Otherwise, the developer shall provide the Town an in-lieu fee equal to their pro-rata share of the total estimated cost for the remaining mitigation measures required for their project development, as determined by the Chief Executive Officer of the Town.
- C. The Planning Commission shall review and have final approval of the proposed mitigation program for a proposed subdivision or site plan. A mitigation program shall include the type(s) of mitigation, the methods of mitigation, and time schedules, including project phasing, if applicable, for the successful implementation of the mitigation program.
- D. A mitigation program shall be contained in a legally binding, adequate public facilities agreement between the project developer and the Town of La Plata, in a legal form approved by the Town Attorney.

E.E.—A mitigation program shall run with the land. The deed or title for a property shall contain references to the mitigation program and be recorded with the Charles County Clerk to the satisfaction of the Planning Director.

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F. Transportation Improvement Escrow Fund.

- (1) Establishment. The Town of La Plata shall establish and maintain a "Transportation Improvement Escrow Fund" ("Escrow Fund") for the purpose of collecting pro-rata share contributions from developers toward the cost of transportation improvements that exceed any single developer's proportional impact or that require coordination across multiple developments or jurisdictions.
- (2) Applicability. The Town may require pro-rata Escrow Fund contributions through an in-lieu fee and/or direct mitigation construction by the project developer pursuant to Section 191.94.
- (3) Calculation. The developer's pro-rata contribution shall equal: $(\text{Proposed Development Peak Hour Trips} \div \text{Total Peak Hour Capacity Added by the Improvement}) \times \text{Total Improvement Cost}$, based on an independent third-party engineering cost estimate reviewed and approved by the Chief Executive Officer of the Town.
- (4) Fund Administration. All Escrow Fund contributions shall be deposited in a dedicated, interest-bearing account, separately maintained by the Town. Funds shall be used solely for the construction of the identified transportation improvement(s). Unexpended funds shall be returned to contributing developers on a pro-rata basis if a project is canceled or if alternative funding sources fully finance the improvement.
- (5) Construction Trigger. For Town-controlled roads, the Town shall initiate construction of funded road improvement(s) when:
 - (i) Sufficient pro-rata contributions have been collected to fund at least fifty percent (50%) of the project cost; or
 - (ii) Alternative public and/or private funding sources are secured by the Town to complete the project road improvement(s).
- (6) CIP Alignment and Investment Priorities. The Escrow Fund shall be reviewed annually in connection with the Town's CIP process. The Chief Executive Officer shall recommend to the Town Council allocation of Escrow Fund balances to advance programmed improvements in coordination with Charles County and the State Highway Administration. In making such recommendations, the Chief Executive Officer shall apply the Infrastructure Priority Hierarchy established in §191.88(C)(2), advancing safety improvements ahead of capacity improvements, pedestrian and bicycle accessibility improvements ahead of vehicle throughput improvements, and preserving emergency vehicle access as a non-negotiable baseline condition. Any deviation from the recommended priority ranking shall be documented with written findings explaining why a lower-priority improvement better serves the public interest in specific circumstances. For mitigation projects along State or County roads and intersections, the Town may provide a funding contribution from the pro rata Escrow fund.
- (7) Payment. The required pro-rata Escrow Fund contribution by a project developer shall be made prior to the issuance of any building permits for their project.

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§ 191.95. Bonding or surety.

- A. The Planning Commission shall require bonding or surety as appropriate to cover the costs of the facilities and lands not under the project developer's ownership that are part of a mitigation program.
- B. Upon default, the Town of La Plata has the authority to redeem the bonds or surety in addition to any other remedy provided by law.

§ 191.96. Standards, criteria and procedures for adequate public facilities studies.

A. Except as may be stated elsewhere in this Ordinance, the Charles County Adequate Public Facilities Implementation Manual may be referenced for guidance to help support the successful implementation of this Ordinance. In no case shall the Charles County APFO Manual supersede any requirements of this Ordinance unless stated otherwise in this Ordinance.

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B. Standards for Traffic Studies. All Traffic Impact Studies (TIS) submitted as part of an Adequate Public Facilities Study (APFS) shall be conducted in accordance with the following methodology:

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(1) Methodology Alignment: The tiered HCM methodology described in §191.88(C)(1) shall be used as the primary standard for all TIS analyses. The Charles County Adequate Public Facilities Manual may be referenced for supplemental guidance on County-controlled roads, provided it does not conflict with the standards established in this Article. In the event of conflict, this Article shall govern.

(2) Standardized Data: All TIS submissions shall use the most current traffic count data, obtained from Town-approved traffic counts, rather than applicant-generated proprietary data unless approved by the Town. Traffic counts shall be no older than two years at the time of submission.

(3) Special Conditions: For retail, food service, entertainment, and religious uses, the TIS shall include an appropriate Saturday or Sunday peak-hour analysis in addition to peak weekday AM and PM traffic volumes. For uses with significant school-hour traffic, an analysis of the afternoon peak traffic shall also be identified. The Planning Director may specify additional conditions at the TIS scoping stage.

(4) The scope of work for all TIS's shall be approved in advance by the Planning Director prior to execution and satisfactorily completed at the discretion of the Planning Director.

(5) The Town of La Plata shall create and utilize an administrative Traffic Impact Study Implementation Manual that sets forth the procedural standards, forms, contact directories, and interagency coordination protocols with Charles County Government and the Maryland State Highway Administration for the preparation, scoping, submittal, and review of Traffic Impact Studies and for the implementation of recommended road and traffic mitigation measures when deemed necessary to mitigate impacts caused by new development approved in the Town of La Plata.

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A.

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~~B.~~ C. Upon recommendation by the Planning Commission, the Town Council shall consider approving any revisions to the adopted standards, criteria, and procedures for adequate public facilities.

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~~C.~~ D. The Town of La Plata shall be the sole provider of all water and sewer facilities for new and existing developments in Town. The Town will require developers to fund, construct, and provide bonding for all new or upgraded facilities deemed necessary for mitigation under this Ordinance. All new water and sewer facilities shall be dedicated by the project developer to the Town of La Plata, consistent with all applicable provisions of the Town's Municipal Code as determined by the Director of Public Works.

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§ 191.97. Exemptions to Adequate Public Facilities Requirements

A. The provisions of this APFO Ordinance shall not apply to any development that, as of the effective date of this Ordinance, satisfies all of the following criteria:

(1) The property was subject to an Annexation Agreement executed on or before December 31, 1998, and recorded among the Land Records of Charles County, Maryland, regardless of any amendments to such agreement occurring after that date; and

(2) A preliminary plat map or site plan for the development has received Town approval and remains valid under applicable law.

(3) A development that satisfies both of the criteria in the above Sections A(1) and A(2) as of the effective date of this Ordinance shall be deemed vested for purposes of this Article and shall remain exempt from the requirements of Chapter 173, Article IX (School Seat Allocation Policy) and Chapter 191, Article X (Adequate Public Facilities Requirements) provided that such development proceeds in accordance with the approved preliminary plat map or site plan as well as any applicable vesting or expiration provisions of this Code.

B. Notwithstanding the foregoing in Section "A," above, any significant modification to an approved preliminary plat or site plan that results in an increase in residential density, non-residential square footage, or overall development intensity shall not be eligible for this exemption unless such modification independently satisfies the requirements of Chapter 173, Article IX (School Seating Allocation Policy) and Chapter 191, Article X (Adequate Public Facilities Requirements).

-End-

DRAFT

01/28/26

Don,

Below is the information shared that I had prepared. I hope this is helpful as the Town continues to develop your new APF. I understand that the Town's location within Maryland, priorities and vision for development may substantially differ in some aspects from other jurisdictions, so I offer the following for your general consideration and look forward to seeing what the Town ultimately passes for APF. I would be happy to talk more or participate further if at all needed/desired. Feel free to reach out any time.

A few examples around Maryland that have policies you may want to review:

- Howard County - regarding LOS thresholds and having different requirements for different facilities:
 - <https://www.howardcountymd.gov/public-works/resource/howard-county-design-manual-volume-iii>
 - Section 4.2
 - Level of Service The intersection level of service (LOS) standard for this evaluation for County-controlled intersections is LOS D and the standard for State-controlled intersections is LOS E. The LOS evaluation shall be for the overall intersection.
- Montgomery County - regarding LOS thresholds and having context sensitive requirements in different areas:
 - Breaks the county out into policy areas with different LOS thresholds for adequacy
 - More urban dense areas allow higher levels of congestions
 - In these areas, walkability and lower reliance on vehicles is desired
 - Infrastructure goals focus on pedestrian bike and transit, not adding lanes to reduce vehicle delay
 - https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=12341_1_25989_Resolution_20-651_Adopted_20241112.pdf#page=12
 - More rural policy areas, delays limited to as low as 41 seconds per vehicle
 - Vehicle travel is primary and likely only option with long travel distances – delays should stay low
 - More urban areas, delays allowed up to 80 seconds per vehicle (LOS F)
 - Alternative modes available, trips are generally shorter too. Delays may be allowed at higher levels.

- Transit areas - no vehicle test. It is acknowledged that intersections currently fail and there is not a desire to widen roads for more capacity, nor could development realistically pay to do so.
- Frederick County - regarding mitigation
 - When larger improvements are identified, you determine how much of the capacity the improvement creates is used by the development. If it's a small portion, then the development pays their pro-rata share based on an analysis. Then every development that comes through in that area pays their share until it reaches a certain level and then gets triggered for construction. Even developments that don't trigger a traffic study still have to contribute their share.
 - This could be a good way of establishing large improvements on the books that are needed but not necessarily feasible for one specific development.
 - It also ensures that when you have a lot of small pad uses that may not trigger studies, they are all contributing based on their incremental impact to traffic. You may need multiple properties to develop to realistically fix a corridor, but you will have a hard time getting any single development to move forward if the first developer is on the hook for it all.

Review of ZTA Text: ZTA 01-2026

General clarifications & recommendations

- The APF should detail if changes in use of an existing building are also considered development and subject to the requirements. Typically it is treated the same. A change in use that results in an increase in trips would be evaluated for APF.
- The APF should specify that the trip threshold is based on new trips, which is the trip generation for the proposed development minus the trip generation for the existing development or approved development for which APF has been satisfied (think modification to an existing development that wants to change Phase 2 or 3, etc.)
- Will any trip reduction factors be allowed when determining new trips to determine if study is required?
 - Typically the answer is no, although some jurisdictions do allow for pass-by trip reductions at the scoping stage.
- Define how the study area will be established
 - Some jurisdictions do tiered system:
 - Montgomery County: <250 new peak hour trips = 1 tier = go out 1 significant intersection in each direction. 250-749 new peak hour = 2 tier = go out 1 in each direction, then go out from each of those 1 in each direction. And so on
 - City of Frederick: Study area goes out to any intersection where 50 trips travel through to the development, limited to 1 mile

- Calvert County: Go out to the first intersection of an arterial with a collector or higher in each direction, limited to 2 road miles in each direction
- Clarify when Saturday or other conditions will be required
 - Retail sites typically subject to Saturday conditions
 - Recommend limiting this when the weekday traffic is higher than Saturday to reduce unnecessary analyses
 - Schools typically need to study the afternoon school peak between 2-4pm
- Many jurisdictions require evaluations of driveway and on-site queueing requirements
 - Even when a site is below threshold for a study, the driveway may need to be reviewed for adequacy
 - On-site queueing can be a critical element impacting roads that won't show up in an LOS based review
 - Examples are schools, drive-thru restaurants, carwashes
 - School pick-up/drop-off management
- Mitigation should be different when an intersection is already over capacity
 - It is not the developments responsibility to mitigate other developments' traffic, only their own. If requirements are disproportionate to a developments impact, then the Town risks facing legal challenges and stifling development where it is desired. When alternatively, impact based mitigation may promote a volume of multiple developments that can cumulatively provide funds to complete necessary improvements.
 - City of Rockville allows developments to increase the v/c at an intersection by up to 0.10 (10%) if it's not failing already. This prevents one development from using up all road capacity without having to provide improvements.
 - If the intersection is already failing, the development can only increase by 0.01 (1%) before mitigation is required. They are then required to mitigate a certain percentage of their impact only, or mitigate to get back to where it was without the development.
 - This allows a very small portion of traffic to go through a failing intersection without mitigation as the impact is ultimately negligible.
 - Any mitigation requirement involving MD SHA ROW should be caveated with, "Subject to SHA Approval". Otherwise, improvement requirements may not be feasible and stall a development where SHA will not approve the required construction.

Section 191.88: LOS C or Better is required – D is failing

- The code should clarify if LOS is based on movement, approach or intersection
 - For signalized intersections:
 - If based on Overall Intersection, then mainline traffic can be prioritized over low volume side streets. Rather than adding more average delay for say 1,000 vehicles just to get to LOS C for a side

street with say 10 vehicles, you allow the side street to be above the threshold but require the overall intersection (weighted average of all approaches) to need to be adequate.

- Since the APF will set a requirement for all intersection in the Town, regardless of who controls the intersection (County, Town or SHA), you should identify different thresholds or default to the County or SHA for adequacy for their facilities.
 - If you have a blanket LOS C requirement, that would mean the Town could not approve a development if a study intersection on Crain Highway were at LOS D, even though you do not control the ROW itself.
- Exempt if 35 or fewer peak hour trips per day
 - This should be clarified as Peak hour or daily
 - 35 trips per hour is a fairly standard requirement, with 50 being the most common in my experience
 - 35 trips per day is not unheard of as a trigger, but it would be extremely harsh and nearly all development would require a traffic study

Section 191.87

- (B): 1,200 SF exempt
 - Uses such as small fast food restaurants and drive-thru coffee shops may fall into this category but be above 35 peak hour trips. The clause leaving it to the Town to still require in some cases would take care of this, but it is nice for applicants to have predictability during the due diligence stage where we might not yet be able to approach the Town to confirm.
- (C) Clarification needed, is it 35 peak hour trips or 35 daily trips?
 - Same as described previously. 35 peak hour trips would be a fair requirement. 35 daily trips would be very harsh and trigger for nearly all development.
- (C)(1): CLV or HCM
 - Specify which is to be used.
 - HCM is industry standard and CLV is being phased out in Maryland.
 - You could require HCM for adequacy and CLVs for informational purposes as SHA does currently still want to see CLVs.
- (C)(3): Add language, "When applicable"
 - Not all components will be desired for all locations. For example, you will not always need on-street parking.
- (D)(2)(a): There should be other options for mitigating. Otherwise, the Town may be forced to deny development that is in its best interest and could pay its fair share but not fix a problem that is well beyond its proportional impact.

- Pro-Rata share contributions to improvement projects can provide option for mitigating impact and moving development forward where constraints exist that are not caused by the development itself.
- Pay based on impact, other developers do the same. Town, County or SHA could use funds to construct the improvements
 - See Frederick County for example of Escrow Account mitigation method
 - Even developments generating less than 35 trips and exempt from study still have to pay pro-rata share for impact at nearby intersections where improvements have previously been identified

Section 191.93

- (D): Recommend calling out piecemeal development
 - Some jurisdictions specifically call out that project trips at the same development constructed recently, within say 5 to 6 years, must also be accounted for.
 - This prevents smaller additions via separate applications that cumulatively have a larger impact but are never studied for adequacy.
 - City of Rockville has the following provision within their transportation guidelines: “Circumventing the threshold by submitting piecemeal development applications is not permitted. If the applicant submits a new Site Plan Application, at the same location, within a five-year period, the applicant will be required to include all trips generated by both applications in a new study.”

Will Zeid, PE (MD, DC, VA, DE)

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GOVERNMENTCHARLES COUNTY GOVERNMENTY FEEDBACK ON DRAFT TOWN OF LA PLATA APFO

From: Jason R. Groth <GrothJ@charlescountymd.gov>

Sent: Sunday, February 1, 2026 8:55 PM

To: Chuck Stevens <cstevens@townoflaplata.org>

Cc: Melissa Hively <HivelyM@charlescountymd.gov>; Heather N. Kelley <KelleyH@charlescountymd.gov>; Hunter Zinn <ZinnH@charlescountymd.gov>; Charles R. Rice <RiceC@charlescountymd.gov>

Subject: Re: Town Of La Plata Code Chapter 173 Section 9 Redlines: School Seat Allocations

CAUTION: This email originated from OUTSIDE of the Town of La Plata email system. If the senders name displayed is a Town user, it is NOT legitimate and should be deleted immediately. Do not click links or open attachments unless you are certain this is a legitimate message.

Chuck,

I had forgotten to pass along the following comments from our team, as I had them lingering in my "drafts" folder. I do apologize. They provided the following:

Chapter 173 Notes:

- 173-92A says “ten percent (6%)”
- We have some concern with the Town utilizing the available county-wide capacity within the school system rather than just the schools serving La Plata. This creates a potential challenge in adequately addressing capacity in the La Plata area, where there are currently significant capacity issues. We recognize that the Town is limiting its apportionment to 6%. The question is if the approach is proportional to the impact to the affected school area.
- For clarity, does this presuppose that the County will reserve 6% of the total available before the County *completes its* allocation process? The concern is that there may be double dipping into the available capacity.
- Please clarify if 173-96B is how the Town proposes to address multifamily residential development allocations? In our practice, we address allocation at Site Development Plan and/or Development Services Permit. The building permit stage seems pretty far into the process for a multifamily development. Can you clarify when the multifamily projects go on your “priority list”?
- There doesn’t appear to be a bulk allocation policy, or something equivalent for small lot developments (like our minor subdivisions). We see the Town adopted our exemptions for APF, but the policy doesn’t include what happens with those developments. Can you clarify?

Chapter 191 Notes:

- LOS C for all roads and intersections in the Town is conservative; especially for roads of higher congestion such as US 301, MD 6, MD 225, and Rosewick Road, etc. The County

utilizes a "transportation district" that allows LOS D in areas where higher congestion is considered reasonable. That seems appropriate for US 301 and MD 6 as an example.

- I'm glad they're including pedestrian traffic in their APFS. I do wonder how they'll measure that (we don't even have standards for pedestrian APF).
- This section states: "the APFS shall propose, as necessary, all traffic mitigation improvements that will achieve the required level of service for all roadways impacted by the proposed development." We note that it may be very difficult for projects to be able to bring some of their intersections *up* to a C. Due to this challenge, the County focuses on mitigating *the project's impact* versus bringing the intersection up to the desired LOS.
- Also, the proposed language requires the mitigation to "eliminate" impacts, or else the Planning Commission *shall* deny the project. This may not be feasible for a single project to achieve unless it is of considerable scale.

Again, my apologies for the lateness of these comments, but please feel free to reach out to us with any questions.

Best Regards,

Jason

MEMORANDUM

February 6, 2026

VIA EMAIL

Chuck Stevens, Town Manager
Don Dooley, Planning Director
CC: Sue Greer, Esq.

Re: Proposed Adequate Public Facilities Ordinance (“APFO”)

Chuck and Don,

This will follow up our meeting of January 28, 2026, regarding the proposed APFO being considered for adoption by the Town. Please note the following comments and or questions from Sue and I:

1. Transition Provision: We discussed a Transition Provision for the applicability of the APFO, with the intent that the ordinance will be “forward looking”, rather than applied retroactively to certain projects/situations. The question is, what is the milestone for “grandfathering” a project out of the APFO? We discussed three projects that are subject to executed and recorded Annexation Agreements, on which performance has occurred on the Annexation Agreements, and on which substantial planning, development and infrastructure has either been designed or in the case of two of the projects developed and constructed. These three projects are Pinegrove (formerly Heritage Green), Stagecoach, and Steeplechase. In this regard, we propose the following transition language: Those developments which are: (i) subject to an Annexation Agreement executed on or before December 31, 1998 (notwithstanding that amendment(s) may have been made at a later date) and recorded among the Land Records of Charles County, Maryland, and (ii) are the subject of the approved preliminary plan of subdivision as of the date of this Ordinance, shall be exempt from the application of Article XI, Adequate Public Facilities Requirements, and the application of Article IX, School Seat Allocation Policy. This Transition Provision recognizes that these developments have already been programmed into the Town’s development processes, have already performed either all or a material part of their applicable Annexation Agreements and have been programmed into the Town’s School Seat Allocation Policy and will receive School Seat Allocations in phases consistent with the phasing of the approved final plats of subdivision for the respective developments.

2. School Allocations: We discussed that the Town is a “Development District” under the County’s Comprehensive Land Use Plan. The Charles County Comprehensive Land Use Plan identifies only three Development Districts, which are the Waldorf area, the Incorporated Town of Indian Head, and the Incorporated Town of La Plata. Further, the Town of La Plata is deemed a Priority Funding Area, and therefore, under the principals of “Smart Growth”, is deemed an area where growth is targeted within Charles County. Accordingly, we believe that a six percent (6.0%) cap on School Allocations would not be appropriate, and would not be consistent with the Charles County Comprehensive Plan. We also believe that the School Allocation Policy of the Town, while being respectful and responsible as to school capacity, should also contain a “Fail Safe” which allows a project to proceed after a certain time period regardless of available allocations. In this regard, the County Government and the County Board of Education should plan to accommodate growth, rather than the Town planning to accommodate school capacity, particularly when the County may choose not to fund additional school capacity and/or the Board of Education may choose not to redistrict enrollment lines to accommodate the growth within the Town. We recommend as follows with respect to School Allocations: (i) Allocation of school seats shall be at final plats, as opposed to building permit. In this fashion, there will not be recorded but unbuildable lots within the Town. This also provides additional certainty to Developers and their lenders. (ii) Developments should be able to obtain phased final plats. This will allow for orderly and predictable growth within the Town, the County and for the citizens, the School Board and the Developer. (iii) The Town School Allocation Policy should have a “Sunset Provision” similar to Charles County. That is, if the project is placed on the School Allocation waiting list, after a term of a certain number of years, if the development still does not have School Allocations, a development should be permitted to proceed. In Charles County this is six (6) years. We would suggest a similar amount of time in the Town. (iv) We would suggest that the Town allow Developers Rights and Responsibilities Agreements, between the County, the Town and a Developer.
3. Water and Sewer: Water and Sewer of course is a fairly straightforward prong of the APFO. We recommend removing the cap at eighty percent (80%) of capacity, for a number of reasons, including that, that provision may result in an instant moratorium with regard to sewer capacity. Further, as we discussed, the 80% capacity measure is more of an internal planning milestone for the Town, as to when the Town should start planning for an expansion of its facilities. Any possible moratorium, based upon capacity, should only occur at full capacity, as in the case of the current public water moratorium in the Town. Also, if the Town has approved and budgeted a Capital

Improvement Project, the pace of development should take into account the timing and scope of additional capacity which will be provided by the CIP.

4. Traffic: As we discussed, you have received some comments from Jackie Plott and perhaps other traffic engineers regarding the elements of the APFO dealing with traffic. That said, we will offer a few comments: (i) Most jurisdictions' APFO's allow for a peak hour level of service of D within their development districts. (ii) There should be incorporated into the APFO and ability to pay a fee in lieu of improvements as mitigation, for the Town to make future road and/or traffic control improvements in and around the Town.

Once you have the opportunity to review this Memorandum, please let us know if you have any questions or comments. We are happy to provide further suggestions and feedback.

Y:Aliya/Memorandums/MEMORANDUM (Stevens - Dooley).docx

Happy Saturday All - Providing some thoughts on the two proposed draft chapters (173 and 191):

Chapter 173 - ...School Seat Allocations...

Overall:

- It appears to give the Town leverage it otherwise would not have, but it may come with administrative complexity that can slow development when school capacity is tight.
- From a planning standpoint, it is a **strong but restrictive tool** to be used carefully and reviewed periodically to ensure it still reflects town/community priorities and school realities.

Pros:

- Protects schools from overcrowding
- Treats developers fairly through a transparent allocation system
- Prevents theoretical approvals without infrastructure
- Gives smaller projects a chance through reserved pools
- Strong legal appeal
- Encourages orderly, phased growth

Cons:

- Can slow development (housing)
- Adds complexity and administrative burden
- May frustrate property owners waiting years for allocation
- Requires constant coordination with County school data
- Could limit redevelopment if seats are scarce

Chapter 191 - Zoning Regulations

Overall: APFO appears to be generally strong and protective of Town services.

Pros:

- Provides clear and enforceable capacity thresholds (LOS D, 80% water/sewer standards)
- Requires independent studies improving reliability of analysis
- Strong mitigation and bonding provisions protects the town financially
- Ensures development occurs in areas with adequate public services
- Prioritizes previously approved projects

Cons:

- The strict LOS requirement may be difficult to achieve in older or constrained road networks and may unintentionally inhibit redevelopment
- Water and sewer capacity limits could unintentionally create a de facto development moratorium if the town's available capacity declines without planned improvements
- Three-year allocation expiration may be short for multi-phase or complex projects
- APFO may benefit from guidance on alternative mitigation (e.g., different modes improvements, fee-in-lieu)

Wishing everyone happy and safe holidays!

Dawn

Councilman Guttenberg’s Draft APFO Feedback for Infrastructure Capacity: Water, Sewer, Traffic, and School Seats

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Water Infrastructure Capacity

1. Defining the Water Capacity Standard (Clarity of § 191.91)

Technical precision and future proofing of the “80% adequacy threshold” established in the proposed ordinance.

1.1. Clarifying the Adequate Water Capacity Measurement Metric Contained in (§ 191.91(B))

Issue: The proposed limit is based on “*eighty percent (80%) of its maximum permitted water authorization granted by the State of Maryland.*” My opinion is this phrasing may lack necessary time based context (i.e. monthly volume). This will be an especially important distinction when the Town has more than 1 water source. Today “*permitted water authorization*” works because our single source of water capacity is regulated by the states MDE permit, in the future the Town will likely have other sources not subjected to the MDE groundwater permit monthly limits.

Recommendation for Updated Language: Amend §191.91(B) to more explicitly define and state the water delivery system metric. The language should be changed to: “...will cause the Town to exceed eighty percent (80%) of its water delivery systems reported maximum monthly capacity.” (*also see my recommendation in 1.3 below which refines the definition of “systems reported maximum monthly capacity*)

In my opinion: This would prevent inconsistent interpretation and ensures the standard is durable regardless of the Town's future water system source mix.

1.2. Requiring Technical Justification for the 80% Water System Capacity Threshold

Issue: The origin of the 80% threshold lacks a technical basis within the draft code, making it vulnerable to challenge if viewed as arbitrary. My concern is the 80% reference “*...maximum permitted water authorization granted by the State of Maryland.*” refers to the calculated aquafer depth management trigger used by Maryland Department of the Environment (MDE) for regulating permitted groundwater withdrawals by the Town of La Plata’s wells.

Recommendation for Staff Action: The Town Manager/Public Works should document in the proposed code the justification for the 80% APFO water adequacy threshold. This justification should link the chosen reserve margin operational requirements, such as expected peak to low usage swings (i.e. monthly 10% or 15% seasonal variances), system wide “Real Loss” estimates or measures for leakage from distribution mains and service connections or other necessary technical capacity reserves to protect the system during maintenance and other emergencies as staff determines appropriate.

In my opinion: Linking the water system capacity adequacy threshold to defined operational needs strengthens the legal defensibility of the entire ordinance, given the core purpose of the APFO is to serve as an enforceable adequacy checkpoint by planners to protect existing water service levels and ensure appropriate drinking water infrastructure readiness for growth.

1.3. Formalizing Total Water System Capacity Calculation in Consideration of Likely Future System Resources

Issue: The ordinance must pre-emptively define how water system capacity will be calculated if/when the Town incorporates external water sources (e.g., a potential Charles County water system interconnection).

Recommendation for Inclusion: The ordinance must include a formula defining how Total System Capacity is determined for the purpose of the “80%” adequacy threshold calculation, explicitly stating that it equals the systems combination of all secure, quantifiable drinking water sources:

Simplified version is essentially (groundwater monthly capacity + interconnect pipe monthly capacity) = total system monthly capacity

In my opinion: This establishes a clear, objective view for applicants regarding the expansion capacity relative to drinking water available for new Adequate Public Facilities Study (APFS) reviews.

2. Water Capacity Operational Transparency and Process Integrity

Enhancement to transparency and formalize the use of objective data reducing potential confusion and unnecessary administrative complexity.

2.1. Mandate For Town to Publish a Water Capacity Report

Issue: The proposed process currently requires the applicant to prove adequacy, but the necessary data (current capacity usage and committed capacity) is opaque. Town water system capacity is not well understood by residents, applicants, nor policy makers and stakeholders at the Town, County and State levels.

Recommendation for Update: Mandate the Town's Chief Executive Officer (CEO) to regularly publish (i.e. bi-annually) a Water System Capacity Report. This report is needed in my view as the single authoritative source for APFS evaluations. This is in addition to, or aligned with, other regulatory reporting requirements for municipal water systems the Town may be subjected to by State and Federal regulations.

Required “Water System Capacity Report” Content: Must clearly detail all components necessary to assess the current adequacy status against the total water system APFO adequacy threshold (i.e. 80%):

- Total System Capacity: Baseline of water System Infrastructure Capacity. This is the baseline number the § 191.91(B) percentage APFO water adequacy threshold is applied against.
- Assigned Water Capacity: Monthly draw allocations for all existing residential and commercial structures.
- Reserved Water Capacity: Monthly draw allocations recorded for all approved plats or permitted structures prior to construction (explicitly including the expiration date as per the three-year guarantee period under § 191.92.
- Available Unassigned Water Capacity: The remaining monthly draw allocation available for new APFS approvals.
- Water Capacity Performance Metrics: Aggregate metrics for actual water system delivery (actual usage vs. permitted draw). Inclusive of standardized formats for regular reporting of the operational elements used to justify the water adequacy threshold.

2.2. Formalizing the Use of Water Capacity Data for APFO Compliance Approvals

Issue: To reduce ambiguity and by building on the recommendation to regularly publish a standardized Town Water Capacity Report it should be clear what data is to be used to assess adequacy of public water facilities.

Recommendation for Ordinance Mandate: The ordinance should explicitly mandate that the most recently published Water System Capacity Report shall serve as the exclusive and authoritative basis for Town Staff, Planning Commission or relevant approving body when evaluating whether an applicant’s proposed development complies with the adequacy standard defined in § 191.91 (B).

2.3. Reinforcing Water System User Protection While Ensuring Capacity for Approved Growth

Issue: The primary policy intent § 191.91 is to ensure water supplies serving existing residential and business users are not adversely affected in service of the towns growth needs in alignment with the Towns Comprehensive Plan goals

Recommendation for Reinforcement: Recommend explicitly incorporating language within the Standard for Adequacy § 191.91(B) that frames the adequacy threshold (i.e. 80%) as the mechanism designed to safeguard the Town’s ability to provide service to its existing user base (residential and commercial) before new demand for growth is approved. Large development applicants subject to this ordinance and the requirement for an APFS is intended to ensure the Town and property owners/developers enter into agreements that are supported with clear

capital improvement plans to reduce risk to all parties, residents, businesses, the Town, and applicants who are all making significant investments in our community.

In my opinion: It is important for future Town staff, Planning Commissions, and Town Councils to be compelled by code to address needs for infrastructure planning and investments to best serve the public good.

3. Water Policy Alignment and Mitigation Mandates

Alignment to the Charles County Adequate Public Facilities Manual

3.1. Clarifying the Mitigation Mandate for Physical Capacity

Issue: If the water capacity limit is exceeded, § 191.94 mandates denial or mitigation via a legally binding agreement.

The proposed ordinance language focuses exclusively on supply side mitigations which *"fund, construct, and provide bonding for all new or upgraded facilities."* The current language prevents a large site developer from proposing potentially superior, on-site, "demand-side" solutions that conserve water and effectively reduce the necessary APFO capacity allocation for that applicants' project.

Recommendation To Discuss Merits of Demand Side Innovations to Allowable Mitigations Section of Code: The rigid mitigation language of §191.96 (C) defining mitigation solely as the construction or upgrading of Town dedicated physical facilities may create an unintended disincentive for innovative water conservation designs in future large developments.

I also acknowledge this could put the Towns capacity at risk if an applicants innovation for reduced allocations does not perform as expected or is not maintained in practice following construction.

This recommendation also assumes the MDE would allow for assessment or these proposed demand side mitigations and allow changes to the State permitted allowable allotments by housing unit type (i.e. 250gal/day for a single family home). Our APFO could, for large project plans, recognize demand side capacity mitigation solutions like advanced greywater recycling, rainwater harvesting, or other low impact development techniques that demonstrably and verifiably reduce a project's required water capacity allocation. The ordinance would need to explicitly clarify that verifiable, permanent capacity reduction achieved through onsite, engineered conservation is an equally valid and desirable form of mitigation, subject to technical review by Public Works, the Planning Department and gain concurrence by State agencies regarding adjusted drinking water capacity allocations for a specific project and housing type.

3.2. Water Policy Alignment Between the County APFM and La Plata's APFO

Issue: The proposed APFO explicitly states “*The Town of La Plata shall be the sole provider of all water and sewer facilities for new and existing developments*”. The Charles County Adequate Public Facilities Manual contains requirements for addressing water supply to developments in the county creating a potential for misunderstanding and unnecessary complexity for applicants and planning commissions and other governing bodies when evaluating proposed development.

Recommendation for Clarity on Policy Alignment with Charles

County: Since the Town is established as the “sole provider” of all water facilities, clarify in the ordinance that the Charles County Adequate Public Facilities Manual section on water does not apply to applicants within the Towns municipal boundaries. Furthermore, it should be made clear in the Town ordinance that the La Plata APFO prevails as the sole public facilities adequacy compliance regulation that is applicable within the boundaries of the Town regarding water capacity. I recommend we gain the Counties concurrence including language updates that align to this recommendation within a future County APF-Manual update.

4. Addressing APFO Adoption Gaps and Legacy Projects

(New APFO Section, With “Sunsetting” Feature)

4.1. Create, In Code, A Temporary Mitigation Pathway for Pre-Existing Plat Approvals

Issue: Projects, in La Plata, that received Preliminary Plat or Site Plan Approval prior to the effective date of this APFO would be exempt from the new adequacy review process, yet they are simultaneously blocked from final permits due to the very water capacity shortfall that necessitates this ordinance. Without a specific mechanism, these "legacy" projects are effectively halted, risking litigation and hindering approved planned growth, which will eventually if not addressed result in a variety of negative impacts to the Town, its residents, and it's businesses.

Recommendation for Inclusion: Add a temporary, dedicated section to the APFO (§191.99, or similar) to create an “Application For Mitigation Only” (AFMO) process for these legacy projects. This section would be governed by a Sunset Clause to ensure it expires once the current capacity crisis is resolved or the transition period for legacy projects ends.

Proposed Language for Staff to Consider as a Concept for §191.99 – APFO Transitional Provisions for Pre-Existing Capacity Shortfalls:

- A. Eligibility and Term: This transitional section should apply exclusively to project applicants that have received a valid Preliminary Plat or Site Plan Approval from La Plata’s Planning Commission prior to the adoption date of Towns APFO. This section shall automatically be repealed and removed from the Town Code one (1) year after the effective date of this Ordinance, or upon the Town Manager’s determination that the water capacity shortfall for legacy projects as identified in the required APFO Water System Capacity Report has been fully resolved, whichever is later.
- B. Application For Mitigation Only (AFMO): Eligible applicants may submit an AFMO for capacity assignment. The AFMO shall not require a full Adequate Public Facilities Study (APFS) but must demonstrate that the applicant will work with the Town to mitigate 100% of the currently lacking capacity allocation needed to unblock their final plat or construction permits.
- C. Mitigation Requirements and Fees: The AFMO shall propose a mitigation strategy (Supply-Side or Demand-Side) consistent with the standards defined in §191.96 (C) and §191.94. The AFMO shall be subject to a special, one-time Mitigation Only Application Review Fee, which shall cover the administrative and technical review costs incurred by the Town.
- D. Capacity Assignment and Sequencing: Upon approval of the AFMO and the applicant securing a legally binding Adequate Public Facilities Agreement (APFA) and required bonding, the necessary capacity shall be permanently assigned to the project and guaranteed for three years, consistent with §191.92. All funds collected via the AFMO process (including Fee-in-Lieu payments) shall be segregated and dedicated solely to priority water capacity projects to resolve the current system shortfall.

Sewage Treatment Infrastructure Capacity

1. Defining the Sewer Capacity Standard (Clarity of § 191.90)

This section focuses on ensuring the core adequacy standard for the sewage system is clear and technically precise.

1.1. Clarifying the Adequate Sewage Capacity Measurement Metric Contained in (§ 191.90(B))

Issue: The core regulatory standard relies on *"eighty percent (80%) of the plant's maximum currently permitted capacity"* (§ 191.90(B)). As I have come to understand it wastewater treatment capacity is typically defined by system

throughput flow. If there are other capacity throughput metrics that are decision points for staff and policy makers those should be identified.

Recommendation for Updated Language: I recommend amending § 191.90(B) to specify the primary metric of measurement for "maximum currently permitted capacity" as the maximum permitted flow (measured in Million Gallons per Day or MGD), as defined by the State of Maryland. Defining the 80% benchmark by the most common limiting factor (MGD flow capacity) removes technical ambiguity, preventing misunderstanding over the adequacy determination.

In my opinion: Relying solely on the generic term "capacity" introduces technical ambiguity regarding the actual capacity standard being used to assess and regulate the adequacy determination of the Towns wastewater treatment plant.

1.2. Requiring Technical Justification for the 80% Sewer System Capacity Threshold

Issue: The origin of the 80% sewer capacity threshold standard lacks a technical basis within the draft code, making it vulnerable to challenge if viewed as arbitrary. My understanding from previous briefings on the sewage plant is the 80% threshold is sound. My belief is we should codify that basis in code as I recommended within the water system capacity APFO section.

Recommendation for Staff Action: The Town Manager/Public Works should document the technical justification for the 80% APFO sewage treatment capacity for adequacy threshold. This justification should link the chosen reserve margin to documented industry best practices and take into account issues like I&I or other capacity risk factors to protect the system during maintenance or other emergencies.

In my opinion: Linking the sewer system capacity adequacy threshold to objective operational data strengthens the legal defensibility of the entire ordinance, given the core purpose of the APFO is to serve as an enforceable adequacy checkpoint to protect existing sewer service levels and ensure appropriate wastewater infrastructure readiness for growth.

2. Sewer Capacity Operational Transparency and Process Integrity

This section addresses the need to increase transparency to reduce administrative complexity.

2.1. Mandate For Town to Publish a Sewage Capacity Report

Issue: The lack of a transparent, shared data source for sewage treatment plant capacity forces residents, applicants, town staff, and policy makers to rely on assumptions or other nonstandard information to make adequacy assessments.

Recommendation for Amendment: Mandate the Town's Chief Executive Officer (CEO) to regularly publish (i.e. bi-annually) a sewage treatment System Capacity Report.

Required Report Content: This report must clearly detail all components necessary to assess the current adequacy status against the total sewage treatment system APFO adequacy threshold (i.e. 80%):

- Total maximum capacity: As a monthly or daily metric as deemed appropriate by staff.
- Assigned: Sewage treatment capacity for existing structures
- Reserved: Capacity for approved projects including the three-year allocation guarantee expiration date as per § 191.92 (A).
- Available: Unassigned capacity calculated against the 80% threshold.

2.2. Formalizing the Use of Sewage Treatment Infrastructure Capacity Data for APFO Compliance Approvals

Issue: To ensure fair and consistent capacity analysis, the Town must explicitly define which metrics are authoritative for all planning decisions and specifically the APFS requirement. To reduce ambiguity and by building on the recommendation to regularly publish a standardized Town Sewage System Capacity Report it should be clear what data is to be used to assess adequacy of sewage treatment facilities.

Recommendation for Ordinance Mandate: The ordinance should explicitly mandate that the most recently published Sewage System Capacity Report shall serve as the sole, authoritative basis for approving Adequate Public Facilities Studies (APFS). It may be practical for the CEO to consolidate the Capacity Reports for water and sewage systems because of the strong linkage of requirements for these municipal service systems.

3. Sewer Policy Alignment and Mitigation Mandates

3.1. Clarifying the Mitigation Mandate for Physical Capacity

Issue: The rigidity of §191.96 (C), which mandates that developers must construct mitigation facilities, could compromise the Town's ability to use public financing (State/Federal loans/grants) for major capital projects in the future, because those funding paths often requires the Town to manage construction under strict public procurement protocols.

Recommendation for Flexibility: Amend §191.96 (C) to provide the Town with the flexibility to accept mitigations from applicants via one of two methods, with the choice resting solely with the Town Manager/Planning Department Director:

1. Developer Construction and Dedication (as currently defined): For smaller, localized capacity upgrades. (*i.e. a neighborhood return pump station*)
2. Fee-in-Lieu of Mitigation: For major, system-wide mitigation projects, the Town shall have the option to accept a payment equivalent to the applicant's pro-rata share of the total estimated cost of the required mitigation project.

Fee-in-Lieu Requirements: This fee should be based on a third party engineer's estimate, deposited into a dedicated segregated fund, and strictly used by the Town for the construction of the specific mitigation project. This gives the Town flexibility to be compliant with State and Federal funding requirements if the applicants fee in lieu is being used as a proportional contribution to a larger infrastructure capital improvement project where outside funding is being sought. Upon payment, the developer's required capacity will be assigned and guaranteed.

In my view: Providing the Town with this Fee in Lieu of Mitigation option is critical for effective capital project management and ensures that major sewer capacity improvements are executed through the most compliant and fiscally responsible mechanism available.

Traffic Infrastructure Capacity (*Town Streets*)

1. Defining the Traffic Adequacy Standard (Clarity of § 191.88)

Technical precision and administrative predictability regarding the required Traffic Impact Study (TIS) methodology and scope.

1.1. Clarifying and Aligning the Required Traffic Study Methodology with County Standards (§ 191.96 (A))

Issue: The proposed Town APFO code creates a conflict/ambiguity by listing the Critical Lane Volume (CLV) “or” the Highway Capacity Manual (HCM) as acceptable standards for use by applicants. Additionally, this is not aligned with the Charles County Adequate Public Facilities Manual (APFM) which mandates a specific tiered approach.

In the County APFM, CLV is used as an initial screening tool and HCM is only required and adopted as the main analysis method when CLV thresholds are exceeded. Because in previous public testimony during my tenure on the Planning Commission applicants have indicated to me they have to use the County manual even inside La Plata's incorporated boundaries, to me it seems that without

adopting the County's specific application hierarchy, the Town's code invites inconsistent analysis and potential applicant challenges regarding which method is authoritative within the Town.

My understanding of the County APFM Standard for Traffic Studies: The County APFM dictates a two tiered analytical process for intersections:

1. Initial Screen: All intersections subject to the County APFM must be analyzed using the Critical Lane Volume (CLV) analysis.
2. Main Analysis Trigger: For intersections with signals, the analysis must escalate to the latest edition of the Highway Capacity Manual (HCM) if the CLV exceeds 1,300 VPH (Vehicles Per Hour). Once the HCM analysis is triggered, it becomes the main method of analysis for the County APFM required traffic study.
 - o Trip Generation Standard: All trip generation must use the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Recommendation for Update to Proposed La Plata APFO: In order to reduce complexity for applicants and interjurisdictional coordination on road impacts between the Town, County, and State I believe we must align our standards for traffic studies. The Town's proposed APFO should abandon the "CLV *or* HCM" language in favor of standards that are aligned to the county APFM related to Traffic.

- a. Use of CLV as a Screening Tool: Specify that all intersections must first be analyzed using CLV to determine if the Traffic Impact Study (TIS) requires a deeper HCM analysis.
- b. Mandatory HCM Trigger: Adopt the County's specific threshold: "If the Critical Lane Volume (CLV) exceeds 1,300 VPH, or for all unsignalized intersections, the analysis must be performed using the latest edition of the Highway Capacity Manual (HCM), which shall serve as the main method of analysis for the Traffic Impact Study (TIS) included in the Adequate Public Facilities Study (APFS)."
- c. Mandatory ITE Trip Generation: Explicitly require all trip generation figures to be derived from the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual for consistency with the County.

In my view: Direct adoption of the County's precise methodology strengthens the legal defensibility of the Town's APFO, ensures full compatibility with the County's data and enforcement practices, and eliminates the conflicting methodology interpretations present in the current draft APFO. This creates a single, predictable, and technically rigorous standard for all applicants and I believe will help plan mitigation strategies that may involve coordination between

an applicant, the Town, County, and State SHA to understand an identified impact within their current analysis and engineering processes.

1.2. Defining the Traffic Study Area "Environs" for Predictability

Issue: The adequacy determination and the Traffic Impact Study (TIS) requirements in the proposed APFO frequently use the term "environs" to define the required study area. However, without a firm definition (e.g., a specific radius or zone list), the developer is forced to rely entirely on the Planning Director's initial determination. In my experience to date as the Council Liaison to the Planning Commission questions about the scope of traffic studies has come up several times. Within the proposed APFO the absence of an explicit traffic baseline study scope undermines my impression of this being a clear, predictable APFO requirement and in my opinion could lead to misalignment of expectations, scope creep or unexpected administrative burden causing delays, undue costs, and overall frustration with the process.

Recommendation for Inclusion: As a recommendation for staff our ordinance could include language defining a minimum, predictable scope for the TIS that must accompany the APFS. This scope should require the study to include all adjacent signalized intersections and the next two principal arterial connections from the site entrance, while explicitly reserving the Planning Director's right to expand the scope based on the project's demonstrated trip generation or unique circumstances.

In my view: Establishing a clear baseline for the study area provides a needed element of understanding for policy makers and predictability for applicants in their cost and time estimates, which I hope ultimately strengthens the integrity and consistency of the Adequate Public Facility Study process.

1.3. Streamlining Mitigation Mandate Language and Focus

Issue: Section 191.88 (D) (2) (a) presents the Planning Commission with two primary options if the LOS 'C' standard is not met: (1) Require developer mitigation OR (2) require the project to be "scaled back." The direct reference to "scaling back" introduces a subjective, discretionary element of denial that appears to contradict the objective, predictable framework established by the detailed mitigation procedures in § 191.94.

Recommendation for Amendment: Simplify language in § 191.88 (D) (2) (a) by removing the explicit reference to the "scaled back" option and instead solely direct the applicant to the detailed, legally binding mitigation procedures defined in § 191.94, which requires an Adequate Public Facilities Agreement and secure bonding for all necessary physical improvements. It is my assumption that because the standards for public facilities adequacy will be clearly defined, applicants won't propose to proceed seeking approval by the Planning

Commission or other appropriate body with projects that don't meet their own assessment of being able to meet the adequacy standard based on our clear assessment factors, therefore "scaling back" is an implied action they will make if their project is likely to not pass the adequacy test making language in the new code to that effect unnecessary.

In my opinion: A core purpose of the APFO is to compel future applicants to fund and or construct necessary public infrastructure to protect existing service levels as growth occurs. Focusing the language on a secured mitigation path in § 191.94 strengthens the policy's objective foundation and reduces the appearance of arbitrary denial criteria.

2. Process Transparency and Integrity

Enhancement to transparency and formalize the use of objective data reducing unnecessary administrative complexity.

2.1. Formalizing the Use of Data for APFO Compliance Approvals

Issue: To ensure fair and consistent traffic study results, Town staff should not have to verify proprietary or unverified traffic count data provided by an applicant. All adequacy evaluations must start from a common, sanctioned baseline identified in code.

Recommendation for Ordinance Mandate: The ordinance should explicitly mandate that all Traffic Impact Studies (TIS) submitted by an applicant for an APFS must use the standards and formats prescribed.

In my opinion: Requiring the use of standardized baseline data ensures process integrity, reduces the administrative burden of verifying input data from multiple sources, and prevents the risks to the town and the applicants expected processing timelines associated with traffic studies that rely on non-standard traffic count methodologies.

2.2. Reinforcing Financial Transparency and the Need for a Consolidated APFS Review Fee

Issue: While the existing Fee Schedule Ordinance (provides clear, tiered fees for the Traffic Impact Study (TIS) Review, it does not currently account for the staff review of the proposed Adequate Public Facilities Study (APFS). The APFS is a necessary, overarching report that requires Town Staff review across multiple domains (Traffic, Water, Sewer, and Schools). The lack of a defined fee for the APFS creates a gap and risks administrative complexity by requiring developers to pay for three or four separate review fees for what is fundamentally a single more comprehensive report.

Recommendation for Amendment/Inclusion: I recommend staff consider a new APFS Review Fee be designed as a single, consolidated fee that replaces the need for applicants to pay separate fees for Traffic TIS reviews and also avoids additional separate fees for Water, Sewer, and Schools technical reviews when an APFS is required.

Potential Language Concept for Inclusion (to be used by Staff in future Fee Schedule update): *In cases where a comprehensive Adequate Public Facilities Study (APFS) is required, the applicant shall pay a consolidated APFS Review Fee. This single fee shall cover all associated technical reviews for Traffic, Water, Sewer, and School Public Facility Adequacy, and shall expressly exempt the developer from paying the separate, individual review fees for Traffic Impact Studies (TIS), Water Adequacy Studies, and Sewer Adequacy Studies.*

In my view: This reinforces the Town's commitment to transparent and predictable administrative costs while avoiding unnecessarily complex fee schedules. Consolidating the review fees also ensures the cost structure is aligned with the required APFS document, simplifying compliance and administrative tracking.

3. Policy Alignment and Technical Inconsistency

Alignment of the Town's APFO with its status as a state designated Preferred Development Area (PDA) to reduce regulatory layering and conflicts in code.

3.1. Tiered Traffic Standards for System Wide Consistency & Avoidance of Unintended Regulatory Burden

Issue: The current draft code creates unnecessary requirement layering and potential rework cost due to two primary conflicts:

- **Methodology Conflict:** The Town's code is vague (CLV *OR* HCM), while the County APFM has a specific, tiered analysis structure.
- **Classification Conflict:** The County APFM effectively misclassifies in County APFM Appendix B, the Town of La Plata (a State designated PDA/growth area) under the, lower-threshold "rural" standard (1,150 VPH CLV), rather than the appropriate Urban/Sub-urban standard (1,300 VPH CLV) used in all other PDA growth areas in Charles County. My reading of the County APFM especially Appendix B forces a difference in the application of county standards on projects within the Town of La Plata when compared to other areas of the County with similar zoning and state priority funding designations. In my view this is potentially problematic because it conflicts with the Town's actual PDA designation that has been in place for several decades. It makes me wonder if there is an impact from this difference

in classification of how La Plata is evaluated for targeted funding of transportation projects at least at the county level.

Recommendation for Updated language: The Town's APFO should adopt an approach in § 191.96(A) to unify the methodology across all road types (Town, County, and State) while enforcing the correct (Urban/Sub-urban) classification for the TIS trigger. Additionally, we will need to establish an authoritative source for an index of Town Streets vs County or State Roads. *(for example counterintuitively to some, Washington Ave is a County road and our code should offer the authoritative source to applicants and stake holders of what those designations are as this code impacts how standards are applied based on common understanding of road type.)*

Proposed Ordinance Language Concept for Update to Proposed §191.96(A):

§ 191.96(A) Standards for Traffic Studies – Consistency and Authority.

"All Traffic Impact Studies (TIS) submitted as part of an Adequate Public Facilities Study (APFS) shall be conducted in accordance with the following criteria to ensure consistency across jurisdictions and prevent conflicting standards:

1. Methodology Alignment (County and State Roads): The methodology for TIS analysis affecting County roads and State Highways shall conform to the latest edition of the Charles County Adequate Public Facilities Manual and the ITE Trip Generation Manual.
2. Town Roads and Minimum LOS: For roads under the Town's sole jurisdiction, the standard for adequacy shall remain Level of Service (LOS) 'C' for all affected segments and intersections. The technical analysis for these Town roads shall utilize the ITE and HCM methodologies as described below in alignment with County APFM.
3. TIS Trigger Threshold (Corrected Classification): For the purpose of triggering a comprehensive Highway Capacity Manual (HCM) analysis on all affected road networks (Town, County, and State), the Town shall exclusively utilize the Urban/Sub-urban Critical Lane Volume (CLV) threshold of 1,300 VPH. This standard reflects the Town's status as a designated growth center and shall prevail over any conflicting tiered classifications within the Charles County Adequate Public Facilities Manual including Appendix B."

In my Opinion: This proposal resolves the inherent conflicts identified by creating a unified, predictable TIS process for applicants. Applicants conduct one

study using one common methodology (aligned to the County's), but they use the Urban/Sub-urban CLV threshold (1,300 VPH) as the trigger for complex analysis across the entire study area, thereby reducing the administrative and financial burden associated by multiple jurisdictional standards while preserving the Town's authority over its internal LOS standards. My hope and intent is that by using common standards applicants can engage with Town, County and State highway authorities to address mitigations at all levels of the complex road jurisdictions that converge within the municipal boundaries of La Plata.

County School Seats Capacity

1. Harmonizing Conflicting Regulatory Timelines for Allocations

This section addresses the inherent structural conflict between the expiration of utility allocations and the potential wait times for school capacity.

1.1. Resolving A Capacity Allocation Timing Trap (§ 191.92 vs. Chapter 173)

Issue: Current APFO language creates an administrative timing trap for some projects. Water and sewer allocations expire in 36 months, but mandatory school seat deferrals can legally block a project for up to 72 months.

EXAMPLE - The 30 Month Status Conflict:

Consider a project that secures its water/sewer allocations at preliminary plat (establishing a 36-month vesting window) but fails the school adequacy test prior to final plat and permits. Under Chapter 173, that project is placed on a mandatory deferral list for up to six years.

- At Month 30: The developer is legally prohibited from obtaining a building permit due to school seat constraints.
- At Month 36: The "Regulatory Cliff" hits. The utility allocations expire and are forfeited, even though the developer was legally barred from using them.

If school seats finally open in year four or five, the applicant is forced to restart the entire utility APF Study from scratch. This isn't a failure of the developer to progress; it is a synchronization failure between Town and County regulations. One clock runs out while another requirement stops the applicant's ability to act.

In my view: Our APFO must reconcile this mismatch. We cannot have a vicious cycle where an applicant is penalized by having to restart parts of the process for a delay mandated by the Town and County. This introduces severe financial risk for entities acting in good faith to meet La Plata's Comprehensive Plan goals and comply with the Maryland Land Use Article and Town Code.

A Note on State School Funding Priorities: We must also recognize that school construction funding in Maryland is not based solely on overcrowding. The state uses a complex set of State Rated Capacity (SRC) factors, including building condition, number of trailer classrooms, health and poverty levels. I believe if we adopt this into code, we must commit to coordinate closely with Charles County to ensure our local APFO doesn't unintentionally lower the funding priority for County schools that serve La Plata families.

An Example for Consideration, Annapolis: The City of Annapolis provides an interesting policy model for aligning APFO regulatory expectations with municipal government performance:

- Six-Year Achievability: Annapolis code states that APFO adequacy standards should be achievable within a six year timeframe.
- CIP Alignment: Annapolis City code requires the annual Capital Improvement Program (CIP) to be based on a plan that ensures deficiencies are corrected within that same six year timeframe.

In my view: La Plata over the past several decades has approved growth in line with its Comprehensive Plan but has at times failed to follow through with the infrastructure investments to support it.

I would like to see us consider the implications of using the "Annapolis Model" for CIP planning in La Plata. This places the accountability on the Towns elected leaders (*through budgets*) and municipal planners (*through engineering*) ensure our infrastructure supports our residents, businesses, and our Towns strategic goals.

Pros and Cons – Draft APFO and School Seat Allocation Amendments

PROS

- Strengthens protection of existing infrastructure by tying approvals to actual water, sewer, road, and school capacity.
- Improves transparency and defensibility by using standardized County student yield data instead of subjective calculations.
- Protects existing residents from overcrowded schools and degraded public services.
- Shifts infrastructure costs to developers through clear mitigation and bonding requirements.
- Creates predictable, formula-based decision-making that reduces disputes and appeals.
- Improves coordination with County capital improvement planning and school construction timelines.
- Supports long-term fiscal sustainability by preventing growth that outpaces infrastructure capacity.
- Provides a structured path for large developments (100+ units) through Development Agreements.

CONS / RISKS

- Elimination of the guaranteed minimum school seat allocations may significantly slow residential growth during constrained years.
- Zero-allocation years could disproportionately affect small builders and individual lot owners despite wait-list protections.
- The 6% proportional cap may be viewed as overly restrictive for a designated growth area.
- Increased developer costs may translate into higher housing prices or reduced housing supply.
- Heavy reliance on County data and CIP schedules limits Town flexibility if projects are delayed.
- Added administrative complexity requires consistent annual coordination and verification.
- Potential political and stakeholder pressure from the development community.

Dr. Jill A. Hudnell, DNP

Director Dooley,

Thank you for the opportunity to review.

1. Water & Sewer (The "Immediate Crisis" Risk)

- **The 80% Threshold:** The draft sets the standard for adequacy at 80% of permitted capacity, but the Town is arguably already operating near or at 90% of its water allocation. Does passing this ordinance place the Town in a legal moratorium on *all* new approvals because we are already in violation of the new 80% standard? Does the ordinance include a transition plan to manage this?

2. Roads & Street Design

- **Level of Service (LOS) "C" vs. Traffic Calming:** Can we add a "Performance Path" clause here? We should allow exceptions to LOS "C" if a developer demonstrates that a lower LOS supports pedestrian safety and traffic calming without compromising emergency access.

3. School Seat Allocation (Chapter 173)

- **The "6% Cap" Logic:** Limiting allocations to 6% of the *County's* total excess capacity. If La Plata schools have open seats, would this mean development would still be capped?

4. Process & Transparency

- **Defining "Significant Modification":** Should developers need one consistent standard (e.g., >10% unit increase) for when a grandfathered plan loses its status and triggers a new review.

Best,

Kyle J. Miller



TOWN OF LA PLATA
305 Queen Anne Street
Post Office Box 2268
La Plata, Maryland 20646

PLANNING COMMISSION STAFF REPORT

DATE: May 5, 2026

TO: Honorable Chair and Members of the Planning Commission

FROM: Don Dooley, Planning Director

PREPARED BY: Don Dooley, Planning Director

APPLICATON NO.: Zoning Text Amendment (ZTA) 02-2026 – Adequate Public Facilities for Roads

APPLICANT: Town of La Plata, Maryland

OWNER: N/A

PROJECT LOCATION: Town-wide

REQUEST: To amend Article X (Adequate Public Facilities Requirements) in Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of creating, managing, and maintaining adequate public road facilities in Town.

BACKGROUND

The La Plata Town Council expressed interest in creating requirements for new development to ensure adequate public infrastructure and services are in place to support new construction in Town so as not to diminish the quality of life for residents, businesses and visitors to La Plata. The Council is particularly interested in developing and retaining minimum public infrastructure standards pertaining to roads, water, sewage, and school seating capacity. This will ensure new development does not impact minimum infrastructure thresholds set by the Town

On April 7, 2026, the Planning Commission recommended Town Council approval of Zoning Text Amendment 01-2026, which developed adequate public facility regulations for water, sewage, and school seating capacity under proposed Article X in Chapter 191 of the La Plata Zoning Code. However, adequate public facility regulations pertaining to "Roads" were not included in Zoning Text Amendment 01-2026. The Commission will recall that staff needed additional time to further develop the technical regulations for roads and traffic in consultation with Brudis and Associates (BAI), a professional traffic engineering firm whom the Town hired as a consultant on this portion of the Town's draft

**Zoning Text Amendment (ZTA) 02-2026 – Town of La Plata, Maryland
Planning Commission Meeting of May 5, 2026**

APFO regulations. With the professional assistance of BAI, staff is ready to propose a comprehensive new set of provisions to manage and maintain the adequacy of the Town's public roads to accommodate existing and new development under Zoning Text Amendment (ZTA) 02-2026. As presented in Attachment No. 1, the draft provisions for Roads have been incorporated within Article X in conjunction with the APFO regulations pertaining to water, sewage, and school seating capacity that the Commission recommended to the Town Council for approval on April 7, 2026.

Although there was insufficient time to notice a public hearing for Zoning Text Amendment 02-2026, for the Planning Commission Meeting of May 5, 2026, staff wanted to introduce the current draft, APFO provisions on "Roads" for Commission review and comment. It is the staff's intent to revise the proposed text, as directed by the Commission, and return Zoning Text Amendment 02-2026 back to the Commission on June 2, 2026, for public hearing before the Planning Commission.

DISCUSSION

Public Comments

For the Commission's reference, staff has included all public and Commission feedback received to date, concerning APFO provisions for "Roads," under Zoning Text Amendment 01-2026. Based on the proposed APFO standards for Roads, staff believes it has appropriately addressed Commission and public comments to create effective APFO provisions for "Roads."

Proposed APFO Provisions for Roads (Zoning Text Amendment 02-2026)

For ease of discussion, the staff has summarized the significant points contained in the draft Adequate Public Facilities Ordinance (APFO) pertaining to "Roads" under Chapter 191, Article X. As drafted, the provisions create modern transportation analysis standards, clarify study requirements, establish new improvement priorities, and ensure consistent and technically defensible evaluation of development impacts on roads and transportation infrastructure for the Town. As drafted by BAI and staff, they are grounded in the National Center for Smart Growth's 2025 Report on Adequate Public Facilities Ordinances in Maryland (prepared for the Maryland Department of Planning), the Charles County Adequate Public Facilities Manual (APFM), the Maryland State Highway Administration (SHA) Draft Traffic Impact Study Guidelines, and the current edition of the Highway Capacity Manual (HCM).

Comments on various provisions of the draft ordinance have also been provided by BAI (Town traffic consultant) and are included in the various summaries of the proposed ordinance measures discussed below.

§191.87(C) – Trip Generation Threshold Update

- The amendment provides a trigger for requiring a Traffic Impact Study (TIS). As

**Zoning Text Amendment (ZTA) 02-2026 – Town of La Plata, Maryland
Planning Commission Meeting of May 5, 2026**

proposed, the trigger is for developments generating 50 or more peak-hour vehicle trips in any required study period. This establishes a clear threshold also used in other Maryland jurisdictions.

§191.88 – Roads

1. Basic Rule

- New development cannot cause roadway or intersection operations to fall below required Level of Service (LOS) standards.

2. Applicability

- Applies only to projects generating 50 or more peak-hour trips.

3. How Adequacy Is Determined

- A Traffic Impact Study (TIS) must analyze all intersections in the study area using HCM methodology only.
- LOS is based on delay, not volume counts or Critical Lane Volume (CLV).
- Official signal timing must be used, and new net trips must be calculated using ITE standards.

4. Impact-Based Adequacy Tests for Level of Service (LOS)¹

- If background traffic is LOS “D” or better, total traffic must remain “D” or better.
- If the background is LOS “E” or worse, the project cannot increase the delay.
- No individual traffic movement may fall to LOS “F” if previously LOS “E” or better.

5. Required TIS Outputs

- Background LOS vs. total LOS.
- Delay changes caused by the development.
- AM/PM (and additional required study) peak periods.

1. For the Commission’s reference, the various Level of Service (LOS) descriptions are identified below:

LOS A: Free-flow conditions. • Little to no delay; drivers experience complete freedom to choose speed and maneuver. • Very low density and minimal interaction with other vehicles.

LOS B: Still stable flow, but with slightly more interactions. • Speeds remain high, but maneuverability is modestly restricted. • Light delays may occur.

LOS C: Stable flow, but operations become more constrained. • Speeds are influenced by higher traffic volumes. • Maneuverability is noticeably limited, but acceptable.

LOS D: • High-density, approaching unstable flow. • Speeds decrease significantly; driver comfort declines. • Maneuverability is difficult; small increases in volume can cause major operational issues.

LOS E: Operations at or near capacity. • Very slow speeds, significant delays, and extremely limited maneuverability. • Flow is unstable, and disruptions or lane changes cause breakdowns.

LOS F: Breakdown or forced-flow conditions. • Stop-and-go traffic; heavy congestion and long delays. • Demand exceeds capacity, causing queues and unpredictable traffic behavior.

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- 95th-percentile queues.

6. Submission and Peer Review

- All traffic model files must be submitted electronically to the Town.
- The Town requires independent peer review of TIS' at the developer's expense.

7. Infrastructure Priority Hierarchy

- When improvements are needed, road mitigation projects must prioritize:
 - Safety
 - Emergency access
 - Pedestrian/Bicycle/Complete Streets
 - Vehicle capacity (lowest priority)

8. Minimum LOS Standards by Roadway Jurisdiction

- La Plata controlled Town roads: LOS "C." New standard.
- Charles County controlled roads: LOS "D." Existing standard.
- State Highway Administration controlled roads: LOS "E" (or no worse than existing conditions). Existing standard.

9. Mitigation Requirements

- If a development worsens existing Level of Service (LOS) or traffic delay.
- Functioning intersections: restore Level of Service (LOS) to background traffic levels.
- Deficient intersections: restore Level of Service (LOS) delay to background traffic levels.
- Options include pro-rata cost-share, escrow contributions, or alternative improvements.

10. Denial Standard

- A project must be denied if it cannot provide feasible mitigation.

11. APFS Requirements

- Developers must submit a preliminary Adequate Public Facilities Study (APFS) showing expected trips, affected intersections, and project timeline(s); the Planning Director may expand or adjust what is studied.

BAI Comments: In §191.88(C)(1), the proposed language does not use Critical Lane Volume (CLV). Instead, it adopts Highway Capacity Manual (HCM) as the sole primary standard for all Traffic Impact Studies. This is because analysis must be performed using traffic analysis software capable of producing HCM-based measures of effectiveness,

**Zoning Text Amendment (ZTA) 02-2026 – Town of La Plata, Maryland
Planning Commission Meeting of May 5, 2026**

including overall intersection average control delay, approach delay, movement delay, volume-to-capacity ratios, and 95th percentile queue lengths. Signal timing data must be obtained from the controlling jurisdictions (e.g., SHA or Charles County) to prevent applicant-favorable assumptions from distorting results. All traffic analysis model files must be submitted electronically to enable independent peer review, funded through the consolidated APFS review fee. Regarding LOS Adequacy Standards in draft §191.88(C)(1)(e), the proposed text uses an impact-based two condition adequacy test applied to each study intersection. Where opening-year background conditions (existing traffic plus approved-but-unbuilt development) operate at LOS “D” or better, total traffic conditions must remain at LOS “D” or better. Where background conditions are already at LOS “E” or worse, the development must not worsen the average intersection delay. An individual movement floor prevents an acceptable overall intersection average from masking a severely failing turning movement. For unsignalized intersections, the HCM worst-movement standard applies. This approach requires development to mitigate its own impact rather than fix pre-existing deficiencies and is more defensible than a fixed Level of Service threshold.

In §191.88(D)(1), the proposed amendment establishes tiered standards: LOS “C” for Town controlled roads, LOS “D” for Charles County controlled roads (consistent with the Charles County APFM), and LOS “E” for State Highways Administration facilities consistent with SHA Guidelines.

With regards to §191.88(D)(2), the proposed text creates a proportional framework aligned with an impact-based adequacy test. Section 191.88(D)(2) is expressly subordinate to the §191.88(C)(1)(e) adequacy determination, ensuring a single common analytical gate. At functioning intersections, mitigation is required only where the development causes the Level of Service (LOS) to fall below the applicable standard or drives a movement to LOS “F.” At deficient intersections, mitigation is required only where the development measurably worsens the traffic delay. Three mitigation pathways are available: direct construction, pro-rata escrow contributions, or alternative improvements evaluated through the Infrastructure Priority Hierarchy. Denial is reserved for cases in which no feasible, secured mitigation pathway can be demonstrated.

In §191.88(C)(2) a four-tier Infrastructure “Priority Hierarchy” is established to govern the sequencing of both developer mitigation and Transportation Improvement Escrow Fund programming: (1) Multi-modal Traffic Safety; (2) Emergency Vehicle Access; (3) Pedestrian and Bicycle Accessibility and Complete Streets Conformance; and (4) Vehicle Capacity and Operations. This hierarchy is grounded in the Maryland Department of Transportation (MOT)’s *2024 Complete Streets Policy*, *Maryland’s Vision Zero goal*, *NCSG Best Practice 4.4*, and the Federal Highway Administration (FHWA)’s *Complete Streets Report to Congress*. Higher-priority improvements must be advanced ahead of

**Zoning Text Amendment (ZTA) 02-2026 – Town of La Plata, Maryland
Planning Commission Meeting of May 5, 2026**

lower-priority improvements when Escrow Fund balances or Capital Improvement Program (CIP) capacity require sequencing decisions.

§ 191.93(F). Adequate public facilities study

Traffic Study Area Definition

A Traffic Impact Study must evaluate a defined set of intersections around the development, including:

- All signalized access intersections.
- The nearest two principal arterial intersections in each direction from the principal driveway entry to the development.
- Any intersection within 1.5 miles that would receive 50 or more peak-hour vehicular trips from the project.
- Additional intersections if the Planning Director expands the study area due to high trip generation (250+ trips), traffic patterns affecting farther locations, proximity to sensitive uses (schools/hospitals), or other justified reasons.

Anti-Piecemealing

- Developers cannot avoid the 50-vehicular trip threshold by submitting multiple small projects.
- If a new application is filed for the same property within five years of an earlier approval, the TIS must include the combined trips from both the previous and current proposals when determining whether the 50-trip threshold is exceeded.

BAI Comments: A section is added to the draft ordinance that defines a baseline study area. Specifically, it is the nearest two principal arterial intersections in each direction from the principle vehicular driveway entry to a new development, and all intersections within 1.5 miles that receive 50 or more peak-hour vehicular trips during any of the peak AM/PM traffic study periods. The Planning Director retains expansion authority, subject to written justification.

§191.94(F) Transportation Improvement Escrow Fund.

- Creates a dedicated Town-managed escrow fund to collect proportional developer contributions for transportation improvements that serve multiple developments or exceed one project's impact.
- Contributions may be required either as an in-lieu fee or as part of required mitigation.
- Developer share is calculated proportionally using a formula based on the project's peak-hour trips relative to the total capacity added by the improvement.
- Funds are kept in a separate, interest-bearing account and must be used only for the specific transportation improvement. Unused funds may be refunded if a project is canceled or fully funded by other sources.

**Zoning Text Amendment (ZTA) 02-2026 – Town of La Plata, Maryland
Planning Commission Meeting of May 5, 2026**

- Construction is triggered once 50% of the project cost is collected, or when other public/private funding is secured to complete the improvement.
- Annual CIP review is required, and investments must follow the Town’s Infrastructure Priority Hierarchy—safety first, then emergency access, then pedestrian/bicycle access, and lastly vehicle capacity. Any deviation must be justified in writing.
- Developer in-lieu payment is due to Town before building permits are issued.

BAI Comments: A new “Transportation Improvement Escrow Fund” (“Fund”) is established to collect pro-rata developer contributions toward improvements that exceed any single developer’s proportional impact or require coordination across multiple developments or jurisdictions. The developer’s contribution is calculated based on their proportional share of the total delay increase at the affected intersection. Funds are held in a dedicated interest-bearing account and restricted to the identified improvement. Construction is triggered when 50% of project costs are collected, or alternative public funding is secured. The Fund is reviewed annually through the CIP process and allocated consistently with the Infrastructure Priority Hierarchy.

§ 191.96(B) Standards, criteria, and procedures for adequate public facilities studies.

- All Traffic Impact Studies (TIS) for Adequate Public Facilities Studies must follow a defined methodology.
- The tiered HCM methodology in §191.88(C)(1) is the primary standard; supplemental guidance from the Charles County AFPO Manual may be used only if it does not conflict with this Article.
- Traffic data must use the most current Town-approved counts, not older than two years, unless the Town specifically allows alternative data.
- Certain land uses (e.g., retail, food service, entertainment, religious facilities) require weekend peak-hour analysis; uses with school-related traffic must include afternoon school-hour analysis.
- The Planning Director may require additional analysis during the TIS scoping process.
- The scope of work for every TIS must be approved in advance by the Planning Director.

CONCLUSION

Staff believes it has satisfactorily addressed the broad comments made by the body of the Commission based on public feedback and commissioner input. Should the Commission desire additional changes and/or revisions, staff will incorporate the revisions within the final draft of the AFPO revisions for “Roads.”

**Zoning Text Amendment (ZTA) 02-2026 – Town of La Plata, Maryland
Planning Commission Meeting of May 5, 2026**

RECOMMENDATION

Staff recommends the Planning Commission provide feedback to staff on the proposed draft AFPO language for “Roads.”

ATTACHMENTS

- 1) Draft (Redline) Text Amendments to Chapter 191 (Article X. - Adequate Public Facilities Requirements) for “Roads.”
- 2) William Zeid, Kimley-Horn Comments Dated January 28, 2026
- 3) Charles County Government Comments
- 4) Scott Law Group Comments Dated February 6, 2026
- 5) Chair Banks Comments (undated)
- 6) Council Liaison Guttenberg Comments Dated December 19, 2025
- 7) Vice-Chair Hudnell Comments (Undated)
- 8) Commissioner Miller Comments December 7, 2025

-End of Report-

29088 Airpark Drive
Easton, MD 21601

CERTIFICATE OF PUBLICATION

STATE OF : MARYLAND
COUNTY OF: Charles County

This is to certify that the annexed legal advertisement has been published in the publications and insertions listed below. "NOTICE - ZTA 02-2026 June 6, 2026 6pm..." was published in the:

Southern Maryland News 05/15/26
Southern Maryland News 05/22/26



Orestes Baez
President & Publisher

NOTICE OF PUBLIC HEARING
PLANNING COMMISSION OF THE TOWN OF LA PLATA
June 2, 2026

The Planning Commission of the Town of La Plata will hold a public hearing on **June 2, 2026, at 6:00 PM**, or as soon thereafter as possible, at La Plata Town Hall (305 Queen Anne St.) for the purpose of hearing public comment on the following:

Zoning Text Amendment (ZTA) 02-2026
Applicant: Town of La Plata, Maryland

Project Description:

To amend Section 191.88 of Article X (Adequate Public Facilities Requirements) in Chapter 191 (Zoning Regulations) of the La Plata Municipal Code for the purpose of providing regulatory provisions to ensure adequate public Road facilitates/capacity in the Town of La Plata.

At the public hearing all interested parties and citizens will have an opportunity to be heard. Accommodation for persons with disabilities will be made upon request. Copies of the proposed application are available for review at Town Hall by appointment or online at <https://laplatamd.portal.civicclerk.com/>

You may contact Don Dooley by email at doooley@townoflaplata.org or phone at (301) 934-8421 for additional information.

Don Dooley
Director of Planning

3104532 IN 5/15,5/22/2026

Shelby Pritchett

From: Kha Nguyen <trikha81@yahoo.com>
Sent: Thursday, May 28, 2026 8:28 AM
To: Don Dooley
Subject: Public Comment in Support of Zoning Text Amendment 02-2026

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Dear Mr. Dooley and Members of the Planning Commission,

My name is Kha Nguyen. I am a resident of White Plains, Maryland

I am writing to express my strong support for Zoning Text Amendment (ZTA) 02-2026 regarding adequate public road facilities.

As someone who drives through La Plata daily for work, I have seen firsthand how traffic congestion on Route 301, Route 6, and Crain Highway has worsened over the past few years. New residential and commercial developments are being approved without sufficient road capacity, which creates unsafe conditions for drivers, delays for emergency services, and lost income for local workers like me who rely on timely deliveries.

ZTA 02-2026 is a common-sense measure. Requiring developers to prove that public roads can handle additional traffic before a project is approved will protect our community's quality of life and public safety. Growth is important, but it must be responsible growth that does not overwhelm the infrastructure our residents and workers depend on every day.

For these reasons, I respectfully urge the Planning Commission to recommend approval of ZTA 02-2026.

Thank you for the opportunity to comment and for your service to our community. I plan to attend the public hearing on June 2, 2026 if my work schedule permits.

Sincerely,
Kha Nguyen
4362 shakespeare cir
White Plains, MD 20695
Cell: 2023521291
Sent from my iPhone

From: [Griffin Benton](#)
To: [Legislative](#)
Subject: MBIA Comments - ZTA 02-2026- Adequate Public Facilities Ordinance - Roads
Date: Monday, June 1, 2026 6:13:44 PM
Attachments: [image002.png](#)
[APFO Comments - MBIA.pdf](#)

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Dear Members of the Planning Commission,

On behalf of the Maryland Building Industry Association (MBIA), please find attached our comments regarding ZTA 02-2026 for your consideration.

Thank you,
Griffin Benton

Griffin Benton
Vice President, Government Affairs
[REDACTED]
Maryland Building Industry Association
11825 W. Market Place
Fulton, MD 20759
Office: 301-776-6207
Mobile: 202-815-4239



BUILDER MART | OCTOBER 21, 2026
HOWARD COUNTY FAIRGROUNDS

Check out NAHB's Member Advantage Program at www.nahb.org/ma

Please excuse any typos or grammatical errors

Chapter 191 - Zoning Regulations

Article X. - Adequate Public Facilities Requirements

§ 191.86. Purpose.

The purpose of the adequate public facilities review is to:

- A. Require developers to provide new, additional, or upgraded public facilities and school seating capacity, when necessary, to ensure the Town's ability to facility levels to serve new developments without impacting the existing con
- B. Ensure that all proposed development will not adversely affect the public's he and,
- C. Encourage new development to occur in areas of the Town where public facilities are being provided.

Minor comment but reduce or lower can be confusing with LOS given that A comes before B but B is reduced from A... Suggest using Deteriorate in lieu of reduce and also "beyond (or exceed) the threshold" rather than below.

§ 191.87. Adequate public facilities required.

Suggest using the "New Net Trips" term specifically that is defined later on. se within this Ordinance, no preliminary plat maps or site plans shall be unless it can be demonstrated that the development will not impact the s public facilities to provide adequate water, sewage, roads and school seating capacity to serve tne development, as specified in this Ordinance.

- B. This Ordinance does not apply to minor residential subdivisions, minor site plans, and non-residential developments containing less than 1,200 square feet of gross floor area unless determined necessary by the Planning Director due to unique or unusual circumstances associated with the development and/or the surrounding environs of the development.
- C. Unless exempted within this Ordinance, all preliminary plat maps and site plans submitted to the Town for approval shall be accompanied by an Adequate Public Facilities Study (APFS) pursuant to Section 191.93. The vehicular trip generation threshold for requiring a traffic study shall be 50 or more peak-hour vehicular trips during any of the peak study periods.

§191.88. Roads. ~~(Reserved)~~

- A. The traffic generated by a proposed development shall not reduce the level of service (LOS) at intersections or along roads below the standards established in this section.
- B. This section does not apply to any proposed development project that generates fewer than 50 peak-hour vehicular trips during any of the study peak periods.
- C. Roads shall be considered adequate to accommodate the projected vehicular traffic generated by a proposed development if:

(1) All existing traffic, the traffic expected from a proposed development, and the cumulative traffic from previously approved developments within the traffic study area must either meet, or be capable of being adequately mitigated to meet, the minimum Level of Service (LOS) required for the roadways affected by the proposed new development. Traffic service levels at all intersections within the traffic study area defined in §191.93(F) shall be evaluated using the following methodology:

(a) Primary Analysis Methodology. All Traffic Impact Studies (TIS) shall use the most current edition of the Highway Capacity Manual (HCM), published by the Transportation Research Board, as the sole primary method of traffic analysis. HCM-based analysis shall be performed by the project developer using traffic analysis software capable of producing measures of effectiveness for signalized and unsignalized intersections, including average control delay, approach delay, individual movement delay, v/c, and 95th percentile queue lengths. The Critical Lane Volume (CLV) method shall be used for, or screening alternative to, HCM-based analysis.

Can SimTraffic modeling be listed as at least a potential additional consideration for determining if the LOS standard is met, even if only on a case by case basis? Signal coordination along a corridor can often result in much better operations both in SimTraffic and the real world versus looking at each individual intersection with HCM that only has a small consideration for upstream and downstream intersections.

(b) Level of Service (LOS) Determination. Level of Service shall be based on measures of effectiveness. For signalized intersections, the overall intersection average control delay using a weighted average of approach delay and individual movement delay shall be used. For unsignalized intersections, the LOS shall be based on the approach delay, as specified by the HCM. The 95th percentile queue length analysis shall be reported for all study intersections.

Also, traffic signals upstream of unsignalized intersections provide breaks in the traffic flow, or gaps, for side street movements to make their turns. SimTraffic takes this into account to give more realistic results when compared to HCM that more or less assumes a constant arrival rate as if the mainline never gets held upstream.

(c) Signal Timing Baseline. All traffic analysis models for roads shall use data obtained from the controlling jurisdiction (i.e., Town of Leesville Highway Administration) as the baseline. Developer-assumed signal timing shall not be used. Where the controlling jurisdiction for a road has developed and made available calibrated traffic model files for study intersections, project developers shall use those files as the basis to start their analysis.

(d) Trip Generation Standard. All trip generation calculations shall use the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Trip generation shall be based on new net trips, which is defined as vehicular trips generated by a proposed development minus vehicular trips generated by any existing development on the same site for which APFO approval has been granted.

Recommend adding that, for intersections where future operational or geometric changes have been approved to be assumed in future analyses, reasonable signal timing changes or design may be assumed that follow Maryland SHA signal timing guidelines. All assumed signal timing changes under this scenario are subject to confirmation during the TIS review.

(e) Adequacy Standards: The adequacy of the proposed development shall be evaluated using the following impact-based thresholds, applied to the intersection under opening-year total traffic conditions for a proposed net development:

(i) If the proposed development's level of Service (LOS), excluding site-generated traffic, is LOS "D" or better, then the overall intersection LOS with total traffic, including the proposed development's traffic, must also remain at LOS "D" or better. If the opening-year background LOS is LOS "E" or worse, then the overall average control delay per vehicle under total traffic conditions may not exceed the average control delay under background conditions. The proposed development may not increase traffic delays at any intersection that is already operating below acceptable standards.

(ii) Individual Movement Floor. Regardless of the overall intersection result under subsection (i), no individual turning movement at a signalized intersection shall operate at LOS "F" under total traffic conditions. If a movement operated at LOS "E" or better under background conditions, the worst minor-street movement or approach shall serve as the basis for LOS determination, using the same background-traffic conditions as in subsection (i).

You may consider having some de minimis allowance. 0.01 v/c, 1 percent, 5 or fewer vehicles added, etc. You eventually run into a situation where 2 cars are added to an intersection by a very small development and it just tips it over the edge. However, since Escrow contributions on a prorata basis are being included, the mitigation would presumably reflect that small increase in traffic.

(iii) The Traffic Impact Study Report shall include the following for each study intersection: per §191.96(B)(3); the opening-year background LOS and average control delay; the opening-year total traffic LOS and average control delay; the change in delay attributable to the proposed development; and the 95th-percentile queue lengths for all movements based on traffic simulation analysis.

(f) Model File Submission. All traffic analysis model files used in a TIS must be submitted

electronically to the Town as part of the APFS submittal, in a format that is readable by the Town.

(g) Peer Review: The Town of La Plata reserves the right to retain a qualified, independent, traffic engineer to review all TIS submittals to the Town for their input and recommendations. The total cost of all reviews shall be borne by the project developer.

(2) Infrastructure Priority Hierarchy. In evaluating CIP programmed improvements for developer credit under this subsection, and in programming new transportation CIP projects funded in whole or in part through Escrow Fund contributions under §191.94(F), the Town shall apply the following priority hierarchy. Higher-priority improvements shall be advanced ahead of lower-priority improvements when Escrow Fund balances or CIP capacity require sequencing decisions:

If the intent of the prioritization is to allow for development impact to be mitigated through non-vehicular related improvements (which would be a great thing and in-line with current transportation planning policy in some other parts of the region), then the APFO needs to have some controlling language that supersedes the mandates to return intersection LOS to within the allowable thresholds.

Adding crosswalks, protected bike facilities and other multi-modal improvements very often come at the expense of vehicle delay. Crosswalks require green time, and added vehicle lanes increase crosswalks, speeds and other factors that reduce pedestrian safety. One major area where this will play out is along the signalized corridors where currently free-flow uncontrolled right turn movements will have to be controlled by the signal if pedestrian crossings are added in the future. Those crossings will directly reduce vehicular capacity, but at an arguably greater benefit to the public. There will certainly be cases where more vehicular capacity is needed and justified, but the Town should have the ability and discretion to make the decision as to whether they want to maintain LOS C/D or add multi-modal improvements that may make C/D unattainable. There are cases where the Town may want have vehicle access be available but not fast or inviting vehicle access where pedestrians and bikes become the main focus of design and safety.

Priority 1 — Multimodal Traffic Safety: Improvements that demonstrably reduce crash frequency or road users, including vehicle-vehicle, vehicle-pedestrian, and vehicle-bicycle ludes intersection geometry corrections, sight distance improvements, speed sures, signal safety upgrades, and projects identified in any Town or State ration Road Safety Audit or Pedestrian Safety Action Plan. Consistent with Zero goal and MDOT's Complete Streets Policy, safety improvements shall be ailable Escrow Fund balances.

Emergency Vehicle Access: Improvements that enhance the reliability and speed of e response within the Town, including intersection modifications to facilitate option, turning radius corrections at constrained intersections, and roadway ments to reduce response times to residential and commercial areas. The Town proposed improvements satisfy emergency access standards prior to CIP

pedestrian and Bicycle Accessibility and Complete Streets Conformance: t expand or close gaps in the Town's pedestrian and bicycle network, bring to conformance with the Town's adopted Complete Streets standards, improve enhance Safe Routes to Schools connections, and provide protected or s for non-motorized users on high-volume corridors. Consistent with Maryland ansportation's Complete Streets Policy, which requires APFOs to ensure design features are provided, this priority shall apply to all Escrow Fund-eligible olving the reconstruction or significant modification of existing roadway cross-

le Capacity and Operations: Improvements primarily intended to increase vehicle ice vehicle delay, including intersection turn lane additions, signal coordination, ning for vehicular capacity. Such improvements remain eligible for Escrow Fund shall be sequenced after Priorities 1 through 3 have been adequately addressed ridor or study area.

(3) A sufficient public right-of-way width is provided to serve the volume of pedestrian and vehicular traffic to accommodate the proposed development, including adequate road widths to facilitate vehicular mobility, maneuverability, and on-street parking, when applicable to the roadway type and context.

D. Levels of Service.

(1) The established minimum level of service (LOS) standards shall be tiered based on roadway jurisdiction and context, as follows:

(a) Town of La Plata Controlled Roads: LOS "C" for all Town-owned and maintained roads.

(b) C Roads: LOS "D" for all Charles County-owned and maintained roads

Recommend clarification: ...for all Town-owned and maintained roads and intersections of two Town-owned and maintained roads. This is assuming that the intent of a State/County road intersection with a Town Road is to allow LOS "D" as being adequate.

within the La Plata Town limits, consistent with the "Charles County Adequate Public Facilities Manual." The Town shall defer to the County's adopted adequacy standards for County-controlled roads.

(c) State Highway Administration (SHA) Controlled Roads: LOS "E," or no worse than the background (pre-development) LOS where existing conditions already exceed LOS "E," for all SHA-controlled and maintained highways in the Town. The Town shall defer to SHA's adopted "Traffic Impact Study Guidelines" for its facilities. Any mitigation requirement involving the SHA right-of-way shall be expressly subject to SHA review and approval. If SHA declines to approve proposed mitigation, the Town of La Plata shall consider alternative mitigation strategies, including but not limited to pro-rata contributions toward SHA-programmed improvements.

(2) When a TIS is conducted pursuant to §191.88(C)(1) and it determines that a study intersection fails the adequacy standards established in §191.88(C)(1)(e), the following mitigation framework shall apply. All adequacy determinations and mitigation calculations under this section shall use opening-year background conditions (existing traffic plus approved-but-unbuilt development traffic) as the baseline, consistent with §191.88(C)(1)(e).

To avoid confusion with phased projects and allow for incremental improvements for each phase of development, consider additional language that "at opening year of each phase and total project buildout..."

actions (opening-year background LOS "D" or better) under the applicable §191.88(D)(1). Mitigation is required where the proposed new development intersection LOS under total traffic conditions to fall below LOS "D," or causes a project that operated at LOS "E" or better under background conditions to fall below LOS "D." The project developer shall mitigate the proposed development's impact to restore the intersection to its existing background LOS or better.

(b) At Deficient Intersections (opening-year background LOS "E" or worse). Mitigation is required where the proposed new development increases the average control delay per vehicle under total traffic conditions above the average control delay per vehicle under the proposed new development's opening-year background conditions (i.e., where the proposed development measurably worsens delay at an already-deficient intersection). The project developer shall mitigate impacts to restore total traffic delay to no worse than the opening-year background delay. Mitigation may consist of one or more of the following:

Recommend striking the word "existing" to maintain consistency

Recommend striking "clearly" to avoid issues with appeals, disagreements, etc.

Recommend that "measurably" be defined to avoid future disagreements. See previous comment about 0.01 v/c increase, % increase, etc.

1. Total Traffic Impact Mitigation. At the discretion of the Town, the developer may contribute toward the cost of the improvement in proportion to the total traffic delay increase calculated as follows: $\text{Total Delay Increase} \div \text{Total Delay Under Total Traffic Conditions}$ based on a third-party engineering estimate.

Recommend changing text to: "that restore Total Traffic conditions delay to a level no worse than the proposed development's opening-year background delay without the project based on the applicable measure of effectiveness used for determining adequacy."

2. Developer may contribute toward the project's attributable project cost.

(ii) Pro-Rata Escrow Contribution. At the discretion of the Town, the developer may contribute to the Town's Transportation Improvement Escrow Fund pursuant to §191.94(F) in lieu of direct construction, where the improvement is programmed in the Town's CIP or is a shared improvement benefiting multiple developments.

(iii) Alternative Improvements. At the Town's discretion, a project developer may propose alternative improvements that clearly restore total traffic delay to a level no worse than the development's opening-year background delay without the project. Any such alternative shall be reviewed and approval by the Town and, when applicable, by SHA or the County. When evaluating alternative improvements, the Town shall follow the hierarchy established in §191.88(C)(2).

Is this also intended to allow for a new improvement to be identified but the development may only be responsible for a pro-rata share contribution? If so, suggest adding language on establishing new improvements.

Suggest the following if this is a desired option of the Town: (iv) At the Town's discretion, a project developer may propose alternative improvements related to pedestrian, bike, transit, ADA or other multi-modal element. Such improvements shall be considered as meeting the APF requirement for roads, regardless of the resulting vehicular level-of-service, if at the Town's discretion, the improvements provide a transportation system improvement proportional to the project's impact on the transportation system.

(c) Denial. The Planning Commission shall deny a proposed development if the developer cannot demonstrate a feasible, secured, mitigation pathway under subsection (b). The Planning Commission shall not deny a project solely because an intersection fails to meet the applicable LOS standard under background conditions unrelated to the project.

E. The determination of the Level of Service for a road shall consider the effects of existing traffic and traffic projected to be generated from proposed new developments in the traffic study area, as determined by the Town, for which final subdivision plats and site plans have been approved as well as increases in through traffic and all traffic projected to be generated from the proposed development for a specified development completion year.

F. Unless exempted within this Ordinance, the project developer shall submit with their preliminary plat map or site plan, a preliminary Adequate Public Facilities Study (APFS) which indicates the proposed development's anticipated vehicular trip generation rates, a list of existing roads and intersections that will be impacted by traffic to and from the proposed development, and the anticipated completion date of the proposed development. The Planning Director shall review the APFS to determine whether it satisfies the standards adopted herein for the proposed development and shall add or remove roads or intersections as necessary to evaluate the impact of the proposed development.

§191.89. Schools.

See Section 173-92 under Article IX (School Seat Allocation Policy) of the La Plata Subdivision and Land Development Ordinance.

§191.90. Sewage system.

- A. Pursuant to Title 9 of the Annotated Code of Maryland, new development can only be approved if there are adequate wastewater systems and supporting infrastructure. Therefore, no site plan or subdivision plat shall be approved for any new or expanded development in La Plata unless the Town's wastewater treatment plant and infrastructure has or will have sufficient capacity to support new development prior to its commencement. It is the intent of this Chapter to ensure that sewer infrastructure capacity serving existing residential and non-residential users are not adversely affected by the sewage capacity and infrastructure needs from new development.
- B. Standard for Adequacy. The Town's sewage system shall be considered inadequate and the development deemed to create an adverse impact on the Town's wastewater treatment plant and its infrastructure when a development causes it to operate at or above eighty percent (80%) of the plant's maximum capacity. This limitation is to ensure the Town maintains sufficient reserve capacity to account for system inefficiencies and short-term spikes in treatment demand. Eighty percent (80%) of sewage capacity shall be determined by multiplying the Town's treatment plant's design flow (MGD) by 0.80, then comparing that value to the facility's average daily wastewater flow. If this standard is exceeded, the project shall not be approved unless adequate mitigation is provided in accordance with §191.94 (Mitigation).
- C. The Town of La Plata shall publish on its website every six (6) months a sewage capacity report identifying the Town's current wastewater treatment plant capacity level and its remaining availability to serve new development. The most current wastewater capacity report shall be used as the authoritative reference source for determining a development's impact on the Town's wastewater capacity limit as part of any Adequate Public Facilities Study submitted to the Town.

§191.91. Water supply system.

- A. Pursuant to Title 9 of the Annotated Code of Maryland, new development can only be approved if there is an adequate water supply and infrastructure to support it. Therefore, no preliminary plat map or site plan for any new or expanded development requiring water allocation from the Town of La Plata shall be approved unless there is or will be sufficient water supply to support the development prior to its commencement. It is the intent of this chapter that water supplies serving existing residential and non-residential users are not adversely affected by the water usage from new development.
- B. Standard for Adequacy. The Town's water supply system is considered inadequate and a proposed development is considered to have an adverse impact on the Town's ability to provide sufficient water when the projected water demand from new development will cause the Town to reach or exceed eighty percent (80%) of its maximum water appropriation permit for annual average daily withdrawal, as issued by the Maryland Department of the Environment. The 80% threshold is intended to ensure the Town maintains sufficient reserve capacity to account for water loss, system inefficiencies, and short-term spikes in water usage. Eighty percent (80%) of the Town's water allocation is calculated by multiplying the permitted annual average daily withdrawal limit by 0.80 and comparing that value to the Town's actual annual average daily water use. If the projected demand from a development causes this threshold to be exceeded, the development may not be approved unless adequate mitigation is provided in accordance with §191.94 (Mitigation).
- C. The Town of La Plata shall publish on its website every six (6) months a water capacity report of the Town's water allocation usage for determining the remaining water availability to serve new development against its maximum water appropriations permit limit for average daily withdrawal. The most current water capacity report shall be used as the authoritative reference source for determining a development's impact on the Town's water supply as part of any Adequate Public Facilities Study submitted to the Town.

§ 191.92. Water, sewage, and school capacity allocations

- A. Water and sewer capacity allocation shall be guaranteed to any approved preliminary plat map or site plan requiring such allocation for a period of six (6) years after its original approval by the Town. Failure, for any reason, to obtain a building permit within six (6) years to begin construction for a new building(s) under an approved site plan or preliminary plat map or for a new development shall render the water and sewer allocation void.
- B. For preliminary plat maps and site plans that have been previously approved without water and sewer allocations prior to the adoption of this Ordinance, water and sewer allocations shall be based on the following allocation methodology:
 - (1) All preliminary plat maps and site plans that have been approved and are still valid as of the date of the adoption of this Ordinance shall be exempt from Section 191.92(A) unless the approved preliminary plat map or site plan is allowed to expire for any reason. Water and sewer allocations for previously approved and legally valid preliminary plat maps and site plans shall have priority over any preliminary plat maps and site plans not approved by the Town as of the date of the adoption of this Ordinance. Water and sewer allocations for unexpired preliminary plat maps and site plans under this code provision shall be allocated as follows:
 - (a) Each year, the Town of La Plata shall identify the maximum water and sewer capacity allocations to be devoted to previously approved preliminary plat maps and site plans that are valid.
 - (b) Water and sewer allocations shall be distributed by the Town to each previously approved

- preliminary plat map or site plan beginning with the oldest to the most recent until all such water and sewer allocations have been distributed by the Town of La Plata for each calendar year.
- (c) Failure to begin using authorized water and sewer allocations within six years shall render the water and sewer allocations under this provision of the Ordinance null and void.

- C. Once all previously approved preliminary plat maps and site plans have received their necessary water and sewer allocations under Section 191.92(B), water and sewer allocations required for the approval of new preliminary plat maps and site plans may be granted by the Town as provided in this Ordinance.
- D. School capacity allocations shall be granted pursuant to Article IX (School Seat Allocation Policy) of the La Plata Municipal Code.

§ 191.93. Adequate public facilities study.

- A. An Adequate Public Facilities Study (APFS) shall be prepared by qualified, independent, third parties, in conformance with the requirements of this Ordinance, and submitted as part of any preliminary plat map or site plan submittal to the Town for approval.
- B. An APFS shall contain the following information:
- (1) Background information describing the proposed development, its location, and the most current conditions of all public facilities that are regulated by this Ordinance.
 - (2) Analyses and identification of all anticipated project impacts and facility needs for water, sewer, roads and school seating capacity to serve the proposed development.
 - (3) As necessary, a proposed mitigation program to eliminate all anticipated environmental impacts caused by the development to enable the Town to provide sufficient water, sewage, roads and school seating capacity to serve the proposed development.
 - (4) Any other additional information deemed necessary by the Planning Director to adequately evaluate a project's impact(s) on the Town's water, sewage, and school seating capacity.
- C. An APFS must address the incremental and cumulative impacts of a project that is to be developed in phases, including all incremental mitigation measures.
- D. The Planning Commission shall review the APFS and other information submitted by the project developer to determine if the level of public infrastructure exists or will exist to meet the standards of this Ordinance and whether the approval of the proposed development will be in the public interest.
- E. The project developer applicant shall pay all the ecosts associated with the Town's review of an APFS in addition to all other applicable development fees in the Town's current fee schedule.

F. Traffic Study Area Definition. The Traffic Impact Study shall analyze, at a minimum, the following baseline study area:

- (1) All signalized intersections providing
- (2) The nearest two principal arterial i
entrance(s) to the proposed developmen
- (3) All intersections within 1.5 miles of th
generated by the proposed development
- (4) The Planning Director may expand
generating more than 250 peak-hour ve
distant facilities; (iii) proximity to sensitiv
demonstrating a project nexus for the ex

There should be a reasonableness allowance here for the Planning Director to also reduce the study area when deemed applicable. This also allows some intersections to be excluded when it makes sense. There are cases where this section could result in a 52-trip development having a 20 intersection study or really even worse. Many APFs have very similar language to what is currently here and in practice it is not enforced and rather only "significant" intersections end up being required in studies. It is difficult as a traffic engineer to set expectations when relying on such deviation from the Code text.

- d development site:
on from the primary vehicular street
at receive 50 or more peak-hour trips
ed on: (i) the proposed development
ic distribution patterns affecting more
spitals; or (iv) reasonable justification

G. Piecemeal Development. Circumventing the trip threshold by submitting piecemeal development applications is not permitted. If a project developer submits a new preliminary plat map or site plan for proposed development at the same property location where a previous preliminary plat map or site plan was approved within the preceding five (5) years, the Traffic Impact Study shall include all trips generated by both the proposed and previous development approvals when determining whether the 50 peak-hour trip threshold is met or exceeded.

H. For public reference, the Town shall update its "Official Street Map of the Town of La Plata, Maryland" each year to identify all new roads and road extensions in La Plata pursuant to the updating processes and procedures contained in Section 170-7 of the La Plata Municipal Code. The "Official Street Map of the Town of La Plata, Maryland" shall include the minimum Level of Service (LOS) for all Town, County and State Highway Administration roadways in La Plata.

E.

§ 191.94. Mitigation.

Creative development design measures are encouraged within each new development to reduce or eliminate impacts to the Town's water, sewage, roads and school seating capacity limits whenever possible. However, if the Planning Commission determines that one or more public facilities associated with water, sewage, roads, or school seating capacity are not adequate, the Planning Commission shall deny the project or require sufficient development mitigation measures as follows:

- A. Mitigation by the project developer is required to avoid exceeding water, sewer, roads and school seating capacity limits to enable the Town to provide sufficient public facilities to support the developer's project and comply with all applicable provisions of the Town's Municipal Code and Maryland Department of the Environment permitting requirements, conditions, and regulations placed upon the Town. If the mitigation measures are considered infeasible to implement for a new development, the Town may accept an in-lieu fee equal to the developer's pro-rata share of the total estimated cost of their required mitigation measures for their project, as determined by the Chief Executive Officer of the Town.
- B. If one or more mitigation measures are required for an approved development to comply with this Ordinance and those mitigation measures will be fully completed through a Town of La Plata, Charles County, or State Highway Administration approved capital improvement project before all Town issued development permits are finalized, the Town shall consider the required development mitigation measures necessary to comply with this Ordinance satisfied. However, if a Town of La Plata, Charles County, or State Highway Administration approved capital improvement project does not fully satisfy all mitigation measures required for an approved development to comply with this Ordinance, the developer shall be responsible for completing their pro-rata share of the remaining mitigation measures. Otherwise, the developer shall provide the Town an in-lieu fee equal to their pro-rata share of the total estimated cost for the remaining mitigation measures required for their project development, as determined by the Chief Executive Officer ~~of~~ the Town.
- C. The Planning Commission shall review and have final approval of the proposed mitigation program for a proposed subdivision or site plan. A mitigation program shall include the type(s) of mitigation, the methods of mitigation, and time schedules, including project phasing, if applicable, for the successful implementation of the mitigation program.
- D. A mitigation program shall be contained in a legally binding, adequate public facilities agreement between the project developer and the Town of La Plata, in a legal form approved by the Town Attorney.

E.E.—A mitigation program shall run with the land. The deed or title for a property shall contain references to the mitigation program and be recorded with the Charles County Clerk to the satisfaction of the Planning Director.

F. Transportation Improvement Escrow Fund.

- (1) Establishment. The Town of La Plata shall establish and maintain a "Transportation Improvement Escrow Fund" ("Escrow Fund") for the purpose of collecting pro-rata share contributions from developers toward the cost of transportation improvements that exceed any single developer's proportional impact or that require coordination across multiple developments or jurisdictions.
- (2) Applicability. The Town may require pro-rata Escrow Fund contributions through an in-lieu fee and/or direct mitigation construction by the project developer pursuant to Section 191.94.
- (3) Calculation. The developer's pro-rata contribution shall equal: (Proposed Development Peak Hour Trips ÷ Total Peak Hour Capacity Added by the Improvement) × Total Improvement Cost, based on an independent third-party engineering cost estimate reviewed and approved by the Chief Executive Officer of the Town.
- (4) Fund Administration. All Escrow Fund contributions shall be deposited in a dedicated, interest-bearing account, separately maintained by the Town. Funds shall be used solely for the construction of the identified transportation improvement(s). Unexpended funds shall be returned to contributing developers on a pro-rata basis if a project is canceled or if alternative funding sources fully finance the improvement.
- (5) Construction Trigger. For Town-controlled roads, the Town shall initiate construction of funded road improvement(s) when:
 - (i) Sufficient pro-rata contributions have been collected to fund at least fifty percent (50%) of the project cost; or
 - (ii) Alternative public and/or private funding sources are secured by the Town to complete the project road improvement(s).
- (6) CIP Alignment and Investment Priorities. The Escrow Fund shall be reviewed annually in connection with the Town's CIP process. The Chief Executive Officer shall recommend to the Town Council allocation of Escrow Fund balances to advance programmed improvements in coordination with Charles County and the State Highway Administration. In making such recommendations, the Chief Executive Officer shall apply the Infrastructure Priority Hierarchy established in §191.88(C)(2), advancing safety improvements ahead of capacity improvements, pedestrian and bicycle accessibility improvements ahead of vehicle throughput improvements, and preserving emergency vehicle access as a non-negotiable baseline condition. Any deviation from the recommended priority ranking shall be documented with written findings explaining why a lower-priority improvement better serves the public interest in specific circumstances. For mitigation projects along State or County roads and intersections, the Town may provide a funding contribution from the pro rata Escrow fund.
- (7) Payment. The required pro-rata Escrow Fund contribution by a project developer shall be made prior to the issuance of any building permits for their project.

§ 191.95. Bonding or surety.

- A. The Planning Commission shall require bonding or surety as appropriate to cover the costs of the facilities and lands not under the project developer's ownership that are part of a mitigation program.
- B. Upon default, the Town of La Plata has the authority to redeem the bonds or surety in addition to any other remedy provided by law.

§ 191.96. Standards, criteria and procedures for adequate public facilities studies.

A. Except as may be stated elsewhere in this Ordinance, the Charles County Adequate Public Facilities Implementation Manual may be referenced for guidance to help support the successful implementation of this Ordinance. In no case shall the Charles County APFO Manual supersede any requirements of this Ordinance unless stated otherwise in this Ordinance.

B. Standards for Traffic Studies. All Traffic Impact Studies (TIS) submitted as part of an Adequate Public Facilities Study (APFS) shall be conducted in accordance with the following methodology:

(1) Methodology Alignment: The tiered HCM methodology described in §191.88(C)(1) shall be used as the primary standard for all TIS analyses. The Charles County Adequate Public Facilities Manual may be referenced for supplemental guidance on County-controlled roads, provided it does not conflict with the standards established in this Article. In the event of conflict, this Article shall govern.

(2) Standardized Data: All TIS submissions shall use the most current traffic count data, obtained from Town-approved traffic counts, rather than applicant-generated proprietary data unless approved by the Town. Traffic counts shall be no older than two years at the time of submission.

(3) Special Conditions: For retail, food service, entertainment, and religious uses, the TIS shall include an appropriate Saturday or Sunday peak-hour analysis in addition to peak weekday AM and PM traffic volumes. For uses with significant school-hour traffic, an analysis of the afternoon peak traffic shall also be identified. The Planning Director may specify additional conditions at the TIS scoping stage.

(4) The scope of work for all TIS's shall be approved in advance by the Planning Director prior to initiation and satisfactorily completed at the discretion of the Planning Director.

Can this be clarified? We hire subconsultant data collection firms to collect video traffic counts that are verifiable and delivered to us outside of our direct control. Is this referring to using something like Streetlight estimated counts?

La Plata shall create and utilize an administrative Traffic Impact Study Manual that sets forth the procedural standards, forms, contact directories, and coordination protocols with Charles County Government and the Maryland State Administration for the preparation, scoping, submittal, and review of Traffic Impact Studies and for the implementation of recommended road and traffic mitigation measures when deemed necessary to mitigate impacts caused by new development approved in the Town of La Plata.

A.

B. C. Upon recommendation by the Planning Commission, the Town Council shall consider approving any revisions to the adopted standards, criteria, and procedures for adequate public facilities.

C. D. The Town of La Plata shall be the sole provider of all water and sewer facilities for new and existing developments in Town. The Town will require developers to fund, construct, and provide bonding for all new or upgraded facilities deemed necessary for mitigation under this Ordinance. All new water and sewer facilities shall be dedicated by the project developer to the Town of La Plata, consistent with all applicable provisions of the Town's Municipal Code as determined by the Director of Public Works.

§ 191.97. Exemptions to Adequate Public Facilities Requirements

A. The provisions of this APFO Ordinance shall not apply to any development that, as of the effective date of this Ordinance, satisfies all of the following criteria:

(1) The property was subject to an Annexation Agreement executed on or before December 31, 1998, and recorded among the Land Records of Charles County, Maryland, regardless of any amendments to such agreement occurring after that date; and

(2) A preliminary plat map or site plan for the development has received Town approval and remains valid under applicable law.

(3) A development that satisfies both of the criteria in the above Sections A(1) and A(2) as of the effective date of this Ordinance shall be deemed vested for purposes of this Article and shall remain exempt from the requirements of Chapter 173, Article IX (School Seat Allocation Policy) and Chapter 191, Article X (Adequate Public Facilities Requirements) provided that such development proceeds in accordance with the approved preliminary plat map or site plan as well as any applicable vesting or expiration provisions of this Code.

B. Notwithstanding the foregoing in Section “A,” above, any significant modification to an approved preliminary plat or site plan that results in an increase in residential density, non-residential square footage, or overall development intensity shall not be eligible for this exemption unless such modification independently satisfies the requirements of Chapter 173, Article IX (School Seating Allocation Policy) and Chapter 191, Article X (Adequate Public Facilities Requirements).

-End-

DRAFT

Chapter 191 - Zoning Regulations

Article X. - Adequate Public Facilities Requirements

§ 191.86. Purpose.

The purpose of the adequate public facilities review is to:

- A. Require developers to provide new, additional, or upgraded public facilities and school seating capacity, when necessary, to ensure the Town's ability to facility levels to serve new developments without impacting the existing con
- B. Ensure that all proposed development will not adversely affect the public's he and,
- C. Encourage new development to occur in areas of the Town where public facilities are being provided.

Minor comment but reduce or lower can be confusing with LOS given that A comes before B but B is reduced from A... Suggest using Deteriorate in lieu of reduce and also "beyond (or exceed) the threshold" rather than below.



§ 191.87. Adequate public facilities required.

Unless exempted within this Ordinance, no preliminary plat maps or site plans shall be approved unless it can be demonstrated that the development will not impact the adequacy of public facilities to provide adequate water, sewage, roads and school seating capacity to serve the development, as specified in this Ordinance.

- B. This Ordinance does not apply to minor residential subdivisions, minor site plans, and non-residential developments containing less than 1,200 square feet of gross floor area unless determined necessary by the Planning Director due to unique or unusual circumstances associated with the development and/or the surrounding environs of the development.
- C. Unless exempted within this Ordinance, all preliminary plat maps and site plans submitted to the Town for approval shall be accompanied by an Adequate Public Facilities Study (APFS) pursuant to Section 191.93. The vehicular trip generation threshold for requiring a traffic study shall be 50 or more peak-hour vehicular trips during any of the peak study periods.

§191.88. Roads. ~~(Reserved)~~

- A. The traffic generated by a proposed development shall not reduce the level of service (LOS) at intersections or along roads below the standards established in this section.
- B. This section does not apply to any proposed development project that generates fewer than 50 peak-hour vehicular trips during any of the study peak periods.
- C. Roads shall be considered adequate to accommodate the projected vehicular traffic generated by a proposed development if:

(1) All existing traffic, the traffic expected from a proposed development, and the cumulative traffic from previously approved developments within the traffic study area must either meet, or be capable of being adequately mitigated to meet, the minimum Level of Service (LOS) required for the roadways affected by the proposed new development. Traffic service levels at all intersections within the traffic study area defined in §191.93(F) shall be evaluated using the following methodology:

(a) Primary Analysis Methodology. All Traffic Impact Studies (TIS) shall use the most current edition of the Highway Capacity Manual (HCM), published by the Transportation Research Board, as the sole primary method of traffic analysis. HCM-based analysis shall be performed by the project developer using traffic analysis software capable of producing results that demonstrate effectiveness for signalized and unsignalized intersections, including overall intersection average control delay, approach delay, individual movement delay, v/c, and 95th percentile queue lengths. The Critical Lane Volume (CLV) method shall be used for, or screening alternative to, HCM-based analysis.

Can SimTraffic modeling be listed as at least a potential additional consideration for determining if the LOS standard is met, even if only on a case by case basis? Signal coordination along a corridor can often result in much better operations both in SimTraffic and the real world versus looking at each individual intersection with HCM that only has a small consideration for upstream and downstream intersections.

(b) Level of Service (LOS) Determination. Level of Service shall be based on measures of effectiveness. For signalized intersections, the overall intersection average control delay using a weighted average of approach delay and individual movement delay shall be used. For unsignalized intersections, the LOS shall be based on the approach delay, as specified by the HCM. The 95th percentile queue length analysis shall be reported for all study intersections.

Also, traffic signals upstream of unsignalized intersections provide breaks in the traffic flow, or gaps, for side street movements to make their turns. SimTraffic takes this into account to give more realistic results when compared to HCM that more or less assumes a constant arrival rate as if the mainline never gets held upstream.

(c) Signal Timing Baseline. All traffic analysis models for roads shall use data obtained from the controlling jurisdiction (i.e., Town of Leesville Highway Administration) as the baseline. Developer-assumed signal timing shall not be used. Where the controlling jurisdiction for a road has developed and made available calibrated traffic model files for study intersections, project developers shall use those files as the basis to start their analysis.

signal timing shall not be used. State

(d) Trip Generation Standard. All trip generation calculations shall use the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Trip generation shall be based on new net trips, which is defined as vehicular trips generated by a proposed development minus vehicular trips generated by any existing development on the same site for which APFO approval has been granted.

Recommend adding that, for intersections where future operational or geometric changes have been approved to be assumed in future analyses, reasonable signal timing changes or design may be assumed that follow Maryland SHA signal timing guidelines. All assumed signal timing changes under this scenario are subject to confirmation during the TIS review.

(e) Adequacy Standards: The adequacy of the proposed development shall be evaluated using the following impact-based thresholds, applied to traffic conditions for a proposed net development under opening-year total traffic conditions:

all be evaluated using the following intersection under opening-year total

(i) If the proposed development's level of Service (LOS), excluding site-generated traffic, is LOS "D" or better, then the overall intersection LOS with total traffic, including the proposed development's traffic, must also remain at LOS "D" or better. If the opening-year background LOS is LOS "E" or worse, then the overall average control delay per vehicle under total traffic conditions may not exceed the average control delay under background conditions. The proposed development may not increase traffic delays at any intersection that is already operating below acceptable standards.

level of Service (LOS), excluding site-generated traffic, is LOS "D" or better, then the overall intersection LOS with total traffic, including the proposed development's traffic, must also remain at LOS "D" or better. If the opening-year background LOS is LOS "E" or worse, then the overall average control delay per vehicle under total traffic conditions may not exceed the average control delay under background conditions. The proposed development may not increase traffic delays at any intersection that is already operating below acceptable standards.

(ii) Individual Movement Floor. Regardless of the overall intersection result under subsection (i), no individual turning movement shall operate at LOS "F" under total traffic conditions. The worst minor-street movement or approach shall serve as the basis for LOS determination, using the same background-traffic conditions as used in subsection (i).

You may consider having some de minimis allowance. 0.01 v/c, 1 percent, 5 or fewer vehicles added, etc. You eventually run into a situation where 2 cars are added to an intersection by a small development and it just tips it over the edge. However, since Escrow contributions on a prorata basis are being included, the mitigation would presumably reflect that small increase in traffic.

signalized intersection shall operate at LOS "F" under total traffic conditions. The worst minor-street movement or approach shall serve as the basis for LOS determination, using the same background-traffic conditions as used in subsection (i).

(iii) The Traffic Impact Study Report. The Traffic Impact Study Report shall include the following information for each study intersection: per capita vehicle miles traveled; the opening-year background LOS and average control delay; the opening-year total traffic LOS and average control delay; the change in delay attributable to the proposed development; and the 95th-percentile queue lengths for all movements based on traffic simulation analysis.

development must report the following for each study intersection: per capita vehicle miles traveled; the opening-year background LOS and average control delay; the opening-year total traffic LOS and average control delay; the change in delay attributable to the proposed development; and the 95th-percentile queue lengths for all movements based on traffic simulation analysis.

(f) Model File Submission. All traffic analysis model files used in a TIS must be submitted

electronically to the Town as part of the APFS submittal, in a format that is readable by the Town.

(g) Peer Review: The Town of La Plata reserves the right to retain a qualified, independent, traffic engineer to review all TIS submittals to the Town for their input and recommendations. The total cost of all reviews shall be borne by the project developer.

(2) Infrastructure Priority Hierarchy. In evaluating CIP programmed improvements for developer credit under this subsection, and in programming new transportation CIP projects funded in whole or in part through Escrow Fund contributions under §191.94(F), the Town shall apply the following priority hierarchy. Higher-priority improvements shall be advanced ahead of lower-priority improvements when Escrow Fund balances or CIP capacity require sequencing decisions:

If the intent of the prioritization is to allow for development impact to be mitigated through non-vehicular related improvements (which would be a great thing and in-line with current transportation planning policy in some other parts of the region), then the APFO needs to have some controlling language that supersedes the mandates to return intersection LOS to within the allowable thresholds.

Adding crosswalks, protected bike facilities and other multi-modal improvements very often come at the expense of vehicle delay. Crosswalks require green time, and added vehicle lanes increase crosswalks, speeds and other factors that reduce pedestrian safety. One major area where this will play out is along the signalized corridors where currently free-flow uncontrolled right turn movements will have to be controlled by the signal if pedestrian crossings are added to the future. Those crossings will directly reduce vehicular capacity, but at an arguably greater benefit to the public. There will certainly be cases where more vehicular capacity is needed and justified, but the Town should have the ability and discretion to make the decision as to whether they want to maintain LOS C/D or add multi-modal improvements that may make C/D unattainable. There are cases where the Town may want have vehicle access be available but not fast or inviting vehicle access where pedestrians and bikes become the main focus of design and safety.

Priority 1 — Multimodal Traffic Safety: Improvements that demonstrably reduce crash frequency or road users, including vehicle-vehicle, vehicle-pedestrian, and vehicle-bicycle ludes intersection geometry corrections, sight distance improvements, speed suruses, signal safety upgrades, and projects identified in any Town or State rration Road Safety Audit or Pedestrian Safety Action Plan. Consistent with Zero goal and MDOT's Complete Streets Policy, safety improvements shall be ailable Escrow Fund balances.

Emergency Vehicle Access: Improvements that enhance the reliability and speed of e response within the Town, including intersection modifications to facilitate ption, turning radius corrections at constrained intersections, and roadway ments to reduce response times to residential and commercial areas. The Town proposed improvements satisfy emergency access standards prior to CIP

pedestrian and Bicycle Accessibility and Complete Streets Conformance: t expand or close gaps in the Town's pedestrian and bicycle network, bring to conformance with the Town's adopted Complete Streets standards, improve enhance Safe Routes to Schools connections, and provide protected or s for non-motorized users on high-volume corridors. Consistent with Maryland ransportation's Complete Streets Policy, which requires APFOs to ensure design features are provided, this priority shall apply to all Escrow Fund-eligible olving the reconstruction or significant modification of existing roadway cross-

le Capacity and Operations: Improvements primarily intended to increase vehicle ice vehicle delay, including intersection turn lane additions, signal coordination, ning for vehicular capacity. Such improvements remain eligible for Escrow Fund shall be sequenced after Priorities 1 through 3 have been adequately addressed rridor or study area.

(3) A sufficient public right-of-way width is provided to serve the volume of pedestrian and vehicular traffic to accommodate the proposed development, including adequate road widths to facilitate vehicular mobility, maneuverability, and on-street parking, when applicable to the roadway type and context.

D. Levels of Service.

(1) The established minimum level of service (LOS) standards shall be tiered based on roadway jurisdiction and context, as follows:

(a) Town of La Plata Controlled Roads: LOS "C" for all Town-owned and maintained roads.

(b) C Roads: LOS "D" for all Charles County-owned and maintained roads

Recommend clarification: ...for all Town-owned and maintained roads and intersections of two Town-owned and maintained roads. This is assuming that the intent of a State/County road intersection with a Town Road is to allow LOS "D" as being adequate.

within the La Plata Town limits, consistent with the "Charles County Adequate Public Facilities Manual." The Town shall defer to the County's adopted adequacy standards for County-controlled roads.

(c) State Highway Administration (SHA) Controlled Roads: LOS "E," or no worse than the background (pre-development) LOS where existing conditions already exceed LOS "E," for all SHA-controlled and maintained highways in the Town. The Town shall defer to SHA's adopted "Traffic Impact Study Guidelines" for its facilities. Any mitigation requirement involving the SHA right-of-way shall be expressly subject to SHA review and approval. If SHA declines to approve proposed mitigation, the Town of La Plata shall consider alternative mitigation strategies, including but not limited to pro-rata contributions toward SHA-programmed improvements.

(2) When a TIS is conducted pursuant to §191.88(C)(1) and it determines that a study intersection fails the adequacy standards established in §191.88(C)(1)(e), the following mitigation framework shall apply. All adequacy determinations and mitigation calculations under this section shall use opening-year background conditions (existing traffic plus approved-but-unbuilt development traffic) as the baseline, consistent with §191.88(C)(1)(e).

To avoid confusion with phased projects and allow for incremental improvements for each phase of development, consider additional language that "at opening year of each phase and total project buildout..."

sections (opening-year background LOS "D" or better) under the applicable §191.88(D)(1). Mitigation is required where the proposed new development at the intersection LOS under total traffic conditions to fall below LOS "D," or causes a development that operated at LOS "E" or better under background conditions to fall below LOS "D." The project developer shall mitigate the proposed development's impact to restore the intersection to its existing background LOS or better.

(b) At Deficient Intersections (opening-year background LOS "E" or worse). Mitigation is required where the proposed new development increases the average control delay per vehicle under total traffic conditions above the average control delay per vehicle under the proposed new development's opening-year background conditions (i.e., where the proposed development measurably worsens delay at an already-deficient intersection). The project developer shall mitigate impacts to restore total traffic delay to no worse than the opening-year background delay. Mitigation may consist of one or more of the following: (i) Pro-Rata Escrow Contribution. At the discretion of the Town, the developer may contribute to the Town's Transportation Improvement Escrow Fund pursuant to §191.94(F) in lieu of direct construction, where the improvement is programmed in the Town's CIP or is a shared improvement benefiting multiple developments.

Recommend striking the word "existing" to maintain consistency

Recommend striking "clearly" to avoid issues with appeals, disagreements, etc.

Recommend that "measurably" be defined to avoid future disagreements. See previous comment about 0.01% increase, % increase, etc.

Recommend changing text to: "that restore Total Traffic conditions delay to a level no worse than the proposed development's opening-year background delay without the project based on the applicable measure of effectiveness used for determining adequacy."

(i) Pro-Rata Escrow Contribution. At the discretion of the Town, the developer may contribute to the Town's Transportation Improvement Escrow Fund pursuant to §191.94(F) in lieu of direct construction, where the improvement is programmed in the Town's CIP or is a shared improvement benefiting multiple developments. (ii) Pro-Rata Escrow Contribution. At the discretion of the Town, the developer may contribute to the Town's Transportation Improvement Escrow Fund pursuant to §191.94(F) in lieu of direct construction, where the improvement is programmed in the Town's CIP or is a shared improvement benefiting multiple developments.

(ii) Pro-Rata Escrow Contribution. At the discretion of the Town, the developer may contribute to the Town's Transportation Improvement Escrow Fund pursuant to §191.94(F) in lieu of direct construction, where the improvement is programmed in the Town's CIP or is a shared improvement benefiting multiple developments.

(iii) Alternative Improvements. At the Town's discretion, a project developer may propose alternative improvements that clearly restore total traffic delay to a level no worse than the development's opening-year background delay without the project. Any such proposal shall be reviewed and approval by the Town and, when applicable, by SHA or the County. When evaluating alternative improvements, the Town shall follow the hierarchy established in §191.88(C)(2).

Is this also intended to allow for a new improvement to be identified but the developer may only be responsible for a pro-rata share contribution. If so, suggest adding language on establishing new improvements.

Suggest the following if this is a desired option of the Town: (iv) At the Town's discretion, a project developer may propose alternative improvements related to pedestrian, bike, transit, ADA or other multi-modal element. Such improvements shall be considered as meeting the 95% requirement for roads, regardless of the resulting vehicular level-of-service, if at the Town's discretion, the improvements provide a transportation system improvement proportional to the project's impact on the transportation system.

(c) Denial. The Planning Commission shall deny a proposed development if it cannot demonstrate a feasible, secured, mitigation pathway under subsection (b). The Planning Commission shall not deny a project solely because an intersection fails to meet the applicable LOS standard under background conditions unrelated to the proposed development.

E. The determination of the Level of Service for a road shall consider the effects of existing traffic and traffic projected to be generated from proposed new developments in the traffic study area, as determined by the Town, for which final subdivision plats and site plans have been approved as well as increases in through traffic and all traffic projected to be generated from the proposed development for a specified development completion year.

F. Unless exempted within this Ordinance, the project developer shall submit with their preliminary plat map or site plan, a preliminary Adequate Public Facilities Study (APFS) which indicates the proposed development's anticipated vehicular trip generation rates, a list of existing roads and intersections that will be impacted by traffic to and from the proposed development, and the anticipated completion date of the proposed development. The Planning Director shall review the APFS to determine whether it satisfies the standards adopted herein for the proposed development and shall add or remove roads or intersections as necessary to evaluate the impact of the proposed development.

§191.89. Schools.

See Section 173-92 under Article IX (School Seat Allocation Policy) of the La Plata Subdivision and Land Development Ordinance.

§191.90. Sewage system.

- A. Pursuant to Title 9 of the Annotated Code of Maryland, new development can only be approved if there are adequate wastewater systems and supporting infrastructure. Therefore, no site plan or subdivision plat shall be approved for any new or expanded development in La Plata unless the Town's wastewater treatment plant and infrastructure has or will have sufficient capacity to support new development prior to its commencement. It is the intent of this Chapter to ensure that sewer infrastructure capacity serving existing residential and non-residential users are not adversely affected by the sewage capacity and infrastructure needs from new development.
- B. Standard for Adequacy. The Town's sewage system shall be considered inadequate and the development deemed to create an adverse impact on the Town's wastewater treatment plant and its infrastructure when a development causes it to operate at or above eighty percent (80%) of the plant's maximum capacity. This limitation is to ensure the Town maintains sufficient reserve capacity to account for system inefficiencies and short-term spikes in treatment demand. Eighty percent (80%) of sewage capacity shall be determined by multiplying the Town's treatment plant's design flow (MGD) by 0.80, then comparing that value to the facility's average daily wastewater flow. If this standard is exceeded, the project shall not be approved unless adequate mitigation is provided in accordance with §191.94 (Mitigation).
- C. The Town of La Plata shall publish on its website every six (6) months a sewage capacity report identifying the Town's current wastewater treatment plant capacity level and its remaining availability to serve new development. The most current wastewater capacity report shall be used as the authoritative reference source for determining a development's impact on the Town's wastewater capacity limit as part of any Adequate Public Facilities Study submitted to the Town.

§191.91. Water supply system.

- A. Pursuant to Title 9 of the Annotated Code of Maryland, new development can only be approved if there is an adequate water supply and infrastructure to support it. Therefore, no preliminary plat map or site plan for any new or expanded development requiring water allocation from the Town of La Plata shall be approved unless there is or will be sufficient water supply to support the development prior to its commencement. It is the intent of this chapter that water supplies serving existing residential and non-residential users are not adversely affected by the water usage from new development.
- B. Standard for Adequacy. The Town's water supply system is considered inadequate and a proposed development is considered to have an adverse impact on the Town's ability to provide sufficient water when the projected water demand from new development will cause the Town to reach or exceed eighty percent (80%) of its maximum water appropriation permit for annual average daily withdrawal, as issued by the Maryland Department of the Environment. The 80% threshold is intended to ensure the Town maintains sufficient reserve capacity to account for water loss, system inefficiencies, and short-term spikes in water usage. Eighty percent (80%) of the Town's water allocation is calculated by multiplying the permitted annual average daily withdrawal limit by 0.80 and comparing that value to the Town's actual annual average daily water use. If the projected demand from a development causes this threshold to be exceeded, the development may not be approved unless adequate mitigation is provided in accordance with §191.94 (Mitigation).
- C. The Town of La Plata shall publish on its website every six (6) months a water capacity report of the Town's water allocation usage for determining the remaining water availability to serve new development against its maximum water appropriations permit limit for average daily withdrawal. The most current water capacity report shall be used as the authoritative reference source for determining a development's impact on the Town's water supply as part of any Adequate Public Facilities Study submitted to the Town.

§ 191.92. Water, sewage, and school capacity allocations

- A. Water and sewer capacity allocation shall be guaranteed to any approved preliminary plat map or site plan requiring such allocation for a period of six (6) years after its original approval by the Town. Failure, for any reason, to obtain a building permit within six (6) years to begin construction for a new building(s) under an approved site plan or preliminary plat map or for a new development shall render the water and sewer allocation void.
- B. For preliminary plat maps and site plans that have been previously approved without water and sewer allocations prior to the adoption of this Ordinance, water and sewer allocations shall be based on the following allocation methodology:
 - (1) All preliminary plat maps and site plans that have been approved and are still valid as of the date of the adoption of this Ordinance shall be exempt from Section 191.92(A) unless the approved preliminary plat map or site plan is allowed to expire for any reason. Water and sewer allocations for previously approved and legally valid preliminary plat maps and site plans shall have priority over any preliminary plat maps and site plans not approved by the Town as of the date of the adoption of this Ordinance. Water and sewer allocations for unexpired preliminary plat maps and site plans under this code provision shall be allocated as follows:
 - (a) Each year, the Town of La Plata shall identify the maximum water and sewer capacity allocations to be devoted to previously approved preliminary plat maps and site plans that are valid.
 - (b) Water and sewer allocations shall be distributed by the Town to each previously approved

- preliminary plat map or site plan beginning with the oldest to the most recent until all such water and sewer allocations have been distributed by the Town of La Plata for each calendar year.
- (c) Failure to begin using authorized water and sewer allocations within six years shall render the water and sewer allocations under this provision of the Ordinance null and void.

- C. Once all previously approved preliminary plat maps and site plans have received their necessary water and sewer allocations under Section 191.92(B), water and sewer allocations required for the approval of new preliminary plat maps and site plans may be granted by the Town as provided in this Ordinance.
- D. School capacity allocations shall be granted pursuant to Article IX (School Seat Allocation Policy) of the La Plata Municipal Code.

§ 191.93. Adequate public facilities study.

- A. An Adequate Public Facilities Study (APFS) shall be prepared by qualified, independent, third parties, in conformance with the requirements of this Ordinance, and submitted as part of any preliminary plat map or site plan submittal to the Town for approval.
- B. An APFS shall contain the following information:
- (1) Background information describing the proposed development, its location, and the most current conditions of all public facilities that are regulated by this Ordinance.
 - (2) Analyses and identification of all anticipated project impacts and facility needs for water, sewer, roads and school seating capacity to serve the proposed development.
 - (3) As necessary, a proposed mitigation program to eliminate all anticipated environmental impacts caused by the development to enable the Town to provide sufficient water, sewage, roads and school seating capacity to serve the proposed development.
 - (4) Any other additional information deemed necessary by the Planning Director to adequately evaluate a project's impact(s) on the Town's water, sewage, and school seating capacity.
- C. An APFS must address the incremental and cumulative impacts of a project that is to be developed in phases, including all incremental mitigation measures.
- D. The Planning Commission shall review the APFS and other information submitted by the project developer to determine if the level of public infrastructure exists or will exist to meet the standards of this Ordinance and whether the approval of the proposed development will be in the public interest.
- E. The project ~~developer applicant~~ shall pay all ~~the~~ ~~ec~~ costs associated with the Town's review of an APFS in addition to all other applicable development fees in the Town's current fee schedule.

F. Traffic Study Area Definition. The Traffic Impact Study shall analyze, at a minimum, the following baseline study area:

- (1) All signalized intersections providing
- (2) The nearest two principal arterial i
- entrance(s) to the proposed developmen
- (3) All intersections within 1.5 miles of th
- generated by the proposed development
- (4) The Planning Director may expand
- generating more than 250 peak-hour ve
- distant facilities; (iii) proximity to sensitive
- demonstrating a project nexus for the ex

There should be a reasonableness allowance here for the Planning Director to also reduce the study area when deemed applicable. This also allows some intersections to be excluded when it makes sense. There are cases where this section could result in a 52-trip development having a 20 intersection study or really even worse. Many APFs have very similar language to what is currently here and in practice it is not enforced and rather only "significant" intersections end up being required in studies. It is difficult as a traffic engineer to set expectations when relying on such deviation from the Code text.

- d development site:
- on from the primary vehicular street
- at receive 50 or more peak-hour trips
- ed on: (i) the proposed development
- ic distribution patterns affecting more
- spitals; or (iv) reasonable justification

G. Piecemeal Development. Circumventing the trip threshold by submitting piecemeal development applications is not permitted. If a project developer submits a new preliminary plat map or site plan for proposed development at the same property location where a previous preliminary plat map or site plan was approved within the preceding five (5) years, the Traffic Impact Study shall include all trips generated by both the proposed and previous development approvals when determining whether the 50 peak-hour trip threshold is met or exceeded.

H. For public reference, the Town shall update its "Official Street Map of the Town of La Plata, Maryland" each year to identify all new roads and road extensions in La Plata pursuant to the updating processes and procedures contained in Section 170-7 of the La Plata Municipal Code. The "Official Street Map of the Town of La Plata, Maryland" shall include the minimum Level of Service (LOS) for all Town, County and State Highway Administration roadways in La Plata.

E.

§ 191.94. Mitigation.

Creative development design measures are encouraged within each new development to reduce or eliminate impacts to the Town's water, sewage, roads and school seating capacity limits whenever possible. However, if the Planning Commission determines that one or more public facilities associated with water, sewage, roads, or school seating capacity are not adequate, the Planning Commission shall deny the project or require sufficient development mitigation measures as follows:

- A. Mitigation by the project developer is required to avoid exceeding water, sewer, roads and school seating capacity limits to enable the Town to provide sufficient public facilities to support the developer's project and comply with all applicable provisions of the Town's Municipal Code and Maryland Department of the Environment permitting requirements, conditions, and regulations placed upon the Town. If the mitigation measures are considered infeasible to implement for a new development, the Town may accept an in-lieu fee equal to the developer's pro-rata share of the total estimated cost of their required mitigation measures for their project, as determined by the Chief Executive Officer of the Town.
- B. If one or more mitigation measures are required for an approved development to comply with this Ordinance and those mitigation measures will be fully completed through a Town of La Plata, Charles County, or State Highway Administration approved capital improvement project before all Town issued development permits are finalized, the Town shall consider the required development mitigation measures necessary to comply with this Ordinance satisfied. However, if a Town of La Plata, Charles County, or State Highway Administration approved capital improvement project does not fully satisfy all mitigation measures required for an approved development to comply with this Ordinance, the developer shall be responsible for completing their pro-rata share of the remaining mitigation measures. Otherwise, the developer shall provide the Town an in-lieu fee equal to their pro-rata share of the total estimated cost for the remaining mitigation measures required for their project development, as determined by the Chief Executive Officer ~~of~~ the Town.
- C. The Planning Commission shall review and have final approval of the proposed mitigation program for a proposed subdivision or site plan. A mitigation program shall include the type(s) of mitigation, the methods of mitigation, and time schedules, including project phasing, if applicable, for the successful implementation of the mitigation program.
- D. A mitigation program shall be contained in a legally binding, adequate public facilities agreement between the project developer and the Town of La Plata, in a legal form approved by the Town Attorney.

E.E.—A mitigation program shall run with the land. The deed or title for a property shall contain references to the mitigation program and be recorded with the Charles County Clerk to the satisfaction of the Planning Director.

F. Transportation Improvement Escrow Fund.

- (1) Establishment. The Town of La Plata shall establish and maintain a "Transportation Improvement Escrow Fund" ("Escrow Fund") for the purpose of collecting pro-rata share contributions from developers toward the cost of transportation improvements that exceed any single developer's proportional impact or that require coordination across multiple developments or jurisdictions.
- (2) Applicability. The Town may require pro-rata Escrow Fund contributions through an in-lieu fee and/or direct mitigation construction by the project developer pursuant to Section 191.94.
- (3) Calculation. The developer's pro-rata contribution shall equal: (Proposed Development Peak Hour Trips ÷ Total Peak Hour Capacity Added by the Improvement) × Total Improvement Cost, based on an independent third-party engineering cost estimate reviewed and approved by the Chief Executive Officer of the Town.
- (4) Fund Administration. All Escrow Fund contributions shall be deposited in a dedicated, interest-bearing account, separately maintained by the Town. Funds shall be used solely for the construction of the identified transportation improvement(s). Unexpended funds shall be returned to contributing developers on a pro-rata basis if a project is canceled or if alternative funding sources fully finance the improvement.
- (5) Construction Trigger. For Town-controlled roads, the Town shall initiate construction of funded road improvement(s) when:
 - (i) Sufficient pro-rata contributions have been collected to fund at least fifty percent (50%) of the project cost; or
 - (ii) Alternative public and/or private funding sources are secured by the Town to complete the project road improvement(s).
- (6) CIP Alignment and Investment Priorities. The Escrow Fund shall be reviewed annually in connection with the Town's CIP process. The Chief Executive Officer shall recommend to the Town Council allocation of Escrow Fund balances to advance programmed improvements in coordination with Charles County and the State Highway Administration. In making such recommendations, the Chief Executive Officer shall apply the Infrastructure Priority Hierarchy established in §191.88(C)(2), advancing safety improvements ahead of capacity improvements, pedestrian and bicycle accessibility improvements ahead of vehicle throughput improvements, and preserving emergency vehicle access as a non-negotiable baseline condition. Any deviation from the recommended priority ranking shall be documented with written findings explaining why a lower-priority improvement better serves the public interest in specific circumstances. For mitigation projects along State or County roads and intersections, the Town may provide a funding contribution from the pro rata Escrow fund.
- (7) Payment. The required pro-rata Escrow Fund contribution by a project developer shall be made prior to the issuance of any building permits for their project.

§ 191.95. Bonding or surety.

- A. The Planning Commission shall require bonding or surety as appropriate to cover the costs of the facilities and lands not under the project developer's ownership that are part of a mitigation program.
- B. Upon default, the Town of La Plata has the authority to redeem the bonds or surety in addition to any other remedy provided by law.

§ 191.96. Standards, criteria and procedures for adequate public facilities studies.

A. Except as may be stated elsewhere in this Ordinance, the Charles County Adequate Public Facilities Implementation Manual may be referenced for guidance to help support the successful implementation of this Ordinance. In no case shall the Charles County APFO Manual supersede any requirements of this Ordinance unless stated otherwise in this Ordinance.

B. Standards for Traffic Studies. All Traffic Impact Studies (TIS) submitted as part of an Adequate Public Facilities Study (APFS) shall be conducted in accordance with the following methodology:

(1) Methodology Alignment: The tiered HCM methodology described in §191.88(C)(1) shall be used as the primary standard for all TIS analyses. The Charles County Adequate Public Facilities Manual may be referenced for supplemental guidance on County-controlled roads, provided it does not conflict with the standards established in this Article. In the event of conflict, this Article shall govern.

(2) Standardized Data: All TIS submissions shall use the most current traffic count data, obtained from Town-approved traffic counts, rather than applicant-generated proprietary data unless approved by the Town. Traffic counts shall be no older than two years at the time of submission.

(3) Special Conditions: For retail, food service, entertainment, and religious uses, the TIS shall include an appropriate Saturday or Sunday peak-hour analysis in addition to peak weekday AM and PM traffic volumes. For uses with significant school-hour traffic, an analysis of the afternoon peak traffic shall also be identified. The Planning Director may specify additional conditions at the TIS scoping stage.

(4) The scope of work for all TIS's shall be approved in advance by the Planning Director prior to initiation and satisfactorily completed at the discretion of the Planning Director.

Can this be clarified? We hire subcontractor data collection firms to collect video traffic counts that are verifiable and delivered to us outside of our direct control. Is this referring to using something like Streetlight estimated counts?

La Plata shall create and utilize an administrative Traffic Impact Study Manual that sets forth the procedural standards, forms, contact directories, and coordination protocols with Charles County Government and the Maryland State Administration for the preparation, scoping, submittal, and review of Traffic Impact Studies and for the implementation of recommended road and traffic mitigation measures when deemed necessary to mitigate impacts caused by new development approved in the Town of La Plata.

A.

B. C. Upon recommendation by the Planning Commission, the Town Council shall consider approving any revisions to the adopted standards, criteria, and procedures for adequate public facilities.

C. D. The Town of La Plata shall be the sole provider of all water and sewer facilities for new and existing developments in Town. The Town will require developers to fund, construct, and provide bonding for all new or upgraded facilities deemed necessary for mitigation under this Ordinance. All new water and sewer facilities shall be dedicated by the project developer to the Town of La Plata, consistent with all applicable provisions of the Town's Municipal Code as determined by the Director of Public Works.

§ 191.97. Exemptions to Adequate Public Facilities Requirements

A. The provisions of this APFO Ordinance shall not apply to any development that, as of the effective date of this Ordinance, satisfies all of the following criteria:

(1) The property was subject to an Annexation Agreement executed on or before December 31, 1998, and recorded among the Land Records of Charles County, Maryland, regardless of any amendments to such agreement occurring after that date; and

(2) A preliminary plat map or site plan for the development has received Town approval and remains valid under applicable law.

(3) A development that satisfies both of the criteria in the above Sections A(1) and A(2) as of the effective date of this Ordinance shall be deemed vested for purposes of this Article and shall remain exempt from the requirements of Chapter 173, Article IX (School Seat Allocation Policy) and Chapter 191, Article X (Adequate Public Facilities Requirements) provided that such development proceeds in accordance with the approved preliminary plat map or site plan as well as any applicable vesting or expiration provisions of this Code.

B. Notwithstanding the foregoing in Section “A,” above, any significant modification to an approved preliminary plat or site plan that results in an increase in residential density, non-residential square footage, or overall development intensity shall not be eligible for this exemption unless such modification independently satisfies the requirements of Chapter 173, Article IX (School Seating Allocation Policy) and Chapter 191, Article X (Adequate Public Facilities Requirements).

-End-

DRAFT

From: [Renata Rhodes](#)
To: [Legislative](#)
Subject: Public Hearing: Zoning Text Amendments (ZTA) 02-2026 - Adequate Public Facilities Ordinance - Roads
Date: Tuesday, June 2, 2026 11:14:39 AM

CAUTION: This email originated from OUTSIDE of the Town of La Plata email system. If the senders name displayed is a Town user, it is NOT legitimate and should be deleted immediately. Do not click links or open attachments unless you are certain this is a legitimate message.

Good Day Legislative Representative,

As a Town of La Plata resident, I wanted to express my concerns regarding the APFO-Roads.

The traffic on the U.S. 301 corridor and at local intersections like MD 6 and Shining Willow Way has become a major safety and quality of life issue. I strongly encourage the Planning Commission maintain the "Level of Service C" standard for intersections. We should not accept failing traffic conditions. Just to accommodate more development.

I am concerned about the potential loopholes for phase developments or exemptions that may bypass these traffic tests. Every new car added to our roads impacts us all regarding traffic. A "Level of Service C" sounds good on paper, but we already have intersections that feel like an "F". I want to know how the Commission will ensure that traffic studies aren't just checked boxes for developers. I urge that we tighten these standards and ensure there are zero loopholes for developers until our roads are actually ready.

Thank you,
Renata Rhodes



TOWN OF LA PLATA
Planning Commission Minutes

May 5, 2026, 6:00 PM

Regular Meeting

Council Chambers, La Plata Town Hall

305 Queen Anne St.

La Plata MD

PRESENT: Chair Dawn Banks
Vice Chair Jill Hudnell
Councilman Paul Guttenberg
Kyle Miller
Emily Whale

ABSENT:

TOWN STAFF: Don Dooley, Director of Planning
Kenar Johnson, Senior Planner
Kelly Phipps, Director of Legislative Services

GUESTS: Ran Ilkovitch, SEI Architects
Steven Andritz, Charles County Public Schools
Carl Wilson, The Traffic Group (virtual)
Puskar Kar, Brudis & Associates (virtual)

1. Call to Order

- 1.1. Attendees, please use meeting courtesy. Virtual attendees are asked to mute microphones when joining the meeting. Participants may be muted by the Town Clerk and meetings will be recorded.

In accordance with the Open Meetings Act, the public has the right to view/listen to the discussion only. At their discretion, the Planning Commission may allow participants to voice questions or provide comments on the topics under discussion. Written comments may be submitted via e-mail to Legislative@townoflaplata.org. Members of the public wishing to address the Planning Commission in person may sign up in advance via the [town webpage](#) or upon arrival at the Council Chamber.

[Join the meeting now](#)

Meeting ID: 228 255 787 294 15

Passcode: t729yv36

(Calendar Year 2026)

1.2. Call to Order

Chair Banks called the meeting to order at 6:00 PM. In the absence of the Town Clerk, Director Phipps performed the duties of the Town Clerk.

2. Roll Call and Quorum Verification

The Town Clerk conducted Roll Call. Chair Banks noted that Commissioner Ford, Alternate Member, was also present and not voting.

3. Pledge of Allegiance

Vice Chair Hudnell led all assembled in the Pledge of Allegiance.

4. Ex Parte Disclosure

The Planning Commission members reported no ex parte disclosures.

5. Approval of Minutes

5.1. Approval of minutes from meeting on April 07, 2026.

Councilman Guttenberg moved to approve as presented.

Moved By: Paul Guttenberg, seconded by Emily Whale.

Ayes: Chair Banks, Councilman Guttenberg, Miller, Whale, Ford

Nays: None

Abstained: Vice Chair Jill Hudnell

Absent:

Passed

6. Matters of Discussion or Recommendation

6.1. La Plata High School Expansion

Director Dooley provided an overview of the La Plata High School Expansion (MJSP 04-2025). Kenar Johnson, Senior Planner, presented the project details to the Planning Commission. Ran Ilkovitch of SEI Architects presented the architectural components of the project. Steven Andritz, Project Manager for Charles County Public Schools, provided additional project information and responded to questions from the Planning Commission. Carl Wilson of The Traffic Group presented an overview of the Traffic Impact Study. The Planning Commission discussed the project and asked questions of the presenters.

Councilman Guttenberg moved to approve MJSP 04-2025 with the conditions listed in the staff report.

Moved By: Paul Guttenberg, seconded by Emily Whale.

Ayes: Chair Banks, Vice Chair Hudnell, Councilman Guttenberg, Miller, Whale

Nays: None

Abstained: None

Absent:

Passed

6.2. Adequate Public Facilities — Road

Director Dooley gave a brief overview of the Adequate Public Facilities Ordinance (APFO) for Roads under Zoning Text Amendment (ZTA) 02-2026. The Planning Commission directed its questions to Director Dooley and heard assisting responses from Puskar Kar, Professional Traffic Engineer from Brudis & Associates. Director Dooley recapped the Planning Commission's requests to add

language for coordination for mitigation, clarify roads regulations are for new development, and soften language in 191.3 addressing "1.5 miles or as deemed by the Director of Planning."

7. Public Comment

No public speakers were present at this meeting.

8. Matters of Information

8.1. Staff Report

Director Dooley advised the Planning Commission of upcoming projects expected for presentation to the Commission.

8.2. Town Council Report

Councilman Guttenberg reported on the status of the first portion of the APFO and how it was received by the Town Council, and addressed future agenda items expected in the Planning Commission.

9. Adjourn

9.1. Adjournment

Chair Banks adjourned the meeting at 8:18 PM.

Submitted by:

Shelby Pritchett, Town Clerk



TOWN OF LA PLATA
305 Queen Anne Street
Post Office Box 2268
La Plata, Maryland 20646

PLANNING COMMISSION STAFF REPORT

DATE: June 2, 2026

TO: Honorable Chair and Members of the Planning Commission

FROM: Don Dooley, Planning Director

PREPARED BY: Don Dooley, Planning Director

APPLICATON NO.: Zoning Text Amendment (ZTA) 03-2026 – Water Conservation

APPLICANT: Town of La Plata, Maryland

OWNER: N/A

PROJECT LOCATION: Town-wide

REQUEST: To add Article XI (Water Conservation and Emergency Restrictions) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions for water conservation measures and emergency restrictions on water use as well as to amend Chapter 191-48 (Landscaping) of the La Plata Municipal Code for the purpose of facilitating water conservation measures related to the installation of new landscaping for residential and non-residential developments.

BACKGROUND

On April 28, 2026, the Town Council voted to ordain (adopt) the zoning text amendments recommended by the Planning Commission on April 7, 2026, under Zoning Text Amendment 01-2026 for the purpose of creating provisions for Adequate Public Facilities pertaining to water, sewage and school seating capacity. Staff believes it is now appropriate to consider developing a complementary ordinance addressing water conservation use, particularly in the event of a State declared drought.

Staff presented the Town Council with a conceptual draft of the ordinance for their initial feedback during their regularly scheduled meeting of April 28, 2026. The Council expressed interest in the water conservation ordinance and directed that it be formally reviewed by the Planning Commission for a recommendation to the Town Council.

The initial draft ordinance is now being presented to the Planning Commission under Zoning Text Amendment 03-2026.

DISCUSSION

The Town of La Plata is approaching its permitted groundwater withdrawal limit, with water usage already around 90% of its allowed daily average. Because the Maryland Department of the Environment (“MDE”) will not expand the Town’s groundwater permit without a supplemental water source, the Town is in the process of advancing a three-part water management strategy that includes:

1. Negotiating a supplemental water agreement with Charles County;
2. Creating Adequate Public Facilities standards; and,
3. Adopting formal water-conservation policies (the subject of this report).

Under Zoning Text Amendment (ZTA) 03-2026, two sets of draft code amendments are proposed. A summary of the draft changes include the following:

1. Chapter 191 (Zoning), Section 191.48. – Landscaping

Staff suggests revising portions of Sections 191.48(A) and (B) (Landscaping) to include the following provisions:

- The landscape standards to apply to all new residential and non-residential developments subject to a major or minor site plan, preliminary plat map approval or when replacing on-site landscaping for a specific area on a property.
- The use of native and drought-tolerant plants;
- Limiting high water use turf where installed on a property;
- Improve soil preparation for new landscaping to retain water;
- The use of two to three inches of mulch for new planting beds as standard landscape installation protocol;
- New irrigation systems, where proposed, must have rain shutoff sensors and no overspray onto pavement to improve irrigation efficiency.
- All required landscape plans that require Town approval shall demonstrate compliance with the proposed draft revisions in Section 191-48(B).

2. Proposed Article XI, Section 191 (Zoning) – Water Conservation and Emergency Restrictions

A. Purpose, Applicability, and Definitions

- The purpose of this section is to help conserve potable water during periods of high use, drought, or limited supply while still protecting the public’s health and safety.

**Zoning Text Amendment (ZTA) 03-2026 – Town of La Plata, Maryland
Planning Commission Meeting of June 2, 2026**

- The ordinance will apply to every property connected to the Town’s water system.
- A definition has been drafted to address a “Designated Large-Volume User” as any non-residential or mixed-use property with very high or continuous water demand. This includes users averaging 10,000 gallons per day, using 300,000 gallons in a single billing cycle, or having substantial process-related usage (e.g., manufacturing, cooling, hospitals, campuses, large irrigated commercial sites). The designation is based on actual water use or operational needs.

B. Declaration and Rescission of Water Conservation Alert

- The Chief Executive Officer (CEO)/Town Manager may declare a Water Conservation Alert when water production reaches 80% of its permitted capacity or when a drought is declared by the State of Maryland.
- The Town must notify the public using reasonable methods such as the website and social media.
- The drought alert ends when production drops below the threshold or drought conditions end, with public notification of the rescission.

C. Mandatory Outdoor Watering Limitations Under a Water Conservation Alert

- Address-based schedule: Outdoor watering may only on assigned days. Specifically, even-numbered addresses on even dates, odd-numbered addresses on odd dates.
- Time limits: Watering is allowed only between the hours of 6:00 p.m. and 10:00 a.m.
- Hand-watering exception: Reasonable hand-watering of landscaping with a shutoff nozzle is allowed anytime to prevent the loss of landscaping.
- Severe shortage: During more extreme shortages, the CEO/Town Manager may temporarily prohibit all landscape irrigation.

D. Prohibition of Non-Essential Water Use

- No washing of hard surfaces like sidewalks or driveways unless needed for health or safety.
- No personal vehicle washing except at commercial car washes that recycle water.

E. Recreational and Decorative Water Use

- Pools and hot tubs: Filling or refilling is prohibited; topping off is allowed only as needed to protect equipment. Public/Commercial pools may top off for health reasons with written notice to the Town.
- Fountains and decorative features: Must use re-circulating systems; non-recirculating features must be turned off.

F. Large-Volume Commercial, Industrial, and Institutional Users

**Zoning Text Amendment (ZTA) 03-2026 – Town of La Plata, Maryland
Planning Commission Meeting of June 2, 2026**

- Reduction requirement: The CEO/Town Manager may require designated Large-Volume Users to reduce water consumption by a specific percentage during a drought alert.
- Compliance verification: The Town will check usage through metered data and billing.
- Non-compliance: The user must submit and carry out a water-reduction plan using recognized conservation practices.

G. Emergency and Health/Safety Exemptions

- Water used for fire suppression, public health, or emergency operations is exempt from restrictions.

H. Relationship with Alternative Systems

- Systems like graywater, reclaimed water, or stormwater reuse are allowed if they meet regulations, but using them does not exempt anyone from conservation restrictions.

I. Enforcement; Penalties

- Violations are municipal infractions under §186-22.
- Each day of violation counts as a separate offense.
- The Town may give a warning first; fines escalate (e.g., \$50 first offense, \$100 second, 200 thereafter) or as set by resolution.

Planning Commission Analysis

Staff recommends using the draft water conservation ordinance as a starting point for discussing what the Commission considers reasonable and appropriate measures for promoting water conservation in the Town, especially during State-declared droughts. Because of the nature of the proposed ordinance, the Commission should consider forming a subcommittee and/or schedule a study session to review it in more detail. This approach would give Commission members time to conduct their own research and provide targeted feedback, allowing staff to refine and re-draft the ordinance in a way that best represents the Commission's collective wisdom and provides suitable measures to fit the Town's needs.

RECOMMENDATION

Staff recommends the Planning Commission consider forming a subcommittee to conduct its own research on appropriate water conservation measures for the Town and/or holding a study session on the topic for the next regularly scheduled Planning Commission Meeting of July 7, 2026.

ATTACHMENTS

**Zoning Text Amendment (ZTA) 03-2026 – Town of La Plata, Maryland
Planning Commission Meeting of June 2, 2026**

- 1) Draft Text Amendment to Chapter 191 (Zoning) Section 191-48 (Landscaping)
- 2) Draft Text Amendments to Chapter 191 (New Article XI. – Water Conservation
- 3) Town Water Conservation Tips Handout
- 4) Town Council Staff Report dated April 28, 2026.

Sec. 191-48. Landscaping.

- A. Purpose. The following standards are intended to promote the health, safety and general welfare of the public while conserving natural resources and creating a more attractive community. These standards shall apply to all new residential and non-residential developments that are subject to the approval of a major or minor site plan, a major or minor preliminary plat map approval or the replacement of any on-site landscaping for a specific area on a property.
- B. To accomplish the purposes of this section plant materials shall conform to the following:
1. Plant Selection. All proposed tree and plant materials shall be designed-selected for energy efficiency, drought tolerance, adaptability, relationship to the environment, habitat value, color, form and pattern, ability to provide shade, soil retention, and fire ~~resistance~~ resistance. ~~and shall be a species native to the Chesapeake Bay Tributary.~~ All native plants selected for use shall be those listed by the United States Fish and Wildlife Service for the piedmont or coastal plain areas of Maryland, as well as those listed by the Maryland Department of Agriculture and are drought-tolerant species most appropriate for the Chesapeake Bay Tributary.
 2. Turf minimization. High water use turf species, such as conventional cool season grasses requiring routine irrigation, shall be limited to functional, regularly used recreation areas including playfields or active gathering spaces. All other lawn areas shall utilize drought tolerant or low water use turf varieties, or may be replaced with native or drought tolerant groundcovers, meadows, or other vegetative alternatives that reduce long term irrigation needs.
 3. Soil preparation. Prior to planting, planting beds and turf areas shall receive soil preparation consistent with industry standards (e.g., compost amendments and soil conditioning) to improve water retention and plant health.
 4. Mulch. Planting beds shall include a uniform layer of two (2) to three (3) inches of mulch to reduce evaporation.
 5. Irrigation efficiency. Permanent irrigation systems, where proposed, shall include rain shutoff sensors and be designed to prevent overspray and runoff onto sidewalks, driveways, streets, or other hard surfaces.
 6. Submittals. All required landscape plans shall identify species, irrigation components (if any), and soil preparation methods and shall demonstrate compliance with this subsection.

2.7. Landscape Placement. Tree and Plant-plant materials shall not be located such that, at maturity:

- a. They interfere with safe sight distances for vehicular, bicycle or pedestrian traffic; or
- b. They conflict with overhead or underground utility lines, overhead lights, or walkway lights.

C. Parking lot landscaping.

1. Shading of parking lots shall be required as a means of remediating the harsh environment created by excessive hard surface paving. Shading, spacing and quantity requirements shall be designed to accentuate the tree plantings in relationship to the movement of the sun to cast shade over the parking during the longest period of a day.
2. The distance between shade trees is dependent upon class, size of tree and extent of tree canopy; as well as time of day or year and, angle and azimuth of the sun. Tree classes shall be in accordance with the street tree factsheets (Gerhold, 1993) and as defined below:
 - a. Class A: Trees that reach over forty-five (45) feet in height at maturity are discouraged within the interior of a parking lot but may be used on the perimeter. Minimum spacing for class A trees used for shading should be forty (40) feet apart on center.
 - b. Class B: Trees that reach thirty (30) feet to forty-five (45) feet in height at maturity. Class B trees with a small root system are better used on the interior of a parking lot to produce a shade canopy. Class B trees should have a minimum spacing of twenty (20) feet apart on center and a maximum of thirty (30) feet on center.
 - c. Class C: Trees that are thirty (30) feet or less in height at maturity and may be effectively used within parking lot interiors, but will not cast sufficient shade so should not be used for shading. Class C trees should have a minimum spacing of ten (10) feet apart on center.
3. Landscaped islands, peninsulas and medians must be matched to tree class. The size of the planting space must be matched to the potential Critical Root Zone (CRZ) of the tree species to be planted. Therefore, there are created two (2) allowable classes of parking lot planting areas as seen below.
 - a. Dimensions of landscaped islands or peninsulas shall be as follows:
 - (1) Class A: Shall be a minimum of eight (8) feet in width in order to be planted with class A trees.
 - (2) Class B: Shall be six (6) feet in width in order to be planted with class B trees.

- (3) Class C: Shall be four (4) to six (6) feet in width in order to be planted with class C tree.
- b. Dimensions of landscaped medians shall be as follows:
 - (1) Class A: Shall be ten (10) feet in width and may be planted with any class tree.
 - (2) Class B: Shall be eight (8) feet in width and may be planted with any class B and class C trees.
 - (3) Class C: Shall be six (6) feet in width and may be planted with only class C tree.
- 4. Ground cover or plantings shall be provided for all interior and perimeter planting spaces in order to completely fill each island, peninsula or median.
- 5. Interior parking area landscaping.
 - a. The internal area of any surface parking facility must be landscaped, according to the following standards.
 - (1) Trees shall be planted within the interior of the parking areas at the rate of one (1) class A or two (2) class B trees as shown in table 15 below.

Table 15

NUMBER OF PARKING SPACES REQUIRED	MINIMUM PERCENT OF LANDSCAPING REQUIRED	NUMBER AND CLASS OF TREE REQUIRED
12 SPACES OR LESS	0%	NO INTERIOR TREES REQUIRED
13-25 SPACES	2%	ONE (1) CLASS A OR TWO (2) CLASS B PER FOURTEEN (14) SPACES
26-75 SPACES	5%	ONE (1) CLASS A OR TWO (2) CLASS B PER TWELVE (12) SPACES
76-100 SPACES	8%	ONE (1) CLASS A OR TWO (2) CLASS B PER TEN (10) SPACES
101+ SPACES	10%	ONE (1) CLASS A OR TWO (2) CLASS B PER EIGHT (8) SPACES

- 6. Perimeter parking area landscaping.
 - a. All landscaping around the perimeter of a parking area shall provide a mix of class A, B and C trees, and ground cover plantings in accordance with this section.
 - b. The perimeter of any surface parking facility must be landscaped, according to the standards shown in table 16 below.

Table 16

PROPOSED PARKING LOT SIDE ADJACENT TO, OR ABUTTING	MINIMUM REQUIRED PERIMETER LANDSCAPE WIDTH	REQUIRED TREES ²	REQUIRED SHRUBS ³	REQUIRED FENCE
PUBLIC RIGHT-OF-WAY	TEN (10) FEET	ONE (1) CLASS A OR TWO (2) CLASS B PER FORTY (40) FEET OF LINEAR FRONTAGE	FIFTEEN (15) SHRUBS PER FORTY (40) FEET	NONE
RESIDENTIALLY ZONED PROPERTY	TEN (10) FEET	ONE (1) CLASS A OR TWO (2) CLASS B PER FORTY (40) FEET OF LINEAR FRONTAGE	FIFTEEN (15) SHRUBS PER FORTY (40) FEET	6 FOOT TALL SOLID FENCE OR WALL
PARKING LOT ¹	EIGHT (8) FEET	TWO (2) CLASS B PER FORTY (40) FEET OF LINEAR FRONTAGE	FIFTEEN (15) SHRUBS PER FORTY (40) FEET	NONE
ALL OTHER PARKING LOT PERIMETER AREAS	EIGHT (8) FEET	TWO (2) CLASS B PER FORTY (40) FEET OF LINEAR FRONTAGE	FIFTEEN (15) SHRUBS PER FORTY (40) FEET	NONE
¹ NO PERIMETER LANDSCAPING IS REQUIRED WHEN A PROPOSED PARKING LOT IS ADJACENT TO AN EXISTING REQUIRED BUFFER YARD PER §191-62 OR IF AN EIGHT (8) FOOT PERIMETER LANDSCAPED AREA IS EXISTING.				
² IF APPROPRIATE, TWO (2) ORNAMENTAL TREES MAY BE SUBSTITUTED FOR ONE (1) SHADE TREE.				
³ A LANDSCAPED BERM OR WALL THAT IS A MINIMUM OF THREE (3) FEET IN HEIGHT MAY REDUCE THE REQUIRED SHRUBS BY FIFTY PERCENT (50%).				

D. Maintenance.

1. The owner of the property shall be responsible for proper maintenance of the landscape.
2. As used in this section, "maintenance" includes watering; fertilizing; litter removal; weeding; pruning; trimming; insect, disease, rodent, and weed control; and replacement of plant materials as needed to preserve the health and appearance of the plantings.
3. Plant materials showing signs of insect or disease infestation or other damage shall be appropriately treated to restore the health of the plant materials and dead plant material removed and replaced.
4. A note shall be placed on all site plans stating the above requirement.

(Ord. No. 20-09, § 2, 9-28-2020, eff. 10-13-2020)

DRAFT

PROPOSED

Chapter 191- Zoning Regulations

Article XI – Water Conservation

§ 191.98. Water Conservation and Emergency Restrictions.

A. Purpose, Applicability, and Definitions.

(1) Purpose. The purpose of this section is to conserve potable water during periods of high demand, drought, or limited supply while maintaining public health and safety.

(2) Applicability. This section applies to all properties served by the Town water system.

(3) Definitions.

(a) “Designated Large-Volume User” means any non-residential or mixed-use development that:

(i) Consumes an average of 10,000 gallons per day or more, based on the most recent three consecutive billing cycles; or

(ii) Uses 300,000 gallons or more in any single billing cycle; or

(iii) It is determined by the Chief Executive Officer to have substantial continuous or process-related water demand that materially affects system capacity, including but not limited to:

- manufacturing or processing facilities
- industrial cooling operations
- commercial laundries
- hospitals and medical centers
- educational or institutional campuses
- food and beverage production facilities
- large commercial developments with significant irrigation loads
- municipal or quasi-public facilities with comparable consumption patterns

Designation shall be based on metered water use or documented operational characteristics.

B. Declaration and Rescission of Water Conservation Alert.

- (1) Declaration. Whenever the Town's total water production reaches eighty percent (80%) of its daily or annual permitted capacity, as defined by applicable Maryland Department of the Environment water appropriation permits, or during periods of State-declared drought, the Chief Executive Officer is authorized to declare a Water Conservation Alert.
- (2) Notice. The Chief Executive Officer shall provide public notice of the declaration and effective date by reasonable means, including posting on the Town's website, social media, and other customary channels.
- (3) Rescission. The Chief Executive Officer shall rescind the Alert when production stabilizes below the threshold or when drought conditions subside and shall provide public notice of the rescission.

C. Mandatory Outdoor Watering Limitations Under a Water Conservation Alert.

- (1) Address-based schedule. Landscape irrigation and outdoor watering shall be limited to the days specified by the Town based on property address. Addresses with even numbers shall be limited to watering on even-numbered dates, and addresses with odd numbers shall be limited to watering on odd-numbered dates.
- (2) Time-of-day. Irrigation is permitted only between 6:00 p.m. and 10:00 a.m.
- (3) Hand-watering exception. To avoid dead or dying landscaping, reasonable hand-watering of trees, shrubs, grass, and gardens using a hose-end shutoff nozzle or watering can is permitted at any time.
- (4) Severe shortage. During a severe water shortage, the Chief Executive Officer may temporarily prohibit all landscape irrigation.

D. Prohibition of Non-Essential Water Use Under a Water Conservation Alert.

- (1) Washing of sidewalks, walkways, driveways, parking lots, buildings, or other impervious surfaces is prohibited, except when necessary to address health or safety hazards (e.g., sanitation, spills).
- (2) Washing of motor vehicles is prohibited, except at commercial car wash facilities that utilize water recycling systems.

E. Recreational and Decorative Water Use Under a Water Conservation Alert.

- (1) Pools and hot tubs. Filling or refilling swimming pools or hot tubs is prohibited; topping off with the minimal volume necessary to maintain circulation and protect equipment is permitted. Public or commercial pools needed for public health may top off as necessary; Public or commercial pool operators shall provide written notice to the Town.
- (2) Ornamental fountains and decorative features. All ornamental fountains and decorative water features must utilize recirculating water systems; non-recirculating features shall be turned off.

F. Large-Volume Commercial, Industrial, and Institutional Users Under a Water Conservation Alert.

- (1) Reduction requirement. The Chief Executive Officer may require Designated Large-Volume Users to reduce potable water usage by a percentage specified in the Water Conservation Alert declaration.
- (2) Compliance verification. The Town may use metered consumption and billing records to verify compliance.
- (3) Corrective plan upon noncompliance. If a Designated Large-Volume User fails to meet the required reduction, the user shall submit and implement a water-use reduction plan that describes industry-standard conservation measures (e.g., leak detection and repair, process optimization, reuse systems) within the timelines established by the Town.

G. Emergency and Health/Safety Exemptions.

- (1) Water use necessary for fire suppression, public health protection, or other emergency operations by public agencies is exempt.

H. Relationship with Alternative Systems.

- (1) Installation and use of graywater, reclaimed water, or stormwater capture systems for non-potable uses is permitted subject to all applicable state and local plumbing and health standards. Use of such systems does not exempt any user from the restrictions in this Ordinance.

I. Enforcement; Penalties.

- (1) Violations of this section are municipal infractions enforceable pursuant to § 186-22 of the Town Code.

- (2) Each day of a continuing violation constitutes a separate offense.
- (3) The Town may issue warnings for a first observed violation. Thereafter, fines may be imposed on a tiered basis (e.g., \$50 for a first offense, \$100 for a second offense, and \$200 for subsequent offenses), or as otherwise established by resolution.

J. Severability.

- (1) If any provision of this section is held invalid, such invalidity shall not affect the remaining provisions, which are severable.
- (2) Where the provisions of this section are less restrictive than applicable state statutes or regulations governing water conservation, drought response, plumbing standards, or water-use restrictions, the more restrictive state requirements shall apply.

K. Appeals.

- (1) Any person or entity subject to a notice of violation, required reduction in use, or other enforcement action under this section may submit a written appeal to the Chief Executive Officer within ten (10) calendar days of the date of the notice. The appeal shall state the specific grounds for reconsideration and include any supporting documentation. The Chief Executive Officer, or designee, shall issue a written decision within fifteen (15) calendar days of receiving the appeal. The decision of the Chief Executive Officer shall constitute the Town's final administrative determination.

-END-



Water Conservation Tips

(Source: Maryland Department of the Environment, www.mde.maryland.gov)

Tips for Inside the Home

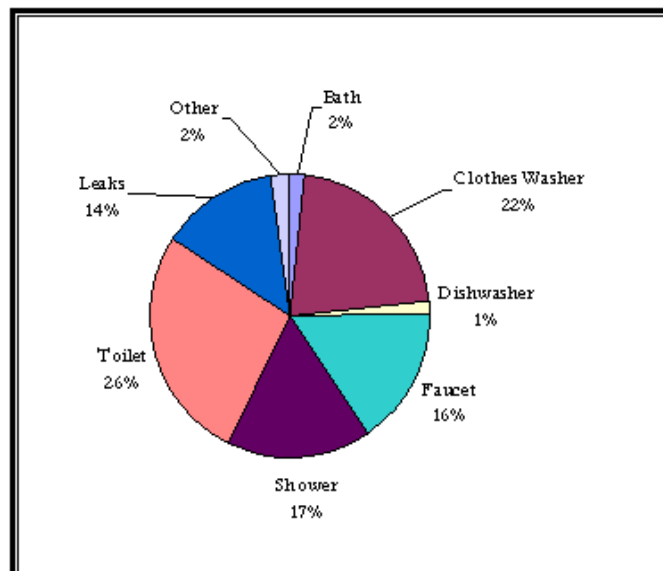
Marylanders have access to an abundance of water much of the time, so the importance of clean water is often overlooked. For most of us, water use is a habit. We are accustomed to having water available at the twist of a faucet. We usually do not think about how much water we use.

Average Daily Water Use

Be aware of how much water you use! Awareness is the first step in conservation. The average Maryland citizen uses almost 100 gallons of water per person per day on the following activities:

- Toilet
- Bathing and hygiene
- Laundry
- Kitchen
- Housekeeping
- Outdoor Activities

Indoor water use by fixture is shown in the following graph: Indoor Per Capita Use by Fixture



Source: AWWA, 1999

Source: Maryland Department of the Environment, www.mde.maryland.gov

You can determine your average daily water use by conducting a Household Water Audit.

Water Savings

The amount of savings depends on current water consumption habits, water, sewer and energy costs, current flow rates of fixtures and flush volumes of toilets, system pressure, and the amount of water leakage through fittings and toilets. Water can be conserved by making improvements in the home or by modifying behavior.

Retrofit or Replace Water Fixtures

Water-saving devices are economical and permanent. Low-flow showerheads and faucet aerators save valuable water and energy used to heat water without requiring changes in personal water use habits. The following chart highlights how much water can be conserved by installing water-saving equipment in place of conventional plumbing fixtures, fittings, and appliances.

Conventional Fixture/Appliance	Water Use (gallons)	Water Saving Fixture/Appliance	Water Use (gallons)	Water Savings (gallons)
Vintage Toilet*	4 - 6 per flush	Low Consumption Toilet***	1.6 per flush	2.4 - 4.4 per flush
Conventional Toilet**	3.5 per flush	Low Consumption Toilet***	1.6 per flush	1.9 gal/flush
Conventional Showerhead*	3-10 per min	Low-Flow Showerhead	2-2.5 per min	0.5 - 8 per min
Faucet Aerator*	3-6 per min	Flow Regulating Aerator	0.5-2.5 per min.	0.5- 5.5 per min
Top-Loading Washer	40-55 per load	Front-Loading Washer	22-25 per load	15 - 33 per load

* Manufactured before 1978

** Manufactured from 1978 to 1993

*** Manufactured since January 1, 1994

Repair All Leaks

A dripping faucet is more than annoying...it is expensive. Even small leaks can waste significant amounts of water. Hot water leaks are a waste of water and of the energy used to heat the water.

Leaks inside the toilet can waste up to 200 gallons of water a day. Toilet leaks can be detected by adding a few drops of food coloring to water in the toilet tank. If the colored water appears in the bowl, the toilet is leaking.

If you have a leaking faucet or toilet, stop pouring money down the drain and repair it.

Save Water In The Bathroom

- When constructing a new home or remodeling your bathroom, install low consumption (1.6 gal/flush) toilets.
- Place a weighted plastic one-half gallon jug or a toilet dam in the tanks of conventional toilets to displace and save water with each flush.
- Install low-flow aerators and showerheads. They are inexpensive, easy to install, and save water and energy.
- Do not let the faucet flow while brushing your teeth or shaving. Use a glass of water for rinsing teeth.
- Take showers instead of tub baths. Consider bathing small children together.
- If your shower has a single-handle control or shut off valve, turn off the flow while soaping or shampooing.
- Leaking diverter valves (valves that divert water from the tub spout to the showerhead) should be replaced.

Save Water In The Kitchen And Laundry Room

- Refrigerate a pitcher of drinking water instead of letting a faucet flow until the water is cold enough to drink.
- Use a dishpan or plug the sink for washing and rinsing dishes. Install a low-flow aerator on all faucets.
- Do not pre-rinse dishes prior to loading in a dishwasher. Prerinsing is an unnecessary and wasteful use of water.
- Operate the washing machine and dishwasher only when they are fully loaded.
- Use the proper water level or load size selection on the washing machine.
- When purchasing a washing machine or dishwasher, consider water consumption as well as energy efficiency. Most manufacturers now provide this information to consumers.

Save Water Outside The Home

Watering of lawns and gardens can double normal household water use during the hot, dry summer months. At standard household water pressures, a garden hose will discharge up to 10 gallons of water per minute. To apply an inch of water to 1,000 square feet of lawn or garden requires close to 1,000 gallons of water.

Watering should be limited to gardens, newly planted lawns, and landscaped areas. Established lawns and landscape plantings will usually survive without watering. Inadequate watering encourages shallow root growth and increases the risk of mortality. When water is scarce, your community or individual water supply should be reserved for your most essential needs.

- Equip your hose with an automatic shut-off nozzle.
- Use a broom, not a hose, to clean driveways, steps, and sidewalks.
- Water your garden during the coolest part of the day. Do not water on windy days.
- Use mulch around shrubs and garden plants to reduce evaporation from the soil surface and cut down on weed growth.

For more information, contact water.supply@maryland.gov.



Agenda Item Summary

MEETING GROUP: Town Council
STAFF RESOURCE: Chuck Stevens
DEPARTMENT: Administration
TYPE: Town Council Direction to Staff
SUBJECT: Town Code & Zoning Text Amendments

BACKGROUND:

The Town of La Plata is a designated State of Maryland Priority Funding Area and serves as the primary growth hub for Charles County. The Town owns and operates its water and sewer utility systems, which currently serve approximately 4,038 residential, 360 commercial, and 35 municipal water accounts across 74 miles of distribution pipe.

The Town's water supply is drawn entirely from the Lower Patapsco Aquifer under two Maryland Department of the Environment (MDE) Groundwater Appropriation Permits, which authorize an average daily withdrawal of 1.23 million gallons per day (MGD). As of January–June 2025, average daily use has reached approximately 1.11 MGD — approximately 90% of the permitted average allocation — and is projected to exceed the allocation limit during summer months beginning in 2026. MDE has indicated it is reluctant to increase the Town's groundwater allocation without a supplemental water source agreement in place. The Environmental Article of the Maryland Code prohibits the issuance of building permits and subdivision approvals without an adequate public water supply.

The Town is pursuing a multi-pronged strategy to address its long-term water supply challenge. Initial conversations with Charles County regarding a supplemental water supply arrangement are underway, and the FY26 budget includes \$2.0 million for a physical connection to the County water system. Separately, proposed amendments to the Town's Adequate Public Facilities standards are scheduled for formal Town Council consideration on April 28, 2026, which will address water, sewer, and school capacity as conditions of development approval. The item before the Council tonight addresses the third prong of that strategy: adoption of formal water conservation policies.

Staff developed proposed code language consisting of two components. The first is proposed Article XI in Chapter 191 (Water Conservation and Emergency Restrictions) that would establish a Water Conservation Alert system, authorize mandatory outdoor watering restrictions, prohibit non-essential water uses during declared drought alert periods, and



impose consumption reduction requirements on designated large-volume commercial and industrial users. The second component is an amendment that would establish water-efficient landscaping standards — commonly referred to as xeriscaping standards — applicable to new residential, commercial, and industrial development, subject to site plan or landscape plan approval.

Proposed Section 191.98 would authorize the Chief Executive Officer (CEO) to declare a Water Conservation Alert when the Town's total water production reaches 80% of its daily or annual permitted capacity, or during a State-declared drought. Upon declaration, the ordinance would impose an address-based outdoor watering schedule (even/odd by date), restrict irrigation to nighttime and early morning hours, prohibit washing of hard surfaces and personal vehicles, restrict filling or refilling of pools and hot tubs, and require non-recirculating decorative features to be turned off. Designated Large-Volume Users — those averaging 10,000 gallons per day or more — would be required to reduce consumption by a percentage specified in the Alert declaration, with compliance verified through metered billing records. Violations would be enforced as municipal infractions with a tiered fine structure.

The proposed Chapter 191-48 amendment would require landscape plans for new development to prioritize native and drought-tolerant plant species, limit high-water-use turf to functional recreation areas, require soil preparation to improve water retention, mandate mulched planting beds, and require that any permanent irrigation systems include rain shutoff sensors and be designed to prevent overspray onto impervious surfaces.

This work session is intended to present the proposed code language for Council discussion and to solicit direction to advance the amendments through the formal adoption process, including referral to the Planning Commission.

FISCAL IMPACT:

Adoption of the proposed ordinances is not anticipated to generate direct costs beyond staff time associated with public notice and the Planning Commission review process. The Chapter 186 amendment relies on existing metering and billing infrastructure for compliance verification, and enforcement follows the Town's existing municipal infraction process, which does not require additional administrative capacity.

The proposed fine structure — warnings for a first observed violation, followed by tiered fines of \$50, \$100, and \$200 for subsequent violations — is consistent with common



municipal practice and is not expected to generate material revenue. Any future modifications to the fine schedule may be established by resolution of the Council without requiring a code amendment.

Indirectly, adoption of effective conservation measures supports the long-term fiscal sustainability of the water utility by reducing peak demand pressure on a non-expandable groundwater allocation, deferring the costs and timing of supplemental supply investments, and reducing the risk of regulatory non-compliance.

STRATEGIC PLAN ALIGNMENT:

This initiative aligns with the Town's 2022 Strategic Plan as follows:

- **Goal #1 – Good Governance:** Adopting clear, codified conservation standards reflects responsible stewardship of the Town's water resources and establishes transparent, policy-based tools for managing supply constraints.
- **Goal #5 – Public Service Readiness:** The Strategic Plan directs the Town to "ensure adequate natural resource availability to meet usage demands" and to "track water access to ensure availability exceeds demand." Formal conservation authority directly advances both objectives.

SUSTAINABILITY CONSIDERATIONS:

This initiative has direct environmental sustainability implications. The conservation restrictions reduce demand on a limited and non-expandable groundwater resource during periods of peak stress, preserving the long-term health of the shared Lower Patapsco Aquifer. The landscaping standards reduce baseline irrigation demand from new development over time by promoting drought-tolerant plant species, efficient irrigation design, and improved soil water retention.

The ordinance explicitly permits and encourages the use of graywater, reclaimed water, and stormwater capture systems for non-potable uses where consistent with applicable state and local health and plumbing standards, further supporting the Town's environmental sustainability posture. These elements are consistent with actions recognized under Sustainable Maryland and the Town's broader environmental stewardship commitments.

ADA CONSIDERATIONS:

No direct ADA implications are associated with the proposed code amendments. As the ordinances are finalized through the Planning Commission process, staff will ensure that



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any public-facing notice requirements, outreach materials, and enforcement communications are accessible in accordance with applicable ADA guidance.

RECOMMENDED ACTION:

Staff requests that the Town Council receive this presentation, provide feedback on the proposed code language, and direct staff to refer the proposed amendments to the Planning Commission for formal consideration and recommendation to the Council.

No formal vote is requested at this time. Staff will return to the Council with a Planning Commission recommendation and a proposed adoption schedule.

ATTACHMENTS:

- Proposed Code Language — Chapter 191.98: Water Conservation and Emergency Restrictions; Chapter 191, § 191-48: Water-Efficient Landscaping Standards
- Anticipated Council Questions & Suggested Responses



TOWN OF LA PLATA
305 Queen Anne Street
Post Office Box 2268
La Plata, Maryland 20646

PLANNING COMMISSION STAFF REPORT

DATE: June 2, 2025

TO: Honorable Chair and Members of the Planning Commission

FROM: Don Dooley, Director of Planning

SUBJECT: 2025 Annual Report

BACKGROUND

Pursuant to the requirements of the Maryland General Assembly since 1952, under Land-Use Articles §1-207 (Basic Requirements), §7-104 (Adequate Facilities Reporting Requirements), and §1-208 (Measures and Indicators), all planning boards and commissions with planning and zoning authority in the State of Maryland are required to prepare and submit an “Annual Report” to the Maryland Department of Planning (MDP) each calendar year. The report documents the prior year’s land development approvals. The format and information contained in the Report, which is provided by the MDP, is designed to help communities provide the information requested by the State in a clear and consistent format.

Every report must be completed and filed with the local legislative authority and the MDP by July 1st of the current year to cover the prior calendar year. In this instance, the Planning Commission is providing the report to the Town Council (i.e., the local legislative authority) and the MDP for calendar year 2025 (January 1, 2025 through December 31, 2025). The information provided is then used by the MDP to analyze and measure Maryland’s progress toward meeting its smart growth goals for the State.

DISCUSSION

The Commission’s role in the 2025 Annual Report is to provide oversight of its completeness, as researched and prepared by staff. Upon its approval by the Commission, it will be filed with the Town Council and the Maryland Department of Planning as required by law.

RECOMMENDATION

Staff recommends the Planning Commission approve the 2025 Annual Report and direct staff to file the report with the Town Council and the Maryland Department of Planning (MDP) no later than July 1, 2026.

ATTACHMENT(S)

- 1) Draft Planning Commission Resolution for 2025 La Plata Annual Report
- 2) 2025 La Plata Annual Report.

DRAFT
TOWN OF LA PLATA, MARYLAND
PLANNING COMMISSION RESOLUTION NO. 2026-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
TOWN OF LA PLATA, MARYLAND APPROVING THE 2025
ANNUAL REPORT TO BE FILLED WITH THE LA PLATA TOWN
COUNCIL AND THE MARYLAND DEPARTMENT OF PLANNING**

WHEREAS, pursuant to the requirements of the Maryland General Assembly under Land-Use Article §1-207 (Basic Requirements), §7-104 (Adequate Facilities Reporting Requirements), and §1-208 (Measures and Indicators) all planning boards and commissions with planning and zoning authority in the State of Maryland are required to prepare and submit an “Annual Report” to their local legislative authority and the Maryland Department of Planning (MDP) each calendar year documenting the prior year’s land development approvals; and

WHEREAS, the La Plata Planning Department has completed the required 2025 Annual Report for Planning Commission Review; and,

WHEREAS, the Planning Commission has reviewed the 2025 Annual Report at its regularly scheduled meeting of June 2, 2026, and deems it complete.

NOW, THEREFORE, BE IT RESOLVED that the La Plata Planning Commission hereby approves the 2025 Annual Report for filing with the La Plata Town Council and the Maryland Department of Planning on or before July 1, 2026.

PASSED AND ADOPTED BY THE LA PLATA PLANNING COMMISSION on June 2, 2026, by the following vote:

Yes:
No:
Abstain:
Absent:

Dawn Banks, Planning Commission Chair

Attest:

Don Dooley, Director of Planning

Attachments:

- 1) 2025 La Plata Annual Report

Annual Report Worksheet
Reporting Calendar Year (CY2025)
For municipalities issuing 50 or more residential permits

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INSTRUCTIONS

Each Planning Commission/Board must approve an Annual Report for the reporting year CY2025 (January 1, 2025 - December 31, 2025), as required under [§1-207\(b\)](#) of the Land Use Article. In addition, the Annual Report shall be filed with the local legislative body and the Maryland Department of Planning (MDP), via email to david.dahlstrom@maryland.gov and cc: to mdp.planreview@maryland.gov. Hardcopy submissions to MDP are no longer required. For additional information and guidance on submissions to MDP, visit:

<https://planning.maryland.gov/Pages/OurWork/PBP/PlanSubmission/CompPlan.aspx>

Legislative Changes for CY2025. A jurisdiction may use the attached template form, or any of the previous Annual Report forms. The Land Use Article requirements have not changed for CY2025. However, counties must use the Long Form for Counties as the template has been modified to address the **new (CY2025) Title 20, Subsection 7**, Local Government Article reporting requirements for code home rule counties, charter counties, and commission counties that collect development impact fees, surcharges, or excise taxes from development. These changes are included in the new **Section VII – County Collection and Expenditure of Development Impact Fees, Surcharges, or Excise Taxes**.

Section I- New Residential Permits, and Section II- Amendments and Growth-Related Changes, are required by all local jurisdictions.

Section III- Development Capacity Analysis, is required every three years by all jurisdictions.

Section IV- Locally Funded Agriculture Preservation, is required for counties only.

Section V – Measures and Indicators, is required for jurisdictions reporting more than 50 new residential permits in Section I. If new permit data is not available, MDP will accept new occupancy data, provided the jurisdiction describes this deviation in its submission.

Annual Report Worksheet
Reporting Calendar Year (CY2025)
For municipalities issuing 50 or more residential permits

Section I: New Residential Permits Issued (Inside and Outside the PFA)
(§1-208(c)(1)(i) and (c)(3)(ii))

(A) In Table 1, *New Residential Permits Issued (Inside and Outside the PFA)* below, enter the number of new residential building permits issued in CY2025. Enter 0 if no new residential building permits were issued in 2025.

**Table 1: New Residential Permits Issued
 Inside and Outside the Priority Funding Area (PFA)**

Residential – Calendar Year 2025	PFA	Non - PFA	Total
New Residential Permits Issued	166	0	166

Note: *If new residential permit data is not available or tracked, jurisdictions are encouraged to begin a process to track the number of new residential permits approved. MDP will accept new residential occupancy permits as a substitute for new residential permits, provided that the jurisdiction represents the data as new occupancy permits, rather than new residential permits, in this template or other reporting form submitted to MDP. Similarly, if permitting data that specifies within and without of the PFA is not available, and the jurisdiction submits data related to a locally defined growth area, instead of PFAs, then the jurisdiction should consider a future process to track permits within the PFA. MDP will accept permit or occupancy data specific to a locally defined growth area, provided that the jurisdiction represents the data as such in this template or another reporting form submitted to MDP, rather than as PFA.*

Annual Report Worksheet
Reporting Calendar Year (CY2025)
For municipalities issuing 50 or more residential permits

Section II: Amendments and Growth Related Changes In Development Patterns
(§1-207(c)(1) through (c)(4))

Note: Growth related changes in development patterns are changes in land use, zoning, transportation capacity improvements, new subdivisions, new schools or school additions, or changes to water and sewer service areas.

(A) Were any new comprehensive plan or plan elements adopted? If yes, briefly summarize what was adopted. Y N

(B) Were there any amendments to zoning regulations or the zoning map? If yes, briefly summarize each amendment, include an updated zoning map, and/or GIS shapefile, if available. Y N

(C) Were there growth-related changes, including land use, annexations, zoning ordinance changes, new schools, changes in water or sewer service areas, municipal annexations that changed municipal or unincorporated area boundaries? If yes, describe or attach a map of the changes and/or GIS shapefile, and describe how they are consistent with internal, state, or adjoining jurisdiction plans. Y N

(D) If yes to municipal annexations, have copies of each adopted resolution been submitted to: Georgeanne Carter, Legislative Counsel Municipal Resolution Reposition Department of Legislative Services, 90 State Circle, Annapolis MD, 21401-1991 and copied to MDP's Daniel Mullinix (daniel.mullinix@maryland.gov) to expedite PFA status updates.

MDP would like to inform municipalities of 2025's [Senate Bill \(SB\) 245](#) - Municipalities – Annexation Resolutions – Submission to the Department of Planning. This bill, effective October 1, 2025, requires municipalities to send a copy of the signed annexation resolution(s) to MDP within 10 days of when the resolution(s) take effect. This is an addition to the existing list of entities outlined in Section 4-414 of the Local Government Article. To meet this requirement, please send Daniel Mullinix a copy of the notification (daniel.mullinix@maryland.gov) transmitted to the Department of Legislative Services.

N/A

**Annual Report Worksheet
Reporting Calendar Year (CY2025)**

For municipalities issuing 50 or more residential permits

(E) Did your jurisdiction identify and/or implement recommendations related to the following general planning topics, to improve the local planning and/or development process? Please select all that apply. Y X NO

<input type="checkbox"/> Green Infrastructure <input type="checkbox"/> Zoning Reform <input type="checkbox"/> Climate Change <input type="checkbox"/> Affordable/Workforce Housing <input type="checkbox"/> Equity <input type="checkbox"/> Resilience <input type="checkbox"/> Water/Air Quality <input checked="" type="checkbox"/> Water/Sewer Capacity <input type="checkbox"/> Brownfield Remediation	<input type="checkbox"/> Revitalization and Infill <input type="checkbox"/> Bike/Ped Planning <input type="checkbox"/> Commercial Redevelopment <input type="checkbox"/> Sustainable Growth <input type="checkbox"/> Placemaking <input type="checkbox"/> Aging Population <input type="checkbox"/> Sensitive Area Preservation <input type="checkbox"/> Expedited Review for Preferred Projects
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Please describe any other planning improvements identified or implemented in CY2025.

In 2025, the Town of La Plata began drafting an Adequate Public Facilities Ordinance (APFO) to address water, sewage, school seating capacity and roads. At present, ordinance provisions have been adopted by the Town for water, sewage and school seating capacity under Zoning Text Amendment 01-2026. The Town is still working on adequate public facilities regulations for “Roads.” It is expected that APFO regulatory provisions for “Roads” will be adopted in 2026.

(B) Have all Planning (Commission/Board) and Board of Appeals members completed [the Maryland Planning Commissioners Association \(MPCA\) training course](#)?

Y X N

Annual Report Worksheet
Reporting Calendar Year (CY2025)
For municipalities issuing 50 or more residential permits

Section III: Development Capacity Analysis (DCA)(§1-208(c)(1)(iii))

Note: MDP provides technical assistance to local governments in completing development capacity analyses. Please contact your MDP regional planner for more information.

(A) Has an updated DCA been submitted with your annual report or to MDP within the last three years? Y N **X**

1. If no, explain why not, such as, no substantial growth changes.

There was a staffing shortage during most of 2025. The Town was also unsuccessful in obtaining the necessary assistance from the Maryland Department of Planning to begin updating its DCA. The Town will seek a qualified consultant to help update its DCA for the next Annual Report. During Calendar Year 2025, the Town did initiate an Adequate Public Facilities Ordinance to address water, sewage, school seating capacity and roads. The Town also initiated a study on its land-use (zoning) distributions to determine, among other things, if there is adequate zoning to meet community needs.

2. If yes, when was the last DCA submitted? Identify month and year: **N/A**

Note: A DCA is not due if a comprehensive plan was updated in the past three years (CY2023-2025). MDP recommends that jurisdictions share DCAs with local school boards and facilities planners.

3. Was the DCA shared with the local school board facilities planner? Y N **X**

(B) Using the most current DCA available, provide the following data on capacity inside and outside the PFA in *Table 2, Residential Development Capacity (Inside and Outside the PFA)*:

Table 2: Residential Development Capacity (Inside and Outside the PFA)

Parcels & Lots w/ Residential Capacity	PFA	Non – PFA	Total
Residentially Zoned Acres w/ Capacity	1038	0	1038

Annual Report Worksheet
Reporting Calendar Year (CY2025)
For municipalities issuing 50 or more residential permits

Residential Parcel & Lots w/Capacity	4152	0	4152
Residential Capacity (Units)	4152	0	4152

Annual Report Worksheet
Reporting Calendar Year (CY2025)
For municipalities issuing 50 or more residential permits

Section IV: (Locally) Funded Agricultural Land Preservation & Local Land Use Goal (Counties Only) ([§1-208\(C\)\(1\)\(iv and v\)](#))

(A) How many acres were preserved using **local** agricultural land preservation funding? Enter 0 if no land was preserved using **local** funds. Enter the value of local program funds, if available.

Table 3: Locally Funded Agricultural Land Preservation*

Local Preservation Program Type	Acres	Value (\$)
Example: Transfer of Development Rights	0	0
Example: Building Lot Retirement	0	0
Example: Land Purchase	0	0
Example: Local Land Trust	0	0
Example: Easement	0	0
Example: Other	0	0
Total	0	0

**State funded agricultural land preservation acres and values are not required to be reported as state funding is documented. If including state funded land preservation, please separate the locally funded contributions and data, accordingly.*

(B) What is the county’s established local land use percentage goal? This percentage should include land uses within PFAs, not including PFA comment areas % N/A

(C) What is the timeframe for achieving the local land use percentage goal? N/AYears.

(D) Has there been any progress in achieving the local land use percentage goal? N/A

(E) What are the resources necessary (e.g. legislative actions (programs incentives), functional planning, and capital funding) for infrastructure inside the PFAs? N/A

(F) What are the resources necessary (e.g. legislative actions (program incentives and zoning changes), preservation planning, and easement funding) for land preservation outside the PFAs? N/A

Annual Report Worksheet
Reporting Calendar Year (CY2025)
For municipalities issuing 50 or more residential permits

Section V: Measures and Indicators ([§1-208\(c\)\(1\)](#))

Note: Measures and Indicators, Section V, is only required for jurisdictions issuing more than 50 new residential building permits in the reporting year, as reported in Table 1.

Table 4A: Amount of Residential Growth (Inside and Outside the PFA)

Residential – Calendar Year 2025	PFA	Non - PFA	Total
1.Total Units Approved on an Existing Lot	166	0	166
2.Gross Acres of Existing Lots in Row 1	40.38	0	40.38
3.Net Acres of Existing Lots in Row 1	38.35	0	38.35
4.Total Minor Subdivisions Approved	1	0	1
5.Total Minor Subdivision Lots Approved	2	0	2
6.Total Residential Units Approved in Minor Subdivisions*	1	0	1
7.Gross Acres of All Approved Minor Subdivisions	2.97	0	2.97
8.Net Lot Area** in Acres of All Approved Minor Subdivisions	2.97	0	2.97
9.Total Major Subdivisions Approved	2	0	2
10.Total Major Subdivision Lots Approved	438	0	438
11.Total Residential Units Approved in Major Subdivisions	438	0	438
12.Gross Acres of All Approved Major Subdivisions	192.93	0	192.93
13.Net Lot Area** in Acres of All Approved Major Subdivisions	54.3	0	54.3
14.Total Residential Units Approved (Minor + Major Subdivisions + Existing Lots)	605	0	605
15.Total Residential Units Constructed (CofO)	292	0	292
16.Total Residential Units Demolished***	0	0	0
17.Total Residential Units Reconstructed/Replaced***	0	0	0

* The number of residential units may be greater than the number of lots if they include duplexes, triplexes. or multifamily

Annual Report Worksheet
Reporting Calendar Year (CY2025)
For municipalities issuing 50 or more residential permits

***Net lot area is the sum of all developed lots, minus open spaces and right-of-way, other publicly dedicated land.*

****Not required.*

Table 4B: Net Density of Residential Growth (Inside and Outside PFAs)

Residential – Calendar Year 2025	PFA	Non – PFA	Total
1.Total Units Approved in Development Plans	439	0	439
2.Total Net Acres of Development Parcels in Row 1	57.27	0	57.27
3.Total Net Acres of Existing Lots in Row 1	38.5	0	38.5

**Net lot area is the sum of all developed lots, minus open spaces and right-of-way, other publicly dedicated land.*

Table 4C: Share of Residential Growth (Inside and Outside the PFA)

Residential – Calendar Year 2025	PFA	Non – PFA	Total
1.Total Units Approved on Existing Lots	166	0	166
2.Gross Acres of Existing Lots in Row 1	40.38	0	40.38
3.Net Acres of Existing Lots in Row 1	38.35	0	38.35
4.Total Units Approved (Major + Minor Subdivisions + Existing Lots + Units in Commercial Site Plans)	605	0	605
5. % of Total Units (Approved Residential Units)	100%	0 %	100%

Annual Report Worksheet
Reporting Calendar Year (CY2025)
For municipalities issuing 50 or more residential permits

Table 4D: Amount of Commercial Growth (Inside and Outside the PFA)

Commercial – Calendar Year 2025	PFA	Non - PFA	Total
Site Plans			
1.Total # of Commercial Site Plans Approved	0	0	0
2.Gross Acres of All Approved Commercial Site Plans	0	0	0
3.Gross Building Area Approved in Square Feet for Commercial Site Plans	0	0	0
Building Permits			
5.Total Commercial Building Permits Issued	0	0	0
6.Gross Building Area Constructed in Square Feet for issued Building Permits	0	0	0
7.Number of residential units approved as part of a commercial site plan (mixed-use), if any. *Only applies to jurisdictions with at least 150,000 residents	N/A	N/A	N/A

Annual Report Worksheet
Reporting Calendar Year (CY2025)
For municipalities issuing 50 or more residential permits

Section VI: Adequate Public Facility Ordinance (APFO) Restrictions ([§7-104](#))
(Section VI is only required by jurisdictions with adopted APFOs)

Note: Jurisdictions with adopted APFOs must submit a biennial APFO report. The APFO report is due by July 1 of each even year and covers the reporting period for the previous two calendar years. APFO reports for CY2024 and CY2025 are due July 1, 2026. However, jurisdictions are encouraged to submit an APFO report on an annual basis. See MDP's new [APFO website](#) and [2025 NCSG APFO Report](#).

(A) Does your jurisdiction have an adopted APFO? **Not in CY2025** Y N

If No, skip this Section.

If Yes, continue to (B).

(B) What type of infrastructure is monitored and may trigger development approval restrictions or require a developer to address deficiencies? (List each for schools, roads, water, sewer, stormwater, health care, fire, police or solid waste.)

(C) Has APFO impacted development approvals within the PFA? Y N

(D) If APFO has delayed, limited, or denied development, defined here as a “restriction”:

1. Are there infrastructure or service facility deficiencies that have triggered denials of development requests, or held up development approvals? Y N

Note: This does not include APFO required developer-funded projects, or phased development approvals due to APFO limitations, or APFO required study areas for approval.

2. Can the impact area of facility deficiencies/ development restrictions, which temporarily delay development approvals, be mapped? Y N

(E) If yes for (C), where is each restriction located? (Identify on a map, including PFA boundary.)

1. Describe what is causing each restriction.

2. If applicable, what is the proposed resolution of each restriction?

3. If applicable, what is the estimated date to resolve each restriction?

Annual Report Worksheet
Reporting Calendar Year (CY2025)
For municipalities issuing 50 or more residential permits

(F) If a development restriction has been addressed, what was the resolution that lifted each restriction?

(G) If a development restriction has been addressed, when was each restriction lifted?

-END-