



June 12, 2008

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Karl Moritz, Chief, Research & Technology Center
Roselle George, Research Manager, Research & Technology Center

FROM: Pamela Dunn, Planner Coordinator, Research & Technology Center

SUBJECT: FY2009 Growth Policy: Acceptance of School Test Results

Beginning in July 2004, the Montgomery County Growth Policy is not revisited by the County Council on an annual basis. However, there continues to be an annual component of the revised growth policy: a review of the results of the school test. The school test determines if residential subdivisions in any school clusters should be subject to either a school facilities payment or a moratorium.

Staff will be requesting the Planning Board's acceptance of the attached school test results for FY09. These results find that nine school clusters exceed the 105 percent program capacity ceiling; eight clusters exceed at the elementary level and one cluster exceeds at the high school level. Thus, residential development in these nine clusters will be subject to a school facility payment.

In addition, one school cluster exceeds the 120 percent program capacity ceiling; the Clarksburg school cluster. Residential subdivisions will be under moratorium for FY09 in the Clarksburg cluster.

During the preparation of the 2007-2009 Growth Policy, the Planning Board and staff engaged in thorough discussions involving school forecasts and significant capacity issues facing Montgomery County Public Schools. Thus, staff is not planning to make a presentation at this time. However, if Board members would prefer to have an expanded presentation staff would happy to prepare one.

Acceptance of School Test Results

As in the past, the School Test analysis is prepared by Montgomery County Public Schools staff using the methodology adopted by the County Council. Planning staff has reviewed the results of the MCPS analysis and we endorse the findings outlined above.

The school test compares projected 2014 enrollment with 2014 classroom capacity for each of the 25 high school clusters at the elementary, middle and high school levels. At all three levels, elementary, middle, and high school, enrollment must not exceed 105 percent of program capacity and “borrowing” from adjacent clusters is not permitted. If projected enrollment at any level exceeds 105 percent of program capacity, residential subdivisions in the affected cluster will be required to make a school facility payment.

In addition, at all three levels, elementary, middle and high school, projected enrollment must not exceed 120 percent of program capacity and “borrowing” from adjacent clusters is not permitted. If projected enrollment at any level exceeds 120 percent of program capacity, residential subdivisions in the affected cluster will be under moratorium.

According to the analysis, enrollment does exceed 105 percent of capacity in eight school clusters at the elementary school level: Bethesda-Chevy Chase, Kennedy, Richard Montgomery, Northwest, Quince Orchard, Rockville, Wheaton and Whitman. At the high school level, there is one cluster where enrollment exceeds 105 percent of capacity: Wootton. Thus, residential subdivisions in the previously listed clusters will be required to make a school facility payment.

During FY2008, nine school clusters exceeded the 105 percent capacity ceiling. The new enrollment projections also indicate that nine school clusters will exceed the 105 percent ceiling. The difference between FY2008 and FY2009 is the removal of the Blake cluster from this group and the addition of the Kennedy cluster.

As stated earlier, the only cluster where development will be subject to a moratorium in FY2009 is the Clarksburg school cluster. In FY2008, the Clarksburg, Kennedy and Einstein clusters all exceeded the 120 percent capacity ceiling.

Planning staff recommends that Planning Board accept the results of the school test as calculated by Montgomery County Public Schools staff, for FY2009. These findings are attached at circle 1.

Once accepted by the Planning Board, this table (along with the resolution adopted by the Council in November 2007) will constitute Montgomery County's growth policy for FY2009.

Public School Facilities

S1 Geographic Areas

For the purposes of public school analysis and local area review of school facilities at time of subdivision, the County has been divided into 25 areas called high school clusters. These areas coincide with the cluster boundaries used by the Montgomery County Public School system.

The groupings used are only to administer the Adequate Public Facilities Ordinance and do not require any action by the Board of Education in exercising its power to designate school service boundaries.

S2 Grade Levels

Each cluster must be assessed separately at each of the 3 grade levels -- elementary, intermediate/middle, and high school.

S3 Determination of Adequacy

Each year, not later than July 1, the Planning Board must evaluate available capacity in each high school cluster and compare enrollment projected by Montgomery County Public Schools for each fiscal year with projected school capacity in 5 years.

S4 Moratorium on Residential Subdivision Approvals

In considering whether a moratorium on residential subdivisions must be imposed, the Planning Board must use 120% of Montgomery County Public Schools program capacity as its measure of adequate school capacity. This capacity measure must not count relocatable classrooms in computing a school's permanent capacity. If projected enrollment at any grade level in that cluster will exceed 120% of capacity, the Board must not approve any residential subdivision in that cluster during the next fiscal year.

Table 3 shows the result of this test for November 15, 2007, to July 1, 2008. Table 3 also shows the remaining capacity, in students, at each grade level in each cluster. Using average student generation rates developed from the most recent Census Update Survey, the Planning Board must limit residential subdivision approvals in any cluster

during the fiscal year so that the students generated by the housing units approved do not exceed the remaining capacity for students at any grade level in that cluster.

S5 Imposition of School Facilities Payment

In considering whether a School Facilities Payment must be imposed on a residential subdivision, the Planning Board must use 105% of Montgomery County Public Schools' program capacity as its measure of adequate school capacity. This capacity measure must not count relocatable classrooms in computing a school's permanent capacity. If projected enrollment at any grade level in that cluster will exceed 105% of capacity but not exceed 120%, the Board may approve a residential subdivision in that cluster during the next fiscal year if the applicant commits to pay a School Facilities Payment as provided in County law before receiving a building permit for any building in that subdivision.

Table 4 shows the result of this test for November 15, 2007, to July 1, 2008. Table 4 also shows the remaining capacity, in students, at each grade level in each cluster. Using average student generation rates developed from the most recent Census Update Survey, the Planning Board must limit residential subdivision approvals in any cluster during the fiscal year so that the students generated by the housing units approved do not exceed the remaining capacity for students at any grade level in that cluster.

S6 Senior Housing

If public school capacity is inadequate in any cluster, the Planning Board may nevertheless approve a subdivision in that cluster if the subdivision consists solely of multifamily housing and related facilities for elderly or handicapped persons or multifamily housing units located in the age-restricted section of a planned retirement community.

S7 De Minimis Development

If public school capacity is inadequate in any cluster, the Planning Board may nevertheless approve a subdivision in that cluster if the subdivision consists of no more than 3 housing units and the applicant commits to pay a School Facilities Payment as otherwise required before receiving a building permit for any building in that subdivision.

S8 Development District Participants

The Planning Board may require any development district for which it approves a provisional adequate public facilities approval (PAPF) to produce or contribute to infrastructure improvements needed to address inadequate school capacity.

S9 Allocation of Staging Ceiling to Preliminary Plans of Subdivision

The Planning Board must allocate available staging ceiling capacity in a high school cluster based on the queue date of an application for preliminary plan of subdivision approval.

S9.1 Assignment of queue date

The queue date of a preliminary plan of subdivision is the date:

- a complete application is filed with the Planning Board; or
- 6 months after the prior queue date if the prior queue date expires under **S9.4**.

S9.2 Calculation of available staging ceiling capacity

The Planning Board must determine whether adequate staging ceiling capacity is available for a project by subtracting the capacity required by projects with earlier queue dates from the remaining capacity on Table 3 as updated periodically. Based on this calculation, the Planning Board may:

- approve a project for which there is sufficient capacity;
- approve part of a project for which there is sufficient capacity, leaving the remainder of the project in the queue until additional capacity becomes available;
- deny an application for a project for which there is insufficient capacity; or
- defer approval of a project and leave the project in the queue until sufficient capacity becomes available for all or part of the project. If insufficient capacity is available, the Board must not schedule a hearing on the application unless the applicant requests one.

If sufficient capacity is available for a project based on the queue date, the Planning Board must not deny an application based on pipeline (but not staging ceiling) changes while the queue date is in effect.

S9.3 Applicability of School Facilities Payment

The Planning Board must determine whether a project is required to pay a School Facilities Payment by subtracting the capacity required by projects with earlier queue dates from the remaining capacity on Table 4 as updated periodically. Based on this calculation, the Planning Board may:

- approve a project for which there is sufficient capacity;
- approve part of a project for which there is sufficient capacity, requiring the remainder of the project to pay the applicable School Facilities Payment until additional capacity becomes available; or
- defer approval of a project and leave the project in the queue until sufficient capacity becomes available for all or part of the project. If insufficient capacity is available, the Board must not schedule a hearing on the application unless the applicant requests one.

If a project must pay a School Facilities Payment, the Planning Board must not deny an application based on pipeline (but not staging ceiling) changes while the Payment requirement is in effect.

S9.4 Expiration of queue date

A queue date for an application for preliminary plan of subdivision approval expires:

- 6 months after the queue date if sufficient staging ceiling capacity was available for the entire project on the queue date and the Planning Board has not approved the application or granted an extension of the queue date; or
- 6 months after sufficient capacity becomes available for the entire project.

The Planning Board may grant one or more 6-month extensions of a queue date if the applicant demonstrates that a queue date expired or will expire because of governmental delay beyond the applicant's control.