



MCPB Item #6
June 2, 2011

May 26, 2011

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mary Dolan, Acting-Chief, Functional Planning Division *MD*

FROM: Pamela Dunn, Planner Coordinator, Director's Office *PD*

SUBJECT: FY2012 Subdivision Staging Policy: Adoption of School Test Results

Recommendation: Adopt FY2012 School Test Results

The Montgomery County Subdivision Staging Policy, formerly the Growth Policy, is not revisited by the County Council on an annual basis. However, there continues to be an annual component of the Subdivision Staging 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 FY2012, as determined from data provided by Montgomery County Public Schools. These results find that thirteen school clusters exceed the 105 percent program capacity ceiling; four clusters exceed only at the elementary level, three clusters exceed at the elementary and middle school levels, four clusters exceed at the elementary and high school levels, one school cluster exceeds only at the high school level, and one school cluster exceeds at all three school levels. Residential development in these thirteen clusters will be subject to a school facility payment. For those clusters inadequate at more than one school level, a school facility payment will be required for each inadequate school level.

In addition, one school cluster exceeds the 120 percent program capacity ceiling. Residential subdivisions will be in moratorium for FY2012 in the Richard Montgomery school cluster.

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 2016 enrollment with 2016-2017 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 program capacity in twelve school clusters at the elementary school level: Bethesda-Chevy Chase, Blake, Gaithersburg, Walter Johnson, Magruder, Northwest, Northwood, Paint Branch, Quince Orchard, Rockville, Seneca Valley, and Whitman. Enrollment also exceeds 105 percent of program capacity in four clusters at the middle school level: Bethesda-Chevy Chase, Walter Johnson, Rockville, and Whitman. And, enrollment exceeds 105 percent of program capacity in six clusters at the high school level: Bethesda-Chevy Chase, Northwest, Northwood, Quince Orchard, Seneca Valley, and Wootton. Residential subdivisions in the previously listed clusters will be required to make a school facility payment at each school level found to be inadequate.

During FY2011, nine school clusters exceeded the 105 percent capacity ceiling with only four school clusters exceeding capacity at more than one school level. In FY2012 the total number of clusters exceeding 105 percent program capacity will be thirteen, eight of which will exceed at more than one school level.

The Richard Montgomery cluster is the only cluster to be placed in moratorium in FY2012; at the elementary school level projected enrollment is forecast to be 122.7% of program capacity in 2016 and at the middle school level projected enrollment is forecast to be 136.4% of program capacity. For any proposed residential development of three units or less (de minimis), a project may move forward under a moratorium but will be required to make a school facility payment at each school level deemed inadequate. For the Richard Montgomery cluster a de minimis project will be required to make a school facility payment at both the elementary and middle school level.

Planning staff recommends that Planning Board accept the results of the school test as calculated by Montgomery County Public Schools staff, for FY2012. These findings are attached on pages 4 and 5.

Once accepted by the Planning Board, this table (along with the resolution adopted by the Council in November 2009 included in this memo) will constitute Montgomery County’s Subdivision Staging Policy for FY2012 as relates to school capacity.

Subdivision Staging Policy

School Test for FY 2012: Cluster Utilizations in 2016–2017

Reflects County Council Adopted FY 2012 Capital Budget and Amendments to the FY 2011–2016 Capital Improvements Program (CIP)

Elementary School Test: Percent Utilization >105% School Facility Payment and >120% Moratorium

Cluster Area	Projected August 2016 Enrollment	100% MCPS Program Capacity With CC Adopted FY11–16 CIP	Cluster Percent Utilization in 2016	Growth Policy Test Result Capacity is:	Cluster is?
Bethesda-Chevy Chase	3,668	3,240	113.2%	Inadequate	School Payment
Montgomery Blair	4,235	4,400	96.3%	Adequate	Open
James Hubert Blake	2,648	2,463	107.5%	Inadequate	School Payment
Winston Churchill	2,690	2,778	96.8%	Adequate	Open
Clarksburg	4,057	3,949	102.7%	Adequate	Open
Damascus	2,445	2,420	101.0%	Adequate	Open
Albert Einstein	2,645	2,586	102.3%	Adequate	Open
Gaithersburg	4,068	3,853	105.6%	Inadequate	School Payment
Walter Johnson	4,145	3,697	112.1%	Inadequate	School Payment
John F. Kennedy	2,747	2,915	94.2%	Adequate	Open
Col. Zadok Magruder	2,845	2,594	109.7%	Inadequate	School Payment
Richard Montgomery**	2,852	2,324	122.7%	Inadequate	Moratorium
Northwest*	4,356	3,682	118.3%	Inadequate	School Payment
Northwood*	3,231	2,765	116.9%	Inadequate	School Payment
Paint Branch	2,489	2,268	109.7%	Inadequate	School Payment
Poolesville	620	758	81.8%	Adequate	Open
Quince Orchard	3,091	2,808	110.1%	Inadequate	School Payment
Rockville	2,604	2,257	115.4%	Inadequate	School Payment
Seneca Valley	2,302	2,139	107.6%	Inadequate	School Payment
Sherwood	2,328	2,716	85.7%	Adequate	Open
Springbrook	3,144	3,209	98.0%	Adequate	Open
Watkins Mill	2,734	2,704	101.1%	Adequate	Open
Wheaton	3,059	3,058	100.0%	Adequate	Open
Walt Whitman	2,602	2,376	109.5%	Inadequate	School Payment
Thomas S. Wootton	3,001	3,217	93.3%	Adequate	Open

Middle School Test: Percent Utilization >105% School Facility Payment and >120% Moratorium

Cluster Area	Projected August 2016 Enrollment	100% MCPS Program Capacity With CC Adopted FY11–16 CIP	Cluster Percent Utilization in 2016	Growth Policy Test Result Capacity is:	Cluster is?
Bethesda-Chevy Chase*	1,317	1,148	114.7%	Inadequate	School Payment
Montgomery Blair	2,338	2,343	99.8%	Adequate	Open
James Hubert Blake	1,232	1,343	91.7%	Adequate	Open
Winston Churchill	1,880	2,135	88.1%	Adequate	Open
Clarksburg	2,232	2,829	78.9%	Adequate	Open
Damascus	760	740	102.7%	Adequate	Open
Albert Einstein	1,260	1,379	91.4%	Adequate	Open
Gaithersburg	1,778	1,797	98.9%	Adequate	Open
Walter Johnson	1,945	1,831	106.2%	Inadequate	School Payment
John F. Kennedy	1,175	1,255	93.6%	Adequate	Open
Col. Zadok Magruder	1,275	1,637	77.9%	Adequate	Open
Richard Montgomery**	1,357	995	136.4%	Inadequate	Moratorium
Northwest	3,518	3,353	104.9%	Adequate	Open
Northwood	1,184	1,357	87.3%	Adequate	Open
Paint Branch	1,282	1,227	104.5%	Adequate	Open
Poolesville	294	459	64.1%	Adequate	Open
Quince Orchard	1,973	2,169	91.0%	Adequate	Open
Rockville	1,025	952	107.7%	Inadequate	School Payment
Seneca Valley	1,872	2,081	90.0%	Adequate	Open
Sherwood	1,330	1,837	72.4%	Adequate	Open
Springbrook	1,204	1,275	94.4%	Adequate	Open
Watkins Mill	1,726	1,807	95.5%	Adequate	Open
Wheaton	1,589	1,589	100.0%	Adequate	Open
Walt Whitman	1,342	1,271	105.6%	Inadequate	School Payment
Thomas S. Wootton	1,913	2,109	90.7%	Adequate	Open

High School Test: Percent Utilization >105% School Facility Payment and >120% Moratorium

Cluster Area	Projected August 2016 Enrollment	100% MCPS Program Capacity With CC Adopted FY11–16 CIP	Cluster Percent Utilization in 2016	Growth Policy Test Result Capacity is:	Cluster is?
Bethesda-Chevy Chase	1,946	1,665	116.9%	Inadequate	School Payment
Montgomery Blair	2,842	2,848	99.8%	Adequate	Open
James Hubert Blake	1,803	1,724	104.6%	Adequate	Open
Winston Churchill	1,956	1,941	100.8%	Adequate	Open
Clarksburg	1,906	1,971	96.7%	Adequate	Open
Damascus	1,195	1,509	79.2%	Adequate	Open
Albert Einstein	1,534	1,614	95.0%	Adequate	Open
Gaithersburg	2,163	2,284	94.7%	Adequate	Open
Walter Johnson	2,242	2,274	98.6%	Adequate	Open
John F. Kennedy	1,686	1,776	94.9%	Adequate	Open
Col. Zadok Magruder	1,622	1,896	85.5%	Adequate	Open
Richard Montgomery	2,113	2,232	94.7%	Adequate	Open
Northwest	2,333	2,151	108.5%	Inadequate	School Payment
Northwood	1,603	1,498	107.0%	Inadequate	School Payment
Paint Branch	1,829	1,899	96.3%	Adequate	Open
Poolesville	1,133	1,152	98.4%	Adequate	Open
Quince Orchard	1,954	1,706	114.5%	Inadequate	School Payment
Rockville	1,439	1,516	94.9%	Adequate	Open
Seneca Valley	1,427	1,311	108.8%	Inadequate	School Payment
Sherwood	1,949	2,004	97.3%	Adequate	Open
Springbrook	1,718	2,073	82.9%	Adequate	Open
Watkins Mill	1,680	1,980	84.8%	Adequate	Open
Wheaton	1,173	1,258	93.2%	Adequate	Open
Walt Whitman	1,841	1,828	100.7%	Adequate	Open
Thomas S. Wootton	2,241	2,109	106.3%	Inadequate	School Payment

* Capacities in Northwest and Northwood clusters include "placeholder" capital projects of four elementary school classrooms each, pending request for projects in FY 2013–2018 CIP.

* Capacity in Bethesda-Chevy Chase cluster includes a "placeholder" capital project of four middle school classrooms, pending request for a new middle school in FY 2013–2018 CIP.

** No "placeholder" capital project is provided for Richard Montgomery cluster because most of the cluster is in the City of Rockville where a different type of "school test" results in most of the cluster being in moratorium.

Subdivision Staging Policy

Results of School Test for FY 2012

Reflects County Council Adopted FY 2012 Capital Budget and Amendments to the FY 2011–2016 Capital Improvements Program (CIP)

Effective July 1, 2011

School Test Level	Description	Cluster Outcomes by Level		
		Elementary Inadequate	Middle Inadequate	High Inadequate
Clusters over 105% utilization School facility payment required in inadequate clusters to proceed.	5-year test Effective July 1, 2011 Test year 2016-17	B-CC (113.2%) Blake (107.5%) Gaithersburg (105.6%) Walter Johnson (112.1%) Magruder (109.7%) Northwest (118.3%) Northwood (116.9%) Paint Branch (109.7%) Quince Orchard (110.1%) Rockville (115.4%) Seneca Valley (107.6%) Whitman (109.5%)	Bethesda-Chevy Chase (114.7%) Walter Johnson (106.2%) Rockville (107.7%) Whitman (105.6%)	B-CC (116.9%) Northwest (108.5%) Northwood (107.0%) Quince Orchard (114.5%) Seneca Valley (108.8%) Wootton (106.3%)
Clusters over 120% utilization Moratorium required in clusters that are inadequate.	5-year test Effective July 1, 2011 Test year 2016-17	Richard Montgomery (122.7%)	Richard Montgomery (136.4%)	

* Capacities in Northwood and Northwest clusters include "placeholder" capital projects of four elementary school classrooms each, pending request for projects in FY 2013–2018 CIP.

* Capacity in Bethesda-Chevy Chase cluster includes a "placeholder" capital project of four middle school classrooms, pending request for a new middle school in FY 2013–2018 CIP.

** No "placeholder" capital project is provided for Richard Montgomery cluster because most of the cluster is in the City of Rockville where a different type of "school test" results in most of the cluster being in moratorium.

Excerpt from Resolution 16-1187: 2009-2011 Growth Policy

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. If at any time during fiscal year 2010 the County Council notifies the Planning Board of any material change in the Montgomery County Public Schools Capital Improvements Program, the Planning Board may revise its evaluation to reflect that change.

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. If the Planning Board revises its measure of utilization during fiscal year 2010 because of a material change in projected school capacity, that revision must be used during the rest of that fiscal year in reviewing residential subdivisions.

Table 3 shows the result of this test for July 1, 2009, to July 1, 2010. 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. If the Planning Board revises its measure of utilization during fiscal year 2010 because of a material change in projected school capacity, that revision must be used during the rest of that fiscal year in reviewing residential subdivisions.

Table 4 shows the result of this test for July 1, 2009, to July 1, 2010. 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.