

# Appendix P-1

## MCPS Role in County Land Use Planning, Zoning, Subdivision Review, and Growth Policy

Montgomery County Public Schools (MCPS) collaborates with the Montgomery County Planning Department (MCPD), the Montgomery County Planning Board (Planning Board), the Montgomery County Hearing Examiner, and the Montgomery County Council (County Council) in a range of planning activities that impact school enrollment and facility needs. These are discussed below, from the more general and long-range activity to the more specific and short term activity.

### County Land Use Planning

The Planning Board, working with its staff—the Montgomery County Planning Department—creates local master plans and sector plans to set forth the land use vision for those areas. The sequence of steps in the development of master plans begins with the MCPD staff development of plan scenarios and collection of community input. At this early stage, and throughout the plan development process, MCPS staff provides MCPD staff with estimates of the number of students that will be generated under various housing scenarios. If housing scenarios generate enough students to require one or more school sites, then these sites are included within the plan area. The staff recommended plan works its way through Planning Board review and recommendation. The county executive reviews and comments on the Planning Board recommendation. Finally, the County Council reviews the Planning Board recommended plan, and county executive comments, making any changes it deems appropriate. Ultimately, the County Council takes action to approve the plan.

The identification of school sites is the primary form of input MCPS provides on land use plans. MCPS has no role in evaluating the merits of land use plans, or the number of housing units that are provided in these plans. On the other hand, the Planning Board and County Council have no role in the future selection of a school site for school construction, or the development of school boundaries for a new school. These responsibilities are the sole purview of the Board of Education.

### Zoning

The implementation of master plans does not occur until the County Council approves a Sectional Map Amendment (SMA). A SMA is a comprehensive action that identifies various zones to be applied to individual tracts of land, as recommended in the master plan. Once the SMA is adopted, property owners have the right to subdivide their properties according to the zoning.

On occasion, property owners request rezonings of their land to allow projects they believe are consistent with the intent of the master plan. MCPS provides comments on rezoning applications that include housing. These comments include estimates of the number of students that would be generated under the proposed rezoning and the projected utilization levels of schools that serve the property in question. These comments are made to MCPD staff during their review of the rezonings, and as requested, to the County Hearing Examiner during review of the rezoning request.

### Subdivision

Subdivision plans are submitted by property owners when they are ready to develop their land. Subdivisions are reviewed by MCPD staff and modifications to the plans may be worked out between staff and property owners prior to the plan going to the Planning Board for approval. Once a preliminary plan is complete a public hearing is held before the Planning Board and action is taken. The Planning Board has the sole authority for review and approval of subdivision applications.

There are numerous considerations that come into play in reviewing a subdivision plan. The Planning Board must determine if a proposed subdivision is consistent with the area master plan and zoning of the property. The Planning Board also must determine if the area of development is “open” to subdivision approvals given results of the Adequate Public Facilities Ordinance and County Growth Policy. In regard to the school test of the Growth Policy, one of three conditions may exist when reviewing residential subdivisions:

- First, there may be adequate capacity in the school cluster serving the property. In this case there are no conditions on subdivision approval related to schools.
- Second, schools in the cluster serving the property may be overutilized and require that a school facility payment be collected as a condition of subdivision approval. This payment is collected when building permits are issued for the subdivision. These payments are reserved for school capacity projects in the cluster where they are collected.
- Third, schools serving the property may be so overutilized that residential subdivisions may not be approved until capacity is adequate (through a future capital project or a decline in enrollment).

The thresholds for the second and third conditions are outlined below in the discussion of the County Growth Policy.

Montgomery County Public Schools staff also provides comments on the impact of subdivisions that abut school system property.

Once a preliminary plan of subdivision is approved by the Planning Board, an estimate of the number of students the plan will generate is incorporated in enrollment projections for schools that serve the property. Appendix P-2 describes how enrollment projections are developed.

## **Growth Policy**

Since 1973 the Montgomery County subdivision regulations have included the Adequate Public Facilities Ordinance (APFO), with the goal of synchronizing development with the availability of public facilities. (County Code, Section 50-35 (k).) In response to strong growth pressures in the mid 1980s, the County Council enacted legislation to direct the Planning Board's administration of the APFO. This legislation became the County Growth Policy. The APFO and Growth Policy have nothing to do with the location, amount, type or mix of development. These determinations occur in master planning and zoning. The role of the Growth Policy is the staging of subdivision approvals commensurate with adequate facility capacity. The two main areas of public facility capacity considered in the growth policy are schools and transportation facilities.

The county growth policy is a biennial policy that is reviewed in odd number years. The school test of facility adequacy, whose methodology is prescribed in the Growth Policy, is conducted annually, based on the latest enrollment forecast and adopted capital improvements program. The three tiered school test evaluates school utilization levels in the 25 MCPS cluster areas at the elementary, middle and high school levels. If school utilizations exceed certain thresholds, action on subdivision applications are prescribed. Each year, MCPS prepares the data on cluster school utilizations for the school test, and the Planning Board adopts the results of the school test prior to July 1st. The test results are in place for the following fiscal year. The current growth policy school test thresholds are:

- Subdivision applications in clusters with enrollment levels between 105 and 120 percent of MCPS program are required to make a facility payment to obtain approval. This payment is calculated at 60 percent of the marginal cost of the subdivision on school construction costs.
- Subdivision applications in clusters with enrollment levels above 120 percent may not be approved until the utilization level falls below 120 percent. The results of the currently adopted school test, for FY 2010, are shown in appendix I.