

Attachment B: Descriptions & clarifications for revisions to the APFS

1. In Section I of the APFS, Introduction, the historical text is deleted (p.1).

2. In Section I of the APFS, Table I, APFO Approval Types, is revised to reflect the non-controversial revisions made to Section III.B., regarding annexation matters that were the subject of the Silverwood lawsuit (p. 2).

3. In Section II.A. of the APFS, Table II, Facility Capacity Schedules, is revised to reflect the non-controversial revisions made to Section III.B., regarding annexation matters that were the subject of the Silverwood lawsuit (p. 3).

4. In Section II.A. of the APFS, the reference to an “approving body” is corrected to refer to the City’s “Approving Authority” (p. 3). This is the proper terminology.

5. Subsection II.C. of the APFS (p. 5) includes a new Paragraph (i) that exempts certain uses from the APFS, except for Fire and Emergency Services Protection and any necessary final adequacy check for water and sewer service. All of these uses, except for MCPS schools and portables, were identified by the Planning Commission as eligible for exemption from the APFO schools capacity test in its October 10, 2012, memorandum to the Mayor & Council. The negotiators added MCPS schools and portables to the class of exempt uses in order to address a prior challenge to the City’s land use authority.

6. In Section III.A, Transportation, of the APFS, historical text is deleted (p. 7), with pertinent text moved to the second paragraph of Section III.A (p. 6). Text regarding Montgomery County Public Schools (MCPS) portables is deleted (p. 7), since MCPS schools and portables are exempt in Section II.C.(i) of the proposed revised APFS. Additionally, it is clarified that that transportation capacity tests are not merely “principles,” but are “requirements.” (p. 6).

7. In Section III.B. Schools, of the APFS, historical text in the first and second paragraphs is deleted (p. 8). The third paragraph is deleted in its entirety, as it erroneously operates in conflict with the APFO and inappropriately makes MCPS – rather than the City of Rockville’s Approving Authorities – the arbiter of school capacity determinations for annexations into the City (p. 8).

Likewise in subsection III.B.(ii), Schools, of the APFS, and consistent with the APFO, subsection (ii) is revised to confirm that the City of Rockville’s Approving Authorities – not MCPS – shall determine adequacy under the APFS. Consistent with the current provisions of the APFS, the City’s Approving Authorities shall apply Montgomery County’s school program

capacity standards, but only so long as: 1) the affected schools are located outside the City; 2) less than 10 percent of the schools' population at the time of annexation is comprised of students residing within the City; and 3) the determination is made within one year prior to the effective date of the annexation. The purpose of retaining the current APFS school program capacity standard is to ensure that the City's hands are not tied regarding prospective annexations with minimal school infrastructure impact. Otherwise, revisions to this subsection make clear that the City's school program capacity standards shall apply to any such annexation or subsequent development. Corresponding revisions are made for project review by other Approving Authorities (p. 9).

9. In Section III.C. of the APFS, Fire and Emergency Service Protection, the revisions respond to the March 23, 2012, Planning Commission recommendations to rewrite and clarify these provisions, which were the source of the greatest challenge to the City's land-use authority. The revised standards correspond to those of other municipalities in similarly sized and situated municipalities in Maryland (p. 11).