



MEMORANDUM

October 10, 2012

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Planning Commission Recommendations to the Mayor and Council on the Adequate Public Facilities Provisions for Public Schools

The Planning Commission appointed a citizen's committee to review the City's Adequate Public Facilities Ordinance (APFO) and companion Adequate Public Facilities Standards (APFS) in January, 2011. The committee completed its work and submitted its report to the Planning Commission in November of that year. The Commission formally transmitted the report to the Mayor and Council with a series of recommendations in March, 2012, but the Commission noted that some items would be researched and discussed further.

The Planning Commission has undertaken consideration of the APFO and APFS in light of the committee's recommendations with a view to providing some guidance to the Mayor and Council at such time as they take up a formal review. The Commission decided to begin with the APFS test for school capacity, which was the topic that drew the most interest and comment from the committee.

Since the school capacity test addresses the unique circumstances of development within the City, the Planning Commission recommends one minor adjustment to the APFO or APFS in regard to this issue. The recommended minor adjustment is given below. The Commission hopes that the observations provided herein will help inform the Mayor and Council as they continue to monitor the impact and efficacy of the APFO and APFS.

Observations:

- The schools in the City are one of our most important assets. People move to the City for the good schools, and continued overcrowding can have a negative impact on the City's desirability as a place to live. The integrity of the APFS needs to be retained.

- The budgetary process for the County's school system is essentially a political one. As such, the City needs to continue and increase its advocacy for the schools serving the City and pursue a closer working relationship with Montgomery County Public Schools. The Commission does not recommend abandoning our APFS school test and deferring to the County. Rather, the City should advocate for the County to adopt the City's standards. The quality of education is most important, and quality should not be sacrificed to budgetary concerns.
- The Planning Commission is very concerned about the overcrowding of schools serving Rockville families. Overcrowded schools do not optimally serve their students and families. Overcrowding is one factor that can diminish the overall educational experience, perhaps especially in elementary schools where inadequate core facilities may have the most impact.
- There is concern that residential and mixed-use development in the Town Center may be adversely affected by school capacity issues. Development in the Town Center should be re-evaluated in light of recent information and activity.
- The City may wish to consider some exceptions for key development areas such as the Town Center and Rockville Pike. There was a diversity of opinions among the Commission members on this point.
- In accounting for the impact of approved developments on the future capacity of the schools, the Commission recognized the need for some verification or clarification on how these projects are accounted in the MCPS forecasts. The City staff needs to work with the MCPS staff to ensure an accurate forecast.
- The Commission notes that a new elementary school is proposed in the Richard Montgomery Cluster on West Edmonston Drive, with a proposed opening in 2017. The MCPS does not propose to establish the new district boundaries for this school until 2016. That means that the APFS could not take account of this new school until just before it opens. The Commission believes it would be better for the City residents and the development community to have MCPS commit to establishing the final boundaries in a timely manner so that the impact of this new school on the APFS requirements for the other schools can be analyzed. A quick calculation indicates that the presence of the new school could result in an overall drop in utilization to acceptable APFS levels, depending on how the new boundaries will affect the overall cluster.
- The Commission acknowledges that the use of the school facility payment program is currently not permitted under state law. On advice of the City Attorney, the Commission notes that there is no clear statutory authority for collection of such funds by the City for the use of a program controlled by another governmental unit (*i.e.*, schools). This would be true even if the City opted to make the APFS school test consistent with the County program. We also note that it appears the County has collected such funds from only two development projects thus far, even though the program has been in place for several years.

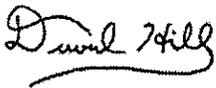
- The Commission suggests that the Mayor and Council pursue legislative changes to allow Rockville to collect and disperse a school facility payment but only if the funds collected are allocated to schools serving the City in a manner to address or alleviate the resulting concentration in the school(s) primarily affected. With such authority the Mayor and Council could consider revising the current capacity limit of 110% to the County's limit of 105%, beyond which the school facility payment process would be used up the 120%, the County's limit for a moratorium. This could allow some exceptions for key development areas up to the 120% limit.

Recommendations:

- Maintain our distinct school capacity test as part of the APFO to address the unique circumstances of development within the City.
- Maintain the two-year horizon for school capacity tests. Do not use the county's five-year standard.
- Maintain the school capacity test on a per-school basis, rather than averaged over the cluster.
- Maintain our current practice whereby the final APFS test is determined at the time of project approval, rather than at the time of application.

Recommended APFS Adjustment:

- Exempt the following uses from the school capacity test since either no or a de minimis number of school age children will be generated: accessory apartments, places of worship, wireless communication facilities, public uses, minor subdivisions.



David Hill, Chair
City of Rockville Planning Commission

cc: Planning Commission members
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