



February 14, 2003

Memorandum

To: The Montgomery County Planning Board

From: Karl Moritz, Research Manager, 301-495-1312 *KAM*

Re: Preliminary Worksession on the Annual Growth Policy: Discussion of Role of the AGP and Preparation for the June 5 and 12 worksessions

Introduction

On May 15, 2003, the Montgomery County Planning Board received a presentation of the Staff Draft 2003-2005 Annual Growth Policy "Policy Element." That presentation was followed by a brainstorming session, during which Board members discussed a range of growth management issues and possible directions for the AGP. In addition the Board held a public forum, receiving testimony from representatives of elected officials, representatives of citizen and trade groups, and individuals.

The Planning Board's May 22 "preliminary" worksession will follow up on the issues raised by the Planning Board and others on the May 15th. The goal is to make sure that the Board has the information it needs for productive discussions in June.

This memorandum touches on some of the main themes of the Board's discussion and provides some of the additional data requested. Staff suggests that Board may wish to use its hour on May 22 for the "what are we trying to do?" philosophical discussion, to continue brainstorming, and to continue identifying data and materials that staff should have ready for the worksessions.

Suggested Discussion Topics

1. The AGP: What's it for? What's the AGP's goal(s)?
2. Additional brainstorming: what are the ways the AGP achieve the goals we've set for it?
3. Additional baseline school data/information needed by the Board
4. Additional baseline transportation data/information needed by the Board.

Themes of the Board's Discussion

1. *Goals of the AGP:* Commissioners noted the importance of starting the discussion with a review of the goals of the AGP. Reaching agreement on the basic goals is a necessary first step before deciding the AGP provisions that might best achieve that goal.

Each AGP contains an "Overview of the Annual Growth Policy" that briefly addresses the purpose of the AGP. The relevant excerpt is Attachment 1 on page 4. In addition, staff raised the issue "What's the AGP for?" in our February 14, 2003 memo to the Planning Board. The relevant excerpt is Attachment 2 on pages 5 to 6.

In February, the Board touched on the topic of ways to make the AGP report more effective in directing public investment toward addressing the capacity inadequacies identified by the AGP. The AGP could, for example, not only identify areas where public facilities are inadequate but also recommend solutions.

2. *Start with the facts:* The Planning Board indicated that it wants to see "real numbers" for school enrollment and capacity, and traffic congestion, before reviewing options for AGP provisions.

Toward that objective for the school test, the Planning Board asked to see MCPS program capacity figures for each cluster, and also the results of an AGP test that uses a standard of adequacy of 100 percent of capacity and allows no borrowing. These numbers are included as Attachment 3 and Attachment 4. Other numbers that the Planning Board mentioned included were:

- How many classrooms have been built on average over the past years?
- How many students were added during those years?
- What is the average number of students per classroom? What is the Board of Education's goal for that number?
- What are the issues related to portables and how do portables fit into the equation?
- How does the Board of Education reflect "education load" into capacity figures?

If this list is not comprehensive, the Planning Board may wish to spend some time on May 22 identifying additional school data it would like to have provided. Staff will work with MCPS staff to provide the Planning Board with any additional baseline data the Board believes would be useful for their June debates.

The Board expressed an equal level of interest in accurate baseline transportation data. Staff expects to have additional data ready for the May 22 session. We also understand that we have more work to do to provide the Board with better ways to describe various levels of traffic congestion.

3. *Accurate testing:* Members of the Board indicated that they might prefer to have a test that is accurate, even if many areas/clusters fail the test. Then the question would be: what are the consequences of failing the test? The consequences might be severe or not, but at least the test documents real-world conditions.
4. *Packaging the Final Draft report:* The Board appeared to be interested in taking the time, care and attention needed to prepare a Final Draft AGP report that communicates the goals and recommendations clearly, concisely, and effectively. Such a report would make it much easier for the general public to understand the challenges the County faces, how managing growth through the AGP can realistically help address those challenges, and why the Planning Board believes its AGP recommendations are the best course of action.

Did we miss something?

Because this memorandum is being written the morning after the Board's discussions, staff may have missed documenting here one or more major points that the Board raised. Staff will be revisiting the record, but we also welcome the Board's reminding us of any issues we missed.

Attachment 1

Excerpt from “Overview to the Annual Growth Policy”

Background

The Montgomery County Council adopted the Adequate Public Facilities Ordinance (APFO) in 1973 as part of the Montgomery County Subdivision Ordinance. The County uses the APFO to promote orderly growth by synchronizing development with the availability of public facilities needed to support that development. The Montgomery County Planning Board administers the Subdivision Ordinance and the APFO. In April of 1986, the County Council enacted legislation which established an Annual Growth Policy (AGP) for the County. Since that time, the Council has used the AGP to direct the Planning Board’s administration of the County’s APFO. The text of the APFO and the Annual Growth Policy legislation is included in this document.

Purpose

The Annual Growth Policy legislation states that “the annual growth policy...is intended to be an instrument that facilitates and coordinates the use of the various powers of government to limit or encourage growth and development in a manner that best enhances the general health, welfare, and safety of the residents of the county.” County officials use the AGP to match the timing of private development with the availability of public facilities. The timing aspect of the AGP cannot be over-emphasized. The AGP is designed to affect the staging of development, not the location, total amount, type, or mix of development. These latter issues are dealt with in master plans, sector plans, and the County’s General Plan. The AGP has two components:

- Identifying the need for public facilities to support private development; and
- Constraining the amount of private subdivision approvals to those that can be accommodated by the existing and programmed public facilities that the County and other levels of government can produce in a given time frame.

The relative timing of development approval and provision of public facilities are what the APFO and the AGP are all about. The APFO mandates that the Planning Board not approve a preliminary plan of subdivision unless it finds that the public facilities in place or programmed in the local and state capital improvements programs will be adequate to serve the subdivision, along with all other approved development. The Annual Growth Policy tests the adequacy of four types of facilities:

- Transportation;
- Schools;
- Water and Sewerage Facilities; and
- Police, Fire and Health Services.

Attachment 2

Excerpt from staff memo to the Planning Board February 14, 2003

Role of the Annual Growth Policy

During discussions of the Annual Growth Policy over the past year, a surprising amount of time was devoted to discussing different perspectives of what the AGP was intended to accomplish. What's the AGP for? We suggest:

1. *Regulating the pace of development when public facilities cannot absorb additional demand.* Montgomery County's use of the subdivision moratorium is intended to affect the pace of development; it really has no other purpose. Other communities find public facilities are inadequate, but typically they do not impose moratoriums. Rather they use their findings to require developers to make payments toward infrastructure. Montgomery County is nearly unique in that so-called "pay-and-go" provisions have been the exception, and not the rule.
2. *Providing developers with advance notice that public facilities are inadequate so that they do not invest time and money submitting an application that will not be approved.* Two of the three main AGP tests for adequacy, Policy Area Transportation Review and the School Test, provide a clear, annual assessment of the likelihood that there is adequate capacity for a proposed subdivision. In the case of Policy Area Transportation Review, staging ceilings and the capacity available for new approvals change infrequently. The "uncertainty" is that it is not known when new facilities will bring an area out of moratorium. In the case of the school test, findings of adequacy, while in effect, are limitless.
3. *Identifying where public facility deficits are.* A prominent feature of early AGP reports is a graphic showing a yin-yang symbol. One side is labeled "AGP" and the other "CIP." The purpose of the graphic was to show that the two documents have separate but inter-related roles, and the role of one feeds into the role of the other in a circular way. The cycle can start with the AGP's responsibility to identify when facilities are adequate and when they are not adequate to support new development. The CIP's job is to take that information and use it to decide where and what kind of new facilities to program. When new facilities are programmed in the CIP, the AGP's job is to determine how much new development can be accommodated by the new facilities and to show where there are still inadequacies.
4. *Administer the APFO in concert with the General Plan and other public policy objectives.* Integral to the AGP from the beginning have been features that support the General Plan's goals of concentrating growth into the urban ring and along transportation corridors. The AGP has always allowed additional congestion in areas planned for more growth than in areas where little growth is planned. This aspect of the AGP is both a compromise of the

Attachment 2, continued

Excerpt from staff memo to the Planning Board February 14, 2003

APFO in order to allow the General Plan's goals to occur and but also an enforcement of the APFO which keeps the General Plan's goals from being subverted. In some cases the AGP explicitly recognizes County policies with specific provisions (such as the Special Ceiling Allocation for Affordable Housing and the provision for Strategic Economic Development Projects) and in other cases the AGP simply defers to other policies, plans and regulations. For example, no provision of the AGP may override any master plan or sector plan.

What isn't the AGP for? Staff believes there are at least three common misperceptions about what the Annual Growth Policy is intended to accomplish.

1. *The AGP does not provide public facilities:* The Capital Improvements Program is the mechanism through which public officials allocate resources toward new public facilities. The AGP was never intended to take the place of the CIP, but to provide information for the CIP, and to reflect actions taken in the CIP.
2. *The AGP is not an arena for revisiting the master plan.* The AGP is intended to *stage* the development called for in the master plan, not to halt it permanently. The AGP's role is partly shaped by legal issues – moratoriums due to inadequate facilities are to be temporary – but also because the master plan process is the appropriate vehicle for planning the amount, type and location of development in an area.
3. *The AGP does not encompass all of the County's policies related to growth:* Over the years and especially in the past year, staff has realized that there is a perception that the AGP is, or should be, the repository for all of Montgomery County's growth-related policies. But the AGP is really a regulatory document, and what it regulates is new development. In the past, new development played the lead role in how Montgomery County was changing; today, "growth" may also encompass new uses for existing development, demographic shifts, and other factors that the AGP does not regulate.

Attachment 3: MCPS Program Capacity

Annual Growth Policy Test Using 100% of MCPS Capacity

No borrowing

Reflects Recommended FY2004 Capital Budget and Amendments to the FY03-08 Capital Improvements Program (CIP)

Elementary School Enrollment and Capacity

Cluster Area	Projected Sept. 2008 Enrollment	100% MCPS* Capacity With Amended FY03-08 CIP	Capacity Remaining @ 100% MCPS capacity	AGP Test Result - Capacity is:
B- CC	2,979	3,036	57	Adequate
Blair	5,689	5,343	-346	Fail
Blake	2,447	2,402	-45	Fail
Churchill	2,496	2,401	-95	Fail
Damascus	3,708	2,896	-812	Fail
Einstein	3,232	2,968	-264	Fail
Gaithersburg	4,107	4,106	-1	Fail
Walter Johnson	3,019	2,576	-443	Fail
Kennedy	2,664	2,356	-308	Fail
Magruder	2,944	2,981	37	Adequate
R. Montgomery	2,389	2,295	-94	Fail
Northwest	3,773	3,055	-718	Fail
Paint Branch	2,415	2,483	68	Adequate
Poolesville	720	804	84	Adequate
Quince Orchard	2,915	2,651	-264	Fail
Rockville	2,388	2,506	118	Adequate
Seneca Valley	3,092	3,042	-50	Fail
Sherwood	2,618	2,673	55	Adequate
Springbrook	2,675	3,060	385	Adequate
Watkins Mill	3,147	2,896	-251	Fail
Wheaton	3,151	3,077	-74	Fail
Whitman	2,134	2,087	-47	Adequate
Wootton	3,179	2,918	-261	Adequate

Middle School Enrollment and Capacity

Projected Sept. 2008 Enrollment	100% MCPS* Capacity With Amended FY03-08 CIP	Capacity Remaining @ 100% MCPS capacity	AGP Test Result - Capacity is:
1,048	937	-111	Fail
2,798	3,221	423	Adequate
1,185	1,378	193	Adequate
1,459	1,441	-18	Fail
1,706	1,684	-22	Adequate
1,409	1,888	479	Adequate
1,767	1,883	116	Adequate
1,643	1,862	219	Adequate
1,353	1,576	223	Adequate
1,408	1,728	320	Adequate
1,039	1,030	-9	Fail
1,575	1,337	-238	Fail
1,216	1,334	118	Adequate
368	500	132	Adequate
1,674	2,239	565	Adequate
994	1,030	46	Adequate
1,415	1,305	-110	Fail
1,311	1,577	266	Adequate
1,109	1,257	148	Adequate
1,565	1,756	191	Adequate
1,317	1,639	322	Adequate
1,216	1,125	-91	Fail
1,553	1,616	63	Adequate

High School Enrollment and Capacity

Projected Sept. 2008 Enrollment	100% MCPS* Capacity With Amended FY03-08 CIP	Capacity Remaining @ 100% MCPS capacity	AGP Test Result - Capacity is:
1,612	1,539	-73	Fail
3,429	3,631	202	Adequate
1,689	1,710	21	Adequate
2,180	2,012	-168	Fail
2,161	2,567	406	Adequate
1,902	1,960	58	Adequate
2,138	2,112	-26	Fail
2,040	1,937	-103	Fail
1,750	1,840	90	Adequate
2,108	2,043	-65	Adequate
1,886	1,994	108	Adequate
2,116	2,016	-100	Fail
1,741	1,616	-125	Fail
704	868	164	Adequate
1,935	1,777	-158	Adequate
1,355	1,511	156	Adequate
1,717	1,864	147	Adequate
1,927	1,982	55	Adequate
2,149	2,110	-39	Fail
2,033	2,196	163	Adequate
1,600	1,801	201	Adequate
1,911	1,910	-1	Fail
2,320	2,081	-239	Fail

Shading indicates cluster where enrollment exceeds capacity in at least one level.

Clusters failing test:

- B- CC
- Blair
- Blake
- Churchill
- Damascus
- Einstein
- Gaithersburg
- Walter Johnson
- Kennedy
- R. Montgomery
- Northwest
- Paint Branch
- Quince Orchard
- Seneca Valley
- Springbrook
- Watkins Mill
- Wheaton
- Whitman
- Wootton

Attachment 4: AGP Capacity

Annual Growth Policy Test Using 100% of AGP Capacity

No borrowing

Reflects Recommended FY2004 Capital Budget and Amendments to the FY03-08 Capital Improvements Program (CIP)

Elementary School Enrollment and Capacity

Cluster Area	Projected Sept. 2008 Enrollment	100% AGP* Capacity With Amended FY03-08 CIP	AGP Test 1: Students Above or Below 100 % AGP Cap.	AGP Test Result - Capacity is:
B- CC	2,979	3,334	355	Adequate
Blair	5,689	5,638	-151	Fail
Blake	2,447	2,559	112	Adequate
Churchill	2,496	2,477	-19	Fail
Damascus	3,708	3,428	-280	Fail
Einstein	3,232	3,082	-150	Fail
Geithersburg	4,107	4,392	285	Adequate
Walter Johnson	3,019	2,809	-210	Fail
Kennedy	2,664	2,475	-189	Fail
Magruder	2,944	3,313	369	Adequate
R. Montgomery	2,389	2,446	57	Adequate
Northwest	3,773	3,460	-313	Fail
Paint Branch	2,415	2,684	269	Adequate
Poolesville	720	882	162	Adequate
Quince Orchard	2,915	3,015	100	Adequate
Rockville	2,388	3,065	677	Adequate
Seneca Valley	3,092	3,419	327	Adequate
Sherwood	2,618	3,040	422	Adequate
Springbrook	2,675	3,156	481	Adequate
Watkins Mill	3,147	3,078	-68	Fail
Wheaton	3,151	3,135	-16	Fail
Whitman	2,134	2,358	224	Adequate
Woolton	3,179	3,403	224	Adequate

High School Enrollment and Capacity

Projected Sept. 2008 Enrollment	100% AGP* Capacity With Amended FY03-08 CIP	AGP Test 1: Students Above or Below 100 % AGP Cap.	AGP Test Result - Capacity is:
1,048	990	-58	Fail
2,798	3,398	600	Adequate
1,185	1,485	300	Adequate
1,459	1,575	116	Adequate
1,706	1,800	94	Adequate
1,409	2,160	751	Adequate
1,767	2,093	326	Adequate
1,643	2,138	495	Adequate
1,353	1,755	402	Adequate
1,408	1,800	392	Adequate
1,039	1,170	131	Adequate
1,575	1,305	-270	Fail
1,216	1,417	201	Adequate
368	518	150	Adequate
1,674	2,363	689	Adequate
984	1,148	164	Adequate
1,415	1,530	115	Adequate
1,311	1,620	309	Adequate
1,109	1,395	286	Adequate
1,565	1,800	235	Adequate
1,317	1,935	618	Adequate
1,216	1,193	-23	Fail
1,553	1,688	135	Adequate

High School Enrollment and Capacity

Projected Sept. 2008 Enrollment	100% AGP* Capacity With Amended FY03-08 CIP	AGP Test 1: Students Above or Below 100 % AGP Cap.	AGP Test Result - Capacity is:
1,612	1,598	-14	Fail
3,429	3,758	329	Adequate
1,689	1,778	89	Adequate
2,180	2,093	-87	Fail
2,161	2,678	517	Adequate
1,902	2,138	236	Adequate
2,138	2,340	202	Adequate
2,040	2,093	53	Adequate
1,750	2,048	298	Adequate
2,108	2,115	7	Adequate
1,886	2,115	229	Adequate
2,116	2,070	-46	Fail
1,741	1,888	147	Adequate
704	900	196	Adequate
1,935	1,980	45	Adequate
1,355	1,665	310	Adequate
1,717	1,980	263	Adequate
1,927	2,093	166	Adequate
2,149	2,273	124	Adequate
2,033	2,318	285	Adequate
1,600	1,913	313	Adequate
1,911	2,025	114	Adequate
2,320	2,183	-137	Fail

Shading indicates cluster where enrollment exceeds capacity in at least one level.

Clusters failing test:

- B- CC
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- Watkins Mill
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