

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING
Memorandum

TO: Addressees

DATE: August 2, 2006

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

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SUBJECT: School Adequate Public Facilities Regulations

Attached are the adopted School Impact Analysis Regulations required under Section 32-6-103 of the Baltimore County Code, 2003. The effective date of the regulations is August 2, 2006. Prior to adopting these regulations, public hearings were held on June 7, 2006 and August 1, 2006. The regulations were approved by the County Attorney as to their legality as required under Section 3-7-205 of the Baltimore County Code, 2003.

If you have any questions, please contact me on extension 3211 or Jeff Mayhew on extension 3480.

AFK:JM:rk

Attachment

Addressees:

Tony Marchione, Administrative Officer, Administrative Office
Erin O'Connor, Education Liaison, Executive Office
Tim Kotroco, Director, Permits and Development Management
John Beverungen, County Attorney, Office of Law
Bill Wiseman, Zoning Commissioner
Fred Homan, Director, Office of Budget
Thomas Peddicord, Legislative Counsel, County Council

Title 03 Office of Planning

Subtitle 02 Community Planning

Chapter 01 Adequate Public Facilities - School Impact Analysis

01. Purpose.

Pursuant to Article 32, Title 6 of the Baltimore County Code, 2003 the purpose of these regulations is to require developers to submit sufficient information to the Office of Planning in order to determine the impact of projects with a residential component on public school facilities.

02. Definitions

A. In this Chapter, the following words have the meaning stated in Section 32-6-101 of the Baltimore County Code, 2003:

- (1) Applicant.
- (2) Development Approval.
- (3) Dwelling.
- (4) Filing Date.
- (5) Residential Development

B. In this Chapter, the following words have the meaning stated in Section 32-6-103 of the Baltimore County Code, 2003:

- (1) Enrollment.
- (2) Overcrowded School District.
- (3) Redevelopment.
- (4) School.
- (5) State-rated capacity (SRC).

C. In this Chapter, the following words have the meanings indicated.

(1) (a) "Approved plan" means:

- (i) an approved residential development plan;
- (ii) an approved nonresidential development plan with a residential component;
- (iii) a development plan for a planned unit development plan approved by the Department of Permits and Development Management in accordance with § 32-4-247 of the Baltimore County Code, 2003; or
- (iv) a final redevelopment plan approved by the Director of Permits and Development Management in accordance with § 430A of the Baltimore County Zoning Regulations.

(b) "Approved plan" does not include:

- (i) Elderly housing facilities, as defined in the Baltimore County Zoning Regulations;
- (ii) Emergency or transitional housing facilities;

- and
- (iii) 1. Sheltered housing for the handicapped or disabled;
 - 2. Community care facilities, as defined in the Baltimore County Zoning Regulations;
 - (iv) Group child care centers or nursery schools, as defined in the Baltimore County Zoning Regulations; or
 - (v) Minor subdivisions.
- (2) “Conditional development plan approval” has the meaning stated in § 32-6-109 of the Baltimore County Code, 2003.
- (3) “Development plan” has the meaning indicated in § 32-4-101 of the Baltimore County Code, 2003.
- (4) “Projected pupil yield” means the number of pupils estimated to be generated by a development plan based on factors established by the Baltimore County Board of Education.
- (5) “Committed Seats” means the number of seats that have been allocated to a school district to relieve an adjacent overcrowded school district.
- (6) “Net SRC” means the State Rated Capacity for a school district minus the Committed Seats.

03. Information to be provided by the Board of Education

A. The Baltimore County Board of Education shall annually provide the Office of Planning the following information:

- (1) State-rated capacity for each school;
- (2) A current pupil yield table;
- (3) September 30th enrollments for all elementary schools, middle schools, and high schools; and
- (4) The current school district boundary for each school.

B. The Office of Planning shall use the information provided under this regulation to make its recommendation of whether:

- (1) a school district is an overcrowded school district; and
- (2) the proposed development plan would result in the school district becoming an overcrowded school district.

04. Content of the School Impact Analysis

A school impact analysis shall, at a minimum, contain the following information on forms provided by the Office of Planning:

- (1) Form 1 -Current Enrollment, including:
 - (a) Name of the proposed development;
 - (b) Department of Permits and Development Management Project Number;
 - (c) Filing date;
 - (d) The name of the elementary school district in which the proposed development is located;
 - (e) The name of the middle school district in which the proposed development is located;
 - (f) The name of the high school district in which the proposed

- development is located;
 - (g) The State-rated capacity for each school district in which the proposed development is located;
 - (h) The Committed seats for each school district in which the proposed development is located.
 - (i) The Net SRC for each school district in which the proposed development is located.
 - (j) The most recent September 30th enrollment for each school district in which the proposed development is located;
 - (k) The difference between the Net SRC and the most recent September 30th enrollment for each school district in which the proposed development is located; and
 - (l) The most recent September 30th day enrollment expressed as a percentage of the Net SRC for each school district in which the proposed development is located.
- (2) Form 2 -Projected Pupil Yield by Development Type, including:
- (a) Name of the proposed development;
 - (b) Department of Permits and Development Management Project Number;
 - (c) Filing date;
 - (d) Based on the type of dwellings in the proposed development, projected pupil yield for the elementary school in the election district in which the proposed development is located;
 - (e) Based on the type of dwellings in the proposed development, projected pupil yield for the middle school in the election district in which the proposed development is located; and
 - (f) Based on the type of dwellings in the proposed development, projected pupil yield for the high school in the election district in which the proposed development is located.
 - (g) If the calculation of the number of pupils results in a number containing a fraction, the number of pupils shall be rounded to next highest whole number.
 - (h) If the pupil yield for a housing type in the selected election district is zero, the applicant must use the average pupil yield in the county for that housing type.
 - (i) The applicant may provide thorough data and justification to the Office of Planning to demonstrate that the proposed project has a pupil yield less than that of the Baltimore County Public Schools, Pupil Yield Factors. The Office of Planning will make a final determination on the applicant's request.
 - (j) The pupil yield by dwelling type will only be applied to the new dwelling units. Existing dwellings that will remain as part of the proposed development will not be included in the analysis.
- (3) Form 3 - Projected Pupil Yield by Approved Plans.
- (a) The Office of Planning will compile a report of approved plans by school district for the previous four years.

(b) The list will also include an approved plan that has been granted an extension under § 32-4-261(b) of the Baltimore County Code, 2003.

(c) The report list will also identify the pupil yield for elementary, middle and high schools based on the dwelling type.

(d) This list will be used to quantify the expected pupil yield for the approved plans.

(e) The list shall include:

(i) Name of proposed development;

(ii) Department of Permits and Development Management Project Number;

(iii) Filing date;

(iv) Based on the Office of Planning's report of approved plans, a listing of approved plans in the elementary school district where the proposed development is located that includes the name of the proposed development, the Department of Permits and Development Management Project Number, the approval date and the expected pupil yield for that proposed development. The expected pupil yield for each approved plan will be summed for a grand total of expected elementary school students.

(v) Based on the Office of Planning's report of approved plans, a listing of approved plans in the middle school district where the proposed development is located that includes the name of the proposed development, the Department of Permits and Development Management Project Number, the approval date and the expected pupil yield for that proposed development. The expected pupil yield for each development will be summed for a grand total of expected middle school students.

(vi) Based on the Office of Planning's report of approved plans, a listing of approved plans in the high school district where the proposed development is located that includes the name of the proposed development, the Department of Permits and Development Management Project Number, the approval date and the expected pupil yield for that proposed development. The expected pupil yield for each development will be summed for a grand total of expected high school students.

(vii) An approved plan from the previous four years may be removed from the Approved Plan List, provided an occupancy permit was issued for all the new dwellings associated with the approved plan.

(4) Form 4 - Determination of whether the proposed development plan would result in a school district becoming an overcrowded school district.

(a) Name of the proposed development;

(b) The Department of Permits and Development Management Project Number;

(c) Filing date;

- (d) The name of the elementary school district in which the proposed development is located;
- (e) The name of the middle school district in which the proposed development is located;
- (f) The name of the high school district in which the proposed development is located;
- (g) The Net SRC for each school district in which the proposed development is located;
- (h) The most recent September 30th enrollment for each school district in which the proposed development is located;
- (i) The pupil yield projected to be generated by the proposed development for each school district;
- (j) The sum of the pupil yield for the approved plans in each school district;
- (k) The total of the most recent September 30th enrollment, the projected pupil yield for the approved plans and the pupil yield for the proposed development plan for the school district;
- (l) The difference between the Net SRC and the most recent September 30th enrollment, the projected pupil yield from the proposed development, and the projected pupil yield for the approved plans for the school district; and
- (m) The most recent September 30th enrollment plus the projected pupil yield from the proposed development, and the projected pupil yield for the approved plans expressed as a percentage of Net SRC for each school district.

.05. Development Approval in an Overcrowded School District

A. If it is determined that the proposed development is located in an overcrowded school district or that the proposed development would result in a school district becoming an overcrowded school district, the School Impact Analysis shall determine whether:

- (1) The redevelopment of residential property meets the requirements of § 32-6-103(f)(1) of the Baltimore County Code, 2003;
- (2) The Baltimore County Capital Budget contains a capital project that meets the requirements of Section § 32-6-103(f)(2) of the Baltimore County Code, 2003;
- (3) Subject to Section B. of this regulation, any comparable school in a district adjacent to the overcrowded school district has sufficient capacity that meets the requirements of § 32-6-103(f)(3) of the Baltimore County Code, 2003; or
- (4) The Board of Education has approved a plan that meets the requirements of § 32-6-103(f)(4) of the Baltimore County Code, 2003.

B. In determining sufficient capacity for the adjacent school district, approved plans will be considered in a similar manner as the school district in question. When the subject school district is determined to be overcrowded, spare capacity from adjacent school districts may only be used to mitigate an overcrowded school district to the point when the adjacent school districts reach not more than 115% of the state-rated capacity. The available adjacent spare capacity will be reduced as residential development projects utilize adjacent spare capacity to receive development approval. The adjacent spare capacity will be reduced by order of the approval date for the residential development that utilizes the adjacent spare capacity. The utilization of the

adjacent spare capacity will be carried forward for four years or until the subject residential development is completely built.

06. Review and Action by the Office of Planning

A. The Office of Planning shall review the School Impact Analysis submitted by the applicant to verify the information and to determine compliance with the requirements of these regulations and Article 32, Title 6 of the Baltimore County Code, 2003.

B. After review of the School Impact Analysis, the Office of Planning shall make its recommendation to the Hearing Officer or the Director of Permits and Development Management, as appropriate.

After public hearings on June 7, 2006 and August 1, 2006, these regulations were adopted and made effective August 2, 2006.