

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

WORK SESSION

County Government Center Board Room

April 27, 2004

4:00 P.M.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. BOARD DISCUSSIONS**
 - 1. Adequate School Facilities Test
 - 2. Update on James City Service Authority Projects
- D. ADJOURNMENT**

MEMORANDUM

DATE: April 27, 2004

TO: The Board of Supervisors

FROM: Trey Davis, Development Management Assistant

SUBJECT: Adequate Public Schools Facilities Test Policy

As a result of discussions among members of the Planning Commission and Board of Supervisors, staff is providing an overview of the Adequate Public Schools Facilities Test Policy. Highlights include the history of the policy, its current use, legal perspectives, and answers to some of the questions that have been raised. This information is intended to facilitate the Board's deliberation of any policy changes.

History:

During the 1997 update of the Comprehensive Plan, the Board of Supervisors expressed a desire to ensure that there be sufficient capacity in the school system to handle students generated by new development. The result was a strategy for an adequate public schools facility test incorporated into the Public Facilities chapter. In 1998, a citizen committee recommended a test for all special use permit and rezoning cases that would require staff to recommend denial for any case in which the development would lead a school to exceed 110 percent of its effective design capacity.

The Planning Commission unanimously adopted a resolution for the Adequate Public Schools Facilities Test Policy on May 4, 1998. This version stated, "As a condition of staff's recommending approval of a rezoning or special use permit request, all special use permit or rezoning applications, except those listed below, *are required* (emphasis added) to pass the test for adequate public school facilities." It went on to state that if the student population could be brought below the 110 percent design capacity within three years of the proposal, the application would still pass the test. Family subdivisions and facilities that did not generate children would be exempt from the test.

During hearings in June 1998 the Board of Supervisors recommended several changes to the policy. These included the following:

- Creating a one-tiered test—this would examine all school levels within the proposed development's district rather than looking at the elementary/middle schools and high schools separately;
- Focusing on "design capacity" as opposed to "effective capacity" of the schools;
- Changing the requirement from 110 percent of effective capacity to 100 percent of design capacity; and
- Removing language stating that failure to pass the test would automatically result in a staff recommendation of denial for the application.

The new resolution, passed by the Board on June 23, 1998, reads in part, "All special use permits or rezoning applications, except those listed below, *should* (emphasis added) pass the test for adequate public schools facilities."

The 2003 update of the Comprehensive Plan reaffirmed the use of the Adequate Public Schools Facilities Test Policy as one of the County's growth management tools.

Williamsburg–James City County Public Schools define “design capacity” and “program capacity” (very similar to “effective capacity,” which is defined as 90 percent of the design capacity) in the Ten Year Enrollment Projections Report for 2004:

Design capacity is defined as the number of students who can be accommodated, based upon the designed spaces. This figure is determined by State criteria at the time of construction. This figure does not take into account any recent program changes that might necessitate using the designed space differently. The State assumes a classroom design capacity for students at 25 students per room. This figure does not take into account different staffing guidelines that are used in local school districts.

Program capacity is defined as the number of students who can be accommodated, based upon the actual use of the space at the time. For example, kindergarten, first, and second grade classrooms are currently staffed with one teacher per 20 students. Similarly, regular classroom space has been converted in some schools to accommodate computer labs. Program capacity will reflect School Board initiatives.

Current Use:

Since the policy’s adoption, staff has utilized the test for all applicable rezonings and special use permits. The results are used as one factor among several in making a final staff recommendation to the Planning Commission and the Board of Supervisors. The question has been raised as to whether the test should take on a more formal role in the review process, or remain primarily informational.

The City of Chesapeake, which served as the initial model for the James City County Adequate Public Schools Facility Test Policy, has a Level of Service test covering three areas: roads, schools, and public utilities. Should a proposed residential rezoning fail any one of these three tests, the Planning Division must recommend denial; however, the Planning Commission and City Council retain discretion to use it as one factor in their deliberations.

As for how enrollment figures are obtained, both Chesapeake and Williamsburg–James City County Public Schools base these on current enrollment numbers each September 30. In Chesapeake, if a proposed project is located in a district with a school which is at or above 120 percent of this capacity, denial will be recommended. Should all the schools fall below the 120 percent mark, planners will add in the anticipated capacity from previously approved rezonings. If this causes the capacity measure to rise above 120 percent, staff will recommend denial. Currently, James City County does not have a method for including projected student generation from approved, but not yet constructed and occupied, development.

Chesapeake’s method of accounting for approved, not yet built, development is as follows: First, staff calculates the total number of housing units allowed through previously approved rezonings. They then deduct from this number those units which are already built and occupied. The resulting number reflects those units which are “in the pipeline.” It is then multiplied by the citywide ratio of students to that particular housing type, resulting in an estimate of the number of students that can reasonably be expected once these projects are built out. A similar process might be explored for use in James City County.

Legal Perspective:

In considering zoning ordinances, zoning districts, rezonings, and special use permits, the Virginia Code identifies several factors for the Board of Supervisors to consider in determining the appropriateness of land uses and the impacts on the community. In general, the Board is charged with protecting against “overcrowding of land, undue density of population in relation to the community facilities existing or available . . .” and must

make provision for public facilities “consonant with the efficient and economical use of public funds.” Va. Code Sections 15.2-2283 and 15.2-2200. In particular, the Virginia Code identifies schools as a public facility to be considered in zoning decisions. As such, an adequate public schools facilities test is an appropriate factor for the Board to weigh in considering a rezoning or special use permit case. The policy identifying such a test cannot be absolute, in that a failure of the test would result in a denial of the case. The Board could turn down a proposal, however, based on a failure of an adequate public facilities test, inadequate mitigation of such impacts, and insufficient mitigating factors otherwise present in the proposal. In short, the Board can identify tests for impacts on public facilities as long as the Board retains its legislative discretion to consider all the impacts and advantages of each individual case.

Considerations:

The Board last visited revising the Adequate Public Schools Facilities Test Policy in 2000. At that time, discussions centered on how to determine the capacity (design versus effective), whether or not to use a three-year time frame for schools in the Capital Improvements Program (CIP) and redistricting plans, and how formally the test should be applied to staff’s recommendation. No changes were made as a result of that Work Session discussion.

Thus far, the Board’s interests in the policy have focused on possible revisions in the following areas: Whether it should take on a more formal role in the review process; which current enrollment figures should be used; methods for calculating the anticipated enrollment growth from already approved development; whether the test should focus on only schools in the district of the proposed development or the whole system; and what consequences, if any, should result from test failure for the applicant, Williamsburg - James City County Public Schools, and the Board.

Staff recommends that the Board discuss these policy issues at its Work Session and provide instruction to staff on whether to revise the test.

Trey Davis

CONCUR:

O. Marvin Sowers, Jr.

TD/gs
schooltest.mem

Attachments:

1. Adopted Policy
2. Board of Supervisors memo of January 26, 2000

RESOLUTION

ADEQUATE PUBLIC SCHOOLS FACILITIES TEST

- WHEREAS, during the 1997 Comprehensive Plan update, the Board of Supervisors expressed a desire, through a specific strategy incorporated into the Public Facilities chapter, to adopt an adequate public schools facilities test; and
- WHEREAS, the "test," which would be applied to new developments needing a special use permit or rezoning, would require sufficient capacity in the school system to accommodate the additional school children generated by the development under consideration; and
- WHEREAS, the task of drafting the policy was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and
- WHEREAS, on May 4, 1998, the Planning Commission recommended adoption of the draft policy by a unanimous vote; and
- WHEREAS, after consideration of the draft policy, the Board amended the policy as described herein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

All special use permit or rezoning applications, except those listed below, should pass the test for adequate public school facilities.

- A proposed rezoning or special use permit application will be tested for adequate public school facilities. A proposed rezoning or special use permit application will pass the test if the schools which would serve the future development currently have adequate design capacity to accommodate the existing student population plus the additional school children generated by the development. For purposes of this policy, the schools shall be deemed adequate if the projected student population does not exceed 100 percent of the design capacity at the time of the application's review.
- If any of the applicable public schools which would serve the future residential development exceed 100 percent of the design capacity, then the application will not pass the test for adequate school facilities. However, if the affected public schools currently exceed design capacity, but the schools' student population will be brought under design capacity within three years of the time of the application's review through either physical improvements programmed in the CIP, and/or through a redistricting plan that was approved by the School Board prior to application, then the application will be deemed to have passed the test.

The following proposals would be exempt from the Adequate Public Schools Facilities test:

- family subdivisions; and

- residential development that, through proffers and covenants, is restricted to adult residents only; and
- amendments to previously approved rezonings, special use permits and master plans that only shift densities or internal uses that do not increase the number of previously approved units or gross densities and that do not change the zoning district of land.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	NAY
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of June, 1998.

schlfac2.res

MEMORANDUM

DATE: January 26, 2000
TO: The Board of Supervisors
FROM: Paul D. Holt, III, Senior Planner
SUBJECT: Adequate Public Facilities Schools Test

For your use at Wednesdays work session, please find attached the following:

- copy of the adequate public facilities test policy for schools adopted by the Board in 1999; and
- capacity definitions.

The adequate public facilities test for schools was adopted by the Board as a means of determining the ability of the school system to accommodate the children that would be generated by a proposed residential development. Under the policy, staff evaluates the capacity of the schools that would serve the proposed development, and compares that to the number of children generated by that development. Staff considers this information in making its advisory recommendation to the Planning Commission and Board on a rezoning or special use permit case. This information is reported to the Board along with other information on the case.

The Board should find that in the adopted policy, capacity is based on *design* capacity. As originally recommended by the citizen Zoning Ordinance Update Committee, the Planning Commission and staff, capacity would have been measured by *effective* capacity; however, prior to adoption of the policy, the language was changed by the Board to design capacity. Also changed by the Board at the time was the requirement that all proposed residential developments *shall* pass the test in order to receive a positive staff recommendation (given that all other aspects were acceptable) – the Board should note that the proposed language was changed to read that a proposed development *should* pass the test (i.e., failure of the test could not be used as a sole means of a negative staff recommendation).

As the policy is currently implemented, under a residential proposal, for example, staff would forecast the number of expected school age children (i.e., the number of anticipated elementary, middle and high school age children). This number would then be added to the current year school enrollment and compared with the capacity of the applicable schools which would serve the proposed development. If any of the applicable public schools which would serve the future residential development exceed 100% of the design capacity, then the application will not pass the test for adequate school facilities. Such a finding would then be factored in staff's overall recommendation on the case. Since the adoption of the test however, no projects have been proposed where capacities would be exceeded. This has been due to both the capacity of the current school system and to the public support for, and recent construction of, new school facilities. For a frame of reference, capacities and enrollments since the policy has been adopted are as follows:

<u>School</u>	Capacities:		Enrollment:		
	<u>Design</u>	<u>Effective</u>	<u>'98</u>	<u>'99</u>	<u>'00 projected</u>
Clara Byrd Baker Elementary	804	724	880	859	685
Rawls Byrd Elementary	657	592	520	518	535
D.J. Montague Elementary	757	682	737	791	571
Norge Elementary	760	684	669	664	548
Matthew Whaley Elementary	562	506	443	470	464
James River Elementary	587	529	490	487	494
Stonehouse Elementary	587	529	n/a	n/a	462
Berkeley Middle	1,194	1,075	449	636	684
James Blair Middle	694	625	690	501	511
Toano Middle	861	775	723	745	751
Lafayette High	1,388	1,250	1,219	1,292	1,344
Jamestown High	1,388	1,250	1,101	1,169	1,232

<u>Schools by Type</u>	Capacities:		Enrollment		
	<u>Design</u>	<u>Effective</u>	<u>'98</u>	<u>'99</u>	<u>'00 projected</u>
Elementary	4,717	4,246	3,739	3,810	3,759
Middle	2,750	2,475	1,862	1,882	1,946
High	2,777	2,500	2,320	2,399	2,514
Totals	10,245	9,221	7,921	8,091	8,219

As can be seen, in 1998 and 1999, Clara Byrd Baker was over both the design and effective capacities; D.J. Montague was over effective capacity in 1998 and over both effective and design capacity in 1999; and James Blair was over effective capacity in 1998. For the upcoming year, only Lafayette High is projected to be above effective capacity in 2000. Development proposals that have been approved to date met the policy's criteria that the schools' student population will be brought under design capacity within three years of the time of the application's review through either physical improvements programmed in the CIP, and/or through a redistricting plan that was approved by School Board prior to application.

The Board should also find that the current test only addresses capacity and not funding for new schools. Staff believes that funding would be more appropriately addressed in a cash proffer policy. In recent years the Board has considered adopting a cash proffer policy for items such as schools, but decided not to adopt such a policy. The Board last considered this issue in 1999, and instructed staff to undertake further research on several questions.

Policy Considerations for the Board's Work session

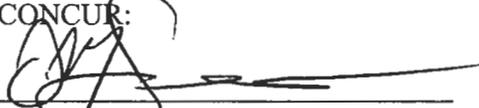
As noted above, all of the developments considered thus far have passed the adequate public facilities schools test. Consequently, the test has had limited impact on residential rezoning and special use permit requests. This is primarily due to the policy choices that are contained in the test. Outlined below are what staff believes to be the most significant policy choices in the test. Staff recommends that the Board consider these policy choices at its work session, and instruct staff whether to revise the test.

- A. **Determination of capacity.** Should “design” capacity continue to be used, or should another method such as “effective” capacity be used?
- B. **Credit for schools in the CIP and redistricting plans.** Should staff continue to use a three year time frame for schools that are programmed in the CIP and for implementation of an approved redistricting plan, or should this three year time frame be modified?
- C. **Effect of the test.** Should the test be used by staff as a sole means of recommending denial of an application or should staff continue to use it as one factor among others in making its recommendation?

One other item that the Board should be aware of is the method that is used by staff to track capacity availability. Currently, cases are measured against the amount of capacity available for the school year in which the case is received. Each year when the School Board does its enrollment projections for the upcoming year, available capacity is determined. Part of that determination is based on the amount of residential units that have been approved by the Board the previous year along with staff and School Board assumptions on the build out rate in the County. Staff continues to work with the School Board to make these projections as accurate as possible.



Paul D. Holt, III

CONCUR:


O. Marvin Sowers, Jr.

attachments