



**Planning Commission  
Regular Meeting  
April 7, 2026, 6:00 PM  
Council Chambers, La Plata Town Hall  
305 Queen Anne St.  
La Plata MD**

**Agenda**

1. Call to Order

1.1. Meeting Attendance and Decorum

Attendees, please use meeting courtesy. Virtual attendees are asked to mute their microphones when joining the meeting. Participants may be muted by the Town Clerk, and meetings will be recorded.

In accordance with the Open Meetings Act, the public has the right to view/listen to the discussion only. At their discretion, the Planning Commission may allow participants to voice questions or provide comments on the topics under discussion. Written comments may be submitted via e-mail to [Legislative@townoflaplata.org](mailto:Legislative@townoflaplata.org). Members of the public wishing to address the Planning Commission in person may sign up in advance via the [town webpage](#) or upon arrival at the Council Chamber.

[Join the meeting now](#)

Meeting ID: 228 255 787 294 15

Passcode: t729yv36

(Calendar Year 2026)

2. Roll Call and Quorum Verification

3. Pledge of Allegiance

4. Ex Parte Disclosure

5. Public Hearing (Zoning Text Amendment (ZTA) 01-2026- Adequate Public Facilities- Amended)

5.1. Zoning Text Amendment (ZTA) 01-2026 – Adequate Public Facilities

**Applicant:** Town of La Plata, Maryland

**Owner:** N/A

**Project Location:** Town-wide

**Request:** To add Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions to require adequate water, sewage, roads, and school seating capacity for new development in the Town of La Plata. The Town will also consider amending Chapter 191, Section 191-13 (Expiration), under Article II (Plan Review and Submittal Requirements) of the La Plata Zoning Code to change the approval period for major and minor site plans. Zoning Text Amendment 01-2026 also proposes to amend Chapter 173 (Subdivision and Land Development), in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code pertaining to regulations for adequate school seating capacity for new development and to amend Chapter 173-23 (Preliminary Plat) in Article IV (Plan Requirements and Procedures) to modify the approval period for plat maps.

**Formerly noticed as :**

Zoning Text Amendment (ZTA) 01-2026 – Adequate Public Facilities

**Applicant:** Town of La Plata, Maryland

**Owner:** N/A

**Project Location:** Town-wide

**Request:** To add Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions to require adequate water, sewage, roads, and school seating capacity for new development in the Town of La Plata. Zoning Text Amendment (ZTA) 01-2026 also proposes to amend Chapter 173 (Subdivision and Land Development) in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code pertaining to regulations for adequate school seating capacity for new development.

5.2. Review of Purpose and Procedures for Public Hearing (Town Clerk)

5.3. Call to Order (Presiding Officer/ Chair)

5.4. Review of Public Notices

5.5. Presentation by Staff

5.6. Planning Commission Questions and Comments

5.7. Public Comment

- Speakers (signed up) are called on by the presiding officer.
- Those wishing to provide in-person testimony may sign up in advance no later than 3:00 PM on the day of the public hearing via the [town webpage](#), or upon arrival at the Council Chambers via sign-up sheet.
- Speakers who register in advance will be recognized prior to speakers who register upon arrival at the public hearing.
- In-person registration to speak will end when the relevant public hearing is opened.
- At the discretion of the presiding officer, time may be limited to 3 minutes and may not

be yielded.

5.8. Applicant Rebuttal

5.9. Planning Commission Discussion

5.10. Applicant Closing Statements

5.11. Closing of Public Hearing

When the public hearing is concluded, the Commission will not hear further public comments or questions during the meeting.

6. Approval of Minutes

6.1. Approval of minutes from the meeting on March 3, 2026.

7. Public Comment

8. Matters of Information

8.1. Staff Report

8.2. Town Council Report

9. Adjourn

9.1. Adjournment

29088 Airpark Drive  
Easton, MD 21601

# CERTIFICATE OF PUBLICATION

STATE OF : MARYLAND  
COUNTY OF: Charles County

This is to certify that the annexed legal advertisement has been published in the publications and insertions listed below. "NOTICE - PC-PH-ZTA-01-2026 ..." was published in the:

Southern Maryland News 03/13/26  
Southern Maryland News 03/20/26



Orestes Baez  
President & Publisher

**NOTICE OF PUBLIC HEARING**  
**PLANNING COMMISSION OF THE TOWN OF LA PLATA**  
April 7, 2026

The Planning Commission of the Town of La Plata will hold a public hearing on April 7, 2026, at 6:00 PM, or as soon thereafter as possible, at La Plata Town Hall (305 Queen Anne St.) for the purpose of hearing public comment on the following:

**Zoning Text Amendment (ZTA) 01-2026**  
**Applicant: Town of La Plata, Maryland**

**Project Description:**

To add Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions to require adequate water, sewage, roads, and school seating capacity for new development in the Town of La Plata. The Town will also consider amending Chapter 191, Section 191-13 (Expiration), under Article II (Plan Review and Submittal Requirements) of the La Plata Zoning Code to change the approval period for major and minor site plans. Zoning Text Amendment 01-2026 also proposes to amend Chapter 173 (Subdivision and Land Development), in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code pertaining to regulations for adequate school seating capacity for new development and to amend Chapter 173-23 (Preliminary Plat) in Article IV (Plan Requirements and Procedures) to modify the approval period for plat maps.

At the public hearing all interested parties and citizens will have an opportunity to be heard. Accommodation for persons with disabilities will be made upon request. Copies of the proposed application are available for review at Town Hall by appointment or online at <https://laplatamd.portal.civicclerk.com/>

You may contact Don Dooley by email at [ddooley@townoflaplata.org](mailto:ddooley@townoflaplata.org) or phone at (301) 934-8421 for additional information.

Don Dooley  
Director of Planning  
3100564 IN

3/13,3/20/2026



TOWN OF LA PLATA  
305 Queen Anne Street  
Post Office Box 2268  
La Plata, Maryland 20646

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## PLANNING COMMISSION STAFF REPORT

DATE: April 7, 2026

TO: Honorable Chair and Members of the Planning Commission

FROM: Don Dooley, Planning Director

PREPARED BY: Don Dooley, Planning Director

**APPLICATON NO.: Zoning Text Amendment (ZTA) 01-2026 – Adequate Public Facilities**

APPLICANT: Town of La Plata, Maryland

OWNER: N/A

PROJECT LOCATION: Town-wide

REQUEST: To add Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions to require adequate water, sewage, and school seating capacity for new development in the Town of La Plata. The Town will also consider amending Chapter 191, Section 191-13 (Expiration), under Article II (Plan Review and Submittal Requirements) of the La Plata Zoning Code to change the approval period for major and minor site plans. Zoning Text Amendment 01-2026 also proposes to amend Chapter 173 (Subdivision and Land Development), in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code pertaining to regulations for adequate school seating capacity for new development and to amend Chapter 173-23 (Preliminary Plat) in Article IV (Plan Requirements and Procedures) to modify the approval period for plat maps.

### **BACKGROUND**

The La Plata Town Council expressed interest in creating requirements for new development to ensure adequate public infrastructure and services are in place to support new construction in Town so as not to diminish the quality of life for residents, businesses and visitors to La Plata. The Council is particularly interested in developing and retaining minimum public infrastructure standards pertaining to roads, water, sewage and school seating capacity. This will ensure new development does not impact minimum

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of April 7, 2026**

infrastructure thresholds set by the Town. These goals are not uncommon in other communities throughout Maryland which have adopted their own adequate public facilities ordinance (“APFO”) under one, cohesive, code or as a series of separate codes. By doing so, communities are creating a regulatory tool that promotes smart growth management so new development does not outpace a community’s ability to support it. While such ordinances may slow or defer some development, adequate public facility ordinances are not, inherently, designed to discourage new development, only manage it. This is critical for growing communities, like La Plata, that are experiencing a significant influx of new development.

Based on Council direction, staff is proposing, under Zoning Text Amendment (ZTA) 01-2026, the addition of Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions to require adequate water, sewage, and school seating capacity for new development in La Plata. Zoning Text Amendment (ZTA) 01-2026 also proposes to amend Chapter 173 (Subdivision and Land Development) in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code pertaining to regulations for adequate school seating capacity for new development. Lastly, staff is proposing to amend Section 191-13 (Expiration), under Article II (Plan Review and Submittal Requirements) of the La Plata Zoning Code to change the approval period for major and minor site plans as well as to amend Chapter 173-23 (Preliminary Plat) in Article IV (Plan Requirements and Procedures) to modify the approval period for plat maps so there is alignment between the approval periods for plat maps and site plans to align with school seating capacity allocation provisions.

As discussed above, Zoning Text Amendment (ZTA) 01-2026 does not propose to codify minimum infrastructure standards for water, sewage and school seating capacity under a single ordinance. This is because school seating capacity is already addressed in Chapter 173 (Subdivision and Land Development) of the La Plata Zoning Code. Therefore, Zoning Text Amendment (ZTA) 01-2026 would, in part, modify this ordinance in conjunction with the development of a separate (new) ordinance to combine the topics of water, and sewage capacity under a single ordinance through the proposed addition of Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code. Article X also proposes to cross-reference school seating capacity under Chapter 173.

For technical accuracy and clarity, it is worth noting that references to Zoning Text Amendment 01-2026 as the Town’s “Adequate Public Facilities Ordinance (APFO)” is not accurate. It is really two separate ordinances (one existing and one proposed) as part of the administrative processing of Zoning Text Amendment (ZTA) 01-2026.

**DISCUSSION**

Planning Commission Meeting of January 6, 2026

At the Planning Commission Meeting of January 6, 2026, Zoning Text Amendment (ZTA) 01-2026 was introduced to the Planning Commission and the public hearing on the matter was opened for public comment.

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of April 7, 2026**

During the meeting, the Commission asked several, clarifying, questions concerning the proposed text changes to Chapter 173 (Subdivision and Land Development) for school seating capacity in conjunction with the proposed additions to Chapter 191 (Zoning) of the La Plata Municipal Code concerning roads, water and sewage capacity under proposed Article X. Although no Commission changes to the draft language in ZTA 01-2026 were directed to be made during the meeting, the Commission did discuss potential, changes to ZTA 01-2026:

Public Comments

There were two speakers who addressed the Planning Commission during the public hearing on January 6, 2026, with the following comments on ZTA 01-2026:

- There should be provisions to “grandfather” in projects that have already been submitted to the Town for approval without being required to following the requirements within proposed ZTA 01-2026. [Staff response: This comment has already been incorporated within proposed Section 191.92 (Water, sewage and school capacity allocations)]
- There should be provisions to permit exceptions to the proposed Level of Service (LOS) “C” for street intersections when existing road capacity already exceeds LOS C and there are no feasible mitigation measures to improve road capacity to LOS C that can be accomplished by a single development [Staff response: This will be addressed in a separate, upcoming, Zoning Text Amendment for “Roads”].
- The Town should align with the County concerning school seating capacity provisions and regulations. [Staff response: This comment is consistent with the draft revisions for school seating capacity allocation within Chapter 173].
- The public should have additional opportunity to review and address the Commission on ZTA 01-2026. [Staff response: The public hearing for ZTA 01-2026 was continued to February 3, 2026, March 3, 2026, and April 7, 2026].

As both the Commission and the public wanted additional time to review the proposed text for ZTA 01-2026, the public hearing on this item was continued to the regularly scheduled Planning Commission Meeting of February 3, 2026, and March 3, 2026. A new (updated) public hearing was also noticed for April 7, 2026, to address the approval periods for preliminary plat maps and site plans to align with APFO revisions.

Town Council Meeting of January 13, 2026

During the Town Council Meeting of January 13, 2026, the Council wanted the opportunity to discuss the draft APFO with staff to better understand the proposed ordinance modifications and provide its initial feedback prior to the Planning Commission making its recommendations to the Town Council. During the meeting, the Council expressed its general support for the general intent of the proposed text within ZTA 01-2026. The Council seemed particularly interested in having proposed Article X (in Chapter 191) require the Town to regularly report on existing water and sewage capacity allocations and the remaining allocations available for new development.

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of April 7, 2026**

Although this was not a Town Council public hearing on ZTA 01-2026, the Council will conduct its own, de novo, public hearing on ZTA 01-2026 once the Planning Commission makes its formal recommendation(s) to the Town Council.

Planning Commission Meeting of February 3, 2026

During the Planning Commission Meeting of February 3, 2026, the representatives from the Charles County Public Schools attended the meeting to address Commission questions and comments concerning the proposed changes within Chapter 173 (Subdivision and Land Development) of the La Plata Zoning Code pertaining to school seating capacity allocation. The representatives expressed their support for the changes to Chapter 173 as it aligns with their protocols. As such, the Commission did not provide directions or request changes to the current draft revisions to Chapter 173. Similarly, the Commission did not request any changes to the current draft of Article X in Chapter 191 (Zoning) of the La Plata Municipal Code concerning roads, water and sewage capacity.

Planning Commission Meeting of March 3, 2026

At the Planning Commission meeting of March 3, 2026, no additional public comments were made concerning the APFO text proffered by staff within proposed Article X for adequate public facilities pertaining to water, sewage, and roads. However, Chair Banks did offer additional comments and suggestions concerning proposed changes to Chapter 173 for school seating capacity allocation. Her comments are documented in Attachment No. 19 for the Commission's consideration.

During the meeting, staff advised the Commission that the proposed APFO language pertaining to "Roads" would be temporarily decoupled from the APFO language for water and sewage capacity provisions in proposed Article X. This would provide staff with additional time to engage with Brudis and Associates, Inc. (BAI) to help review and provide solutions to the public comments and technical issues pertaining to the development of standards and implementation language for roads in the APFO. The APFO language for roads would then return to the Commission in May or June for consideration under a different Zoning Text Amendment. In the meantime, the Commission could complete their review of the APFO provisions for water, sewage and school seating capacity. If satisfied with the revised language, the Commission could recommend approval of Zoning Text Amendment 01-2026 to the Town Council for their consideration. Staff has provided a draft resolution for the Commission's consideration.

Staff also noted to the Commission that to align the approval periods for plat maps, site plans and school seating capacity allocation timelines to be same, revisions would need to be made to the approval periods for plat maps and site plans. In doing so, it would allow site plans and plat maps to be approved for up to six years to align with school seating capacity authorization provisions contained in Section 173-99(E). Therefore, Section 173-23(B)(3) (Preliminary Plat Maps) and Section 191-13(A and B) would be revised and become a part of the changes to the Zoning Ordinance under Zoning Text Amendment 01-2026.

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of April 7, 2026**

APFO Comments

Noted below is the Commission’s broad, general, feedback as well as other comments received between January 6, 2026, to date. Staff used this feedback as the basis for revisions to the APFO provisions in Article IX, Chapter 173 (School Seating Capacity Allocation and proposed Article X in Chapter 191 (Adequate Public Facilities Requirements). It was also used to help staff incorporate new/revised language to improve the implementation of the respective ordinances.

**Chapter 191 (Zoning Code)**

Planning Commission Comments

- Incorporate language requiring the Town to specify the formula to be used to identify how 80% water and sewage capacity for the Town is calculated to enable the development community to have awareness for planning future development in La Plata;
- The Town should incorporate reporting requirements in proposed Article X in which water and sewage capacity updates are provided to the community every six months. By doing so, it will provide an accurate and reliable number for developers to use when evaluating the impact of their development on the community under an Adequate Public Facilities Study (APFS).
- Align the expiration date for allocated water, sewage, and school seating capacity for internal consistency within the Town’s Municipal Code for new development.
- Develop a single APFO fee to cover the evaluations for road, water, sewage and school seating capacity under an Adequate Public Facilities Study (APFS).
- Consider revising ZTA 01-2026 to encourage creative mitigation measures within the design of a new development to lessen potential impacts to water, sewage and roads.

Public Comments

- There should be provisions to “grandfather” in projects that have already been submitted to the Town for approval without being required to follow the requirements within proposed ZTA 01-2026.

**Chapter 173 (School Seats)**

Planning Commission Comments

- Clarify the method for calculating available school seat capacity. The Commission emphasized the need for a transparent, codified formula for determining school seating availability, consistent with similar requests for water and sewer capacity calculations.
- Align site plan and plat map expiration periods across all public facility allocations (water, sewer, and school). Members noted that inconsistent timelines across Chapters 173 and 191 create administrative conflicts for applicants.

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of April 7, 2026**

- Encourage predictable school annual allocation cycles. This includes annual reallocations of unused seats, mid-year updates to capacity data, and processes that support long-range planning for future development.
- Ensure the draft ordinance supports phased development. The Commission stressed the need for predictability for multi-phase projects and adequate coordination with long-term build-out schedules.
- Remove the 6% cap on school seat allocations. Both the County and development community raised strong concerns that using 6% of *countywide* excess capacity (rather than feeder-specific capacity) is not appropriate for a State-designated Priority Funding Area.

Public Comments (including County Staff Input)

- Align Town policy with Charles County’s school seat allocation practices. Public commenters and County staff encouraged synchronization to ensure consistent capacity assessments and avoid unintended conflicts between Town and County allocation processes.
- Shift multi-family school seat allocation to an earlier stage. County staff recommends determining allocations at the Site Development Plan stage rather than the building permit stage, consistent with County practice.
- Add a 6-year “fail-safe” sunset provision. Consistent with County rules, several commenters urged that projects on the priority list for six years should be allowed to proceed regardless of existing school seat capacity.
- Clarify the treatment of minor and small-lot subdivisions. County staff noted the absence of a streamlined bulk allocation process for smaller subdivisions, recommending that this be addressed to avoid administrative ambiguity.
- Support for Major Development Project (MDP) agreements. Stakeholders expressed support for the new §173-102 requirement for long-term school seat coordination agreements for projects exceeding 100 units.

**New Revisions**

Since the March 3, 2026, Planning Commission Meeting, staff made the following, proposed, revisions to the ordinances that are part of Zoning Text Amendment (ZTA) 01-2026 for the Commission’s consideration.

Proposed Revisions to Chapter 173, Article IX (School Seat Allocation Policy)

There have been no additional changes or modifications to Article IX (School Seating Allocation Policy) since the February 3, 2026, Planning Commission Meeting. However, Chair Banks did proffer additional comments after the March 3, 2026, Planning Commission Meeting for the Commission’s consideration. Her written comments are included in this staff report as Attachment No. 19.

Proposed Revisions to Chapter 191, Article X (Adequate Public Facilities Requirements)

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of April 7, 2026**

Based on the review of the entirety of the Planning Commission’s comments, along with feedback received from the public and other agencies, regarding Zoning Text Amendment 01-2026, staff has revised proposed Article X in Chapter 191. A summary of the updated draft changes are provided below for the Commission’s review.

**§ 191.87. Adequate public facilities required.**

- Staff added clarifying language to support the intent of this Section of Article X.
- The reference to “roads” has been eliminated as staff will bring back to the Commission comprehensive revisions to the existing APFO language concerning roads. By doing so, the Commission can finalize the changes to the APFO language for water, sewage, and school seating capacity, if satisfied, to the Town Council.

**§191.88 Roads**

- The entire text for Section 191.88 (Roads) has been deleted at this time.
- Section 191.88 (Roads) is “Reserved” as the future placeholder for APFO language pertaining to roads (and traffic). Once staff and the Town’s traffic consultant (Brudis and Associates, Inc.) develop the amended language for this APFO section, it will come back to the Planning Commission (in May or June) for review under a separate Zoning Text Amendment.

**§191.89. Schools.**

- No text changes

**§191.90. Sewage system.**

- Improved text clarity.
- Consolidated the intent statement so it clearly establishes that no site plan or subdivision plat may be approved unless adequate sewer capacity exists before development begins.
- Removed contradictory references to “new sewer system” and replaced with clear references to the wastewater treatment plant and sewer infrastructure.
- Combined multiple overlapping sentences to form one consistent rule: A development is considered to adversely impact the system if it causes plant capacity to reach or exceed 80% of its maximum capacity.
- Clarified how the 80% threshold is calculated and aligned the language with the State-permitted design flow measurement.
- Clarified that new development must not adversely affect sewer capacity available to existing residential and non-residential users.
- States that the Town must publish a sewage capacity report every six months and that this report is the authoritative source for determining project impacts from new development.

**§191.91. Water supply system.**

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of April 7, 2026**

- Clearly states that no preliminary plat or site plan requiring water allocation may be approved unless sufficient water supply exists before development begins.
- Provides a more coherent description of the 80% of maximum permitted water appropriation standard.
- Clarified how the 80% threshold is calculated and why it exists (i.e., reserve capacity, system inefficiencies, short-term spikes).
- Clarified that water supplies serving existing residential and nonresidential users must not be adversely affected by new development.
- States that the Town must provide a semi-annual water capacity reporting requirement and clarified that the report is the authoritative reference for Adequate Public Facilities Studies (APFS).

**§191.92. Water, sewage, and school capacity allocations**

- This section changes the guaranteed water and sewage allocation period from three years to six years

**§ 191.93. Adequate public facilities study.**

- Requires using the “most current” conditions of all public facilities regulated in this ordinance as part of a Adequate Public Facilities Study (APFS).
- Eliminated the requirements for information to evaluate roads. This information will be provided under a separate Zoning Text Amendment for roads as additional work is needed to re-draft this technical section of the APFO, with the help of a traffic engineer.
- Provides the Planning Director with the ability to require additional information deemed necessary to evaluate potential project impacts associated with water, sewage and school seating capacity as part of the Adequate Public Facilities Study (APFS).
- Added language to state clearly that the applicant must pay all costs associated with the Town’s review of the Adequate Public Facilities Study (APFS).

**§ 191.94. Mitigation.**

- Encourages creative development design measures, when possible, to reduce or eliminate impacts to the Town’s water, sewage and school seating capacity limits.
- Provides that developers may rely on Town, County, or State capital improvement projects to mitigate their project impacts if the improvements are completed before the finalization of all Town permits for their project.
- The revisions to this ordinance section also allow for a developer to pay an in-lieu fee mitigation for their pro-rata share of their project’s impact, as determined by the Chief Executive Officer of the Town, to create flexibility for mitigation measures that are not viable to construct/implement with a new development.

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of April 7, 2026**

**§ 191.95. Bonding or surety.**

- No text changes

**§ 191.96. Standards, criteria and procedures for adequate public facilities studies.**

- Clarifies that the Charles County APFO Manual does not supersede any requirements within this ordinance.

**§ 191.97 Exemptions to Adequate Public Facilities Requirements**

This is a new section proposed in the draft ordinance that allows a project to be “grandfathered” from this draft ordinance under certain conditions:

- Clarifies that the APFO does not apply to developments that meet both of the following conditions:
  1. The property was subject to an Annexation Agreement executed on or before December 31, 1998, regardless of later amendments.
  2. The development has a valid, Town-approved, preliminary plat or site plan under the Municipal Code.
- Clarifies that the exemption remains valid only if the development proceeds consistent with its approved plans and any applicable vesting/expiration requirements.
- Adds a standard stating that any significant modification to an approved will result in the loss of the exemption, unless the modified project independently meets the APFO and school seat allocation requirements and the other APFO requirements in proposed Article X.
- Provides a clear limitation to prevent vested projects from using old approvals to bypass current adequacy standards when intensifying development.

**§ 173-23 Preliminary Plat**

- Section 173-23(B)(3) is proposed to make all preliminary plat map approvals valid for five (5) years, with the option for one additional one-year time extension, for a maximum validity duration of six years. This change aligns the approval period with the maximum wait time for obtaining a final plat map approval if school seating capacity allocation has not been provided within six years after a preliminary plat map approval.
- Clarifies that conditions of approval can be added or modified to a preliminary plat map time extension.

**. § 191-13 Expiration**

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of April 7, 2026**

- Sections 191-13(A) and (B) are proposed for revision to allow all minor and major site plan approvals to be valid for five years with the potential for a single, one (1) year, time extension for a total of six years. The change aligns the approval period with the maximum wait time for obtaining a building permit if school seating capacity allocation has not been provided within six years after a site plan approval.
- Clarifies that conditions of approval may be added or modified to a project with a time extension by the Planning Commission.

**CONCLUSION**

Staff believes it has satisfactorily addressed the broad comments made by the body of the Commission based on public feedback and commissioner input. Should the Commission desire additional changes and/or revisions, they could be verbally incorporated into the final Ordinance revisions for Commission adoption to recommend to the Town Council for approval.

**RECOMMENDATION**

Staff recommends the Planning Commission adopt the attached, draft, Planning Commission Resolution recommending Town Council approval of Zoning Text Amendment 01-2026, as drafted.

**ATTACHMENTS**

- 1) Draft Planning Commission Resolution for Zoning Text Amendment 01-2026
- 2) Draft (Clean) Text Revisions to Chapter 173 (Article IX. - School Seat Allocation Policy)
- 3) Draft (Redline) Text Revisions to Chapter 173 (Article IX. - School Seat Allocation Policy)
- 4) Draft (Clean) Text Amendments to Chapter 191 (New Article X. - Adequate Public Facilities Requirements)
- 5) Draft (Redline) Text Amendments to Chapter 191 (New Article X. - Adequate Public Facilities Requirements)
- 6) Draft (Clean) Text Revisions to Chapter 173-23 for Preliminary Plat Map Approval Period.
- 7) Draft (Redline) Text Revisions to Chapter 173-23 for Preliminary Plat Map Approval Period.
- 8) Draft (Redline) Text Revisions to Chapter 191-13 (Expiration) for the approval period for Minor and Major Site Plans.
- 9) Draft (Redline) Text Revisions to Chapter 191-13 (Expiration) for the approval period for Minor and Major Site Plans.
- 10) Agenda Item Summary Document
- 11) Planning Commission Comments from: 1) Chair Banks, 2) Commissioner Miller, 3) Council member Guttenberg, 4) Vice-Chair Hudnell
- 12) Written Public Comments on ZTA 01-2026 from Will Zeid, Kimley-Horn, dated January 28, 2026.

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of April 7, 2026**

- 13) Written Public Comments on ZTA 01-2026 from Jason Groth, Planning Director, Charles County Government, dated February 1, 2026.
- 14) Written Public Comments from Steve Scott, Scott Law Group, dated February 6, 2026.
- 15) Power Point Presentation to Planning Commission on January 6, 2026.
- 16) Planning Commission Staff Report for January 6, 2026.
- 17) Planning Commission Staff Report for February 3, 2026
- 18) Planning Commission Staff Report for March 3, 2026
- 19) APFO Comments from Chair Banks (undated). Received by Staff on March 4, 2026.

-End of Report-

**DRAFT**  
**TOWN OF LA PLATA, MARYLAND**  
**PLANNING COMMISSION RESOLUTION NO. 2026-02**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LA PLATA, MARYLAND RECOMMENDING TOWN COUNCIL APPROVAL OF ZONING TEXT AMENDMENT (ZTA) 01-2026 TO: 1) ADD ARTICLE X (ADEQUATE PUBLIC FACILITIES REQUIREMENTS) TO CHAPTER 191 (ZONING) OF THE LA PLATA MUNICIPAL CODE FOR THE PURPOSE OF PROVIDING REGULATORY PROVISIONS TO REQUIRE ADEQUATE WATER, SEWAGE, AND SCHOOL SEATING CAPACITY ALLOCATION FOR NEW DEVELOPMENT IN THE TOWN OF LA PLATA; 2) AMEND CHAPTER 191, SECTION 191-13 (EXPIRATION), UNDER ARTICLE II (PLAN REVIEW AND SUBMITTAL REQUIREMENTS) OF THE LA PLATA ZONING CODE TO CHANGE THE APPROVAL PERIOD FOR MAJOR AND MINOR SITE PLANS; 3) TO AMEND CHAPTER 173 (SUBDIVISION AND LAND DEVELOPMENT), IN ARTICLE IX (SCHOOL SEAT ALLOCATION POLICY) OF THE LA PLATA MUNICIPAL CODE PERTAINING TO REGULATIONS FOR ADEQUATE SCHOOL SEATING CAPACITY ALLOCATION FOR NEW DEVELOPMENT; AND, 4) AMEND CHAPTER 173-23 (PRELIMINARY PLAT) IN ARTICLE IV (PLAN REQUIREMENTS AND PROCEDURES) TO MODIFY THE APPROVAL PERIOD FOR PLAT MAPS.**

**WHEREAS**, at the direction of the Town Council in 2025, an application for Zoning Text Amendment 01-2026 was initiated by the Town of La Plata, Maryland for the purpose of creating Article X (Adequate Public Facilities Requirements) in Chapter 191 of the La Plata Zoning Code and amending Chapter 173 (Subdivision and Land Development), in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code to require adequate public facilities infrastructure for water, sewage, and school seating capacity before approving new development. Zoning Text Amendment 01-2026 also amends Chapter 191, Section 191-13 (Expiration), under Article II (Plan Review and Submittal Requirements) of the La Plata Zoning Code to change the approval period for Major and Minor Site Plans and amend Chapter 173-23 (Preliminary Plat) in Article IV (Plan Requirements and Procedures) to modify the approval period for Plat Maps to align with the new and proposed public policies contained in the public facilities ordinances under Zoning Text Amendment 01-2026.

**WHEREAS**, the proposed text changes within Zoning Text Amendment will apply Town-wide; and

## Planning Commission Resolution 2026-02

**WHEREAS**, the Planning Commission held a duly noticed public hearing on Zoning Text Amendment 01-2026 on January 6, 2026, which was continued to the regularly scheduled Planning Commission Meetings of February 3, 2026, and March 3, 2026, to receive all possible public input. Additionally, a re-noticed public hearing for Variance 01-2026 was held on April 7, 2026, to also consider changes to Chapter 191, Section 191-13 (Expiration), and Chapter 173-23 (Preliminary Plat) for the approval periods of plat maps and site plans when the public hearing(s) for Zoning Text Amendment 01-2026 was closed; and

**WHEREAS**, the Planning Commission has considered the draft zoning text amendments, staff reports, all public comments and all other information contained in the public record for its review and consideration of Zoning Text Amendment 01-2026. Therefore, the Commission makes the following Town of La Plata Comprehensive Plan findings for Zoning Text Amendment 01-2026 as follows:

- 1) ***“GOAL 2: The new development will reflect the principles of walkability, sustainability and environmental protection”*** in that, Variance 01-2026 supports sustainability and environmental protection by promoting smart-growth policies that only allow development to proceed when there are sufficient resources and infrastructure to support new development or growth.
- 2) ***“GOAL #5: Improve intergovernmental coordination with respect to annexation, development processes and public facilities,”*** in that the proposed text amendments in Article IX of Chapter 173 directly support the action items of the La Plata Comprehensive Plan by reviewing and revising the Town’s school capacity policies in coordination with Charles County and the Board of Education to better manage school capacity allocation issues to ensure adequate school seating capacity as a result of new development in La Plata. Proposed increases to the Town’s approval periods for preliminary plat maps as well as major and minor site plans, under Zoning Text Amendment 01-2026, also help provide the time needed to improve intergovernmental coordination to provide adequate public facilities as part of the development process.
- 3) ***“GOAL #10: Plan upgrades and enhancements to the Town’s wastewater infrastructure to ensure that growth and development can be accommodated within the Chesapeake Bay Restoration framework”*** in that, proposed Article X (Adequate Public Facilities Requirements) will support Title 9 of the Annotated Code of Maryland to only permit new development if there is adequate wastewater systems and supporting infrastructure to accommodate it which is consistent with the Town’s goals and objectives, as codified in proposed Article X.
- 4) ***“GOAL #11: Ensure that the future water supply needs of the Town can be met while preserving the long-term sustainability of shared groundwater resources”*** in that, the proposed text within proposed Article X will help ensure new development does not exceed the Town’s water and sewage capacity limitations to support new and existing development based on the Maryland Department of the Environment’s permit limitations for the Town of La Plata.

**Planning Commission Resolution 2026-02**

**NOW, THEREFORE, BE IT RESOLVED** that the La Plata Planning Commission hereby recommends to the Town Council approval of the text changes withing Zoning Text Amendment 01-2026 as incorporated herein by reference and as attached to this Resolution.

**PASSED AND ADOPTED BY THE LA PLATA PLANNING COMMISSION** on April 7, 2026, by the following vote:

Yes:

No:

Abstain:

Absent:

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Dawn Bank, Planning Commission Chair

Attest:

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Don Dooley, Director of Planning

Attachments:

- 1) Draft (Clean) Text Revisions to Chapter 173 (Article IX. - School Seat Allocation Policy)
- 2) Draft (Redline) Text Revisions to Chapter 173 (Article IX. - School Seat Allocation Policy)
- 3) Draft (Clean) Text Amendments to Chapter 191 (New Article X. - Adequate Public Facilities Requirements)
- 4) Draft (Redline) Text Amendments to Chapter 191 (New Article X. - Adequate Public Facilities Requirements)
- 5) Draft (Clean) Text Revisions to Chapter 173-23 for Preliminary Plat Map Approval Period.
- 6) Draft (Redline) Text Revisions to Chapter 173-23 for Preliminary Plat Map Approval Period.
- 7) Draft (Clean) Text Revisions to Chapter 191-13 (Expiration) for the approval period for Minor and Major Site Plans.
- 8) Draft (Redline) Text Revisions to Chapter 191-13 (Expiration) for the approval period for Minor and Major Site Plans.

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## **Article IX. School Seat Allocation Policy** **[Adopted 2-8-05 by Ord. No. 05-1]**

### **173-92 Statement of policy and intent.**

- A. Residential growth rates in Southern Maryland, Charles County and the Town of La Plata are among the highest in Maryland. The town is a designated growth area within the county and represents approximately ten percent (6%) of the population in the growth area of Charles County.
- B. The rate of growth in Charles County and the Town of La Plata is outpacing the ability of the Charles County Board of Education and the Charles County Commissioners to develop and fund the construction of new schools in Charles County to accommodate the growing student population in La Plata and the county at large. Unchecked growth has potential to result in school overcrowding that is contrary to the interests of students attending those schools and the public at large.
- C. The Town of La Plata has no role in the planning, approval or funding of new public schools. The construction of new public elementary schools, middle schools and high schools in Charles County is the responsibility of the Charles County Board of Education with funding provided primarily by the Charles County Commissioners and the State of Maryland. The Charles County Commissioners impose an excise tax to generate revenues for new school construction. This excise tax is imposed and collected by the County Commissioners on new development that takes place within the Town of La Plata and in the remainder of the county.
- D. Since the Town of La Plata cannot control the supply of seats or school capacity available to accommodate the growing student population, the Town Council has determined that it is in the interest of the public health, safety and welfare, and a proper exercise of the town's police powers, to responsibly regulate the rate of development in the town so as to:
  - (1) Not exacerbate school overcrowding;
  - (2) Provide the Charles County Board of Education and the Charles County Commissioners with a reasonable time to make adequate school capacity available to meet the demands created by new growth in the Town of La Plata; and
  - (3) Provide for a reasonable rate of growth within the town to meet the town's fiscal and economic needs.
- E. It is the intent of this Article to establish a methodology and a process for determining and allocating available school seats in the Charles County public schools and to accomplish this objective based upon historical student generation from residential development exclusively within the Town of La Plata.

### **173-93 Definitions.**

For purposes of this Article, the following terms shall have the meanings set forth in this section:

**ALLOCATABLE SCHOOL CAPACITY** – The discrete amount of public-school capacity available for allocation to new residential development, restricted to the lowest positive number derived from the aggregate capacity calculation across the three specified school levels (Elementary, Middle, and High School) serving the Town of La Plata. In the event that the aggregate capacity calculation for any of the three school levels results in zero or a negative number (Shortage), the Allocatable School Capacity for that school attendance zone shall be deemed zero.

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ALLOCATION POOL OR SUB-POOL—A pool or sub-pool established by the Town Council pursuant to § 173-95B for the allocation of available school seat capacity.

AVAILABLE SCHOOL SEAT CAPACITY—The amount of school seat capacity that the Town Council determines is available for new development pursuant to § 173-95.

DWELLING—A structure that contains one (1) or more dwelling units.

PRIORITY LIST—A list of persons awaiting a school seat allocation ranked chronologically in the order that each person became eligible for the list.

SCHOOL SEAT ALLOCATION—An allocation of available school seat capacity from an allocation pool or sub-pool pursuant to § 173-98.

STUDENT GENERATION RATE—The average number of public elementary school, middle school and high school students generated by a dwelling unit in each development and neighborhood of the Town of La Plata as determined in accordance with § 173-94.

### **173-94 Establishment of student generation rates.**

- A. A. The Town Council shall annually adopt and utilize the current Student Yield Factors established and published by the Charles County Commissioners and the Charles County Board of Education. The Student Yield Factors shall be used to determine the average number of public elementary school, middle school, and high school students generated by a dwelling unit for each type of residential development.
- B. The Chief Executive Officer shall cease using particularized student generation rates for lots in proposed subdivisions or existing lots of record. The determination of the number of required development units shall be made by applying the Student Yield Factors to the specific dwelling unit type for the corresponding school level.

### **173-95 Establishment of school seat allocation and allocation pools.**

A. The Town Council annually shall determine the number of school seats that the town will make available for allocation for new residential development in the town during the town's ensuing fiscal year. This determination shall be based on the Allocatable School Capacity established for the school attendance zones encompassing the Town of La Plata. The Town Council, in conjunction with Charles County Public Schools (CCPS), shall annually identify the current public elementary, middle, and high schools serving the Town of La Plata attendance zones (the Catchment Schools). The calculations required by this section shall rely upon the annual capacity data provided by the Charles County Board of Education (BOE) for these annually identified Catchment Schools.

This capacity data shall include any capacity provided by Capital Improvement Program (CIP) projects that are scheduled for completion prior or concurrent to the upcoming allocation cycle. When capacity is programmed to exist through an approved CIP project, allocations may be granted within the eighteen (18) month period prior to the opening of the new school facility.

Capacity of individual schools shall be determined by subtracting the enrollment from one hundred ten percent (110%) of the state rated capacity. The Allocatable School Capacity for new residential development shall be restricted to the lowest aggregate capacity calculated among the three (3) school levels (Elementary, Middle, and High School) within the specified school attendance zones. If capacity at any required school level (Elementary, Middle, or High) does not exist, allocations shall not be granted in that school attendance zone. School capacity must exist at all three school levels within the current school district attendance boundaries for which the Board of Education has determined the students from the project will attend. In making this annual determination, the Council shall consider data and recommendations, if any, from the Charles County Board of Education as to the number of available school seats in the public school system in these specific attendance zones. Allocations shall only be reduced to zero for a specific school attendance zone if the Charles County Board of Education has officially triggered a moratorium for that specific zone or school district due to capacity issues.

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- B. After the Town Council has determined the number of school seats available for allocation in the ensuing fiscal year, the Council, by resolution, shall divide the total number of seats available for allocation into such reasonable pools and sub-pools as the Council may create. These pools shall attempt to provide a reasonable apportionment of available school seats among competing development interests. Sub-pools may consist of specific subdivisions or proposed subdivisions. The pools shall include, but necessarily be limited to, the following:
- (1) Proposed subdivisions consisting of at least fifty (50) lots that have received preliminary plat approval and for which application has been made for final plat approval;
  - (2) Proposed subdivisions consisting of less than fifty (50) lots that have received preliminary plat approval and for which application has been made for final plat approval;
  - (3) Lots in recorded subdivisions that have fifty (50) or more remaining vacant lots for residential development. This pool shall contain not less than twenty percent (20%) of the school seat capacity available for allocation;
  - (4) Other existing recorded lots and parcels of land that could be developed for residential uses. This pool shall contain not less than twenty percent (20%) of the school seat capacity available for allocation.
- C. In the fourth quarter of each fiscal year, the Town Council may reevaluate the number of school seats remaining unallocated in each pool and sub-pool. If the Council determines that all of the school seats in any pool or sub-pool are not likely to be allocated before June 30 of that year, the Council, by resolution, may reallocate such school seats into one (1) or more other pools or sub-pools where a demand for school seat allocation exists.
- D. If any school seats in any pool or sub-pool remain unallocated on June 30 of any year, the Town Council, by resolution, may divide the unallocated seats into the pools and sub-pools for the ensuing fiscal year in such manner as the Council reasonably shall determine.
- E. Not later than January of each year, the Chief Executive Officer shall consult with the Board of Education to determine whether any changes in school enrollment during the school year have resulted in additional available school capacity for that year. If the Chief Executive Officer determines that additional capacity does exist, the Chief Executive Officer shall so advise the Town Council. The Town Council, by resolution, may make such additions of school seat capacity to the respective allocation pools or sub-pools for that fiscal year as the Council determines appropriate.

### **173-96 Allocation required.**

Except as provided in §§ 173-97 and 173-98, until the town has made an allocation of school seat capacity to a proposed subdivision, lot or parcel of land:

- A. The Planning Commission may not approve a final plat of subdivision for a subdivision of land for the purpose of residential development; and
- B. The town may not approve or issue a building permit for the development and construction of any residential dwelling or dwelling unit on an existing lot or parcel.

### **173-97 Exemptions.**

The requirements of § 173-96 do not apply to:

- A. The approval of a final plat for the subdivision of land for a development in which dwelling units will be restricted to occupancy by persons fifty-five (55) years of age and older;
- B. The development and construction of dwelling units in a subdivision where occupancy of dwelling units is restricted to persons fifty-five (55) years of age or older;

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- C. Nursing homes;
  - D. Assisted living facilities;
  - E. Any other type of residential construction that will not generate additional school age population;
  - F. **[Amended 4-22-08 by Ord. No. 08-5]** The approval of a final plat of subdivision of land, or portion of a final plat of subdivision, for a development to the extent that the developer has entered into an agreement with the town and the County Commissioners of Charles County by which:
    - (1) The developer agrees, in addition to the payment of any applicable school excise taxes and school impact fees, to make one (1) or more financial payments to the County Commissioners in an amount or amounts determined by the County Commissioners to be sufficient to enable the County Commissioners to provide to the town for the exclusive benefit of the developer's development a sufficient number of special school seat allocations from the county's allotment of school seat allocations which, combined with such school seat allocations as the developer may obtain from the town pursuant to this Article IX, will be sufficient to accommodate the projected student population from the subdivision, or portion of the subdivision, shown on the final plat, and
    - (2) In exchange for such financial payment from the developer, the County Commissioners agree to provide to the town, for the exclusive benefit of the developer's development, an agreed number of special school seat allocations from the county's allotment of school seat allocations.

Where the developer has entered into such an agreement with the town and the Charles County Commissioners, the town shall not issue a building permit for any lot shown on the approved final plat for which a special school seat allocation is required until the County Commissioners have provided such special school seat allocation to the town.

**173-98 Process for allocation.**

- A. This section regulates the allocation of available school seat capacity to proposed lots in subdivisions that are seeking final plat approval and to existing individual lots or parcels of land.
- B. (1) When a request is made for final subdivision plat approval, the Chief Executive Officer shall determine the student generation rate by applying the Student Yield Factors adopted pursuant to § 173-94A for each lot shown on the proposed final plat and then shall multiply that rate...by the total number of lots on the final plat to determine the total number of school seats required for all lots shown on the plat.
  - (2) If sufficient unallocated school seats in the applicable allocation pool or sub-pool are available to provide a school seat allocation for all of the lots depicted on the final plat, subject to the limitation in § 173-98F, a school seat allocation shall be made for all lots and, provided that the final plat satisfies all other applicable requirements, the Planning Commission shall approve the final subdivision plat.
  - (3) If sufficient unallocated school seats in the applicable allocation pool or sub-pool are not available to provide a school seat allocation for any of the lots depicted on the final plat, the applicant may elect to do one (1) of the following:
    - (a) Request that approval of the final plat be deferred and that the entire final plat be placed on the applicable subdivision priority list for allocation of available school seat capacity as such capacity becomes available;
    - (b) Withdraw the request for final plat approval.
  - (4) If sufficient unallocated school seats in the applicable allocation pool or sub-pool are available to provide a school seat allocation for some, but not all, of the lots depicted on the final plat, the applicant may elect to do one (1) of the following:

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- (a) [1] Accept a school seat allocation for as many lots as allocations are available for that proposed subdivision and designate each remaining lot as not buildable until a future allocation of school seat capacity is made for that lot. A school seat allocation shall be accepted by paying a school seat allocation reservation fee for each lot for which an allocation is to be made. The amount of the allocation reservation fee is twenty percent (20%) of the then applicable school excise tax for each lot. The allocation reservation fee shall be paid to the town prior to approval of the final subdivision plat. The allocation reservation fee for each lot shall be applied against the school excise tax payable for that lot if a building permit for that lot is applied for and issued by the town within one (1) year after final plat approval. However, if a building permit is not applied for and issued by the town within one (1) year after final plat approval, the school seat allocation and allocation reservation fee for that lot are forfeited and, for purposes of future school seat allocation, the lot shall be treated as an existing lot. Upon payment of the allocation reservation fee, the Planning Commission may approve the final subdivision plat,
- [2] Any future allocation of school seat capacity for each lot for which a school seat allocation was not made when the final plat was approved, or for which an allocation was made but forfeited because a building permit was not applied for within one (1) year and issued within eighteen (18) months from the date of final plat approval, shall be made from the pool of school seats available for allocation to existing recorded lots at the time that a building permit application is approved for that lot. The future allocation of school seat capacity for a lot shall be based upon the student generation rate derived from the Student Yield Factors adopted pursuant to § 173-94A for that lot determined by the Chief Executive Officer prior to approval of the application for a building permit for that lot;
- (b) Request that approval of the final plat be deferred and that the entire final plat be placed on the applicable subdivision priority list for allocation of available school seat capacity as such capacity becomes available. If the applicant elects to have the final plat placed on the priority list, all available school seat capacity allocable to that subdivision be reserved for that proposed subdivision, without cost to the applicant, until school seat capacity is available in the pool or sub-pool for allocation to all remaining lots depicted on the final plat;
- (c) Reconfigure and resubmit the final plat to depict only those lots for which an allocation of school seat capacity can then be made;
- (d) Withdraw the request for final plat approval.
- (5) Each approved final subdivision plat shall contain notes or graphic representations that clearly delineate which lots have received an allocation of school seat capacity and the terms and conditions of such allocation, and which lots are not buildable until a future allocation of available school seat capacity is made at such time as an application for a building permit is approved.
- C. When an application is made for approval of a building permit for development and construction of a dwelling or dwelling unit on an existing lot or parcel of land, the Chief Executive Officer shall determine the student generation rate by applying the Student Yield Factors adopted pursuant to § 173-94A for that lot or parcel. For multifamily residential development, the Chief Executive Officer shall determine and assign available school seat capacity at the Site Development Plan stage. The Chief Executive Officer shall allocate available school seat capacity to that lot or parcel based upon the student generation rate for that lot or parcel based upon the particularized student generation rate for that lot or parcel, if school seat capacity is available in the existing lot allocation pool. If available school seat capacity is not then available, the lot or multifamily project will be placed on a priority list for future allocation of school seat capacity.
- D. When an application for final subdivision plat approval or for the issuance of a building permit involves one (1) or more dwellings that contain more than one (1) dwelling unit per dwelling, such as single-family attached dwellings, townhouses, multiple-family dwellings and two-family dwellings, a school seat allocation

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may not be made for any dwelling unit in a dwelling unless sufficient school seat capacity is available for allocation to all dwelling units in that dwelling.

- E. Each allocation of available school seat capacity is made to a particular lot, proposed lot, or parcel of land. Once an allocation of school seat capacity has been made to a particular lot, proposed lot or parcel of land, the allocation is not transferable or assignable to another lot, proposed lot or parcel of land.
- F. Unless there are no proposed subdivisions awaiting final plat approval or existing lots or parcels of land on a priority list established pursuant to § 173-99, not more than twenty-five (25) seats of available school capacity may be allocated in any fiscal year to any one (1) proposed subdivision or to, or for the benefit of, any existing lots or parcels of land that were held in the same ownership on the first day of the fiscal year.

### **173-99 School seat allocation priority lists.**

- A. The town's Chief Executive Officer shall establish and maintain priority lists of applications for final subdivision plat approval, and for building permits for the development and construction of dwelling units on existing lots or parcels of land, for which school seat capacity is not available.
- B. A proposed subdivision for which an applicant has requested placement on a subdivision priority list pursuant to § 191-98B and an existing lot or parcel of land for which a building permit application has been submitted to the town shall be placed on the applicable priority list as of such date and time when all requirements for final subdivision plat approval or issuance of a building permit have been satisfied except for the availability of school seat capacity.
- C. When school seat capacity becomes available in the applicable subdivision allocation pool or sub-pool, the Chief Executive Officer shall provide written notice to the next applicant on the priority list that school seat capacity is available for allocation to some or all of the lots as depicted on the applicant's proposed final subdivision plat. The notice shall be sent to the address of the applicant as shown on the final subdivision plat application or to such other address as the applicant has designated in writing to the Chief Executive Officer. The notice shall give the applicant a period of thirty (30) days to notify the Chief Executive Officer in writing that the applicant accepts or rejects the allocation. An allocation shall be accepted in the manner specified in § 173-98B(4)(a)[1].
  - (1) If the applicant accepts the allocation in writing within such thirty-day period, and if such allocation provides a school seat allocation for all lots depicted on the final plat, the final plat shall be approved.
  - (2) If the applicant accepts the allocation in writing within such thirty-day period, and if such allocation provides an allocation of available school seat capacity for some, but not all of the lots depicted on the final plat, the applicant shall elect to proceed in accordance with § 173-98B(4)(a) or (b).
  - (3) If, within thirty (30) days after notice of the availability of a school seat allocation, an applicant affirmatively rejects an allocation of available school seat capacity, the applicant may request in writing that the application for final plat approval be kept active and that the lots depicted on the final plat be maintained on the priority list. If the applicant does make such a request, the final plat shall maintain its place on the priority list and shall be offered the next available school seat allocation. If the applicant does not affirmatively accept the school seat allocation the next time it is offered, the final plat shall be removed from the priority list, the application for final plat approval shall be deemed withdrawn, and any available school seat capacity previously allocated to lots on the final plat shall be returned to the applicable allocation pool or sub-pool.
  - (4) If, within thirty (30) days after notice of the availability of a school seat allocation, an applicant affirmatively rejects an allocation of available school seat capacity and does not request in writing that the application for final plat approval be kept active and that the final plat be maintained on the priority list, the final plat shall be removed from the priority list, the application for final plat approval

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shall be deemed withdrawn, and any available school seat capacity previously allocated to lots on the final plat shall be returned to the applicable allocation pool or sub-pool.

- (5) If, within thirty (30) days after notice of the availability of a school seat allocation, an applicant neither rejects nor affirmatively accepts the allocation in writing, the lots on the proposed final subdivision plat shall be removed from the priority list, the application for final plat approval shall be deemed to have been withdrawn by the applicant, and any previous allocation of school seat capacity for lots on the final plat shall be returned to the applicable allocation pool or sub-pool.
- D. When school seat capacity becomes available in the existing lot allocation pool or sub-pool, the Chief Executive Officer shall provide written notice to the next applicant on the existing lot priority list that school seat capacity is available for allocation to the applicant's lot or parcel of land. The notice shall be sent to the address of the applicant as shown on the building permit application or to such other address as the applicant has designated in writing to the Chief Executive Officer. The notice shall give the applicant a period of thirty (30) days to notify the Chief Executive Officer in writing that the applicant accepts or rejects the allocation.
- (1) If the applicant accepts the allocation within such thirty-day period, the building permit shall be issued as long the application continues to comply with all applicable laws. If the building permit application no longer complies with all applicable laws, the application shall be deemed rejected, but the school seat allocation shall be reserved for the lot or parcel of land for a period of ninety (90) days, within which the applicant must submit for approval by the town a revised permit application that complies with all applicable laws. If a conforming building permit application is submitted within ninety (90) days and approved by the town, the school seat allocation for the lot or parcel of land shall be made and the permit issued. If a conforming building permit application is not submitted within ninety (90) days or is not approved by the town, the school seat capacity shall be placed back in the pool and the lot or parcel of land removed from the priority list.
  - (2) If, within thirty (30) days after notice of the availability of a school seat allocation, an applicant neither rejects nor affirmatively accepts the allocation in writing, the lot or parcel of land shall be removed from the priority list and the building permit application for that lot or parcel of land shall be deemed to have been withdrawn by the applicant.
  - (3) If, within thirty (30) days after notice of the availability of a school seat allocation, an applicant affirmatively rejects an allocation of available school seat capacity, the applicant may request in writing that the building permit application be kept active and that the lot or parcel of land be maintained on the priority list. If the applicant makes such a request, the lot or parcel shall maintain its place on the priority list and shall be offered the next available school seat allocation. If the applicant does not affirmatively accept the school seat allocation the next time it is offered, the school seat capacity shall be placed back in the allocation pool or sub-pool and the lot or parcel of land shall be removed from the priority list.
  - (4) If, within thirty (30) days after notice of the availability of a school seat allocation, an applicant affirmatively rejects an allocation of available school seat capacity and does not request in writing that the building permit application be kept active and that the lot or parcel of land be maintained on the priority list, the school seat capacity shall be placed back in the allocation pool or sub-pool and the lot or parcel of land shall be removed from the priority list.
- E. Notwithstanding any other provision of this Article, any lot or parcel of land or subdivision on the existing lot priority list that has not received an allocation of school seat capacity within six (6) years from the date that lot or parcel was placed on the priority list shall be issued a building permit or final plat approval as long as the application continues to comply with all applicable laws. If the application no longer complies with all applicable laws, the applicant must submit for approval by the town a revised application that complies with all applicable laws. If a conforming application is submitted within ninety (90) days and approved by the town, the building permit or final plat approval may be issued even though available school seat capacity

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may not exist in the applicable allocation pool or sub-pool. If a conforming application is not submitted within ninety (90) days or is not approved by the town, a building permit or final plat approval may not be issued for the lot or parcel of land until a new allocation of school seat capacity is made to the lot or parcel. Any building permits or final plat approvals issued pursuant to this section shall not count against or reduce the available school seat capacity that otherwise is available for allocation in that fiscal year.

### **173-100 Duration and effect of expiration of allocation.**

- A. This section provides for the expiration of an allocation of school seat capacity and the effect of such an expiration.
- B. (1) This subsection regulates the expiration of a school seat allocation for a lot that was made as part of the approval of a final subdivision plat.
  - (2) A school seat allocation that has been made as part of the approval of a final subdivision plat is valid for a period of one (1) year from the date of approval of the final plat. The allocation for a lot in the subdivision expires if a building permit to construct a dwelling unit on that lot has not been issued within one (1) year from the date of approval of the final plat, or if the building permit to construct a dwelling unit on that lot expires or is revoked before a certificate of occupancy is issued.
  - (3) As long as a school seat allocation has not expired, a building permit may be issued for the lot for which the allocation has been made. A building permit may not be issued for any lot for which an allocation has expired until the lot has received a new school seat allocation. After expiration of an allocation, a lot shall be treated as an existing recorded lot and placed at the end of the existing lot priority list.
- C. (1) This subsection regulates the expiration of an allocation of school seat capacity for a lot that was made as part of the issuance of a building permit.
  - (2) An allocation of school seat capacity for a lot that has been made as part of the issuance of a building permit is valid for the duration of the building permit. The school seat allocation expires if the building permit to construct a dwelling unit on that lot expires or is revoked before a certificate of occupancy is issued.
  - (3) If a school seat allocation expires, the existing building permit shall not be reinstated or renewed, or a new building permit issued, for that lot until the lot has received a new school seat allocation. After a school seat allocation expires, a lot shall be placed at the end of an existing lot priority list for a new school seat allocation.

### **173-101 Appeals.**

- A. Any person aggrieved by a decision of the town's Chief Executive Officer in determining the student generation rate for a specific lot or parcel or in approving or refusing to approve an allocation of school seat capacity may appeal the decision to the Town Board of Appeals created under § 191-53 of this Code. Except to the extent inconsistent with this section, proceedings of the Board shall be governed by §§ 191-53C and D of this Code and the Board's rules of procedure.
- B. An appeal pursuant to Subsection A of this section may be based only on one (1) or more of the following grounds:
  - (1) The decision is contrary to law or illegal.
  - (2) The decision is arbitrary or capricious.

An appeal may not challenge or be based upon error in the determinations of the Chief Executive Officer in determining general student generation rates or of Town Council regarding the establishment of allocation pools pursuant to § 173-95.

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C. An appeal shall be initiated by the filing of a notice of appeal with the Town Board of Appeals. The notice of appeal shall be filed within ten (10) days from the date of the decision being appealed from. The appeal shall be filed on forms prescribed by the Chief Executive Officer consistent with this section, and shall be accompanied by such appeal fee as may be established by resolution of the Town Council from time to time.

D. Each notice of appeal must contain at least the following:

- (1) The name and address of the appellant;
- (2) A statement identifying the decision that is being appealed;
- (3) A statement describing how the appellant is aggrieved or affected by the decision that is being appealed;
- (4) A detailed narrative explanation of the grounds of the appeal;
- (5) A statement describing with specificity the manner in which the decision from which the appeal is taken is contrary to law, illegal, arbitrary or capricious. The notice of appeal shall contain specific references to all statutes, ordinances and regulations alleged to be violated by the decision; and
- (6) A statement of the relief requested by the appellant.

The Board of Appeals shall dismiss any notice of appeal that does not contain the information required by this Subsection D.

E. Hearings and proceedings on an appeal to the Board of Appeals shall be based exclusively on the grounds of appeal, issues and matters presented in the notice of appeal. The Board may not consider any ground of appeal, matter or issue that has not been presented with specificity in the notice of appeal. The Board of Appeals may take such testimony and evidence as the Board deems necessary or desirable to assist it in considering an appeal.

F. The decision of the Chief Executive Officer is presumed to be correct, made in accordance with law and legal. The burden is on the person who appeals a decision to demonstrate that:

- (1) The decision is contrary to law or illegal;
- (2) The decision is arbitrary or capricious.

G. The Board shall affirm the decision appealed from unless the Board finds that:

- (1) The decision appealed from is contrary to law or illegal;
- (2) The decision appealed from is arbitrary or capricious.

If the Board makes any such finding, the Board may reverse the decision of the Chief Executive Officer in whole or in part, or may modify the decision, condition or requirement appealed from and make such decision, conditions or requirements as could have been made by the Chief Executive Officer. The Board also may remand the matter to the Chief Executive Officer for such further proceedings or determinations as the Board of Appeals determines to be appropriate.

H. Any person or persons jointly or severally aggrieved by a decision of the Board of Appeals under this section, or any officer, department, board or bureau of the town, may appeal the decision of the Board of Appeals to the Circuit Court for Charles County. Such an appeal to the Circuit Court shall be filed within thirty (30) days from the decision of the Board.

I. A school seat allocation is not effective until the earlier to occur of:

- (1) Ten (10) days from the date of the allocation if no appeal is filed under this section; or
- (2) If an appeal is filed, until a final decision has been rendered and the time for all further appeals has expired.

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**§ 173-102 Process for Major Development Projects.**

**A. Intent and Applicability.** This section establishes regulations for Major Development Projects (MDP), defined as subdivisions proposing **one hundred (100) or more lots or dwelling units**. This process is intended to address the significant and long-term impacts of such projects on the public school system.

**B. Requirements.** A Major Development Project (MDP) seeking school seat allocation shall be required to enter into a **Development Agreement** with the **Town of La Plata and the Charles County Commissioners**. This Agreement shall be prepared **in consultation with Charles County Public Schools (CCPS)** to ensure coordination regarding long-term planning, capacity management, and build-out scheduling. The executed Agreement shall include a **Build-Out Schedule** detailing the unit type and unit count for each phase of development.

**C. Allocation of School Seats.** Allocations granted to an MDP shall be contingent upon adherence to the executed Development Agreement and the approved Build-Out Schedule. The allocation of school seats shall be utilized consistent with the approved Build-Out Schedule, and the grant of allocation may be conditioned upon the commencement of construction milestones within the project.

**D. Exemption.** Development projects approved under this section may be exempt from the general provisions of § 173-98 (Process for allocation) and § 173-99 (School seat allocation priority lists), provided they remain in compliance with their approved Development Agreement.

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## Article IX. School Seat Allocation Policy [Adopted 2-8-05 by Ord. No. 05-1]

### 173-92 Statement of policy and intent.

- A. Residential growth rates in Southern Maryland, Charles County and the Town of La Plata are among the highest in Maryland. The town is a designated growth area within the county and represents approximately ten percent (10%) of the population in the growth area of Charles County. ~~In the 1990's, La Plata issued between forty five (45) and sixty (60) building residential permits each year. In 2003, the town issued two hundred three (203) building permits for residential development. Estimates predict that the current rate of residential growth in the town will continue.~~
- B. The rate of growth in Charles County and the Town of La Plata is outpacing the ability of the Charles County Board of Education and the Charles County Commissioners to develop and fund the construction of new schools in Charles County to accommodate the growing student population in La Plata and the county at large. ~~This has resulted in unchecked growth has potential to result in school overcrowding that is contrary to the interests of students attending those schools and the public at large. While one new high school is under construction and other schools are planned for construction in Charles County, the rate of growth is outpacing the Board of Education's ability to provide sufficient school seats to meet increasing demands.~~
- C. The Town of La Plata has no role in the planning, approval or funding of new public schools. The construction of new public elementary schools, middle schools and high schools in Charles County is the responsibility of the Charles County Board of Education with funding provided primarily by the Charles County Commissioners and the State of Maryland. The Charles County Commissioners impose an excise tax to generate revenues for new school construction. This excise tax is imposed and collected by the County Commissioners on new development that takes place within the Town of La Plata and in the remainder of the county.
- D. Since the Town of La Plata cannot control the supply of seats or school capacity available to accommodate the growing student population, the Town Council has determined that it is in the interest of the public health, safety and welfare, and a proper exercise of the town's police powers, to responsibly regulate the rate of development in the town so as to:
- (1) Not exacerbate school overcrowding;
  - (2) Provide the Charles County Board of Education and the Charles County Commissioners with a reasonable time to make adequate school capacity available to meet the demands created by new growth in the Town of La Plata; and
  - (3) Provide for a reasonable rate of growth within the town to meet the town's fiscal and economic needs.
- E. It is the intent of this Article to establish a methodology and a process for determining and allocating available school seats in the Charles County public schools and to accomplish this objective based upon historical student generation from residential development exclusively within the Town of La Plata.

### 173-93 Definitions.

For purposes of this Article, the following terms shall have the meanings set forth in this section:

ALLOCATABLE SCHOOL CAPACITY – The discrete amount of public-school capacity available for allocation to new residential development, restricted to the lowest positive number derived from the aggregate capacity calculation across the three specified school levels (Elementary, Middle, and High School) serving the Town of La

Plata. In the event that the aggregate capacity calculation for any of the three school levels results in zero or a negative number (Shortage), the Allocatable School Capacity for that school attendance zone shall be deemed zero.

~~ALLOCATABLE SCHOOL CAPACITY—The lesser of (a) the lowest positive number derived from the aggregate capacity calculation across the three specified school levels or (b) 6% of the total net capacity excess of the entire Charles County public school system.~~

ALLOCATION POOL OR SUB-POOL—A pool or sub-pool established by the Town Council pursuant to § 173-95B for the allocation of available school seat capacity.

AVAILABLE SCHOOL SEAT CAPACITY—The amount of school seat capacity that the Town Council determines is available for new development pursuant to § 173-95.

DWELLING—A structure that contains one (1) or more dwelling units.

~~PARTICULARIZED STUDENT GENERATION RATE—A student generation rate determined for a proposed subdivision or an existing lot or parcel of land in accordance with § 173-94.~~

PRIORITY LIST—A list of persons awaiting a school seat allocation ranked chronologically in the order that each person became eligible for the list.

SCHOOL SEAT ALLOCATION—An allocation of available school seat capacity from an allocation pool or sub-pool pursuant to § 173-98.

STUDENT GENERATION RATE—The average number of public elementary school, middle school and high school students generated by a dwelling unit in each development and neighborhood of the Town of La Plata as determined in accordance with § 173-94.

#### 173-94 Establishment of student generation rates.

A. A. The Town Council shall annually adopt and utilize the current Student Yield Factors established and published by the Charles County Commissioners and the Charles County Board of Education. The Student Yield Factors shall be used to determine the average number of public elementary school, middle school, and high school students generated by a dwelling unit for each type of residential development.

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B. The Chief Executive Officer shall cease using particularized student generation rates for lots in proposed subdivisions or existing lots of record. The determination of the number of required development units shall be made by applying the Student Yield Factors to the specific dwelling unit type for the corresponding school level.

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~~The Town Chief Executive Officer shall establish student generation rates from residential development in the town. After establishing initial student generation rates, the Chief Executive Officer shall review and modify the student generation rates not less frequently than every two (2) years.~~

~~B. The Chief Executive Officer shall establish student generation rates for elementary schools, middle schools and high schools. In determining and establishing student generation rates, the Chief Executive Officer shall conduct a survey to determine the number of students from each development and neighborhood in the town who attend public elementary schools, middle schools and high schools in the county and the total number of dwelling units in each development and neighborhood. In conducting this survey, the Chief Executive Officer may rely upon data maintained by the Charles County Board of Education and the town and such other data and information as the Chief Executive Officer reasonably deems relevant.~~

~~C. When an applicant for approval of a final subdivision plat or a building permit requests an allocation of school seat capacity, the Chief Executive Officer shall determine a particularized student generation rate for each lot in the proposed subdivision or for the existing lot or parcel of land. In determining a particularized student generation rate for an existing lot or parcel or for a lot in a proposed subdivision, the Chief Executive~~

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Officer shall consider the student generation rates of similar residential developments or neighborhoods in the town, the known target demographics that the lot, parcel or proposed lots will be marketed to, and other facts and data that the Chief Executive Officer deems relevant.

### 173-95 Establishment of school seat allocation and allocation pools.

A. — A. The Town Council annually shall determine the number of school seats that the town will make available for allocation for new residential development in the town during the town's ensuing fiscal year. This determination shall be based on the Allocatable School Capacity established for the school attendance zones encompassing the Town of La Plata. The Town Council, in conjunction with Charles County Public Schools (CCPS), shall annually identify the current public elementary, middle, and high schools serving the Town of La Plata attendance zones (the Catchment Schools). The calculations required by this section shall rely upon the annual capacity data provided by the Charles County Board of Education (BOE) for these annually identified Catchment Schools.

This capacity data shall include any capacity provided by Capital Improvement Program (CIP) projects that are scheduled for completion prior or concurrent to the upcoming allocation cycle. When capacity is programmed to exist through an approved CIP project, allocations may be granted within the eighteen (18) month period prior to the opening of the new school facility.

Capacity of individual schools shall be determined by subtracting the enrollment from one hundred ten percent (110%) of the state rated capacity. The Allocatable School Capacity for new residential development shall be restricted to the lowest aggregate capacity calculated among the three (3) school levels (Elementary, Middle, and High School) within the specified school attendance zones. If capacity at any required school level (Elementary, Middle, or High) does not exist, allocations shall not be granted in that school attendance zone. School capacity must exist at all three school levels within the current school district attendance boundaries for which the Board of Education has determined the students from the project will attend. In making this annual determination, the Council shall consider data and recommendations, if any, from the Charles County Board of Education as to the number of available school seats in the public school system in these specific attendance zones. Allocations shall only be reduced to zero for a specific school attendance zone if the Charles County Board of Education has officially triggered a moratorium for that specific zone or school district due to capacity issues. The Town Council annually shall determine the number of school seats that the town will make available for allocation for new residential development in the town during the town's ensuing fiscal year, except that in no event shall the number of school seats available for allocation in each fiscal year be less than one hundred (100). In making this annual determination, the Council shall consider the number of available school seats in the entire Charles County public school system and the ratio of the town's population to the population of the county as a whole. In addition to other factors that the Town Council deems relevant, the Council shall consider data and recommendations, if any, from the Charles County Board of Education as to the number of available school seats in the public school system and the number of seats that the town should allocate for new residential development.

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B. After the Town Council has determined the number of school seats available for allocation in the ensuing fiscal year, the Council, by resolution, shall divide the total number of seats available for allocation into such reasonable pools and sub-pools as the Council may create. These pools shall attempt to provide a reasonable apportionment of available school seats among competing development interests. Sub-pools may consist of specific subdivisions or proposed subdivisions. The pools shall include, but necessarily be limited to, the following:

- (1) Proposed subdivisions consisting of at least fifty (50) lots that have received preliminary plat approval and for which application has been made for final plat approval;
- (2) Proposed subdivisions consisting of less than fifty (50) lots that have received preliminary plat approval and for which application has been made for final plat approval;

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- (3) Lots in recorded subdivisions that have fifty (50) or more remaining vacant lots for residential development. This pool shall contain not less than twenty percent (20%) of the school seat capacity available for allocation;
  - (4) Other existing recorded lots and parcels of land that could be developed for residential uses. This pool shall contain not less than twenty percent (20%) of the school seat capacity available for allocation.
- C. In the fourth quarter of each fiscal year, the Town Council may reevaluate the number of school seats remaining unallocated in each pool and sub-pool. If the Council determines that all of the school seats in any pool or sub-pool are not likely to be allocated before June 30 of that year, the Council, by resolution, may reallocate such school seats into one (1) or more other pools or sub-pools where a demand for school seat allocation exists.
  - D. If any school seats in any pool or sub-pool remain unallocated on June 30 of any year, the Town Council, by resolution, ~~shall~~ may divide the unallocated seats into the pools and sub-pools for the ensuing fiscal year in such manner as the Council reasonably shall determine.
  - E. Not later than January of each year, the Chief Executive Officer shall consult with the Board of Education to determine whether any changes in school enrollment during the school year have resulted in additional available school capacity for that year. If the Chief Executive Officer determines that additional capacity does exist, the Chief Executive Officer shall so advise the Town Council. The Town Council, by resolution, may make such additions of school seat capacity to the respective allocation pools or sub-pools for that fiscal year as the Council determines appropriate.

#### **173-96 Allocation required.**

Except as provided in §§ 173-97 and 173-98, until the town has made an allocation of school seat capacity to a proposed subdivision, lot or parcel of land:

- A. The Planning Commission may not approve a final plat of subdivision for a subdivision of land for the purpose of residential development; and
- B. The town may not approve or issue a building permit for the development and construction of any residential dwelling or dwelling unit on an existing lot or parcel.

#### **173-97 Exemptions.**

The requirements of § 173-96 do not apply to:

- A. The approval of a final plat for the subdivision of land for a development in which dwelling units will be restricted to occupancy by persons fifty-five (55) years of age and older;
- B. The development and construction of dwelling units in a subdivision where occupancy of dwelling units is restricted to persons fifty-five (55) years of age or older;
- C. Nursing homes;
- D. Assisted living facilities;
- E. Any other type of residential construction that will not generate additional school age population;
- F. **[Amended 4-22-08 by Ord. No. 08-5]** The approval of a final plat of subdivision of land, or portion of a final plat of subdivision, for a development to the extent that the developer has entered into an agreement with the town and the County Commissioners of Charles County by which:
  - (1) The developer agrees, in addition to the payment of any applicable school excise taxes and school impact fees, to make one (1) or more financial payments to the County Commissioners in an amount or amounts determined by the County Commissioners to be sufficient to enable the

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County Commissioners to provide to the town for the exclusive benefit of the developer's development a sufficient number of special school seat allocations from the county's allotment of school seat allocations which, combined with such school seat allocations as the developer may obtain from the town pursuant to this Article IX, will be sufficient to accommodate the projected student population from the subdivision, or portion of the subdivision, shown on the final plat, and

- (2) In exchange for such financial payment from the developer, the County Commissioners agree to provide to the town, for the exclusive benefit of the developer's development, an agreed number of special school seat allocations from the county's allotment of school seat allocations.

Where the developer has entered into such an agreement with the town and the Charles County Commissioners, the town shall not issue a building permit for any lot shown on the approved final plat for which a special school seat allocation is required until the County Commissioners have provided such special school seat allocation to the town.

### 173-98 Process for allocation.

- A. This section regulates the allocation of available school seat capacity to proposed lots in subdivisions that are seeking final plat approval and to existing individual lots or parcels of land.

- B. (1) ~~When a request is made for final subdivision plat approval, the Chief Executive Officer shall determine the student generation rate by applying the Student Yield Factors adopted pursuant to § 173-94A for each lot shown on the proposed final plat and then shall multiply that rate...~~ ~~When a request is made for final subdivision plat approval, the Chief Executive Officer shall determine a particularized student generation rate for each lot shown on the proposed final plat and then shall multiply that rate~~ by the total number of lots on the final plat to determine the total number of school seats required for all lots shown on the plat.

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- (2) If sufficient unallocated school seats in the applicable allocation pool or sub-pool are available to provide a school seat allocation for all of the lots depicted on the final plat, subject to the limitation in § 173-98F, a school seat allocation shall be made for all lots and, provided that the final plat satisfies all other applicable requirements, the Planning Commission shall approve the final subdivision plat.
- (3) If sufficient unallocated school seats in the applicable allocation pool or sub-pool are not available to provide a school seat allocation for any of the lots depicted on the final plat, the applicant may elect to do one (1) of the following:
  - (a) Request that approval of the final plat be deferred and that the entire final plat be placed on the applicable subdivision priority list for allocation of available school seat capacity as such capacity becomes available;
  - (b) Withdraw the request for final plat approval.
- (4) If sufficient unallocated school seats in the applicable allocation pool or sub-pool are available to provide a school seat allocation for some, but not all, of the lots depicted on the final plat, the applicant may elect to do one (1) of the following:
  - (a) [1] Accept a school seat allocation for as many lots as allocations are available for that proposed subdivision and designate each remaining lot as not buildable until a future allocation of school seat capacity is made for that lot. A school seat allocation shall be accepted by paying a school seat allocation reservation fee for each lot for which an allocation is to be made. The amount of the allocation reservation fee is twenty percent (20%) of the then applicable school excise tax for each lot. The allocation reservation fee shall be paid to the town prior to approval of the final subdivision plat. The allocation reservation fee for each lot shall be applied against the school excise tax payable for that lot if a building permit for that lot is applied for and issued by the town within one (1) year after final plat approval. However, if a building permit is not applied for and

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issued by the town within one (1) year after final plat approval, the school seat allocation and allocation reservation fee for that lot are forfeited and, for purposes of future school seat allocation, the lot shall be treated as an existing lot. Upon payment of the allocation reservation fee, the Planning Commission may approve the final subdivision plat,

[2] Any future allocation of school seat capacity for each lot for which a school seat allocation was not made when the final plat was approved, or for which an allocation was made but forfeited because a building permit was not applied for within one (1) year and issued within eighteen (18) months from the date of final plat approval, shall be made from the pool of school seats available for allocation to existing recorded lots at the time that a building permit application is approved for that lot. ~~The future allocation of school seat capacity for a lot shall be based upon the student generation rate derived from the Student Yield Factors adopted pursuant to § 173-94A for that lot determined by the Chief Executive Officer prior to approval of the application for a building permit for that lot; The future allocation of school seat capacity for a lot shall be based upon a particularized school seat generation rate for that lot determined by the Chief Executive Officer prior to approval of the application for a building permit for that lot;~~

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- (b) Request that approval of the final plat be deferred and that the entire final plat be placed on the applicable subdivision priority list for allocation of available school seat capacity as such capacity becomes available. If the applicant elects to have the final plat placed on the priority list, all available school seat capacity allocable to that subdivision be reserved for that proposed subdivision, without cost to the applicant, until school seat capacity is available in the pool or sub-pool for allocation to all remaining lots depicted on the final plat;
- (c) Reconfigure and resubmit the final plat to depict only those lots for which an allocation of school seat capacity can then be made;
- (d) Withdraw the request for final plat approval.

(5) Each approved final subdivision plat shall contain notes or graphic representations that clearly delineate which lots have received an allocation of school seat capacity and the terms and conditions of such allocation, and which lots are not buildable until a future allocation of available school seat capacity is made at such time as an application for a building permit is approved.

- C. ~~When an application is made for approval of a building permit for development and construction of a dwelling or dwelling unit on an existing lot or parcel of land, the Chief Executive Officer shall determine the student generation rate by applying the Student Yield Factors adopted pursuant to § 173-94A for that lot or parcel. For multifamily residential development, the Chief Executive Officer shall determine and assign available school seat capacity at the Site Development Plan stage. The Chief Executive Officer shall allocate available school seat capacity to that lot or parcel based upon the student generation rate for that lot or parcel~~ When an application is made for approval of a building permit for development and construction of a dwelling or dwelling unit on an existing lot or parcel of land, the Chief Executive Officer shall determine a particularized student generation rate for that lot or parcel. The Chief Executive Officer shall allocate available school seat capacity to that lot or parcel based upon the particularized student generation rate for that lot or parcel, if school seat capacity is available in the existing lot allocation pool. If available school seat capacity is not then available, the lot or multifamily project will be placed on a priority list for future allocation of school seat capacity.
- D. When an application for final subdivision plat approval or for the issuance of a building permit involves one (1) or more dwellings that contain more than one (1) dwelling unit per dwelling, such as single-family attached dwellings, townhouses, multiple-family dwellings and two-family dwellings, a school seat allocation may not be made for any dwelling unit in a dwelling unless sufficient school seat capacity is available for allocation to all dwelling units in that dwelling.

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- E. Each allocation of available school seat capacity is made to a particular lot, proposed lot, or parcel of land. Once an allocation of school seat capacity has been made to a particular lot, proposed lot or parcel of land, the allocation is not transferable or assignable to another lot, proposed lot or parcel of land.
  - F. Unless there are no proposed subdivisions awaiting final plat approval or existing lots or parcels of land on a priority list established pursuant to § 173-99, not more than twenty-five (25) seats of available school capacity may be allocated in any fiscal year to any one (1) proposed subdivision or to, or for the benefit of, any existing lots or parcels of land that were held in the same ownership on the first day of the fiscal year.

### **173-99 School seat allocation priority lists.**

- A. The town's Chief Executive Officer shall establish and maintain priority lists of applications for final subdivision plat approval, and for building permits for the development and construction of dwelling units on existing lots or parcels of land, for which school seat capacity is not available.
- B. A proposed subdivision for which an applicant has requested placement on a subdivision priority list pursuant to § 191-98B and an existing lot or parcel of land for which a building permit application has been submitted to the town shall be placed on the applicable priority list as of such date and time when all requirements for final subdivision plat approval or issuance of a building permit have been satisfied except for the availability of school seat capacity.
- C. When school seat capacity becomes available in the applicable subdivision allocation pool or sub-pool, the Chief Executive Officer shall provide written notice to the next applicant on the priority list that school seat capacity is available for allocation to some or all of the lots as depicted on the applicant's proposed final subdivision plat. The notice shall be sent to the address of the applicant as shown on the final subdivision plat application or to such other address as the applicant has designated in writing to the Chief Executive Officer. The notice shall give the applicant a period of thirty (30) days to notify the Chief Executive Officer in writing that the applicant accepts or rejects the allocation. An allocation shall be accepted in the manner specified in § 173-98B(4)(a)[1].
  - (1) If the applicant accepts the allocation in writing within such thirty-day period, and if such allocation provides a school seat allocation for all lots depicted on the final plat, the final plat shall be approved.
  - (2) If the applicant accepts the allocation in writing within such thirty-day period, and if such allocation provides an allocation of available school seat capacity for some, but not all of the lots depicted on the final plat, the applicant shall elect to proceed in accordance with § 173-98B(4)(a) or (b).
  - (3) If, within thirty (30) days after notice of the availability of a school seat allocation, an applicant affirmatively rejects an allocation of available school seat capacity, the applicant may request in writing that the application for final plat approval be kept active and that the lots depicted on the final plat be maintained on the priority list. If the applicant does make such a request, the final plat shall maintain its place on the priority list and shall be offered the next available school seat allocation. If the applicant does not affirmatively accept the school seat allocation the next time it is offered, the final plat shall be removed from the priority list, the application for final plat approval shall be deemed withdrawn, and any available school seat capacity previously allocated to lots on the final plat shall be returned to the applicable allocation pool or sub-pool.
  - (4) If, within thirty (30) days after notice of the availability of a school seat allocation, an applicant affirmatively rejects an allocation of available school seat capacity and does not request in writing that the application for final plat approval be kept active and that the final plat be maintained on the priority list, the final plat shall be removed from the priority list, the application for final plat approval shall be deemed withdrawn, and any available school seat capacity previously allocated to lots on the final plat shall be returned to the applicable allocation pool or sub-pool.

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- (5) If, within thirty (30) days after notice of the availability of a school seat allocation, an applicant neither rejects nor affirmatively accepts the allocation in writing, the lots on the proposed final subdivision plat shall be removed from the priority list, the application for final plat approval shall be deemed to have been withdrawn by the applicant, and any previous allocation of school seat capacity for lots on the final plat shall be returned to the applicable allocation pool or sub-pool.
- D. When school seat capacity becomes available in the existing lot allocation pool or sub-pool, the Chief Executive Officer shall provide written notice to the next applicant on the existing lot priority list that school seat capacity is available for allocation to the applicant's lot or parcel of land. The notice shall be sent to the address of the applicant as shown on the building permit application or to such other address as the applicant has designated in writing to the Chief Executive Officer. The notice shall give the applicant a period of thirty (30) days to notify the Chief Executive Officer in writing that the applicant accepts or rejects the allocation.
- (1) If the applicant accepts the allocation within such thirty-day period, the building permit shall be issued as long the application continues to comply with all applicable laws. If the building permit application no longer complies with all applicable laws, the application shall be deemed rejected, but the school seat allocation shall be reserved for the lot or parcel of land for a period of ninety (90) days, within which the applicant must submit for approval by the town a revised permit application that complies with all applicable laws. If a conforming building permit application is submitted within ninety (90) days and approved by the town, the school seat allocation for the lot or parcel of land shall be made and the permit issued. If a conforming building permit application is not submitted within ninety (90) days or is not approved by the town, the school seat capacity shall be placed back in the pool and the lot or parcel of land removed from the priority list.
- (2) If, within thirty (30) days after notice of the availability of a school seat allocation, an applicant neither rejects nor affirmatively accepts the allocation in writing, the lot or parcel of land shall be removed from the priority list and the building permit application for that lot or parcel of land shall be deemed to have been withdrawn by the applicant.
- (3) If, within thirty (30) days after notice of the availability of a school seat allocation, an applicant affirmatively rejects an allocation of available school seat capacity, the applicant may request in writing that the building permit application be kept active and that the lot or parcel of land be maintained on the priority list. If the applicant makes such a request, the lot or parcel shall maintain its place on the priority list and shall be offered the next available school seat allocation. If the applicant does not affirmatively accept the school seat allocation the next time it is offered, the school seat capacity shall be placed back in the allocation pool or sub-pool and the lot or parcel of land shall be removed from the priority list.
- (4) If, within thirty (30) days after notice of the availability of a school seat allocation, an applicant affirmatively rejects an allocation of available school seat capacity and does not request in writing that the building permit application be kept active and that the lot or parcel of land be maintained on the priority list, the school seat capacity shall be placed back in the allocation pool or sub-pool and the lot or parcel of land shall be removed from the priority list.
- E. Notwithstanding any other provision of this Article, any lot or parcel of land or subdivision on the existing lot priority list that has not received an allocation of school seat capacity within six (6) years from the date that lot or parcel was placed on the priority list shall be issued a building permit or final plat approval as long as the building permit application continues to comply with all applicable laws. If the building permit application no longer complies with all applicable laws, the applicant must submit for approval by the town a revised building permit application that complies with all applicable laws. If a conforming building permit application is submitted within ninety (90) days and approved by the town, the building permit or final plat approval may be issued even though available school seat capacity may not exist in the applicable allocation pool or sub-pool. If a conforming building permit application is not submitted within ninety (90) days or is not approved

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by the town, a building permit or final plat approval may not be issued for the lot or parcel of land until a new allocation of school seat capacity is made to the lot or parcel. Any building permits or final plat approvals issued pursuant to this section shall not count against or reduce the available school seat capacity that otherwise is available for allocation in that fiscal year.

### **173-100 Duration and effect of expiration of allocation.**

- A. This section provides for the expiration of an allocation of school seat capacity and the effect of such an expiration.
- B. (1) This subsection regulates the expiration of a school seat allocation for a lot that was made as part of the approval of a final subdivision plat.
  - (2) A school seat allocation that has been made as part of the approval of a final subdivision plat is valid for a period of one (1) year from the date of approval of the final plat. The allocation for a lot in the subdivision expires if a building permit to construct a dwelling unit on that lot has not been issued within one (1) year from the date of approval of the final plat, or if the building permit to construct a dwelling unit on that lot expires or is revoked before a certificate of occupancy is issued.
  - (3) As long as a school seat allocation has not expired, a building permit may be issued for the lot for which the allocation has been made. A building permit may not be issued for any lot for which an allocation has expired until the lot has received a new school seat allocation. After expiration of an allocation, a lot shall be treated as an existing recorded lot and placed at the end of the existing lot priority list.
- C. (1) This subsection regulates the expiration of an allocation of school seat capacity for a lot that was made as part of the issuance of a building permit.
  - (2) An allocation of school seat capacity for a lot that has been made as part of the issuance of a building permit is valid for the duration of the building permit. The school seat allocation expires if the building permit to construct a dwelling unit on that lot expires or is revoked before a certificate of occupancy is issued.
  - (3) If a school seat allocation expires, the existing building permit shall not be reinstated or renewed, or a new building permit issued, for that lot until the lot has received a new school seat allocation. After a school seat allocation expires, a lot shall be placed at the end of an existing lot priority list for a new school seat allocation.

### **173-101 Appeals.**

- A. ~~Any person aggrieved by a decision of the town's Chief Executive Officer in determining the student generation rate for a specific lot or parcel or in approving or refusing to approve an allocation~~Any person aggrieved by a decision of the town's Chief Executive Officer in determining a particularized student generation rate or in approving or refusing to approve an allocation of school seat capacity may appeal the decision to the Town Board of Appeals created under § 191-53 of this Code. Except to the extent inconsistent with this section, proceedings of the Board shall be governed by §§ 191-53C and D of this Code and the Board's rules of procedure.
- B. An appeal pursuant to Subsection A of this section may be based only on one (1) or more of the following grounds:
  - (1) The decision is contrary to law or illegal.
  - (2) The decision is arbitrary or capricious.

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An appeal may not challenge or be based upon error in the determinations of the Chief Executive Officer in determining general student generation rates or of Town Council regarding the establishment of allocation pools pursuant to § 173-95.

- C. An appeal shall be initiated by the filing of a notice of appeal with the Town Board of Appeals. The notice of appeal shall be filed within ten (10) days from the date of the decision being appealed from. The appeal shall be filed on forms prescribed by the Chief Executive Officer consistent with this section, and shall be accompanied by such appeal fee as may be established by resolution of the Town Council from time to time.
- D. Each notice of appeal must contain at least the following:
- (1) The name and address of the appellant;
  - (2) A statement identifying the decision that is being appealed;
  - (3) A statement describing how the appellant is aggrieved or affected by the decision that is being appealed;
  - (4) A detailed narrative explanation of the grounds of the appeal;
  - (5) A statement describing with specificity the manner in which the decision from which the appeal is taken is contrary to law, illegal, arbitrary or capricious. The notice of appeal shall contain specific references to all statutes, ordinances and regulations alleged to be violated by the decision; and
  - (6) A statement of the relief requested by the appellant.

The Board of Appeals shall dismiss any notice of appeal that does not contain the information required by this Subsection D.

- E. Hearings and proceedings on an appeal to the Board of Appeals shall be based exclusively on the grounds of appeal, issues and matters presented in the notice of appeal. The Board may not consider any ground of appeal, matter or issue that has not been presented with specificity in the notice of appeal. The Board of Appeals may take such testimony and evidence as the Board deems necessary or desirable to assist it in considering an appeal.
- F. The decision of the Chief Executive Officer is presumed to be correct, made in accordance with law and legal. The burden is on the person who appeals a decision to demonstrate that:
- (1) The decision is contrary to law or illegal;
  - (2) The decision is arbitrary or capricious.
- G. The Board shall affirm the decision appealed from unless the Board finds that:
- (1) The decision appealed from is contrary to law or illegal;
  - (2) The decision appealed from is arbitrary or capricious.

If the Board makes any such finding, the Board may reverse the decision of the Chief Executive Officer in whole or in part, or may modify the decision, condition or requirement appealed from and make such decision, conditions or requirements as could have been made by the Chief Executive Officer. The Board also may remand the matter to the Chief Executive Officer for such further proceedings or determinations as the Board of Appeals determines to be appropriate.

- H. Any person or persons jointly or severally aggrieved by a decision of the Board of Appeals under this section, or any officer, department, board or bureau of the town, may appeal the decision of the Board of Appeals to the Circuit Court for Charles County. Such an appeal to the Circuit Court shall be filed within thirty (30) days from the decision of the Board.
- I. A school seat allocation is not effective until the earlier to occur of:
- (1) Ten (10) days from the date of the allocation if no appeal is filed under this section; or

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- (2) If an appeal is filed, until a final decision has been rendered and the time for all further appeals has expired.

**§ 173-102 Process for Major Development Projects.**

**A. Intent and Applicability.** This section establishes regulations for Major Development Projects (MDP), defined as subdivisions proposing **one hundred (100) or more lots or dwelling units**. This process is intended to address the significant and long-term impacts of such projects on the public school system.

**B. Requirements.** A Major Development Project (MDP) seeking school seat allocation shall be required to enter into a **Development Agreement** with the **Town of La Plata and the Charles County Commissioners**. This Agreement shall be prepared **in consultation with Charles County Public Schools (CCPS)** to ensure coordination regarding long-term planning, capacity management, and build-out scheduling. The executed Agreement shall include a **Build-Out Schedule** detailing the unit type and unit count for each phase of development.

**C. Allocation of School Seats.** Allocations granted to an MDP shall be contingent upon adherence to the executed Development Agreement and the approved Build-Out Schedule. The allocation of school seats shall be utilized consistent with the approved Build-Out Schedule, and the grant of allocation may be conditioned upon the commencement of construction milestones within the project.

**D. Exemption.** Development projects approved under this section may be exempt from the general provisions of § 173-98 (Process for allocation) and § 173-99 (School seat allocation priority lists), provided they remain in compliance with their approved Development Agreement.

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# Chapter 191 - Zoning Regulations

## Article X. - Adequate Public Facilities Requirements

### § 191.86. Purpose.

The purpose of adequate public facilities review is to:

- A. Require developers to provide new, additional, or upgraded public facilities for water, sewage, and school seating capacity, when necessary, to ensure the Town's ability to provide adequate public facility levels to serve new developments without impacting the existing community.
- B. Ensure that all proposed development will not adversely affect the public's health, safety and welfare; and,
- C. Encourage new development to occur in areas of the Town where public facilities are being provided.

### § 191.87. Adequate public facilities required.

- A. Unless stated otherwise within this Ordinance, no preliminary plat maps or site plans shall be approved by the Town unless it can be demonstrated that the development will not impact the adequacy of the Town's public facilities to provide adequate water, sewage, and school seating capacity to serve the development, as specified in this Ordinance.
- B. This Ordinance does not apply to minor residential subdivisions, minor site plans and non-residential developments containing less than 1,200 square feet of gross floor area unless determined necessary by the Planning Director due to unique or unusual circumstances associated with the development and/or the surrounding environs of the development.
- C. Unless exempted within this Ordinance, all preliminary plat maps and site plans submitted to the Town for approval shall be accompanied by an Adequate Public Facilities Study (APFS) pursuant to Section 191.93

### §191.88. Roads.

(Reserved)

### §191.89. Schools.

See Section 173-92 under Article IX (School Seat Allocation Policy) of the La Plata Subdivision and Land Development Ordinance.

### §191.90. Sewage system.

- A. Pursuant to Title 9 of the Annotated Code of Maryland, new development can only be approved if there are adequate wastewater systems and supporting infrastructure. Therefore, no site plan or subdivision plat shall be approved for any new or expanded development in La Plata unless the Town's wastewater treatment plant and infrastructure has or will have sufficient capacity to support new development prior

to its commencement. It is the intent of this Chapter to ensure that sewer infrastructure capacity serving existing residential and non-residential users are not adversely affected by the sewage capacity and infrastructure needs from new development.

- B. Standard for Adequacy. The Town's sewage system shall be considered inadequate and the development deemed to create an adverse impact on the Town's wastewater treatment plant and its infrastructure when a development causes it to operate at or above eighty percent (80%) of the plant's maximum capacity. This limitation is to ensure the Town maintains sufficient reserve capacity to account for system inefficiencies and short-term spikes in treatment demand. Eighty percent (80%) of sewage capacity shall be determined by multiplying the Town's treatment plant's design flow (MGD) by 0.80, then comparing that value to the facility's average daily wastewater flow. If this standard is exceeded, the project shall not be approved unless adequate mitigation is provided in accordance with §191.94 (Mitigation).
- C. The Town of La Plata shall publish on its website every six (6) months a sewage capacity report identifying Town's current wastewater treatment plant capacity level and its remaining availability to serve new development. The most current wastewater capacity report shall be used as the authoritative reference source for determining a development's impact on the Town's wastewater capacity limit as part of any Adequate Public Facilities Study submitted to the Town.

## §191.91. Water supply system.

- A. Pursuant to Title 9 of the Annotated Code of Maryland, new development can only be approved if there is an adequate water supply and infrastructure to support it. Therefore, no preliminary plat map or site plan for any new or expanded development requiring water allocation from the Town of La Plata shall be approved unless there is or will be sufficient water supply to support the development prior to its commencement. It is the intent of this chapter that water supplies serving existing residential and non-residential users are not adversely affected by the water usage from new development.
- B. Standard for Adequacy. The Town's water supply system is considered inadequate and a proposed development is considered to have an adverse impact on the Town's ability to provide sufficient water when the projected water demand from new development will cause the Town to reach or exceed eighty percent (80%) of its maximum water appropriation permit for annual average daily withdrawal, as issued by the Maryland Department of the Environment. The 80% threshold is intended to ensure the Town maintains sufficient reserve capacity to account for water loss, system inefficiencies, and short-term spikes in water usage. Eighty percent (80%) of the Town's water allocation is calculated by multiplying the permitted annual average daily withdrawal limit by 0.80 and comparing that value to the Town's actual annual average daily water use. If the projected demand from a development causes this threshold to be exceeded, the development may not be approved unless adequate mitigation is provided in accordance with §191.94 (Mitigation).
- C. The Town of La Plata shall publish on its website every six (6) months a water capacity report of the Town's water allocation usage for determining the remaining water currently availability to serve new development against its maximum water appropriations permit limit for average daily withdrawal. The most current water capacity report shall be used as the authoritative reference source for determining a development's impact on the Town's water supply as part of any Adequate Public Facilities Study submitted to the Town.

## § 191.92. Water, sewage, and school capacity allocations

- A. Water and sewer capacity allocation shall be guaranteed to any approved preliminary plat map or site

plan requiring such allocation for a period of six (6) years after its original approval by the Town. Failure, for any reason, to obtain a building permit within six (6) years to begin construction for a new building(s) under an approved site plan or preliminary plat map or for a new development shall render the water and sewer allocation null and void.

- B. For preliminary plat maps and site plans that have been previously approved without water and sewer allocations prior to the adoption of this Ordinance, water and sewer allocations shall be based on the following allocation methodology:
  - (1) All preliminary plat maps and site plans that have been approved and are still valid as of the date of the adoption of this Ordinance shall be exempt from Section 191.92(A) unless the approved preliminary plat map or site plan is allowed to expire for any reason. Water and sewer allocations for previously approved and legally valid preliminary plat maps and site plans shall have priority over any preliminary plat maps and site plans not approved by the Town as of the date of the adoption of this Ordinance. Water and sewer allocations for unexpired preliminary plat maps and site plans under this code provision shall be allocated as follows:
    - (a) Each year, the Town of La Plata shall identify the maximum water and sewer capacity allocations to be devoted to previously approved preliminary plat maps and site plans that are valid.
    - (b) Water and sewer allocations shall be distributed by the Town to each previously approved preliminary plat map or site plan beginning with the oldest to the most recent until all such water and sewer allocations have been distributed by the Town of La Plata for each calendar year.
    - (c) Failure to begin using authorized water and sewer allocations within six years shall render the water and sewer allocations under this provision of the Ordinance null and void.
- C. Once all previously approved preliminary plat maps and site plans have received their necessary water and sewer allocations under Section 191.92(B), water and sewer allocations required for the approval of new preliminary plat maps and site plans may be granted by the Town as provided in this Ordinance.
- D. School capacity allocations shall be granted pursuant to Article IX (School Seat Allocation Policy) of the La Plata Municipal Code.

## § 191.93. Adequate public facilities study.

- A. An Adequate Public Facilities Study (APFS) shall be prepared by qualified, independent, third parties, in conformance with the requirements of this Ordinance, and submitted as part of any preliminary plat map or site plan submittal to the Town for approval.
- B. An APFS shall contain the following information:
  - (1) Background information describing the proposed development, its location and the most current conditions of all public facilities that are regulated by this Ordinance.
  - (2) Analyses and identification of all anticipated project impacts and facility needs for water, sewer, and school seating capacity to serve the proposed development.
  - (3) As necessary, a proposed mitigation program to eliminate all anticipated environmental impacts caused by the development to enable the Town to provide sufficient water, sewage, and school seating capacity to serve the proposed development.
  - (4) Any other additional information deemed necessary by the Planning Director to adequately evaluate a project's impact(s) on the Town's water, sewage and school seating capacity.
- C. An APFS must address the incremental and cumulative impacts of a project that is to be developed in phases, including all incremental mitigation measures.
- D. The Planning Commission shall review the APFS and other information submitted by the project

developer to determine if the level of public infrastructure exists or will exist to meet the standards of this Ordinance and whether the approval of the proposed development will be in the public interest.

- E. The project applicant shall pay all the costs associated with the Town's review of an APFS in addition to all other applicable development fees in the Town's current fee schedule.

## § 191.94. Mitigation.

Creative development design measures are encouraged within each new development to reduce or eliminate impacts to the Town's water, sewage and school seating capacity limits whenever possible. However, if the Planning Commission determines that one or more public facilities associated with water, sewage, or school seating capacity are not adequate, the Planning Commission shall deny the project or require sufficient development mitigation measures as follows:

- A. Mitigation by the project developer is required to avoid exceeding water, sewer, and school seating capacity limits to enable the Town to provide sufficient public facilities to support the developer's project and comply with all applicable provisions of the Town's Municipal Code and Maryland Department of the Environment permitting requirements, conditions, and regulations placed upon the Town. If the mitigation measures are considered infeasible to implement for a new development, the Town may accept an in-lieu fee equal to the developer's pro-rata share of the total estimated cost of their required mitigation measures for their project, as determined by the Chief Executive Officer of the Town.
- B. If one or more mitigation measures are required for an approved development to comply with this Ordinance and those mitigation measures will be fully completed through a Town, County or State approved capital improvement project before all Town issued development permits are finalized, the Town shall consider the required development mitigation measures necessary to comply with this Ordinance satisfied. However, if a Town, County or State approved capital improvement project does not fully satisfy all mitigation measures required for an approved development to comply with this Ordinance, the developer shall be responsible for completing their pro-rata share of the remaining mitigation measures. Otherwise, the developer shall provide the Town an in-lieu fee equal to their pro-rata share of the total estimated cost for the remaining mitigation measures required for their project development, as determined by the Chief Executive Officer of the Town.
- B. The Planning Commission shall review and have final approval of the proposed mitigation program for a proposed subdivision or site plan. A mitigation program shall include the type(s) of mitigation, the methods of mitigation and time schedules, including project phasing, if applicable, for the successful implementation of the mitigation program.
- C. A mitigation program shall be contained in a legally binding adequate public facilities agreement between the project developer and the Town of La Plata, in a legal form approved by the Town Attorney.
- D. A mitigation program shall run with the land. The deed or title for a property shall contain references to the mitigation program and be recorded with the Charles County Clerk to the satisfaction of the Planning Director.

## § 191.95. Bonding or surety.

- A. The Planning Commission shall require bonding or surety as appropriate to cover the costs of the facilities and lands not under the project developer's ownership that are part of a mitigation program.
- B. Upon default, the Town of La Plata has the authority to redeem the bonds or surety in addition to any other remedy provided by law.

## § 191.96. Standards, criteria and procedures for adequate public facilities studies.

- A. Except as may be stated elsewhere in this Ordinance, the Charles County Adequate Public Facilities Implementation Manual may be referenced for guidance to help support the successful implementation of this Ordinance. In no case shall the Charles County APFO Manual supersede any requirements of this ordinance.
- B. Upon recommendation by the Planning Commission, the Town Council shall consider approving any revisions to the adopted standards, criteria and procedures for adequate public facilities.
- C. The Town of La Plata shall be the sole provider all water and sewer facilities for new and existing developments in Town. The Town will require developers to fund, construct, and provide bonding for all new or upgraded facilities deemed necessary for mitigation under this Ordinance. All new water and sewer facilities shall be dedicated by the project developer to the Town of La Plata, consistent with all applicable provisions of the Town's Municipal Code as determined by the Director of Public Works.

## § 191.97. Exemptions to Adequate Public Facilities Requirements

- A. The provisions of this APFO Ordinance shall not apply to any development that, as of the effective date of this Ordinance, satisfies all of the following criteria:
  - (1) The property was subject to an Annexation Agreement executed on or before December 31, 1998, and recorded among the Land Records of Charles County, Maryland, regardless of any amendments to such agreement occurring after that date; and
  - (2) A preliminary plat map or site plan for the development has received Town approval and remains valid under applicable law.
  - (3) A development that satisfies both of the criteria in the above Sections A(1) and A(2) as of the effective date of this Ordinance shall be deemed vested for purposes of this Article and shall remain exempt from the requirements of Chapter 173, Article IX (School Seat Allocation Policy) and Chapter 191, Article X (Adequate Public Facilities Requirements) provided that such development proceeds in accordance with the approved preliminary plat map or site plan as well as any applicable vesting or expiration provisions of this Code.
- B. Notwithstanding the foregoing in Section "A," above, any significant modification to an approved preliminary plat or site plan that results in an increase in residential density, non-residential square footage, or overall development intensity shall not be eligible for this exemption unless such modification independently satisfies the requirements of Chapter 173, Article IX (School Seating Allocation Policy) and Chapter 191, Article X (Adequate Public Facilities Requirements).

-End-

## Chapter 191 - Zoning Regulations

### Article X. - Adequate Public Facilities Requirements

#### § 191.86. Purpose.

The purpose of adequate public facilities review is to:

- A. Require developers to provide new, additional, or upgraded public facilities for water, sewage, roads and school seating capacity, when necessary, to ensure the Town's ability to provide adequate public facility levels to serve new developments without impacting the existing community.
- B. Ensure that all proposed development will not adversely affect the public's health, safety and welfare; and,
- C. Encourage new development to occur in areas of the Town where public facilities are being provided.

#### § 191.87. Adequate public facilities required.

- A. Unless stated otherwise within this Ordinance, no preliminary plat maps or site plans shall be approved by the Town unless it can be demonstrated that the development will not impact the adequacy of the Town's public facilities to provide the adequate water, sewage, roads and school seating capacity to serve the development and its environs, as specified in this Ordinance.
- B. This Ordinance does not apply to minor residential subdivisions, minor site plans and non-residential developments containing less than 1,200 square feet of gross floor area unless determined necessary by the Planning Director due to unique or unusual circumstances associated with the development and/or the surrounding environs of the development.
- C. Unless exempted within this Ordinance, all preliminary plat maps and site plans submitted to the Town for approval shall be accompanied withby an Adequate Public Facilities Study (APFS) pursuant to Section 191.93

#### §191.88. Roads.

##### (Reserved)

~~A. The traffic generated by a proposed development shall not reduce the level of service (LOS) at intersections or along roads below the standards established in this section.~~

~~B. This section does not apply to any development project that generates fewer than 35 peak-hour vehicular trips per day.~~

~~C. Roads shall be considered adequate to accommodate the projected vehicular traffic to be generated by a proposed development if:~~

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~~(1) All existing traffic, the anticipated traffic for new development, and the cumulative traffic anticipated for previously approved developments within the environs of a new development can meet or can be adequately mitigated to meet the minimum Level of Service required for the roadways impacted by the new development. Traffic service levels at all intersections in the immediate vicinity of the project, as designated by the Planning Director, shall be defined by the Critical Lane Methodology or current edition of the Highway Capacity Manual published by the Transportation Research Board; or~~

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~~(2) The Town, County, or State has programmed for construction, in a capital improvements plan or a similar plan, additional roads or road improvements, in combination with existing roads and intersections, to comply with the standards specified in this Ordinance. The programmed improvements must be scheduled to be completed at the time the proposed development will generate new vehicular trips.~~

~~(3) A sufficient public right-of-way width is provided to serve the volume of pedestrian and vehicular traffic to accommodate the development, including adequate road widths to facilitate vehicular mobility, maneuverability and on-street parking.~~

~~D. Levels of service.~~

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~~(1) The established minimum level of service (LOS) for all roads and intersections in the Town of La Plata shall be LOS "C."~~

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~~(2) If the existing LOS of any road is less than LOS "C," the roadway will be considered inadequate.~~

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~~(a) To meet the minimum roadway Level of Service requirement, mitigation shall be applied by the developer to all affected roads serving the development, as determined by the Planning Director. Alternatively, the Planning Commission may require a proposed development to be scaled back so all impacted roadways meet the minimum required level of service (LOS "C"). The Planning Commission shall deny any development if inadequate roadway mitigation measures are not sufficient to comply with this Ordinance.~~

~~E. The determination of the Level of Service for a road shall consider the effects of existing traffic and traffic projected to be generated from new developments in the environs, as determined by the Planning Director, for which final subdivision plats and site plans have been approved as well as increases in through traffic and all traffic projected to be generated from the proposed development for a specified development completion year.~~

~~F. Unless exempted within this Ordinance, the project developer shall submit with their preliminary plat map or site plan, a preliminary Adequate Public Facilities Study (APFS) which indicates the development's anticipated vehicular trip generation rates, a list of existing roads and intersections that will be impacted by traffic to and from the development and the anticipated completion date of the proposed development. The Planning Director shall review the APFS to determine if it satisfies the standards adopted herein for the proposed development and shall add or delete roads or intersections necessary to evaluate the impact of the development.~~

## §191.89. Schools.

See Section 173-92 under Article IX (School Seat Allocation Policy) of the La Plata Subdivision and Land Development Ordinance.

## §191.90. Sewage system.

- A. ~~Pursuant to Title 9 of the Annotated Code of Maryland, new development can only be approved if there are adequate wastewater systems and supporting infrastructure. It is the intent of this chapter that new and/or expanded sewer systems serving new residential and non-residential developments shall not adversely impact the Town's ability to support it. Therefore, no site plan or subdivision plat shall be approved for any new or expanded development in La Plata unless the Town's new sewer system wastewater treatment plant and infrastructure serving any development in the Town of La Plata shall be approved unless there is has or will have sufficient sewer infrastructure capacity to accommodate support new development prior to its commencement, and support it by the Town. It is the intent of this Chapter to ensure that sewer infrastructure capacity serving existing residential and non-residential users are not adversely affected by the sewage capacity and infrastructure needs from new development.~~
- B. ~~Standard for Adequacy. The Town's sewage system shall be considered inadequate, and the development shall be deemed to create an adverse impact on the Town's ability to support the system, if the capacity required by the proposed development will cause the Town's wastewater treatment plant and its infrastructure when a development causes it to operate at or above a level higher than eighty percent (80%) of the plant's maximum capacity. This limitation is to ensure the Town maintains sufficient reserve capacity to account for system inefficiencies and short-term spikes in treatment demand. Eighty percent (80%) of sewage capacity shall be determined by multiplying the Town's treatment plant's design flow (MGD) by 0.80, then comparing that value to the facility's average daily wastewater flow, currently permitted capacity as authorized by the State of Maryland. If this standard is exceeded, the project shall not be approved unless adequate mitigation is provided in accordance with § 191.94 (Mitigation).~~
- C. ~~The Town of La Plata shall publish on its website every six (6) months a sewage capacity report identifying Town's current wastewater treatment plant capacity level and its remaining availability to serve new development. The most current wastewater capacity report shall be used as the authoritative reference source for determining a development's impact on the Town's wastewater capacity limit as part of any Adequate Public Facilities Study submitted to the Town.~~

## §191.91. Water supply system.

- A. ~~Pursuant to Title 9 of the Annotated Code of Maryland, new development can only be approved if there is an adequate water supply and infrastructure to support it. Therefore, No preliminary plat map and/or no site plan for any new or expanded development requiring water allocation from the Town of La Plata shall be approved unless there is or will be sufficient water supply to support the development prior to its commencement. It is the intent of this chapter that water supplies serving existing residential and non-residential users shall are not be adversely affected by the water useusage from new development.~~
- B. ~~Standard for Adequacy. The water supply system shall be considered inadequate, and the development shall be deemed to adversely affect the Town's ability to provide sufficient water, if the water demand projected to be generated by the proposed development will cause the Town to exceed eighty percent (80%) of its maximum permitted water authorization granted by the State of Maryland. If this standard is exceeded, the development shall not be approved unless adequate mitigation is provided in accordance with § 191.94 (Mitigation). The Town's water supply system is considered inadequate and a proposed development is considered to have an adverse impact on the Town's ability to provide sufficient water when the projected water demand from new development will cause the Town to reach or exceed eighty percent (80%) of its maximum water appropriation permit for~~

annual average daily withdrawal, as issued by the Maryland Department of the Environment. The 80% threshold is intended to ensure the Town maintains sufficient reserve capacity to account for water loss, system inefficiencies, and short-term spikes in water usage. Eighty percent (80%) of the Town's water allocation is calculated by multiplying the permitted annual average daily withdrawal limit by 0.80 and comparing that value to the Town's actual annual average daily water use. If the projected demand from a development causes this threshold to be exceeded, the development may not be approved unless adequate mitigation is provided in accordance with §191.94 (Mitigation).

B.C. The Town of La Plata shall publish on its website every six (6) months a water capacity report of the Town's water allocation usage for determining the remaining water currently availability to serve new development against its maximum water appropriations permit limit for average daily withdrawal. The most current water capacity report shall be used as the authoritative reference source for determining a development's impact on the Town's water supply as part of any Adequate Public Facilities Study submitted to the Town.

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## § 191.92. Water, sewage, and school capacity allocations

- A. Water and sewer capacity allocation shall be guaranteed to any approved preliminary plat map or site plan requiring such allocation for a period of ~~three~~ six (6) years after its original approval by the Town. Failure, for any reason, to obtain a building permit within ~~three~~ six (6) years to begin construction for a new building(s) under an approved site plan or preliminary plat map or for a new development, ~~under an approved site plan,~~ shall render the water and sewer allocation null and void.
- B. For preliminary plat maps and site plans that have been previously approved without water and sewer allocations prior to the adoption of this Ordinance, water and sewer allocations shall be based on the following allocation methodology:
- (1) All preliminary plat maps and site plans that have been approved and are still valid as of the date of the adoption of this Ordinance shall be exempt from Section 191.92(A) unless the approved preliminary plat map or site plan is allowed to expire for any reason. Water and sewer allocations for previously approved and legally valid preliminary plat maps and site plans shall have priority over any preliminary plat maps and site plans not approved by the Town as of the date of the adoption of this Ordinance. Water and sewer allocations for unexpired preliminary plat maps and site plans under this code provision shall be allocated as follows:
    - (a) Each year, the Town of La Plata shall identify the maximum water and sewer capacity allocations to be devoted to previously approved preliminary plat maps and site plans that are valid.
    - (b) Water and sewer allocations shall be distributed by the Town to each previously approved preliminary plat map or site plan beginning with the oldest to the most recent until all such water and sewer allocations have been distributed by the Town of La Plata for each calendar year.
    - (c) Failure to begin using authorized water and sewer allocations within ~~three~~ six years shall render the water and sewer allocations under this provision of the Ordinance null and void.
- C. Once all previously approved preliminary plat maps and site plans have received their necessary water and sewer allocations under Section 191.92(B), water and sewer allocations required for the approval of new preliminary plat maps and site plans may be granted by the Town as provided in this Ordinance.
- D. School capacity allocations shall be granted pursuant to Article IX (School Seat Allocation Policy) of the La Plata Municipal Code.

## § 191.93. Adequate public facilities study.

- A. An Adequate Public Facilities Study (APFS) shall be prepared by qualified, independent, third parties, in conformance with the requirements of this Ordinance, and submitted as part of any preliminary plat map or site plan submittal to the Town for approval.
- B. An APFS shall contain the following information:
- (1) Background information ~~that describes~~ the proposed development, its location and the most current conditions of all ~~surrounding~~ public facilities that are regulated by this Ordinance.
  - ~~(2) Project generation information that identifies the peak, daily, vehicle trips and number of students generated by the project.~~
  - ~~(3)(2) Analyses and identification of all anticipated project impacts and facility needs for water, sewer, roads and school seating capacity to serve the proposed development, and its environs.~~
  - ~~(4) Identification of all proposed road classifications serving the proposed development including the public rights-of-way and vehicular road widths to demonstrate there will be sufficient vehicular mobility and maneuverability to accommodate the volume of pedestrian and vehicular traffic, including the allowance for on-street parking.~~
  - (3) As necessary, a proposed mitigation program to eliminate all anticipated environmental impacts caused by the development to enable the Town to provide the minimum, required, public facility levels for sufficient water, sewage, roads and school seating capacity to serve the proposed development, and its environs.
  - ~~(5)(4) Any other additional information deemed necessary by the Planning Director to adequately evaluate a project's impact(s) on the Town's water, sewage and school seating capacity.~~
- ~~C. An APFS required for roads shall include a traffic impact study, including traffic flow studies of the roads and intersections as approved by the Planning Director. The traffic flow studies shall determine, at a minimum, existing traffic, traffic projected to be generated from other proposed developments in the environs for which a site plan or preliminary plat map approval has been granted, projected increases in through traffic at the time of completion of the proposed development and traffic projected to be generated from the proposed development. The study shall comply with these standards or the Transportation Research Boards' standards for traffic impact studies. In addition, the APFS shall propose, as necessary, all traffic mitigation improvements that will achieve the required level of service for all roadways impacted by the proposed development.~~
- ~~D.C.~~ An APFS must address the incremental and cumulative impacts of a project that is to be developed in phases, including all incremental mitigation measures.
- ~~D.~~ The Planning Commission shall review the APFS and other information submitted by the project developer to determine if the level of public infrastructure exists or will exist to meet the standards of this Ordinance and whether the approval of the proposed development will be in the public interest.
- E. The project applicant shall pay all the costs associated with the Town's review of an APFS in addition to all other applicable development fees in the Town's current fee schedule.

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## § 191.94. Mitigation.

Creative development design measures are encouraged within each new development to reduce or eliminate impacts to the Town's water, sewage and school seating capacity limits whenever possible. However, if Upon determination by the Planning Commission determines that one or more public facilities

associated with water, sewage, ~~roads~~, or school seating capacity are not adequate, the Planning Commission shall deny the project or require sufficient development mitigation measures as follows:

~~A. A.~~ Mitigation by the project developer is required to avoid exceeding eliminate all environmental impact(s) on water, sewer, ~~roads~~ and school seating capacity limits to enable the Town to provide sufficient public facilities to support the developer's project and comply with all applicable provisions of the Town's Municipal Code and Maryland Department of the Environment permitting requirements, conditions, and regulations placed upon the Town. If the mitigation measures are considered infeasible to implement for a new development, the Town may accept an in-lieu fee equal to the developer's pro-rata share of the total estimated cost of their required mitigation measures for their project, as determined by the Chief Executive Officer of the Town.

~~B.~~ If one or more mitigation measures are required for an approved development to comply with this Ordinance and those mitigation measures will be fully completed through a Town, County or State approved capital improvement project before all Town issued development permits are finalized, the Town shall consider the required development mitigation measures necessary to comply with this Ordinance satisfied. However, if a Town, County or State approved capital improvement project does not fully satisfy all mitigation measures required for an approved development to comply with this Ordinance, the developer shall be responsible for completing their pro-rata share of the remaining mitigation measures. Otherwise, the developer shall provide the Town an in-lieu fee equal to their pro-rata share of the total estimated cost for the remaining mitigation measures required for their project development, as determined by the Chief Executive Officer for the Town.

- B. The Planning Commission shall review and have final approval of the proposed mitigation program for a proposed subdivision or site plan. A mitigation program shall include the type(s) of mitigation, the methods of mitigation and time schedules, including project phasing, if applicable, for the successful implementation of the mitigation program.
- C. A mitigation program shall be contained in a legally binding adequate public facilities agreement between the project developer and the Town of La Plata, in a legal form approved by the Town Attorney.
- D. A mitigation program shall run with the land. The deed or title for a property shall contain references to the mitigation program and be recorded with the Charles County Clerk to the satisfaction of the Planning Director.

## § 191.95. Bonding or surety.

- A. The Planning Commission shall require bonding or surety as appropriate to cover the costs of the facilities and lands not under the project developer's ownership that are part of a mitigation program.
- B. Upon default, the Town of La Plata has the authority to redeem the bonds or surety in addition to any other remedy provided by law.

## § 191.96. Standards, criteria and procedures for adequate public facilities studies.

- A. Except as may be stated elsewhere in this Ordinance, the Charles County Adequate Public Facilities Implementation Manual may be referenced and used, as needed, for guidance to help support the successful implementation of this Ordinance. In no case shall the Charles County APFO Manual supersede any requirements of this ordinance.

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- B. Upon recommendation by the Planning Commission, the Town Council shall consider, ~~for~~ approving, any revisions to the adopted standards, criteria and procedures for adequate public facilities.
- C. The Town of La Plata shall be the sole provider all water and sewer facilities for new and existing developments in Town. The Town will require developers to fund, construct, and provide bonding for all new or upgraded facilities deemed necessary for mitigation under this Ordinance. All new water and sewer facilities shall be dedicated by the project developer to the Town of La Plata, consistent with all applicable provisions of the Town's Municipal Code as determined by the Director of Public Works.

**§ 191.97. Exemptions to Adequate Public Facilities Requirements**

A. The provisions of this APFO Ordinance shall not apply to any development that, as of the effective date of this Ordinance, satisfies all of the following criteria:

- (1) The property was subject to an Annexation Agreement executed on or before December 31, 1998, and recorded among the Land Records of Charles County, Maryland, regardless of any amendments to such agreement occurring after that date; and
- (2) A preliminary plat map or site plan for the development has received Town approval and remains valid under applicable law.
- (3) A development that satisfies both of the criteria in the above Sections A(1) and A(2) as of the effective date of this Ordinance shall be deemed vested for purposes of this Article and shall remain exempt from the requirements of Chapter 173, Article IX (School Seat Allocation Policy) and Chapter 191, Article X (Adequate Public Facilities Requirements) provided that such development proceeds in accordance with the approved preliminary plat map or site plan as well as any applicable vesting or expiration provisions of this Code.

B. Notwithstanding the foregoing in Section "A," above, any significant modification to an approved preliminary plat or site plan that results in an increase in residential density, non-residential square footage, or overall development intensity shall not be eligible for this exemption unless such modification independently satisfies the requirements of Chapter 173, Article IX (School Seating Allocation Policy) and Chapter 191, Article X (Adequate Public Facilities Requirements).

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### **173-23 Preliminary plat.**

- A. Purpose. The purpose of the preliminary plat is to require formal conditional approval of the subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat procedure is recommended but not required for minor subdivisions, provided that the final plat submitted contains all the information required for both the preliminary and final plat. The preliminary plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these regulations.
- B. Procedure.
  - (1) The applicant shall prepare and submit six (6) copies of the preliminary plat and application, along with the required fees, to the Chief Executive Officer. The Chief Executive Officer shall check the submission for completeness and general compliance with these regulations and other applicable regulations and ordinances. If the submission is not complete or not in general compliance, the Chief Executive Officer shall notify the applicant, in writing, and specify the respects in which it is deficient. If the submission is complete and in general compliance, the Chief Executive Officer shall refer the plat and application to the Town Council, Town Planning Commission and any other official appropriately involved with the improvements on the plat and the provision of these regulations.
  - (2) At the first regular meeting following receipt of the reviews and comments of the Town Council and any other official appropriately involved with the improvements on the plat and provisions of these regulations, the Planning Commission shall evaluate the preliminary plat relative to these regulations and the reviews and comments received. The same evening or within one (1) month, the Planning Commission shall determine whether the preliminary plat meets the objectives and requirements of these regulations and shall notify the applicant, in writing, of the decision, the reasons for the decision, required changes and necessary improvement plans sufficient to show the proposed location, type, size, grade, elevation and other significant characteristics of improvements, including those related to improving unsuitable land.
  - (3) Approval of the preliminary plat shall constitute conditional approval of the subdivision but shall not constitute approval of the final plat. Approval of a preliminary plat shall be valid for not more than five (5) years unless a single one (1) year time extension is granted by the Planning Commission. Amended and additional conditions of approval may be authorized with the approval of any time extension request.
- C. Drafting standards. The preliminary plat shall be clearly and legibly drawn or reproduced at a scale not less than one (1) inch equals one hundred (100) feet. Dimensions shall be in feet and fractions thereof, and bearings in degrees and minutes. Where any revision is made or when the plat is a revision of a previously approved plat, dotted lines shall be used to show features or locations to be abandoned, and solid lines to show the presently proposed features.
- D. Information. The preliminary plat shall show or be accompanied by the following information:
  - (1) The name of the subdivision.
  - (2) The name and address of the subdivider.
  - (3) The name and address of the engineer or surveyor.
  - (4) Graphic scale, true and grid North points and the date of preparation.
  - (5) A location map, showing the entire tract and the relationship of the tract to the surrounding area.
  - (6) Topography by contours at vertical intervals of not more than five (5) feet.

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- (7) Zoning district classification [if there is more than one (1) classification, the dividing lines should be shown] on land to be subdivided and on adjoining lands.
  - (8) The names of adjoining property owners.
  - (9) Acreage to be subdivided.
  - (10) In case of resubdivision, a copy of the existing plat.
  - (11) The location of streams, lakes, marshes, areas subject to flooding and woodlands.
  - (12) Identification of trees fifteen (15) inches or more in diameter that are spaced more than thirty (30) feet apart and the identification of such trees to be removed.
  - (13) The location of existing and platted property lines; the location, width and names of all platted streets, railroads, utility rights-of-way, easements, public areas and existing buildings or structures; existing sanitary sewers, water mains, drains and culverts or other underground facilities within the tract or within right-of-way of boundary streets; and the location of these facilities in adjoining tracts if proposed for use or extension.
  - (14) The layout of streets, alleys and sidewalks or pedestrian bicycle facilities, with widths and grades noted, and street names.
  - (15) The layout of all lots, including the average and minimum lot size, lot divisions, building setback lines and consecutive numbering.
  - (16) The location and dimensions of proposed sites to be dedicated or reserved for open space or recreational use.
  - (17) The location, size and outlets of the drainage system.
  - (18) The location and size of sanitary sewers and water mains and the location of utilities.
  - (19) The location and widths of all rights-of-way and easements created.
  - (20) A draft of proposed deed restrictions or covenants to be imposed and designation of the affected areas.
  - (21) A preliminary forest conservation plan as required by § 173-77 of this chapter, including the approved forest stand delineation, or a declaration of intent pursuant to § 173-72 of this chapter.

[Added 12-8-92 by Ord. No. 92-9]

E. The words "Preliminary Plat—Not to be Recorded" shall be shown on the plat.

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### 173-23 Preliminary plat.

- A. Purpose. The purpose of the preliminary plat is to require formal conditional approval of the subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat procedure is recommended but not required for minor subdivisions, provided that the final plat submitted contains all the information required for both the preliminary and final plat. The preliminary plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these regulations.
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  - (3) Approval of the preliminary plat shall constitute conditional approval of the subdivision but shall not constitute approval of the final plat. Approval of a preliminary plat shall be valid for not more than ~~one~~ one (1) year ~~five (5) years~~ unless ~~an~~ a single one (1) year time extension is granted by the Planning Commission. Amended and additional conditions of approval may be authorized with the approval of any time extension request.
- C. Drafting standards. The preliminary plat shall be clearly and legibly drawn or reproduced at a scale not less than one (1) inch equals one hundred (100) feet. Dimensions shall be in feet and fractions thereof, and bearings in degrees and minutes. Where any revision is made or when the plat is a revision of a previously approved plat, dotted lines shall be used to show features or locations to be abandoned, and solid lines to show the presently proposed features.
- D. Information. The preliminary plat shall show or be accompanied by the following information:
- (1) The name of the subdivision.
  - (2) The name and address of the subdivider.
  - (3) The name and address of the engineer or surveyor.
  - (4) Graphic scale, true and grid North points and the date of preparation.
  - (5) A location map, showing the entire tract and the relationship of the tract to the surrounding area.
  - (6) Topography by contours at vertical intervals of not more than five (5) feet.

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- (7) Zoning district classification [if there is more than one (1) classification, the dividing lines should be shown] on land to be subdivided and on adjoining lands.
  - (8) The names of adjoining property owners.
  - (9) Acreage to be subdivided.
  - (10) In case of resubdivision, a copy of the existing plat.
  - (11) The location of streams, lakes, marshes, areas subject to flooding and woodlands.
  - (12) Identification of trees fifteen (15) inches or more in diameter that are spaced more than thirty (30) feet apart and the identification of such trees to be removed.
  - (13) The location of existing and platted property lines; the location, width and names of all platted streets, railroads, utility rights-of-way, easements, public areas and existing buildings or structures; existing sanitary sewers, water mains, drains and culverts or other underground facilities within the tract or within right-of-way of boundary streets; and the location of these facilities in adjoining tracts if proposed for use or extension.
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  - (15) The layout of all lots, including the average and minimum lot size, lot divisions, building setback lines and consecutive numbering.
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  - (18) The location and size of sanitary sewers and water mains and the location of utilities.
  - (19) The location and widths of all rights-of-way and easements created.
  - (20) A draft of proposed deed restrictions or covenants to be imposed and designation of the affected areas.
  - (21) A preliminary forest conservation plan as required by § 173-77 of this chapter, including the approved forest stand delineation, or a declaration of intent pursuant to § 173-72 of this chapter.

[Added 12-8-92 by Ord. No. 92-9]

- E. The words "Preliminary Plat—Not to be Recorded" shall be shown on the plat.

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### **Sec. 191-13. Expiration.**

- A. Minor site plan approval shall expire five (5) years after the date of such approval unless a building permit has been issued and active construction has begun for the project. If a minor site plan is submitted as an amendment to a major site plan the amendment will be governed by the major site plan's expiration. A single one (1) year extension may be given by the Chief Executive Officer upon written request by the applicant to be made within thirty (30) days before the expiration of the minor site plan. The Chief Executive Officer shall act on the request within thirty (30) days of receipt of the request. Amended and additional conditions of approval for the minor site plan are authorized with the approval of any time extension request.
- B. Major site plan approval shall expire five (5) years after the date of Planning Commission approval unless a building permit has been issued and active construction has begun for the project. A single one (1) year extension may be given by the Planning Commission upon written request by the applicant to be made within thirty (30) days before the expiration of the major site plan. Amended and additional conditions of approval are authorized with the approval of any time extension request for a major site plan. The Chief Executive Officer shall bring the request before the Planning Commission on the next available meeting date.
- C. Approval of the Master Site Development Plan shall expire after five (5) years after the date of town council approval unless a permit, preliminary subdivision, or site plan has been submitted for review. After such time the MSDP will be null and void. A total of three (3) two (2) year extensions may be given by the Planning Commission upon written request by the applicant to be made within thirty (30) days before the expiration of the approved Master Site Development Plan.

(Ord. No. 20-09, § 2, 9-28-2020, eff. 10-13-2020)

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### Sec. 191-13. Expiration.

- A. Minor site plan approval shall expire ~~one (1) year~~ five (5) years after the date of such approvals unless a building permit ~~or an occupancy permit~~ has been ~~submitted~~ issued and active construction has begun for the project. If a minor site plan is submitted as an amendment to a major site plan the amendment will be governed by the major site plan's expiration. A single one (1) year extension may be given by the Chief Executive Officer upon written request by the applicant to be made within thirty (30) days before the expiration of the minor site plan. The Chief Executive Officer shall act on the request within thirty (30) days of receipt of the request. Amended and additional conditions of approval for the minor site plan are authorized with the approval of any time extension request.
- B. Major site plan approval shall expire ~~two (2) year~~ five (5) years after the date of Planning Commission approval unless a building permits ~~have has~~ been ~~obtained~~ issued and active construction has begun for the project, for construction in accordance therewith. A single one (1) year extension may be given by the Planning Commission upon written request by the applicant to be made within thirty (30) days before the expiration of the major site plan. Amended and additional conditions of approval are authorized with the approval of any time extension request for a major site plan. The Chief Executive Officer shall bring the request before the Planning Commission on the next available meeting date.
- C. Approval of the Master Site Development Plan shall expire after five (5) years after the date of town council approval unless a permit, preliminary subdivision, or site plan has been submitted for review. After such time the MSDP will be null and void. A total of three (3) ~~two (2)~~ year extensions may be given by the Planning Commission upon written request by the applicant to be made within thirty (30) days before the expiration of the approved Master Site Development Plan.

(Ord. No. 20-09, § 2, 9-28-2020, eff. 10-13-2020)



### Agenda Item Summary

**MEETING GROUP:** Planning Commission  
**STAFF RESOURCE:** Chuck Stevens, Town Manager  
**DEPARTMENT:** Executive  
**TYPE:** Informational  
**SUBJECT:** Proposed Amendments to Chapter 191 and Chapter 173

#### BACKGROUND:

The Town of La Plata is a designated growth area within Charles County and represents approximately six percent (6%) of the population in the County's growth area. Residential growth in the Town has accelerated significantly in recent years, placing increased demand on public infrastructure, particularly the Charles County public school system.

The Town has no role in planning, approving, or funding new public schools—this responsibility rests with the Charles County Board of Education and County Commissioners. However, the Town does have regulatory authority over the rate of residential development through an Adequate Public Facilities Ordinance (APFO) and its School Seat Allocation Policy.

The current School Seat Allocation Policy (Chapter 173) guarantees a minimum of 100 school seat allocations annually and allows the Chief Executive Officer to establish 'particularized student generation rates' through Town-specific surveys. Staff have identified several concerns with the current system:

1. The guaranteed minimum of 100 allocations per year does not account for actual school capacity constraints
2. Discrepancies exist between Town-calculated student generation rates and County-published Student Yield Factors
3. The process for incorporating capacity from Capital Improvement Program (CIP) school construction projects is undefined
4. No separate process exists for Major Development Projects (100+ units) that have long-term impacts on school enrollment
5. The policy lacks transparency in how allocations are calculated



Staff have worked extensively with the Charles County Board of Education and Charles County Planning & Growth Department to develop proposed code language and amendments that address these concerns while aligning with the Charles County methodology and maintaining coordination on school capacity planning.

Key stakeholders: Town Council, Planning Commission, Charles County Board of Education, Charles County Public Schools, Charles County Planning & Growth Management, residential developers, existing property owners, and Town residents.

**FISCAL IMPACT:**

These amendments have no direct fiscal impact on the Town's budget. The proposed changes affect development review processes and do not require additional staffing, equipment, or operational expenses.

**Indirect fiscal considerations:**

Revenue Impact: The capacity-based allocation system may result in fewer residential building permits issued during periods when schools are at or near capacity. This could temporarily reduce revenues from permit fees, impact fees, and future property taxes. However, this impact would be offset when school capacity is restored through new construction.

Long-term Financial Sustainability: The amendments support the Town's long-term fiscal sustainability by ensuring that residential growth aligns with infrastructure capacity, avoiding the potential costs associated with overcrowded schools and stressed public facilities.

Administrative Efficiency: Using standardized County Student Yield Factors eliminates the need for Town staff to conduct biennial surveys, reducing staff time spent on data collection and analysis.

**STRATEGIC PLAN ALIGNMENT:**

These amendments directly support multiple goals in the Town's 2022 Strategic Plan:

Goal #1 - Good Governance

*"We will serve as responsible stewards of community trust in making decisions to maximize public service value to our residents."*



The amendments ensure fair and transparent decision-making processes by replacing subjective determinations with clear mathematical formulas using publicly available data. This enhances accountability and builds community trust.

Goal #2 - Operational Excellence

*"Retain professional staff with the appropriate education, facilities, equipment, tools, and technology to efficiently provide quality work with a sense of pride."*

By adopting standardized County data and clear formulas, staff can process applications more efficiently and with greater confidence. The policy reduces disputes over subjective rate determinations and streamlines coordination with County agencies.

Goal #3 - Economic Prosperity

*"Develop an economic base in La Plata that offers desirable careers and supports high standards of living for residents now and into the future."*

Quality schools are essential to attracting and retaining residents and businesses. These amendments protect school capacity while providing clear rules for developers, supporting sustainable economic growth.

Goal #5 - Public Service Readiness

*"Plan and develop the systems and infrastructure needed to meet growing demand, while supporting the health, safety, and wellness of residents and natural resources."*

The amendments directly address infrastructure planning by ensuring residential development aligns with school capacity. The provisions for counting CIP projects and requiring Development Agreements for Major Development Projects enable better long-term infrastructure planning.

Additional Plan Alignments:

Comprehensive Plan: Supports managed growth policies and coordination with Charles County for provision of adequate public facilities

- Capital Improvement Plan: Creates a mechanism for incorporating planned school construction into development allocation decisions

**SUSTAINABILITY CONSIDERATIONS:**



These amendments support community sustainability across social, economic, and environmental dimensions:

**Social Sustainability:**

- Protecting school capacity ensures quality education for current and future residents
- Prevents overcrowding that can negatively impact student learning outcomes
- Promotes equity by ensuring all students have access to adequate school facilities

**Economic Sustainability:**

- Supports long-term property values by maintaining quality school capacity
- Provides clear, predictable rules for development community
- Enables better coordination of school construction with residential development timing

**Environmental Sustainability:**

- Manages growth rate to align with infrastructure capacity, reducing sprawl pressure
- Supports compact, walkable development patterns by coordinating residential growth with existing school locations

**ADA CONSIDERATIONS:**

These are policy amendments that establish administrative procedures and do not involve physical facilities, programs, or services that would trigger ADA compliance requirements. All Town meetings where these amendments are discussed will be held in ADA-accessible facilities with accommodations available upon request in accordance with Town policy.

**RECOMMENDED ACTION:**

Staff recommend that the Planning Commission review the proposed code language within Chapter 191 (Adequate Public Facilities Ordinance) and amendments to Chapter 173 (School Seat Allocation Policy) and provide feedback, comments, and recommendations to the Town Council.

**ATTACHMENTS**

1. Proposed Chapter 191 (APFO)



*La Plata*  
MARYLAND

FOR LEGISLATIVE USE ONLY

**Item Number:** Agenda Item #

**Date of Meeting:** Jan 06, 2026

2. Redline Version of Proposed Chapter 173 (School Seat Allocation Policy) Amendments



## EXTENDED STAFF REPORT

Proposed Chapter 191 (APFO) and Chapter 173 (School Seat Allocation Policy)  
Amendments

### EXECUTIVE SUMMARY

This extended report provides a comprehensive overview of two related but distinct sections of the Town Code that work together to manage growth and ensure adequate public infrastructure:

- Chapter 191 - Adequate Public Facilities Ordinance Requirements (APFO): Ensures that new development does not overwhelm the Town's infrastructure for water, sewer, roads, and schools.
- Chapter 173 - School Seat Allocation Policy: Specifically manages the rate of residential development to align with available school capacity.

### Key Changes Being Proposed

- Elimination of the guaranteed minimum of 100 school seat allocations per year
- Introduction of a capacity-based system that can deny allocations when schools are overcrowded
- Use of standardized County student generation rates instead of Town-specific surveys
- Creation of a 6% proportional cap on annual allocations
- New requirements for large subdivision projects (100+ units)



## PART 1: CHAPTER 191 - ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO)

### What is the APFO?

The APFO is the Town's primary tool for ensuring that new development pays its fair share and doesn't negatively impact existing residents' quality of life. Think of it as a quality control checkpoint that every major development must pass before approval.

### How Does It Work?

When a developer wants to build a new subdivision or commercial project, they must prove that:

- The Town's water and sewer systems can handle the additional demand
- Roads can accommodate the additional traffic
- Schools have adequate capacity for new students

If any of these systems were to be overwhelmed, the developer must either scale back the project or fund improvements to bring the systems up to standard.



### Section-by-Section Explanation

Code Section	Plain English Explanation and Staff Intent
§ 191.86 Purpose	<p>What It Means: This section explains why the APFO exists.</p> <p>Plain English: New development should not make things worse for people who already live here. If a new subdivision will overwhelm our water system, clog our roads, or overcrowd our schools, the developer must fix those problems before building.</p>
§ 191.87 Adequate Public Facilities Required	<p>What It Means: This is the basic rule: you can't get approval for a major development unless you prove the infrastructure can handle it.</p> <p>Plain English: Before the Planning Commission can approve a preliminary plat or site plan, the developer must demonstrate that adequate water, sewer, roads, and school capacity exist.</p> <p>Exemptions: Small projects (minor subdivisions, small site plans, and non-residential buildings under 1,200 square feet) don't have to go through this process unless the Planning Director determines there's a special concern.</p>
§ 191.88 Roads	<p>What It Means: New development cannot make traffic worse than a Level of Service (LOS) 'C' standard.</p> <p>Plain English: Think of Level of Service as a report card for traffic flow: LOS A = Excellent (free-flowing), LOS B = Good, LOS C = Acceptable (this is our minimum standard), LOS D = Poor, LOS E = Very poor, LOS F = Failing (gridlock).</p>



Code Section	Plain English Explanation and Staff Intent
	<p>Key Requirements: Minimum LOS for all Town roads is 'C'. If a road already operates below LOS 'C', it's considered inadequate. Developers must either improve roads to meet the standard or scale back their project.</p> <p>Exemption: Projects generating fewer than 35 peak-hour vehicle trips per day.</p>
§ 191.89 Schools	<p>What It Means: This section simply refers you to Chapter 173 for school requirements.</p> <p>Plain English: School capacity is so important and complex that it has its own entire chapter of regulations (see Part 2 of this report).</p>
§ 191.90 Sewage System	<p>What It Means: The Town's wastewater treatment plant must have sufficient capacity to handle new development.</p> <p>Plain English: The standard is clear: The treatment plant cannot operate above 80% of its maximum permitted capacity due to new development. If the plant is at 750,000 gallons/day and permitted for 1 million gallons/day, a new development can only add 50,000 gallons/day (to reach the 80% threshold of 800,000).</p>
§ 191.91 Water Supply System	<p>What It Means: The Town's water supply must be sufficient to serve new development.</p> <p>Plain English: Just like the sewer system, the water system has an 80% rule: The Town cannot exceed 80% of its maximum</p>



Code Section	Plain English Explanation and Staff Intent
	permitted water authorization from the State of Maryland due to new development. Same calculation applies as sewage.
§ 191.92 Water, Sewage, and School Capacity Allocations	<p>What It Means: This section explains how long an approved project's allocation is valid.</p> <p>For New Approvals: Water and sewer allocations are guaranteed for 3 years. You must get a building permit and start construction within those 3 years or your allocation expires.</p> <p>For Old Approvals: Projects with preliminary approval before this ordinance get priority. Town distributes allocations starting with oldest approvals first. These also have 3 years to use allocations once granted.</p>
§ 191.93 Adequate Public Facilities Study	<p>What It Means: Developers must hire qualified professionals to prepare a detailed study proving that adequate infrastructure exists.</p> <p>Plain English: You can't just promise that your development won't overwhelm our systems—you have to prove it with a professional study that includes: background information, impact analysis (trips, students, water/sewer needs), infrastructure assessment, road details, and a mitigation plan if impacts are anticipated.</p>
§ 191.94 Mitigation	What It Means: If infrastructure is inadequate, the developer must fix it or the project gets denied.



Code Section	Plain English Explanation and Staff Intent
	<p>Plain English: The Planning Commission has two options: (1) Deny the project, OR (2) Require mitigation—make the developer fix the problem through a legally binding agreement that includes funding improvements, building new facilities, phasing the project over time, or any combination. The agreement must be approved by the Town Attorney, recorded with the County Clerk, and secured by bonding.</p>
<p>§ 191.95 Bonding or Surety</p>	<p>What It Means: Developers must put up money (a bond) to guarantee they'll complete required improvements.</p> <p>Plain English: Talk is cheap. If a developer promises to widen a road or upgrade a water main, they must put up a cash bond first. If they fail to complete the work, the Town takes the bond money and does the work itself.</p>
<p>§ 191.96 Standards, Criteria and Procedures</p>	<p>What It Means: This section provides additional guidance and references.</p> <p>Plain English: The Town can reference the Charles County APF Manual as needed for consistency. The Planning Commission can recommend updates which the Town Council must approve. The Town is the sole provider of water/sewer; developers must fund, construct, bond, and dedicate all new facilities to the Town as determined by the Director of Public Works.</p>



## PART 2: CHAPTER 173 - SCHOOL SEAT ALLOCATION POLICY

### What is the School Seat Allocation Policy?

This policy specifically manages how many new homes can be built each year based on available school capacity. Unlike the APFO (which covers all infrastructure), this chapter focuses exclusively on schools.

### Why Do We Need This?

#### The Core Problem:

- The Town is growing rapidly
- The County Board of Education and County Commissioners plan and fund schools—not the Town
- School construction can't keep up with residential growth
- Result: Potential for overcrowded schools

**What This Policy Does:** Since the Town can't build schools, it controls the one thing it CAN control: the rate of residential development. This gives the school system time to catch up.

**Important to Understand:** The Town has no role in planning, approving, or funding schools. That's entirely up to the Charles County Board of Education and County Commissioners (with State funding). The Town's only tool is to manage residential growth when schools are overcrowded.



### Section-by-Section Explanation of Major Changes

The following table summarizes the key provisions of Chapter 173 and highlights where changes are proposed:

Code Section	Current/New Language	Intended Accomplishment
§ 173-93 Allocatable School Capacity (Definition)	<p><b>NEW LANGUAGE:</b></p> <p>If any school level (Elementary, Middle, High) has zero or negative capacity, the Allocatable School Capacity = ZERO.</p> <p><b>ALSO:</b></p> <p>Allocation is the lesser of (a) local aggregate capacity OR (b) 6% of County-wide capacity excess.</p>	Clarifies what happens when schools are overcrowded and establishes the 6% proportional cap to ensure La Plata doesn't use more than its fair share of County capacity.
§ 173-94 Student Generation Rates	<p><del>OLD: CEO conducts Town-specific surveys and determines 'particularized' rates for each project.</del></p> <p><b>NEW:</b></p> <p>Town must use standardized County Student Yield Factors published by County Commissioners and Board of Education. No more custom rates.</p>	Eliminates discrepancies between Town and County rates. Ensures consistency, simplicity, and eliminates disputes over custom rates. Reduces staff time on surveys.
§ 173-95A Annual Allocation Determination	<p><del>OLD: Minimum 100 seats guaranteed annually. Based on overall County capacity.</del></p> <p><b>NEW:</b></p> <p>No minimum. Capacity = lowest aggregate among Elementary, Middle, High schools serving La Plata. Uses 110% formula. Can incorporate CIP</p>	Major shift to capacity-based system. Transparent formula everyone can calculate. Aligns with County methodology. Prevents allocations when capacity doesn't exist. Proportional cap ensures fairness.



Item Number: Agenda Item #

Date of Meeting: Jan 06, 2026

Code Section	Current/New Language	Intended Accomplishment
	<p>projects within 18 months. Capped at 6% of County total.</p>	
<p>§ 173-102 Major Development Projects (NEW SECTION)</p>	<p><b>ENTIRELY NEW:</b></p> <p>Large projects (100+ units) must enter into a Development Agreement with Town, County, and with CCPS consultation. Must include Build-Out Schedule. Exempt from normal allocation process if in compliance.</p>	<p>Creates formal process for large subdivisions with long-term impacts. Enables school system to plan for phased development. Provides certainty for developers while protecting capacity.</p>



## How the New Allocation Formula Works

The proposed amendments replace the subjective, minimum-guarantee system with a transparent, capacity-based formula. Here's how it works step-by-step:

### Step 1: Identify Catchment Schools

Each year, the Town Council (with CCPS) identifies which elementary, middle, and high schools serve La Plata's attendance zones.

### Step 2: Get Annual Capacity Data from BOE

The County Board of Education publishes annual enrollment and capacity data for every school. This becomes our data source.

### Step 3: Calculate Individual School Capacity

For each school: Available Capacity = (State Rated Capacity × 1.10) - Current Enrollment

Example: La Plata High has a State-Rated Capacity of 1,200. 110% = 1,320. Current enrollment = 1,250. Available capacity = 70 seats.

### Step 4: Calculate Aggregate Capacity by Level

Add up all capacity at each level:

High Schools: La Plata HS (70) + McDonough HS (150) = 220 seats

Middle Schools: Somers MS (100) + Piccowaxen MS (200) = 300 seats

Elementary Schools: Craik (50) + Matula (80) + Mitchell (60) + Thornton (100) = 290 seats

### Step 5: Use the Lowest Aggregate

The lowest of the three levels becomes the base allocation. In this example, High Schools at 220 seats is the limiting factor.

### Step 6: Apply the 6% Cap

Calculate 6% of County-wide Total Net Capacity Excess. If County-wide excess = 4,280 seats, then 6% = 257 seats.

Compare: Local aggregate (220) vs. 6% cap (257). Use the lower number. Final allocation = 220 seats.

Critical Rule: If ANY level (Elementary, Middle, OR High) has negative capacity, the allocation is ZERO—even if other levels have capacity.



## IMPLICATIONS OF THE PROPOSED CHANGES

### What These Changes Mean for Different Stakeholders

#### For Developers:

More Predictable: Clear mathematical formulas, no subjective determinations, published data everyone can see.

More Restrictive: No guaranteed minimum 100 seats. Can be zero if schools are overcrowded. 6% cap limits total allocations.

New Opportunity: Large projects (100+ homes) can get Development Agreements providing certainty and streamlined process.

#### For Existing Lot Owners:

More Fair: Same Student Yield Factors for everyone. No developer gets better rates than others.

Still Protected: Still get 20% minimum of annual allocation. Safety valve: 6-year wait cap.

#### For the School System:

Better Coordination: Town uses same data as County. Consultation required for large projects. Can plan for CIP projects 18 months in advance.

More Realistic: Allocations actually match capacity. No arbitrary minimums.

#### For the Community:

Better Protection: Schools won't be overcrowded due to unlimited allocations. Growth tied to actual capacity.

More Transparency: Anyone can calculate allocations using public data. Less discretionary decision-making.

### Potential Concerns and Staff Responses

CONCERN: "This will stop all development."

RESPONSE: Only if schools are genuinely overcrowded. Current FY2025 data shows 218 seats available (High Schools are the limiting factor), with a 6% cap of 257 seats. Result: 218 seats available—more than double the old guaranteed minimum of 100.

CONCERN: "What if capacity drops to zero?"



**RESPONSE:**

1. This would signal a genuine crisis requiring County action
2. Better to acknowledge reality than pretend capacity exists
3. Projects could still pursue County special allocations
4. Would force County to prioritize school construction
5. Protects students from overcrowding

**CONCERN:** "The 6% cap is arbitrary."

**RESPONSE:**

1. Based on La Plata's proportion of County's growth area population
2. Prevents La Plata from using disproportionate share of County capacity
3. In practice, local school capacity will usually be the limiting factor, not the cap
4. Ensures regional fairness

**CONCERN:** "This is too complicated."

**RESPONSE:** The formulas are actually simpler than the old discretionary system. Old way: CEO determines particularized rates (black box). New way: Look up published Student Yield Factors and capacity data (transparent).



## STAFF RECOMMENDATIONS

### Staff Recommends Approval with Discussion

Staff believe these amendments represent a significant improvement over the current system for the following reasons:

- **Transparency and Objectivity:** Replaces subjective determinations with clear mathematical formulas using publicly available data
- **Coordination with County:** Aligns with County methodology and uses same Student Yield Factors and capacity data
- **Realism:** Acknowledges that capacity constraints are real and provides honest assessment
- **Fairness:** Proportional cap ensures La Plata doesn't over-consume County capacity
- **Planning Value:** CIP provision allows planning for new schools; MDP process enables long-term coordination

## CONCLUSION

These amendments represent a comprehensive update to the Town's growth management tools. They provide:

- Clarity where there was discretion
- Objectivity where there was subjectivity
- Realism where there were artificial guarantees
- Coordination where there was potential conflict

While the changes may initially seem restrictive, they actually provide a more honest and workable system that:

- Protects students from overcrowding
- Provides developers with clear, predictable rules
- Coordinates Town and County planning
- Ensures infrastructure matches growth

Staff believe these amendments serve the public interest and recommend that the Planning Commission provide favorable feedback to the Town Council.

Happy Saturday All - Providing some thoughts on the two proposed draft chapters (173 and 191):

### Chapter 173 - ...School Seat Allocations...

#### Overall:

- It appears to give the Town leverage it otherwise would not have, but it may come with administrative complexity that can slow development when school capacity is tight.
- From a planning standpoint, it is a **strong but restrictive tool** to be used carefully and reviewed periodically to ensure it still reflects town/community priorities and school realities.

#### Pros:

- Protects schools from overcrowding
- Treats developers fairly through a transparent allocation system
- Prevents theoretical approvals without infrastructure
- Gives smaller projects a chance through reserved pools
- Strong legal appeal
- Encourages orderly, phased growth

#### Cons:

- Can slow development (housing)
- Adds complexity and administrative burden
- May frustrate property owners waiting years for allocation
- Requires constant coordination with County school data
- Could limit redevelopment if seats are scarce

### Chapter 191 - Zoning Regulations

**Overall:** APFO appears to be generally strong and protective of Town services.

#### Pros:

- Provides clear and enforceable capacity thresholds (LOS D, 80% water/sewer standards)
- Requires independent studies improving reliability of analysis
- Strong mitigation and bonding provisions protects the town financially
- Ensures development occurs in areas with adequate public services
- Prioritizes previously approved projects

Cons:

- The strict LOS requirement may be difficult to achieve in older or constrained road networks and may unintentionally inhibit redevelopment
- Water and sewer capacity limits could unintentionally create a de facto development moratorium if the town's available capacity declines without planned improvements
- Three-year allocation expiration may be short for multi-phase or complex projects
- APFO may benefit from guidance on alternative mitigation (e.g., different modes improvements, fee-in-lieu)

Wishing everyone happy and safe holidays!

Dawn

Director Dooley,

Thank you for the opportunity to review.

#### 1. Water & Sewer (The "Immediate Crisis" Risk)

- **The 80% Threshold:** The draft sets the standard for adequacy at 80% of permitted capacity, but the Town is arguably already operating near or at 90% of its water allocation. Does passing this ordinance place the Town in a legal moratorium on *all* new approvals because we are already in violation of the new 80% standard? Does the ordinance include a transition plan to manage this?

#### 2. Roads & Street Design

- **Level of Service (LOS) "C" vs. Traffic Calming:** Can we add a "Performance Path" clause here? We should allow exceptions to LOS "C" if a developer demonstrates that a lower LOS supports pedestrian safety and traffic calming without compromising emergency access.

#### 3. School Seat Allocation (Chapter 173)

- **The "6% Cap" Logic:** Limiting allocations to 6% of the *County's* total excess capacity. If La Plata schools have open seats, would this mean development would still be capped?

#### 4. Process & Transparency

- **Defining "Significant Modification":** Should developers need one consistent standard (e.g., >10% unit increase) for when a grandfathered plan loses its status and triggers a new review.

Best,

Kyle J. Miller

# Councilman Guttenberg’s Draft APFO Feedback for Infrastructure Capacity: Water, Sewer, Traffic, and School Seats

## Table of Contents

*Water Infrastructure Capacity* ..... 2

**1. Defining the Water Capacity Standard (Clarity of § 191.91)** ..... 2

    1.1. Clarifying the Adequate Water Capacity Measurement Metric Contained in (§ 191.91(B)) ..... 2

    1.2. Requiring Technical Justification for the 80% Water System Capacity Threshold ..... 2

    1.3. Formalizing Total Water System Capacity Calculation in Consideration of Likely Future System Resources ..... 3

**2. Water Capacity Operational Transparency and Process Integrity** ..... 3

    2.1. Mandate For Town to Publish a Water Capacity Report ..... 3

    2.2. Formalizing the Use of Water Capacity Data for APFO Compliance Approvals ..... 4

    2.3. Reinforcing Water System User Protection While Ensuring Capacity for Approved Growth ..... 4

**3. Water Policy Alignment and Mitigation Mandates** ..... 5

    3.1. Clarifying the Mitigation Mandate for Physical Capacity ..... 5

    3.2. Water Policy Alignment Between the County APFM and La Plata’s APFO ..... 6

**4. Addressing APFO Adoption Gaps and Legacy Projects** ..... 6

    4.1. Create, In Code, A Temporary Mitigation Pathway for Pre-Existing Plat Approvals ..... 6

*Sewage Treatment Infrastructure Capacity* ..... 7

**1. Defining the Sewer Capacity Standard (Clarity of § 191.90)** ..... 7

    1.1. Clarifying the Adequate Sewer Capacity Measurement Metric Contained in (§ 191.90(B)) ..... 7

    1.2. Requiring Technical Justification for the 80% Sewer System Capacity Threshold ..... 8

**2. Sewer Capacity Operational Transparency and Process Integrity** ..... 8

    2.1. Mandate For Town to Publish a Sewage Capacity Report ..... 8

    2.2. Formalizing the Use of Sewage Treatment Infrastructure Capacity Data for APFO Compliance Approvals ..... 9

**3. Sewer Policy Alignment and Mitigation Mandates** ..... 9

    3.1. Clarifying the Mitigation Mandate for Physical Capacity ..... 9

*Traffic Infrastructure Capacity (Town Streets)* ..... 10

**1. Defining the Traffic Adequacy Standard (Clarity of § 191.88)** ..... 10

    1.1. Clarifying and Aligning the Required Traffic Study Methodology with County Standards (§ 191.96(A)) ..... 10

    1.2. Defining the Traffic Study Area "Environs" for Predictability ..... 12

    1.3. Streamlining Mitigation Mandate Language and Focus ..... 12

**2. Process Transparency and Integrity** ..... 13

    2.1. Formalizing the Use of Data for APFO Compliance Approvals ..... 13

    2.2. Reinforcing Financial Transparency and the Need for a Consolidated APFS Review Fee ..... 13

**3. Policy Alignment and Technical Inconsistency** ..... 14

    3.1. Tiered Traffic Standards for System Wide Consistency & Avoidance of Unintended Regulatory Burden ..... 14

*County School Seats Capacity* ..... 16

**1. Harmonizing Conflicting Regulatory Timelines for Allocations** ..... 16

    1.1. Resolving A Capacity Allocation Timing Trap (§ 191.92 vs. Chapter 173) ..... 16

# Water Infrastructure Capacity

## 1. Defining the Water Capacity Standard (Clarity of § 191.91)

Technical precision and future proofing of the “80% adequacy threshold” established in the proposed ordinance.

### 1.1. Clarifying the Adequate Water Capacity Measurement Metric Contained in (§ 191.91(B))

**Issue:** The proposed limit is based on “*eighty percent (80%) of its maximum permitted water authorization granted by the State of Maryland.*” My opinion is this phrasing may lack necessary time based context (i.e. monthly volume). This will be an especially important distinction when the Town has more than 1 water source. Today “*permitted water authorization*” works because our single source of water capacity is regulated by the states MDE permit, in the future the Town will likely have other sources not subjected to the MDE groundwater permit monthly limits.

**Recommendation for Updated Language:** Amend §191.91(B) to more explicitly define and state the water delivery system metric. The language should be changed to: “...will cause the Town to exceed eighty percent (80%) of its water delivery systems reported maximum monthly capacity.” (*also see my recommendation in 1.3 below which refines the definition of “systems reported maximum monthly capacity*)

**In my opinion:** This would prevent inconsistent interpretation and ensures the standard is durable regardless of the Town's future water system source mix.

### 1.2. Requiring Technical Justification for the 80% Water System Capacity Threshold

**Issue:** The origin of the 80% threshold lacks a technical basis within the draft code, making it vulnerable to challenge if viewed as arbitrary. My concern is the 80% reference “*...maximum permitted water authorization granted by the State of Maryland.*” refers to the calculated aquafer depth management trigger used by Maryland Department of the Environment (MDE) for regulating permitted groundwater withdrawals by the Town of La Plata’s wells.

**Recommendation for Staff Action:** The Town Manager/Public Works should document in the proposed code the justification for the 80% APFO water adequacy threshold. This justification should link the chosen reserve margin operational requirements, such as expected peak to low usage swings (i.e. monthly 10% or 15% seasonal variances), system wide “Real Loss” estimates or measures for leakage from distribution mains and service connections or other necessary technical capacity reserves to protect the system during maintenance and other emergencies as staff determines appropriate.

**In my opinion:** Linking the water system capacity adequacy threshold to defined operational needs strengthens the legal defensibility of the entire ordinance, given the core purpose of the APFO is to serve as an enforceable adequacy checkpoint by planners to protect existing water service levels and ensure appropriate drinking water infrastructure readiness for growth.

### 1.3. Formalizing Total Water System Capacity Calculation in Consideration of Likely Future System Resources

**Issue:** The ordinance must pre-emptively define how water system capacity will be calculated if/when the Town incorporates external water sources (e.g., a potential Charles County water system interconnection).

**Recommendation for Inclusion:** The ordinance must include a formula defining how Total System Capacity is determined for the purpose of the “80%” adequacy threshold calculation, explicitly stating that it equals the systems combination of all secure, quantifiable drinking water sources:

Simplified version is essentially (groundwater monthly capacity + interconnect pipe monthly capacity) = total system monthly capacity

**In my opinion:** This establishes a clear, objective view for applicants regarding the expansion capacity relative to drinking water available for new Adequate Public Facilities Study (APFS) reviews.

## 2. Water Capacity Operational Transparency and Process Integrity

Enhancement to transparency and formalize the use of objective data reducing potential confusion and unnecessary administrative complexity.

### 2.1. Mandate For Town to Publish a Water Capacity Report

**Issue:** The proposed process currently requires the applicant to prove adequacy, but the necessary data (current capacity usage and committed capacity) is opaque. Town water system capacity is not well understood by residents, applicants, nor policy makers and stakeholders at the Town, County and State levels.

**Recommendation for Update:** Mandate the Town's Chief Executive Officer (CEO) to regularly publish (i.e. bi-annually) a Water System Capacity Report. This report is needed in my view as the single authoritative source for APFS evaluations. This is in addition to, or aligned with, other regulatory reporting requirements for municipal water systems the Town may be subjected to by State and Federal regulations.

**Required “Water System Capacity Report” Content:** Must clearly detail all components necessary to assess the current adequacy status against the total water system APFO adequacy threshold (i.e. 80%):

- Total System Capacity: Baseline of water System Infrastructure Capacity. This is the baseline number the § 191.91(B) percentage APFO water adequacy threshold is applied against.
- Assigned Water Capacity: Monthly draw allocations for all existing residential and commercial structures.
- Reserved Water Capacity: Monthly draw allocations recorded for all approved plats or permitted structures prior to construction (explicitly including the expiration date as per the three-year guarantee period under § 191.92.
- Available Unassigned Water Capacity: The remaining monthly draw allocation available for new APFS approvals.
- Water Capacity Performance Metrics: Aggregate metrics for actual water system delivery (actual usage vs. permitted draw). Inclusive of standardized formats for regular reporting of the operational elements used to justify the water adequacy threshold.

## 2.2. Formalizing the Use of Water Capacity Data for APFO Compliance Approvals

**Issue:** To reduce ambiguity and by building on the recommendation to regularly publish a standardized Town Water Capacity Report it should be clear what data is to be used to assess adequacy of public water facilities.

**Recommendation for Ordinance Mandate:** The ordinance should explicitly mandate that the most recently published Water System Capacity Report shall serve as the exclusive and authoritative basis for Town Staff, Planning Commission or relevant approving body when evaluating whether an applicant’s proposed development complies with the adequacy standard defined in § 191.91 (B).

## 2.3. Reinforcing Water System User Protection While Ensuring Capacity for Approved Growth

**Issue:** The primary policy intent § 191.91 is to ensure water supplies serving existing residential and business users are not adversely affected in service of the towns growth needs in alignment with the Towns Comprehensive Plan goals

**Recommendation for Reinforcement:** Recommend explicitly incorporating language within the Standard for Adequacy § 191.91(B) that frames the adequacy threshold (i.e. 80%) as the mechanism designed to safeguard the Town’s ability to provide service to its existing user base (residential and commercial) before new demand for growth is approved. Large development applicants subject to this ordinance and the requirement for an APFS is intended to ensure the Town and property owners/developers enter into agreements that are supported with clear

capital improvement plans to reduce risk to all parties, residents, businesses, the Town, and applicants who are all making significant investments in our community.

**In my opinion:** It is important for future Town staff, Planning Commissions, and Town Councils to be compelled by code to address needs for infrastructure planning and investments to best serve the public good.

### 3. Water Policy Alignment and Mitigation Mandates

Alignment to the Charles County Adequate Public Facilities Manual

#### 3.1. Clarifying the Mitigation Mandate for Physical Capacity

**Issue:** If the water capacity limit is exceeded, § 191.94 mandates denial or mitigation via a legally binding agreement.

The proposed ordinance language focuses exclusively on supply side mitigations which *"fund, construct, and provide bonding for all new or upgraded facilities."* The current language prevents a large site developer from proposing potentially superior, on-site, "demand-side" solutions that conserve water and effectively reduce the necessary APFO capacity allocation for that applicants' project.

**Recommendation To Discuss Merits of Demand Side Innovations to Allowable Mitigations Section of Code:** The rigid mitigation language of §191.96 (C) defining mitigation solely as the construction or upgrading of Town dedicated physical facilities may create an unintended disincentive for innovative water conservation designs in future large developments.

I also acknowledge this could put the Towns capacity at risk if an applicants innovation for reduced allocations does not perform as expected or is not maintained in practice following construction.

This recommendation also assumes the MDE would allow for assessment or these proposed demand side mitigations and allow changes to the State permitted allowable allotments by housing unit type (i.e. 250gal/day for a single family home). Our APFO could, for large project plans, recognize demand side capacity mitigation solutions like advanced greywater recycling, rainwater harvesting, or other low impact development techniques that demonstrably and verifiably reduce a project's required water capacity allocation. The ordinance would need to explicitly clarify that verifiable, permanent capacity reduction achieved through onsite, engineered conservation is an equally valid and desirable form of mitigation, subject to technical review by Public Works, the Planning Department and gain concurrence by State agencies regarding adjusted drinking water capacity allocations for a specific project and housing type.

### 3.2. Water Policy Alignment Between the County APFM and La Plata's APFO

**Issue:** The proposed APFO explicitly states “*The Town of La Plata shall be the sole provider of all water and sewer facilities for new and existing developments*”. The Charles County Adequate Public Facilities Manual contains requirements for addressing water supply to developments in the county creating a potential for misunderstanding and unnecessary complexity for applicants and planning commissions and other governing bodies when evaluating proposed development.

#### **Recommendation for Clarity on Policy Alignment with Charles**

**County:** Since the Town is established as the “sole provider” of all water facilities, clarify in the ordinance that the Charles County Adequate Public Facilities Manual section on water does not apply to applicants within the Towns municipal boundaries. Furthermore, it should be made clear in the Town ordinance that the La Plata APFO prevails as the sole public facilities adequacy compliance regulation that is applicable within the boundaries of the Town regarding water capacity. I recommend we gain the Counties concurrence including language updates that align to this recommendation within a future County APF-Manual update.

## 4. Addressing APFO Adoption Gaps and Legacy Projects

*(New APFO Section, With “Sunsetting” Feature)*

### 4.1. Create, In Code, A Temporary Mitigation Pathway for Pre-Existing Plat Approvals

**Issue:** Projects, in La Plata, that received Preliminary Plat or Site Plan Approval prior to the effective date of this APFO would be exempt from the new adequacy review process, yet they are simultaneously blocked from final permits due to the very water capacity shortfall that necessitates this ordinance. Without a specific mechanism, these "legacy" projects are effectively halted, risking litigation and hindering approved planned growth, which will eventually if not addressed result in a variety of negative impacts to the Town, its residents, and it's businesses.

**Recommendation for Inclusion:** Add a temporary, dedicated section to the APFO (§191.99, or similar) to create an “Application For Mitigation Only” (AFMO) process for these legacy projects. This section would be governed by a Sunset Clause to ensure it expires once the current capacity crisis is resolved or the transition period for legacy projects ends.

**Proposed Language for Staff to Consider as a Concept for §191.99 – APFO Transitional Provisions for Pre-Existing Capacity Shortfalls:**

- A. Eligibility and Term: This transitional section should apply exclusively to project applicants that have received a valid Preliminary Plat or Site Plan Approval from La Plata’s Planning Commission prior to the adoption date of Towns APFO. This section shall automatically be repealed and removed from the Town Code one (1) year after the effective date of this Ordinance, or upon the Town Manager’s determination that the water capacity shortfall for legacy projects as identified in the required APFO Water System Capacity Report has been fully resolved, whichever is later.
- B. Application For Mitigation Only (AFMO): Eligible applicants may submit an AFMO for capacity assignment. The AFMO shall not require a full Adequate Public Facilities Study (APFS) but must demonstrate that the applicant will work with the Town to mitigate 100% of the currently lacking capacity allocation needed to unblock their final plat or construction permits.
- C. Mitigation Requirements and Fees: The AFMO shall propose a mitigation strategy (Supply-Side or Demand-Side) consistent with the standards defined in §191.96 (C) and §191.94. The AFMO shall be subject to a special, one-time Mitigation Only Application Review Fee, which shall cover the administrative and technical review costs incurred by the Town.
- D. Capacity Assignment and Sequencing: Upon approval of the AFMO and the applicant securing a legally binding Adequate Public Facilities Agreement (APFA) and required bonding, the necessary capacity shall be permanently assigned to the project and guaranteed for three years, consistent with §191.92. All funds collected via the AFMO process (including Fee-in-Lieu payments) shall be segregated and dedicated solely to priority water capacity projects to resolve the current system shortfall.

## **Sewage Treatment Infrastructure Capacity**

### **1. Defining the Sewer Capacity Standard (Clarity of § 191.90)**

This section focuses on ensuring the core adequacy standard for the sewage system is clear and technically precise.

#### **1.1. Clarifying the Adequate Sewage Capacity Measurement Metric Contained in (§ 191.90(B))**

**Issue:** The core regulatory standard relies on *"eighty percent (80%) of the plant's maximum currently permitted capacity"* (§ 191.90(B)). As I have come to understand it wastewater treatment capacity is typically defined by system

throughput flow. If there are other capacity throughput metrics that are decision points for staff and policy makers those should be identified.

**Recommendation for Updated Language:** I recommend amending § 191.90(B) to specify the primary metric of measurement for "maximum currently permitted capacity" as the maximum permitted flow (measured in Million Gallons per Day or MGD), as defined by the State of Maryland. Defining the 80% benchmark by the most common limiting factor (MGD flow capacity) removes technical ambiguity, preventing misunderstanding over the adequacy determination.

**In my opinion:** Relying solely on the generic term "capacity" introduces technical ambiguity regarding the actual capacity standard being used to assess and regulate the adequacy determination of the Towns wastewater treatment plant.

## 1.2. Requiring Technical Justification for the 80% Sewer System Capacity Threshold

**Issue:** The origin of the 80% sewer capacity threshold standard lacks a technical basis within the draft code, making it vulnerable to challenge if viewed as arbitrary. My understanding from previous briefings on the sewage plant is the 80% threshold is sound. My belief is we should codify that basis in code as I recommended within the water system capacity APFO section.

**Recommendation for Staff Action:** The Town Manager/Public Works should document the technical justification for the 80% APFO sewage treatment capacity for adequacy threshold. This justification should link the chosen reserve margin to documented industry best practices and take into account issues like I&I or other capacity risk factors to protect the system during maintenance or other emergencies.

**In my opinion:** Linking the sewer system capacity adequacy threshold to objective operational data strengthens the legal defensibility of the entire ordinance, given the core purpose of the APFO is to serve as an enforceable adequacy checkpoint to protect existing sewer service levels and ensure appropriate wastewater infrastructure readiness for growth.

## 2. Sewer Capacity Operational Transparency and Process Integrity

This section addresses the need to increase transparency to reduce administrative complexity.

### 2.1. Mandate For Town to Publish a Sewage Capacity Report

**Issue:** The lack of a transparent, shared data source for sewage treatment plant capacity forces residents, applicants, town staff, and policy makers to rely on assumptions or other nonstandard information to make adequacy assessments.

**Recommendation for Amendment:** Mandate the Town's Chief Executive Officer (CEO) to regularly publish (i.e. bi-annually) a sewage treatment System Capacity Report.

**Required Report Content:** This report must clearly detail all components necessary to assess the current adequacy status against the total sewage treatment system APFO adequacy threshold (i.e. 80%):

- Total maximum capacity: As a monthly or daily metric as deemed appropriate by staff.
- Assigned: Sewage treatment capacity for existing structures
- Reserved: Capacity for approved projects including the three-year allocation guarantee expiration date as per § 191.92 (A).
- Available: Unassigned capacity calculated against the 80% threshold.

## 2.2. Formalizing the Use of Sewage Treatment Infrastructure Capacity Data for APFO Compliance Approvals

**Issue:** To ensure fair and consistent capacity analysis, the Town must explicitly define which metrics are authoritative for all planning decisions and specifically the APFS requirement. To reduce ambiguity and by building on the recommendation to regularly publish a standardized Town Sewage System Capacity Report it should be clear what data is to be used to assess adequacy of sewage treatment facilities.

**Recommendation for Ordinance Mandate:** The ordinance should explicitly mandate that the most recently published Sewage System Capacity Report shall serve as the sole, authoritative basis for approving Adequate Public Facilities Studies (APFS). It may be practical for the CEO to consolidate the Capacity Reports for water and sewage systems because of the strong linkage of requirements for these municipal service systems.

## 3. Sewer Policy Alignment and Mitigation Mandates

### 3.1. Clarifying the Mitigation Mandate for Physical Capacity

**Issue:** The rigidity of §191.96 (C), which mandates that developers must construct mitigation facilities, could compromise the Town's ability to use public financing (State/Federal loans/grants) for major capital projects in the future, because those funding paths often requires the Town to manage construction under strict public procurement protocols.

**Recommendation for Flexibility:** Amend §191.96 (C) to provide the Town with the flexibility to accept mitigations from applicants via one of two methods, with the choice resting solely with the Town Manager/Planning Department Director:

1. Developer Construction and Dedication (as currently defined): For smaller, localized capacity upgrades. (*i.e. a neighborhood return pump station*)
2. Fee-in-Lieu of Mitigation: For major, system-wide mitigation projects, the Town shall have the option to accept a payment equivalent to the applicant's pro-rata share of the total estimated cost of the required mitigation project.

**Fee-in-Lieu Requirements:** This fee should be based on a third party engineer's estimate, deposited into a dedicated segregated fund, and strictly used by the Town for the construction of the specific mitigation project. This gives the Town flexibility to be compliant with State and Federal funding requirements if the applicants fee in lieu is being used as a proportional contribution to a larger infrastructure capital improvement project where outside funding is being sought. Upon payment, the developer's required capacity will be assigned and guaranteed.

**In my view:** Providing the Town with this Fee in Lieu of Mitigation option is critical for effective capital project management and ensures that major sewer capacity improvements are executed through the most compliant and fiscally responsible mechanism available.

## Traffic Infrastructure Capacity (*Town Streets*)

### 1. Defining the Traffic Adequacy Standard (Clarity of § 191.88)

Technical precision and administrative predictability regarding the required Traffic Impact Study (TIS) methodology and scope.

#### 1.1. Clarifying and Aligning the Required Traffic Study Methodology with County Standards (§ 191.96 (A))

**Issue:** The proposed Town APFO code creates a conflict/ambiguity by listing the Critical Lane Volume (CLV) “or” the Highway Capacity Manual (HCM) as acceptable standards for use by applicants. Additionally, this is not aligned with the Charles County Adequate Public Facilities Manual (APFM) which mandates a specific tiered approach.

In the County APFM, CLV is used as an initial screening tool and HCM is only required and adopted as the main analysis method when CLV thresholds are exceeded. Because in previous public testimony during my tenure on the Planning Commission applicants have indicated to me they have to use the County manual even inside La Plata's incorporated boundaries, to me it seems that without

adopting the County's specific application hierarchy, the Town's code invites inconsistent analysis and potential applicant challenges regarding which method is authoritative within the Town.

**My understanding of the County APFM Standard for Traffic Studies:** The County APFM dictates a two tiered analytical process for intersections:

1. Initial Screen: All intersections subject to the County APFM must be analyzed using the Critical Lane Volume (CLV) analysis.
2. Main Analysis Trigger: For intersections with signals, the analysis must escalate to the latest edition of the Highway Capacity Manual (HCM) if the CLV exceeds 1,300 VPH (Vehicles Per Hour). Once the HCM analysis is triggered, it becomes the main method of analysis for the County APFM required traffic study.
  - o Trip Generation Standard: All trip generation must use the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

**Recommendation for Update to Proposed La Plata APFO:** In order to reduce complexity for applicants and interjurisdictional coordination on road impacts between the Town, County, and State I believe we must align our standards for traffic studies. The Town's proposed APFO should abandon the "CLV *or* HCM" language in favor of standards that are aligned to the county APFM related to Traffic.

- a. Use of CLV as a Screening Tool: Specify that all intersections must first be analyzed using CLV to determine if the Traffic Impact Study (TIS) requires a deeper HCM analysis.
- b. Mandatory HCM Trigger: Adopt the County's specific threshold: "If the Critical Lane Volume (CLV) exceeds 1,300 VPH, or for all unsignalized intersections, the analysis must be performed using the latest edition of the Highway Capacity Manual (HCM), which shall serve as the main method of analysis for the Traffic Impact Study (TIS) included in the Adequate Public Facilities Study (APFS)."
- c. Mandatory ITE Trip Generation: Explicitly require all trip generation figures to be derived from the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual for consistency with the County.

**In my view:** Direct adoption of the County's precise methodology strengthens the legal defensibility of the Town's APFO, ensures full compatibility with the County's data and enforcement practices, and eliminates the conflicting methodology interpretations present in the current draft APFO. This creates a single, predictable, and technically rigorous standard for all applicants and I believe will help plan mitigation strategies that may involve coordination between

an applicant, the Town, County, and State SHA to understand an identified impact within their current analysis and engineering processes.

## 1.2. Defining the Traffic Study Area "Environs" for Predictability

**Issue:** The adequacy determination and the Traffic Impact Study (TIS) requirements in the proposed APFO frequently use the term "environs" to define the required study area. However, without a firm definition (e.g., a specific radius or zone list), the developer is forced to rely entirely on the Planning Director's initial determination. In my experience to date as the Council Liaison to the Planning Commission questions about the scope of traffic studies has come up several times. Within the proposed APFO the absence of an explicit traffic baseline study scope undermines my impression of this being a clear, predictable APFO requirement and in my opinion could lead to misalignment of expectations, scope creep or unexpected administrative burden causing delays, undue costs, and overall frustration with the process.

**Recommendation for Inclusion:** As a recommendation for staff our ordinance could include language defining a minimum, predictable scope for the TIS that must accompany the APFS. This scope should require the study to include all adjacent signalized intersections and the next two principal arterial connections from the site entrance, while explicitly reserving the Planning Director's right to expand the scope based on the project's demonstrated trip generation or unique circumstances.

**In my view:** Establishing a clear baseline for the study area provides a needed element of understanding for policy makers and predictability for applicants in their cost and time estimates, which I hope ultimately strengthens the integrity and consistency of the Adequate Public Facility Study process.

## 1.3. Streamlining Mitigation Mandate Language and Focus

**Issue:** Section 191.88 (D) (2) (a) presents the Planning Commission with two primary options if the LOS 'C' standard is not met: (1) Require developer mitigation OR (2) require the project to be "scaled back." The direct reference to "scaling back" introduces a subjective, discretionary element of denial that appears to contradict the objective, predictable framework established by the detailed mitigation procedures in § 191.94.

**Recommendation for Amendment:** Simplify language in § 191.88 (D) (2) (a) by removing the explicit reference to the "scaled back" option and instead solely direct the applicant to the detailed, legally binding mitigation procedures defined in § 191.94, which requires an Adequate Public Facilities Agreement and secure bonding for all necessary physical improvements. It is my assumption that because the standards for public facilities adequacy will be clearly defined, applicants won't propose to proceed seeking approval by the Planning

Commission or other appropriate body with projects that don't meet their own assessment of being able to meet the adequacy standard based on our clear assessment factors, therefore "scaling back" is an implied action they will make if their project is likely to not pass the adequacy test making language in the new code to that effect unnecessary.

**In my opinion:** A core purpose of the APFO is to compel future applicants to fund and or construct necessary public infrastructure to protect existing service levels as growth occurs. Focusing the language on a secured mitigation path in § 191.94 strengthens the policy's objective foundation and reduces the appearance of arbitrary denial criteria.

## 2. Process Transparency and Integrity

Enhancement to transparency and formalize the use of objective data reducing unnecessary administrative complexity.

### 2.1. Formalizing the Use of Data for APFO Compliance Approvals

**Issue:** To ensure fair and consistent traffic study results, Town staff should not have to verify proprietary or unverified traffic count data provided by an applicant. All adequacy evaluations must start from a common, sanctioned baseline identified in code.

**Recommendation for Ordinance Mandate:** The ordinance should explicitly mandate that all Traffic Impact Studies (TIS) submitted by an applicant for an APFS must use the standards and formats prescribed.

**In my opinion:** Requiring the use of standardized baseline data ensures process integrity, reduces the administrative burden of verifying input data from multiple sources, and prevents the risks to the town and the applicants expected processing timelines associated with traffic studies that rely on non-standard traffic count methodologies.

### 2.2. Reinforcing Financial Transparency and the Need for a Consolidated APFS Review Fee

**Issue:** While the existing Fee Schedule Ordinance (provides clear, tiered fees for the Traffic Impact Study (TIS) Review, it does not currently account for the staff review of the proposed Adequate Public Facilities Study (APFS). The APFS is a necessary, overarching report that requires Town Staff review across multiple domains (Traffic, Water, Sewer, and Schools). The lack of a defined fee for the APFS creates a gap and risks administrative complexity by requiring developers to pay for three or four separate review fees for what is fundamentally a single more comprehensive report.

**Recommendation for Amendment/Inclusion:** I recommend staff consider a new APFS Review Fee be designed as a single, consolidated fee that replaces the need for applicants to pay separate fees for Traffic TIS reviews and also avoids additional separate fees for Water, Sewer, and Schools technical reviews when an APFS is required.

Potential Language Concept for Inclusion (to be used by Staff in future Fee Schedule update): *In cases where a comprehensive Adequate Public Facilities Study (APFS) is required, the applicant shall pay a consolidated APFS Review Fee. This single fee shall cover all associated technical reviews for Traffic, Water, Sewer, and School Public Facility Adequacy, and shall expressly exempt the developer from paying the separate, individual review fees for Traffic Impact Studies (TIS), Water Adequacy Studies, and Sewer Adequacy Studies.*

**In my view:** This reinforces the Town's commitment to transparent and predictable administrative costs while avoiding unnecessarily complex fee schedules. Consolidating the review fees also ensures the cost structure is aligned with the required APFS document, simplifying compliance and administrative tracking.

### 3. Policy Alignment and Technical Inconsistency

Alignment of the Town's APFO with its status as a state designated Preferred Development Area (PDA) to reduce regulatory layering and conflicts in code.

#### 3.1. Tiered Traffic Standards for System Wide Consistency & Avoidance of Unintended Regulatory Burden

**Issue:** The current draft code creates unnecessary requirement layering and potential rework cost due to two primary conflicts:

- **Methodology Conflict:** The Town's code is vague (CLV *OR* HCM), while the County APFM has a specific, tiered analysis structure.
- **Classification Conflict:** The County APFM effectively misclassifies in County APFM Appendix B, the Town of La Plata (a State designated PDA/growth area) under the, lower-threshold "rural" standard (1,150 VPH CLV), rather than the appropriate Urban/Sub-urban standard (1,300 VPH CLV) used in all other PDA growth areas in Charles County. My reading of the County APFM especially Appendix B forces a difference in the application of county standards on projects within the Town of La Plata when compared to other areas of the County with similar zoning and state priority funding designations. In my view this is potentially problematic because it conflicts with the Town's actual PDA designation that has been in place for several decades. It makes me wonder if there is an impact from this difference

in classification of how La Plata is evaluated for targeted funding of transportation projects at least at the county level.

**Recommendation for Updated language:** The Town's APFO should adopt an approach in § 191.96(A) to unify the methodology across all road types (Town, County, and State) while enforcing the correct (Urban/Sub-urban) classification for the TIS trigger. Additionally, we will need to establish an authoritative source for an index of Town Streets vs County or State Roads. *(for example counterintuitively to some, Washington Ave is a County road and our code should offer the authoritative source to applicants and stake holders of what those designations are as this code impacts how standards are applied based on common understanding of road type.)*

**Proposed Ordinance Language Concept for Update to Proposed §191.96(A):**

**§ 191.96(A) Standards for Traffic Studies – Consistency and Authority.**

"All Traffic Impact Studies (TIS) submitted as part of an Adequate Public Facilities Study (APFS) shall be conducted in accordance with the following criteria to ensure consistency across jurisdictions and prevent conflicting standards:

1. Methodology Alignment (County and State Roads): The methodology for TIS analysis affecting County roads and State Highways shall conform to the latest edition of the Charles County Adequate Public Facilities Manual and the ITE Trip Generation Manual.
2. Town Roads and Minimum LOS: For roads under the Town's sole jurisdiction, the standard for adequacy shall remain Level of Service (LOS) 'C' for all affected segments and intersections. The technical analysis for these Town roads shall utilize the ITE and HCM methodologies as described below in alignment with County APFM.
3. TIS Trigger Threshold (Corrected Classification): For the purpose of triggering a comprehensive Highway Capacity Manual (HCM) analysis on all affected road networks (Town, County, and State), the Town shall exclusively utilize the Urban/Sub-urban Critical Lane Volume (CLV) threshold of 1,300 VPH. This standard reflects the Town's status as a designated growth center and shall prevail over any conflicting tiered classifications within the Charles County Adequate Public Facilities Manual including Appendix B."

**In my Opinion:** This proposal resolves the inherent conflicts identified by creating a unified, predictable TIS process for applicants. Applicants conduct one

study using one common methodology (aligned to the County's), but they use the Urban/Sub-urban CLV threshold (1,300 VPH) as the trigger for complex analysis across the entire study area, thereby reducing the administrative and financial burden associated by multiple jurisdictional standards while preserving the Town's authority over its internal LOS standards. My hope and intent is that by using common standards applicants can engage with Town, County and State highway authorities to address mitigations at all levels of the complex road jurisdictions that converge within the municipal boundaries of La Plata.

## County School Seats Capacity

### 1. Harmonizing Conflicting Regulatory Timelines for Allocations

This section addresses the inherent structural conflict between the expiration of utility allocations and the potential wait times for school capacity.

#### 1.1. Resolving A Capacity Allocation Timing Trap (§ 191.92 vs. Chapter 173)

**Issue:** Current APFO language creates an administrative timing trap for some projects. Water and sewer allocations expire in 36 months, but mandatory school seat deferrals can legally block a project for up to 72 months.

##### **EXAMPLE - The 30 Month Status Conflict:**

Consider a project that secures its water/sewer allocations at preliminary plat (establishing a 36-month vesting window) but fails the school adequacy test prior to final plat and permits. Under Chapter 173, that project is placed on a mandatory deferral list for up to six years.

- At Month 30: The developer is legally prohibited from obtaining a building permit due to school seat constraints.
- At Month 36: The "Regulatory Cliff" hits. The utility allocations expire and are forfeited, even though the developer was legally barred from using them.

If school seats finally open in year four or five, the applicant is forced to restart the entire utility APF Study from scratch. This isn't a failure of the developer to progress; it is a synchronization failure between Town and County regulations. One clock runs out while another requirement stops the applicant's ability to act.

**In my view:** Our APFO must reconcile this mismatch. We cannot have a vicious cycle where an applicant is penalized by having to restart parts of the process for a delay mandated by the Town and County. This introduces severe financial risk for entities acting in good faith to meet La Plata's Comprehensive Plan goals and comply with the Maryland Land Use Article and Town Code.

**A Note on State School Funding Priorities:** We must also recognize that school construction funding in Maryland is not based solely on overcrowding. The state uses a complex set of State Rated Capacity (SRC) factors, including building condition, number of trailer classrooms, health and poverty levels. I believe if we adopt this into code, we must commit to coordinate closely with Charles County to ensure our local APFO doesn't unintentionally lower the funding priority for County schools that serve La Plata families.

**An Example for Consideration, Annapolis:** The City of Annapolis provides an interesting policy model for aligning APFO regulatory expectations with municipal government performance:

- Six-Year Achievability: Annapolis code states that APFO adequacy standards should be achievable within a six year timeframe.
- CIP Alignment: Annapolis City code requires the annual Capital Improvement Program (CIP) to be based on a plan that ensures deficiencies are corrected within that same six year timeframe.

**In my view:** La Plata over the past several decades has approved growth in line with its Comprehensive Plan but has at times failed to follow through with the infrastructure investments to support it.

I would like to see us consider the implications of using the "Annapolis Model" for CIP planning in La Plata. This places the accountability on the Towns elected leaders (*through budgets*) and municipal planners (*through engineering*) ensure our infrastructure supports our residents, businesses, and our Towns strategic goals.

## Pros and Cons – Draft APFO and School Seat Allocation Amendments

### PROS

- Strengthens protection of existing infrastructure by tying approvals to actual water, sewer, road, and school capacity.
- Improves transparency and defensibility by using standardized County student yield data instead of subjective calculations.
- Protects existing residents from overcrowded schools and degraded public services.
- Shifts infrastructure costs to developers through clear mitigation and bonding requirements.
- Creates predictable, formula-based decision-making that reduces disputes and appeals.
- Improves coordination with County capital improvement planning and school construction timelines.
- Supports long-term fiscal sustainability by preventing growth that outpaces infrastructure capacity.
- Provides a structured path for large developments (100+ units) through Development Agreements.

### CONS / RISKS

- Elimination of the guaranteed minimum school seat allocations may significantly slow residential growth during constrained years.
- Zero-allocation years could disproportionately affect small builders and individual lot owners despite wait-list protections.
- The 6% proportional cap may be viewed as overly restrictive for a designated growth area.
- Increased developer costs may translate into higher housing prices or reduced housing supply.
- Heavy reliance on County data and CIP schedules limits Town flexibility if projects are delayed.
- Added administrative complexity requires consistent annual coordination and verification.
- Potential political and stakeholder pressure from the development community.

Dr. Jill A. Hudnell, DNP

Hi Don,

Thanks for the reminder! I meant to send it over this weekend but had some Internet connectivity issues that derailed my entire family- as I'm sure you could imagine :)

Overall, I find the APFO documents provided for review to be conceptually strong with the best interest of town services at the forefront. I do agree with Chair Banks' thought that sewer and water capacity limits may pose potential issues down the line; however, I think that's something that we're all in tune with at the present moment.

One thing that I anticipate as a request for public clarity would be if this applies to development pending PC review or if it's just newly submitted development.

All in all, I appreciate the creativity and work that went into this document/project and think it's well suited for the Town's current position. I don't have any pressing concerns or considerations.

Have a nice holiday!

Emily Whale

01/28/26

Don,

Below is the information shared that I had prepared. I hope this is helpful as the Town continues to develop your new APF. I understand that the Town's location within Maryland, priorities and vision for development may substantially differ in some aspects from other jurisdictions, so I offer the following for your general consideration and look forward to seeing what the Town ultimately passes for APF. I would be happy to talk more or participate further if at all needed/desired. Feel free to reach out any time.

**A few examples around Maryland that have policies you may want to review:**

- Howard County - regarding LOS thresholds and having different requirements for different facilities:
  - <https://www.howardcountymd.gov/public-works/resource/howard-county-design-manual-volume-iii>
    - Section 4.2
      - Level of Service The intersection level of service (LOS) standard for this evaluation for County-controlled intersections is LOS D and the standard for State-controlled intersections is LOS E. The LOS evaluation shall be for the overall intersection.
- Montgomery County - regarding LOS thresholds and having context sensitive requirements in different areas:
  - Breaks the county out into policy areas with different LOS thresholds for adequacy
    - More urban dense areas allow higher levels of congestions
      - In these areas, walkability and lower reliance on vehicles is desired
      - Infrastructure goals focus on pedestrian bike and transit, not adding lanes to reduce vehicle delay
      - [https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=12341\\_1\\_25989\\_Resolution\\_20-651\\_Adopted\\_20241112.pdf#page=12](https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=12341_1_25989_Resolution_20-651_Adopted_20241112.pdf#page=12)
        - More rural policy areas, delays limited to as low as 41 seconds per vehicle
          - Vehicle travel is primary and likely only option with long travel distances – delays should stay low
        - More urban areas, delays allowed up to 80 seconds per vehicle (LOS F)
          - Alternative modes available, trips are generally shorter too. Delays may be allowed at higher levels.

- Transit areas - no vehicle test. It is acknowledged that intersections currently fail and there is not a desire to widen roads for more capacity, nor could development realistically pay to do so.
- Frederick County - regarding mitigation
  - When larger improvements are identified, you determine how much of the capacity the improvement creates is used by the development. If it's a small portion, then the development pays their pro-rata share based on an analysis. Then every development that comes through in that area pays their share until it reaches a certain level and then gets triggered for construction. Even developments that don't trigger a traffic study still have to contribute their share.
    - This could be a good way of establishing large improvements on the books that are needed but not necessarily feasible for one specific development.
    - It also ensures that when you have a lot of small pad uses that may not trigger studies, they are all contributing based on their incremental impact to traffic. You may need multiple properties to develop to realistically fix a corridor, but you will have a hard time getting any single development to move forward if the first developer is on the hook for it all.

**Review of ZTA Text: ZTA 01-2026**

General clarifications & recommendations

- The APF should detail if changes in use of an existing building are also considered development and subject to the requirements. Typically it is treated the same. A change in use that results in an increase in trips would be evaluated for APF.
- The APF should specify that the trip threshold is based on new trips, which is the trip generation for the proposed development minus the trip generation for the existing development or approved development for which APF has been satisfied (think modification to an existing development that wants to change Phase 2 or 3, etc.)
- Will any trip reduction factors be allowed when determining new trips to determine if study is required?
  - Typically the answer is no, although some jurisdictions do allow for pass-by trip reductions at the scoping stage.
- Define how the study area will be established
  - Some jurisdictions do tiered system:
    - Montgomery County: <250 new peak hour trips = 1 tier = go out 1 significant intersection in each direction. 250-749 new peak hour = 2 tier = go out 1 in each direction, then go out from each of those 1 in each direction. And so on
    - City of Frederick: Study area goes out to any intersection where 50 trips travel through to the development, limited to 1 mile

- Calvert County: Go out to the first intersection of an arterial with a collector or higher in each direction, limited to 2 road miles in each direction
- Clarify when Saturday or other conditions will be required
  - Retail sites typically subject to Saturday conditions
    - Recommend limiting this when the weekday traffic is higher than Saturday to reduce unnecessary analyses
  - Schools typically need to study the afternoon school peak between 2-4pm
- Many jurisdictions require evaluations of driveway and on-site queueing requirements
  - Even when a site is below threshold for a study, the driveway may need to be reviewed for adequacy
  - On-site queueing can be a critical element impacting roads that won't show up in an LOS based review
    - Examples are schools, drive-thru restaurants, carwashes
    - School pick-up/drop-off management
- Mitigation should be different when an intersection is already over capacity
  - It is not the developments responsibility to mitigate other developments' traffic, only their own. If requirements are disproportionate to a developments impact, then the Town risks facing legal challenges and stifling development where it is desired. When alternatively, impact based mitigation may promote a volume of multiple developments that can cumulatively provide funds to complete necessary improvements.
  - City of Rockville allows developments to increase the v/c at an intersection by up to 0.10 (10%) if it's not failing already. This prevents one development from using up all road capacity without having to provide improvements.
    - If the intersection is already failing, the development can only increase by 0.01 (1%) before mitigation is required. They are then required to mitigate a certain percentage of their impact only, or mitigate to get back to where it was without the development.
      - This allows a very small portion of traffic to go through a failing intersection without mitigation as the impact is ultimately negligible.
  - Any mitigation requirement involving MD SHA ROW should be caveated with, "Subject to SHA Approval". Otherwise, improvement requirements may not be feasible and stall a development where SHA will not approve the required construction.

Section 191.88: LOS C or Better is required – D is failing

- The code should clarify if LOS is based on movement, approach or intersection
  - For signalized intersections:
    - If based on Overall Intersection, then mainline traffic can be prioritized over low volume side streets. Rather than adding more average delay for say 1,000 vehicles just to get to LOS C for a side

street with say 10 vehicles, you allow the side street to be above the threshold but require the overall intersection (weighted average of all approaches) to need to be adequate.

- Since the APF will set a requirement for all intersection in the Town, regardless of who controls the intersection (County, Town or SHA), you should identify different thresholds or default to the County or SHA for adequacy for their facilities.
  - If you have a blanket LOS C requirement, that would mean the Town could not approve a development if a study intersection on Crain Highway were at LOS D, even though you do not control the ROW itself.
- Exempt if 35 or fewer peak hour trips per day
  - This should be clarified as Peak hour or daily
    - 35 trips per hour is a fairly standard requirement, with 50 being the most common in my experience
    - 35 trips per day is not unheard of as a trigger, but it would be extremely harsh and nearly all development would require a traffic study

#### Section 191.87

- (B): 1,200 SF exempt
  - Uses such as small fast food restaurants and drive-thru coffee shops may fall into this category but be above 35 peak hour trips. The clause leaving it to the Town to still require in some cases would take care of this, but it is nice for applicants to have predictability during the due diligence stage where we might not yet be able to approach the Town to confirm.
- (C) Clarification needed, is it 35 peak hour trips or 35 daily trips?
  - Same as described previously. 35 peak hour trips would be a fair requirement. 35 daily trips would be very harsh and trigger for nearly all development.
- (C)(1): CLV or HCM
  - Specify which is to be used.
    - HCM is industry standard and CLV is being phased out in Maryland.
    - You could require HCM for adequacy and CLVs for informational purposes as SHA does currently still want to see CLVs.
- (C)(3): Add language, "When applicable"
  - Not all components will be desired for all locations. For example, you will not always need on-street parking.
- (D)(2)(a): There should be other options for mitigating. Otherwise, the Town may be forced to deny development that is in its best interest and could pay its fair share but not fix a problem that is well beyond its proportional impact.

- Pro-Rata share contributions to improvement projects can provide option for mitigating impact and moving development forward where constraints exist that are not caused by the development itself.
- Pay based on impact, other developers do the same. Town, County or SHA could use funds to construct the improvements
  - See Frederick County for example of Escrow Account mitigation method
    - Even developments generating less than 35 trips and exempt from study still have to pay pro-rata share for impact at nearby intersections where improvements have previously been identified

### Section 191.93

- (D): Recommend calling out piecemeal development
  - Some jurisdictions specifically call out that project trips at the same development constructed recently, within say 5 to 6 years, must also be accounted for.
    - This prevents smaller additions via separate applications that cumulatively have a larger impact but are never studied for adequacy.
    - City of Rockville has the following provision within their transportation guidelines: “Circumventing the threshold by submitting piecemeal development applications is not permitted. If the applicant submits a new Site Plan Application, at the same location, within a five-year period, the applicant will be required to include all trips generated by both applications in a new study.”

**Will Zeid, PE (MD, DC, VA, DE)**

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## **CHARLES COUNTY GOVERNMENTY FEEDBACK ON DRAFT TOWN OF LA PLATA APFO**

**From:** Jason R. Groth <[GrothJ@charlescountymd.gov](mailto:GrothJ@charlescountymd.gov)>

**Sent:** Sunday, February 1, 2026 8:55 PM

**To:** Chuck Stevens <[cstevens@townoflaplata.org](mailto:cstevens@townoflaplata.org)>

**Cc:** Melissa Hively <[HivelyM@charlescountymd.gov](mailto:HivelyM@charlescountymd.gov)>; Heather N. Kelley <[KelleyH@charlescountymd.gov](mailto:KelleyH@charlescountymd.gov)>; Hunter Zinn <[ZinnH@charlescountymd.gov](mailto:ZinnH@charlescountymd.gov)>; Charles R. Rice <[RiceC@charlescountymd.gov](mailto:RiceC@charlescountymd.gov)>

**Subject:** Re: Town Of La Plata Code Chapter 173 Section 9 Redlines: School Seat Allocations

**CAUTION:** This email originated from OUTSIDE of the Town of La Plata email system. If the senders name displayed is a Town user, it is NOT legitimate and should be deleted immediately. Do not click links or open attachments unless you are certain this is a legitimate message.

Chuck,

I had forgotten to pass along the following comments from our team, as I had them lingering in my "drafts" folder. I do apologize. They provided the following:

### **Chapter 173 Notes:**

- 173-92A says “ten percent (6%)”
- We have some concern with the Town utilizing the available county-wide capacity within the school system rather than just the schools serving La Plata. This creates a potential challenge in adequately addressing capacity in the La Plata area, where there are currently significant capacity issues. We recognize that the Town is limiting its apportionment to 6%. The question is if the approach is proportional to the impact to the affected school area.
- For clarity, does this presuppose that the County will reserve 6% of the total available before the County *completes its* allocation process? The concern is that there may be double dipping into the available capacity.
- Please clarify if 173-96B is how the Town proposes to address multifamily residential development allocations? In our practice, we address allocation at Site Development Plan and/or Development Services Permit. The building permit stage seems pretty far into the process for a multifamily development. Can you clarify when the multifamily projects go on your “priority list”?
- There doesn’t appear to be a bulk allocation policy, or something equivalent for small lot developments (like our minor subdivisions). We see the Town adopted our exemptions for APF, but the policy doesn’t include what happens with those developments. Can you clarify?

### **Chapter 191 Notes:**

- LOS C for all roads and intersections in the Town is conservative; especially for roads of higher congestion such US 301, MD 6, MD 225, and Rosewick Road, etc. The County

utilizes a "transportation district" that allows LOS D in areas where higher congestion is considered reasonable. That seems appropriate for US 301 and MD 6 as an example.

- I'm glad they're including pedestrian traffic in their APFS. I do wonder how they'll measure that (we don't even have standards for pedestrian APF).
- This section states: "the APFS shall propose, as necessary, all traffic mitigation improvements that will achieve the required level of service for all roadways impacted by the proposed development." We note that it may be very difficult for projects to be able to bring some of their intersections *up* to a C. Due to this challenge, the County focuses on mitigating *the project's impact* versus bringing the intersection up to the desired LOS.
- Also, the proposed language requires the mitigation to "eliminate" impacts, or else the Planning Commission *shall* deny the project. This may not be feasible for a single project to achieve unless it is of considerable scale.

Again, my apologies for the lateness of these comments, but please feel free to reach out to us with any questions.

Best Regards,

Jason

## MEMORANDUM

February 6, 2026

### VIA EMAIL

Chuck Stevens, Town Manager  
Don Dooley, Planning Director  
CC: Sue Greer, Esq.

Re: Proposed Adequate Public Facilities Ordinance (“APFO”)

Chuck and Don,

This will follow up our meeting of January 28, 2026, regarding the proposed APFO being considered for adoption by the Town. Please note the following comments and or questions from Sue and I:

1. Transition Provision: We discussed a Transition Provision for the applicability of the APFO, with the intent that the ordinance will be “forward looking”, rather than applied retroactively to certain projects/situations. The question is, what is the milestone for “grandfathering” a project out of the APFO? We discussed three projects that are subject to executed and recorded Annexation Agreements, on which performance has occurred on the Annexation Agreements, and on which substantial planning, development and infrastructure has either been designed or in the case of two of the projects developed and constructed. These three projects are Pinegrove (formerly Heritage Green), Stagecoach, and Steeplechase. In this regard, we propose the following transition language: Those developments which are: (i) subject to an Annexation Agreement executed on or before December 31, 1998 (notwithstanding that amendment(s) may have been made at a later date) and recorded among the Land Records of Charles County, Maryland, and (ii) are the subject of the approved preliminary plan of subdivision as of the date of this Ordinance, shall be exempt from the application of Article XI, Adequate Public Facilities Requirements, and the application of Article IX, School Seat Allocation Policy. This Transition Provision recognizes that these developments have already been programmed into the Town’s development processes, have already performed either all or a material part of their applicable Annexation Agreements and have been programmed into the Town’s School Seat Allocation Policy and will receive School Seat Allocations in phases consistent with the phasing of the approved final plats of subdivision for the respective developments.

2. School Allocations: We discussed that the Town is a “Development District” under the County’s Comprehensive Land Use Plan. The Charles County Comprehensive Land Use Plan identifies only three Development Districts, which are the Waldorf area, the Incorporated Town of Indian Head, and the Incorporated Town of La Plata. Further, the Town of La Plata is deemed a Priority Funding Area, and therefore, under the principals of “Smart Growth”, is deemed an area where growth is targeted within Charles County. Accordingly, we believe that a six percent (6.0%) cap on School Allocations would not be appropriate, and would not be consistent with the Charles County Comprehensive Plan. We also believe that the School Allocation Policy of the Town, while being respectful and responsible as to school capacity, should also contain a “Fail Safe” which allows a project to proceed after a certain time period regardless of available allocations. In this regard, the County Government and the County Board of Education should plan to accommodate growth, rather than the Town planning to accommodate school capacity, particularly when the County may choose not to fund additional school capacity and/or the Board of Education may choose not to redistrict enrollment lines to accommodate the growth within the Town. We recommend as follows with respect to School Allocations: (i) Allocation of school seats shall be at final plats, as opposed to building permit. In this fashion, there will not be recorded but unbuildable lots within the Town. This also provides additional certainty to Developers and their lenders. (ii) Developments should be able to obtain phased final plats. This will allow for orderly and predictable growth within the Town, the County and for the citizens, the School Board and the Developer. (iii) The Town School Allocation Policy should have a “Sunset Provision” similar to Charles County. That is, if the project is placed on the School Allocation waiting list, after a term of a certain number of years, if the development still does not have School Allocations, a development should be permitted to proceed. In Charles County this is six (6) years. We would suggest a similar amount of time in the Town. (iv) We would suggest that the Town allow Developers Rights and Responsibilities Agreements, between the County, the Town and a Developer.
3. Water and Sewer: Water and Sewer of course is a fairly straightforward prong of the APFO. We recommend removing the cap at eighty percent (80%) of capacity, for a number of reasons, including that, that provision may result in an instant moratorium with regard to sewer capacity. Further, as we discussed, the 80% capacity measure is more of an internal planning milestone for the Town, as to when the Town should start planning for an expansion of its facilities. Any possible moratorium, based upon capacity, should only occur at full capacity, as in the case of the current public water moratorium in the Town. Also, if the Town has approved and budgeted a Capital

Improvement Project, the pace of development should take into account the timing and scope of additional capacity which will be provided by the CIP.

4. Traffic: As we discussed, you have received some comments from Jackie Plott and perhaps other traffic engineers regarding the elements of the APFO dealing with traffic. That said, we will offer a few comments: (i) Most jurisdictions' APFO's allow for a peak hour level of service of D within their development districts. (ii) There should be incorporated into the APFO and ability to pay a fee in lieu of improvements as mitigation, for the Town to make future road and/or traffic control improvements in and around the Town.

Once you have the opportunity to review this Memorandum, please let us know if you have any questions or comments. We are happy to provide further suggestions and feedback.

Y:Aliya/Memorandums/MEMORANDUM (Stevens - Dooley).docx

# ZONING TEXT AMENDMENT (ZTA) 01-2026



January 6, 2026

# BACKGROUND

- In 2025, the Town Council expressed concern about maintaining minimum quality of life standards for residents as the Town continues to grow.
- The Council recognizes that limited resources and public infrastructure must be appropriately managed to support growth and new development.
- In the fall of 2025, the Town Council directed staff to initiate a zoning text amendment to identify and maintain minimum public infrastructure requirements for roads, water, sewage, and school seating capacity when new development is proposed.

# BACKGROUND

- Many towns, cities, and counties throughout Maryland (including Charles County) have already adopted their own “Adequate Public Facility Ordinance(s).”
- Adequate public facility ordinances are an effective way to promote “smart growth” management to ensure new development does not out pace a community’s ability to support it.
- While adequate public facility requirements may slow or defer some development, such ordinances are not designed to discourage development.... only manage it!

# BACKGROUND

- Adequate public facility ordinances may be drafted as a single, comprehensive, ordinance or as a series of ordinances.
- At present, the only codified adequate public facility ordinance in the La Plata Municipal Code pertains to “School Seat Allocation Policy” contained in Chapter 173 (Subdivision and Land Development), Article IX.
- Under Zoning Text Amendment (ZTA) 01-2026, staff is proposing to:
  - 1) Amend & update Chapter 173, Article IX (School Seat Allocation Policy)
  - 2) Amend Chapter 191 (Zoning) to add Article X (Adequate Public Facilities Requirements) to the La Plata Zoning Code to address water, sewage, and roads.

# DISCUSSION

As proposed, Chapter 173, Article IX (School Seat Allocation Policy) is proposed to amend the following Sections:

- 173-92 (Statement of policy and intent);

Deletion of outdated information.

- 179-93 (Definitions);

Definition for “Allocatable School Capacity” revised and “Particularized Student Generation Rate” deleted.

- 173-94 (Establishment of student generation rates);

Section deleted.

- 173-95 (Establishment of school seat allocation and allocation pools);

Revision to text proposed.

- 173-98 (Process for allocation);

Revisions to text for student allocation methodology.

- 173-101 (Appeals);

Minor revision to text for reader clarification.

- The addition of Section 173-102 (Process for Major Development Projects)

Proposes regulations on major development projects (subdivisions) that consist of 100 lots or more to mitigate long-term impacts on the public school system.

# DISCUSSION

The proposed addition of Article X (Adequate Public Facilities Requirements), in Chapter 191 (Zoning), is proposed to address minimum requirements for water, sewage, and roads. Some of the key provisions in this draft ordinance include:

- 191-87 (Adequate public facilities required)

Requires major subdivisions and major site plans to demonstrate they will not impact the adequacy of the Town's water, sewage, roads, and school seating capacity. The Ordinance exempts minor subdivisions (four lots or less) and non-residential developments under 1,200 square feet.

- 191-88 (Roads)

Sets the minimum level of service (LOS) for all roadways/intersections in the Town to be maintained at LOS "C." LOS "C" represents a stable flow of traffic, but freedom to maneuver a vehicle. However, drivers may experience moderate delays in travel from time to time.

This Section does not apply to development projects generating less than 35 peak-hour vehicular trips per day.

# DISCUSSION

- 191-90 (Sewage system)

There must be adequate sewer capacity to serve new development. Additionally, if the capacity required by a development will cause the Town's wastewater treatment plant infrastructure to operate at a level higher than 80% of the plant's maximum capacity, the project shall not be approved unless adequate mitigation is provided.

- 191-91(Water)

No preliminary plat map, site plan or expanded development requiring water allocation shall be approved by the Town unless there is sufficient water to support the project. Adequate water supply will be judged on whether or not the development causes the Town to exceed 80% of its State water allocation permit.

# DISCUSSION

- 191-92 (Water, sewage, and school capacity allocations)

Water and sewer capacity allocation shall be guaranteed to any approved preliminary plat map or site plan requiring such allocation for a period of three years, if the approval is still valid.

Previously approved (and valid) preliminary plat maps and site plans without water and sewer allocation shall be exempt from this Chapter. Such developments shall have priority allocation over projects approved after the adoption of this Ordinance.

- 191-93(Adequate public facilities study)

Unless exempted in proposed Section 191-87, an adequate public facilities study (APFS) shall be prepared as part of any preliminary subdivision or site plan submittal to the Town. The Study will determine the anticipated impact of a new development and any mitigation measures needed to ensure public facility thresholds, as set by the Town, are not exceeded.

# DISCUSSION

- 191-94 (Mitigation)

Section 191-94 authorizes the Planning Commission to deny projects when the impact(s) of a development will not comply with adopted public facility thresholds for water, sewage, roads, and school seating capacity without appropriate mitigation.

The Chapter also identifies mitigation processes and procedures.

# NEXT STEPS For Zoning Text Amendment (ZTA) 01-2026

- Conduct a public hearing (tonight) on Zoning Text Amendment 01-2026.
- Continue the public hearing on Zoning Text Amendment 01-2026 to the next regularly scheduled Planning Commission Meeting of February 3, 2026, to permit additional public comment.
- Consider Planning Commissioner comments attached to the staff report for Zoning Text Amendment 01-2026.
- Provide feedback to Staff on the initial draft of Zoning Text Amendment 01-2026.

# QUESTIONS AND DISCUSSION



## TOWN OF LA PLATA

305 Queen Anne Street  
Post Office Box 2268  
La Plata, Maryland 20646

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### PLANNING COMMISSION STAFF REPORT

**DATE:** January 6, 2026

**TO:** Honorable Chair and Members of the Planning Commission

**FROM:** Don Dooley, Planning Director

**PREPARED BY:** Don Dooley, Planning Director

**APPLICATON NO.:** Zoning Text Amendment (ZTA) 01-2026 – Adequate Public Facilities

**APPLICANT:** Town of La Plata, Maryland

**OWNER:** N/A

**PROJECT LOCATION:** Town-wide

**REQUEST:** To add Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions to require adequate water, sewage, roads, and school seating capacity for new development in the Town of La Plata. Zoning Text Amendment (ZTA) 01-2026 also proposes to amend Chapter 173 (Subdivision and Land Development) in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code pertaining to regulations for adequate school seating capacity for new development.

### **BACKGROUND**

The La Plata Town Council has expressed interest in creating requirements for new development to ensure adequate public infrastructure and services are in place to support new construction in Town so as not to diminish the quality of life for residents, businesses and visitors to La Plata. The Council is particularly interested in developing and retaining minimum public infrastructure standards pertaining to roads, water, sewage and school seating capacity. This will ensure new development does not impact minimum infrastructure thresholds set by the Town. These goals are not uncommon in other communities throughout Maryland which have adopted their own adequate public facilities ordinance (“APFO”) under one, cohesive, code or as a series of separate codes. By doing so, communities are creating a regulatory tool that promotes smart growth management so new development does not outpace a community’s ability to support it.

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of January 6, 2026**

While such ordinances may slow or defer some development, adequate public facility ordinances are not, inherently, designed to discourage development, only manage it. This is critical for growing communities, like La Plata, that are experiencing a significant influx of new development.

Based on Council direction, staff is proposing, under Zoning Text Amendment (ZTA) 01-2026, to add Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions to require adequate water, sewage, roads, and school seating capacity for new development in the Town of La Plata. Zoning Text Amendment (ZTA) 01-2026 also proposes to amend Chapter 173 (Subdivision and Land Development) in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code pertaining to regulations for adequate school seating capacity for new development.

As discussed above, Zoning Text Amendment (ZTA) 01-2026 does not propose to codify minimum infrastructure standards for roads, water, sewage and school seating capacity under a single ordinance. This is because school seating capacity is already addressed in Chapter 173 (Subdivision and Land Development) of the La Plata Zoning Code. Therefore, Zoning Text Amendment (ZTA) 01-2026 would, in part, modify this ordinance in conjunction with the development a separate (new) ordinance to combine the topics of roads, water, and sewage under a single ordinance through the proposed addition of Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code. Article X also proposes to cross-reference school seating capacity under Chapter 173.

For technical accuracy and clarity, it is worth noting that references to Zoning Text Amendment 01-2026 as being the Town’s “Adequate Public Facilities Ordinance (APFO)” is not accurate. It is really two separate ordinances (one existing and one proposed) under the administrative processing umbrella of Zoning Text Amendment (ZTA) 01-2026.

**DISCUSSION**

**Draft Public Facilities Standards**

Since staff has written a comprehensive evaluation/explanation for the proposed (draft) adequate public facilities standards pertaining to roads, water, sewage, and public school seating capacity (under Attachment No. 1), no additional comments are provided for the proposed text amendments herein.

**Public Hearing**

All proposed additions, modifications, and deletions to the Town’s Municipal Code require a noticed public hearing. Therefore, Zoning Text Amendment (ZTA) 01-2026 has been advertised, as required by State Law, to provide the opportunity for the public to comment on the proposed changes being considered to the La Plata Municipal Code under Chapter 173 (Subdivision and Land Development) and Chapter 191 (Zoning). Therefore, during the Planning Commission Meeting of January 6, 2026, the Commission must open the

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of January 6, 2026**

public hearing to receive public comments on Zoning Text Amendment (ZTA) 01-2026. However, staff recommends that the public hearing not be closed during the January 6, 2026, Planning Commission Meeting, even if no one speaks. Instead, staff recommends the public hearing be carried over to the next regularly scheduled Planning Commission Meeting of February 3, 2026. The purpose of doing so is to ensure the public has adequate time to evaluate the proposed text changes, under Zoning Text Amendment (ZTA) 01-2026, to address the Commission as the holidays may be an impediment to some public participation. It will also provide the public with an opportunity to read and comment on potential changes the Commission may direct staff to make on Chapters 173 and 191 after the January 6, 2026, Planning Commission Meeting.

Planning Commission Comments

To facilitate Planning Commission analysis and discussion on the proposed text changes to the La Plata Municipal Code, under Zoning Text Amendment (ZTA) 01-2026, Commissioner comments have been received by staff and are incorporated within Attachment No. 4 to this report.

Town Council Meeting

For public and Planning Commission awareness, the Town Council is tentatively scheduled to place on their January 13, 2026, Agenda a discussion concerning adequate public facilities for roads, water, sewage and school seating capacity. However, this is not a Town Council Public Hearing on Zoning Text Amendment (ZTA) 01-2026 and no Council action will occur. However, staff will provide a timely summary of Council comments for the Planning Commission's edification in preparation of its regularly scheduled meeting on February 3, 2026.

Once the Planning Commission makes a formal recommendation to the Town Council on Zoning Text Amendment (ZTA) 01-2026, the Council will hold its own, de novo, public hearing on the matter and take final action on Zoning Text Amendment (ZTA) 01-2026.

**RECOMMENDATION**

Staff recommends the Planning Commission provide feedback on Zoning Text Amendment (ZTA) 01-2026 and continue the public hearing for the project to the next regularly scheduled Planning Commission Meeting of February 3, 2026, to facilitate additional public feedback.

**ATTACHMENT(S)**

- 1) Agenda Item Summary Document
- 2) Draft Text Amendment Chapter 173 (Article IX. - School Seat Allocation Policy)
- 3) Draft Text Amendments to Chapter 191 (New Article X. - Adequate Public Facilities Requirements)
- 4) Planning Commission Comments from: 1) Chair Banks, 2) Commissioner Miller, 3) Council member Guttenberg, 4) Vice-Chair Hudnell

-End of Report-



## TOWN OF LA PLATA

305 Queen Anne Street  
Post Office Box 2268  
La Plata, Maryland 20646

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### PLANNING COMMISSION STAFF REPORT

**DATE:** February 3, 2026

**TO:** Honorable Chair and Members of the Planning Commission

**FROM:** Don Dooley, Planning Director

**PREPARED BY:** Don Dooley, Planning Director

**APPLICATON NO.:** Zoning Text Amendment (ZTA) 01-2026 – Adequate Public Facilities

**APPLICANT:** Town of La Plata, Maryland

**OWNER:** N/A

**PROJECT LOCATION:** Town-wide

**REQUEST:** To add Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions to require adequate water, sewage, roads, and school seating capacity for new development in the Town of La Plata. Zoning Text Amendment (ZTA) 01-2026 also proposes to amend Chapter 173 (Subdivision and Land Development) in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code pertaining to regulations for adequate school seating capacity for new development.

### **BACKGROUND**

The La Plata Town Council expressed interest in creating requirements for new development to ensure adequate public infrastructure and services are in place to support new construction in Town so as not to diminish the quality of life for residents, businesses and visitors to La Plata. The Council is particularly interested in developing and retaining minimum public infrastructure standards pertaining to roads, water, sewage and school seating capacity. This will ensure new development does not impact minimum infrastructure thresholds set by the Town. These goals are not uncommon in other communities throughout Maryland which have adopted their own adequate public facilities ordinance (“APFO”) under one, cohesive, code or as a series of separate codes. By doing so, communities are creating a regulatory tool that promotes smart growth management so new development does not outpace a community’s ability to support it.

While such ordinances may slow or defer some development, adequate public facility ordinances are not, inherently, designed to discourage new development, only manage it. This is critical for growing communities, like La Plata, that are experiencing a significant influx of new development.

Based on Council direction, staff is proposing, under Zoning Text Amendment (ZTA) 01-2026, the addition of Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions to require adequate water, sewage, roads, and school seating capacity for new development in La Plata. Zoning Text Amendment (ZTA) 01-2026 also proposes to amend Chapter 173 (Subdivision and Land Development) in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code pertaining to regulations for adequate school seating capacity for new development.

As discussed above, Zoning Text Amendment (ZTA) 01-2026 does not propose to codify minimum infrastructure standards for roads, water, sewage and school seating capacity under a single ordinance. This is because school seating capacity is already addressed in Chapter 173 (Subdivision and Land Development) of the La Plata Zoning Code. Therefore, Zoning Text Amendment (ZTA) 01-2026 would, in part, modify this ordinance in conjunction with the development of a separate (new) ordinance to combine the topics of roads, water, and sewage capacity under a single ordinance through the proposed addition of Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code. Article X also proposes to cross-reference school seating capacity under Chapter 173.

For technical accuracy and clarity, it is worth noting that references to Zoning Text Amendment 01-2026 as the Town's "Adequate Public Facilities Ordinance (APFO)" is not accurate. It is really two separate ordinances (one existing and one proposed) under the administrative processing umbrella of Zoning Text Amendment (ZTA) 01-2026.

## **DISCUSSION**

### **Planning Commission Meeting of January 6, 2026**

At the Planning Commission Meeting of January 6, 2026, Zoning Text Amendment (ZTA) 01-2026 was introduced to the Planning Commission and the public hearing on the matter was opened for public comment.

During the meeting, the Commission asked several, clarifying, questions concerning the proposed text changes to Chapter 173 (Subdivision and Land Development) for school seating capacity in conjunction with the proposed additions to Chapter 191 (Zoning) of the La Plata Municipal Code concerning roads, water and sewage capacity under proposed Article X. Although no Commission changes to the draft language in ZTA 01-2026 were directed to be made during the meeting, the Commission did discuss the following, potential, changes to ZTA 01-2026:

- Incorporate language requiring the Town to specify the formula to be used to identify how 80% water and sewage capacity for the Town is calculated to enable the

development community to have awareness for planning future development in La Plata;

- The Town should incorporate reporting requirements in proposed Article X in which water and sewage capacity updates are provided to the community every six months. By doing so, it will provide an accurate and reliable number for developers to use when evaluating the impact of their development on the community under an Adequate Public Facilities Study (APFS).
- Align the expiration date for allocated water, sewage, and school seating capacity for internal consistency within the Town’s Municipal Code for new development.
- Develop a single APFO fee to cover the evaluations for road, water, sewage and school seating capacity under an Adequate Public Facilities Study (APFS).
- Consider revising ZTA 01-2026 to encourage creative mitigation measures within the design of a new development to lessen potential impacts to water, sewage and roads.

### Public Comments

There were two speakers who addressed the Planning Commission during the public hearing on January 6, 2026, with the following comments on ZTA 01-2026:

- There should be provisions to “grandfather” in projects that have already been submitted to the Town for approval without being required to following the requirements within proposed ZTA 01-2026. [Staff response: This comment has already been incorporated within proposed Section 191.92 (Water, sewage and school capacity allocations)]
- There should be provisions to permit exceptions to the proposed Level of Service (LOS) “C” for street intersections when existing road capacity already exceeds LOS C and there are no feasible mitigation measures to improve road capacity to LOS C that can be accomplished by a single development.
- The Town should align with the County concerning school seating capacity provisions and regulations. [Staff response: This comment is consistent with the draft revisions for school seating capacity allocation within Chapter 173].
- The public should have additional opportunity to review and address the Commission on ZTA 01-2026. [Staff response: The public hearing for ZTA 01-2026 was continued to February 3, 2026].

As both the Commission and the public wanted additional time to review the proposed text for ZTA 01-2026, the public hearing on this item was continued to the next regularly scheduled Planning Commission Meeting of February 3, 2026.

### Town Council Meeting of January 13, 2026

During the Town Council Meeting of January 13, 2026, the Council wanted the opportunity to discuss the draft APFO with staff to better understand the proposed ordinance modifications and provide its initial feedback prior to the Planning Commission making its recommendations to the Town Council. During the meeting, the Council expressed its general support for the tenor of the proposed text within ZTA 01-2026. The Council seemed particularly interested in having proposed Article X (in Chapter 191) require the

Town to regularly report on existing water and sewage capacity allocations and the remaining allocations available for new development.

Although this was not a Town Council public hearing on ZTA 01-2026, the Council will conduct its own, de novo, public hearing on ZTA 01-2026 once the Planning Commission makes its formal recommendation(s) to the Town Council.

### Public Feedback

Subsequent to the Planning Commission meeting of January 6, 2026, staff met with the local building/development community, local attorneys, and traffic engineers to obtain their feedback on the draft Adequate Public Facility Ordinances within ZTA 01-2026. Their comments have been provided in Attachment No. 6 for the Commission's consideration.

The new Town Attorney for La Plata will also provide feedback on the proposed ordinance changes within ZTA 01-2026 for the Commission's future consideration.

The community feedback received by staff on ZTA 01-2026 is essential, so new and proposed text changes consider multiple perspectives to ensure well-crafted ordinance language to achieve effective APFO implementation goals.

### Draft Public Facilities Standards

Since no changes were directed to be made to the ordinances within ZTA 01-2026 at this time and because staff has written a comprehensive evaluation/explanation for the proposed (draft) adequate public facilities standards pertaining to roads, water, sewage, and public-school seating capacity (under Attachment No. 1), no additional comments are provided within this staff report. However, based on anticipated Planning Commission direction, staff will revise the text within ZTA 01-2026 for the Commission's review at its regularly scheduled meeting of March 3, 2026.

## **RECOMMENDATION**

Staff recommends the Planning Commission provide feedback on Zoning Text Amendment (ZTA) 01-2026 and continue the public hearing for the project to the next regularly scheduled Planning Commission Meeting of March 3, 2026, to facilitate additional public feedback.

## **ATTACHMENT(S)**

- 1) Agenda Item Summary Document
- 2) Draft Text Amendment Chapter 173 (Article IX. - School Seat Allocation Policy)
- 3) Draft Text Amendments to Chapter 191 (New Article X. - Adequate Public Facilities Requirements)
- 4) Planning Commission Comments from: 1) Chair Banks, 2) Commissioner Miller, 3) Council member Guttenberg, 4) Vice-Chair Hudnell
- 5) Planning Commission Staff Report for January 6, 2026.
- 6) Written Public Comments on ZTA 01-2026 (Will Zeid, Kimley-Horn (01.28.26) and

**Zoning Text Amendment (ZTA) 01-2026 – Town of La Plata, Maryland  
Planning Commission Meeting of February 3, 2026**

Jason Groth, Charles County Government 02.01.26))

- 7) Power Point Presentation to Planning Commission on January 6, 2026.

-End of Report-



TOWN OF LA PLATA  
305 Queen Anne Street  
Post Office Box 2268  
La Plata, Maryland 20646

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## PLANNING COMMISSION STAFF REPORT

DATE: March 3, 2026

TO: Honorable Chair and Members of the Planning Commission

FROM: Don Dooley, Planning Director

PREPARED BY: Don Dooley, Planning Director

**APPLICATON NO.: Zoning Text Amendment (ZTA) 01-2026 – Adequate Public Facilities**

APPLICANT: Town of La Plata, Maryland

OWNER: N/A

PROJECT LOCATION: Town-wide

REQUEST: To add Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions to require adequate water, sewage, roads, and school seating capacity for new development in the Town of La Plata. Zoning Text Amendment (ZTA) 01-2026 also proposes to amend Chapter 173 (Subdivision and Land Development) in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code pertaining to regulations for adequate school seating capacity for new development.

### **BACKGROUND**

The La Plata Town Council expressed interest in creating requirements for new development to ensure adequate public infrastructure and services are in place to support new construction in Town so as not to diminish the quality of life for residents, businesses and visitors to La Plata. The Council is particularly interested in developing and retaining minimum public infrastructure standards pertaining to roads, water, sewage and school seating capacity. This will ensure new development does not impact minimum infrastructure thresholds set by the Town. These goals are not uncommon in other communities throughout Maryland which have adopted their own adequate public facilities ordinance (“APFO”) under one, cohesive, code or as a series of separate codes. By doing so, communities are creating a regulatory tool that promotes smart growth management so new development does not outpace a community’s ability to support it.

While such ordinances may slow or defer some development, adequate public facility ordinances are not, inherently, designed to discourage new development, only manage it. This is critical for growing communities, like La Plata, that are experiencing a significant influx of new development.

Based on Council direction, staff is proposing, under Zoning Text Amendment (ZTA) 01-2026, the addition of Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions to require adequate water, sewage, roads, and school seating capacity for new development in La Plata. Zoning Text Amendment (ZTA) 01-2026 also proposes to amend Chapter 173 (Subdivision and Land Development) in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code pertaining to regulations for adequate school seating capacity for new development.

As discussed above, Zoning Text Amendment (ZTA) 01-2026 does not propose to codify minimum infrastructure standards for roads, water, sewage and school seating capacity under a single ordinance. This is because school seating capacity is already addressed in Chapter 173 (Subdivision and Land Development) of the La Plata Zoning Code. Therefore, Zoning Text Amendment (ZTA) 01-2026 would, in part, modify this ordinance in conjunction with the development of a separate (new) ordinance to combine the topics of roads, water, and sewage capacity under a single ordinance through the proposed addition of Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code. Article X also proposes to cross-reference school seating capacity under Chapter 173.

For technical accuracy and clarity, it is worth noting that references to Zoning Text Amendment 01-2026 as the Town's "Adequate Public Facilities Ordinance (APFO)" is not accurate. It is really two separate ordinances (one existing and one proposed) as part of the administrative processing of Zoning Text Amendment (ZTA) 01-2026.

## **DISCUSSION**

### Planning Commission Meeting of January 6, 2026

At the Planning Commission Meeting of January 6, 2026, Zoning Text Amendment (ZTA) 01-2026 was introduced to the Planning Commission and the public hearing on the matter was opened for public comment.

During the meeting, the Commission asked several, clarifying, questions concerning the proposed text changes to Chapter 173 (Subdivision and Land Development) for school seating capacity in conjunction with the proposed additions to Chapter 191 (Zoning) of the La Plata Municipal Code concerning roads, water and sewage capacity under proposed Article X. Although no Commission changes to the draft language in ZTA 01-2026 were directed to be made during the meeting, the Commission did discuss the following, potential, changes to ZTA 01-2026:

- Incorporate language requiring the Town to specify the formula to be used to identify how 80% water and sewage capacity for the Town is calculated to enable the

development community to have awareness for planning future development in La Plata;

- The Town should incorporate reporting requirements in proposed Article X in which water and sewage capacity updates are provided to the community every six months. By doing so, it will provide an accurate and reliable number for developers to use when evaluating the impact of their development on the community under an Adequate Public Facilities Study (APFS).
- Align the expiration date for allocated water, sewage, and school seating capacity for internal consistency within the Town’s Municipal Code for new development.
- Develop a single APFO fee to cover the evaluations for road, water, sewage and school seating capacity under an Adequate Public Facilities Study (APFS).
- Consider revising ZTA 01-2026 to encourage creative mitigation measures within the design of a new development to lessen potential impacts to water, sewage and roads.

### Public Comments

There were two speakers who addressed the Planning Commission during the public hearing on January 6, 2026, with the following comments on ZTA 01-2026:

- There should be provisions to “grandfather” in projects that have already been submitted to the Town for approval without being required to following the requirements within proposed ZTA 01-2026. [Staff response: This comment has already been incorporated within proposed Section 191.92 (Water, sewage and school capacity allocations)]
- There should be provisions to permit exceptions to the proposed Level of Service (LOS) “C” for street intersections when existing road capacity already exceeds LOS C and there are no feasible mitigation measures to improve road capacity to LOS C that can be accomplished by a single development.
- The Town should align with the County concerning school seating capacity provisions and regulations. [Staff response: This comment is consistent with the draft revisions for school seating capacity allocation within Chapter 173].
- The public should have additional opportunity to review and address the Commission on ZTA 01-2026. [Staff response: The public hearing for ZTA 01-2026 was continued to February 3, 2026 and March 3, 2026].

As both the Commission and the public wanted additional time to review the proposed text for ZTA 01-2026, the public hearing on this item was continued to the next regularly scheduled Planning Commission Meeting of February 3, 2026 and to March 3, 2026.

### Town Council Meeting of January 13, 2026

During the Town Council Meeting of January 13, 2026, the Council wanted the opportunity to discuss the draft APFO with staff to better understand the proposed ordinance modifications and provide its initial feedback prior to the Planning Commission making its recommendations to the Town Council. During the meeting, the Council expressed its general support for the general intent of the proposed text within ZTA 01-2026. The Council seemed particularly interested in having proposed Article X (in Chapter 191)

require the Town to regularly report on existing water and sewage capacity allocations and the remaining allocations available for new development.

Although this was not a Town Council public hearing on ZTA 01-2026, the Council will conduct its own, de novo, public hearing on ZTA 01-2026 once the Planning Commission makes its formal recommendation(s) to the Town Council.

#### Planning Commission Meeting of February 3, 2026

During the Planning Commission Meeting of February 3, 2026, the representatives from the Charles County Public Schools attended the meeting to address Commission questions and comments concerning the proposed changes within Chapter 173 (Subdivision and Land Development) of the La Plata Zoning Code pertaining to school seating capacity allocation. The representatives expressed their support for the changes to Chapter 173, since it aligns with their protocols. As such, the Commission did not provide directions or request changes to the current draft revisions to Chapter 173. Similarly, the Commission did request any changes to the current draft of Article X in Chapter 191 (Zoning) of the La Plata Municipal Code concerning roads, water and sewage capacity.

#### Public Feedback

After the Planning Commission meeting of January 6, 2026, staff met with the local building/development community, local attorneys, and traffic engineers to obtain their feedback on the draft Adequate Public Facility Ordinances within ZTA 01-2026. Their comments have been provided in Attachment Nos. 5 through 7 for the Commission's consideration. Staff also included recent feedback received from the Scott Law Group in a memorandum dated February 6, 2026, in Attachment No. 7.

The new Town Attorney for La Plata will also be providing feedback on the proposed ordinance changes within ZTA 01-2026 for the Commission's consideration during its next regularly scheduled meeting of April 7, 2026.

The community feedback received by staff on ZTA 01-2026 is essential so new and proposed text changes consider multiple perspectives to ensure well-crafted ordinance language to achieve effective APFO implementation goals.

#### Draft Public Facilities Standards

Since the Planning Commission has not given direction to make specific changes to the draft ordinances within ZTA 01-2026, to date, and because staff has written a comprehensive evaluation/explanation for the proposed adequate public facilities standards pertaining to roads, water, sewage, and public-school seating capacity, no additional comments or changes have been made to the draft ordinances. However, based on anticipated Planning Commission direction and upcoming Town Attorney review, staff will be revising the text within ZTA 01-2026 for the Commission's review at its regularly scheduled meeting of April 7, 2026.

It should also be noted that since the February 3, 2026, Planning Commission Meeting, staff has contracted with Brudis and Associates, Inc (“BAI”) to assist staff with reviewing and improving upon proposed Article X in Chapter 191 (Zoning) of the La Plata Municipal Code concerning the draft APFO language pertaining to traffic and road standards. Brudis will assist staff in further refining and developing the technical provisions necessary within Article X to ensure its practical implementation using best traffic engineering practices based on successful implementation standards used in other communities that would be appropriate for La Plata.

During the March 3, 2026, Planning Commission Meeting, the Commission should provide any additional feedback on the Draft APFO changes under ZTA 01-2026. This will help the Town Attorney with his review of the draft ordinance changes and to evaluate Commission recommendations for alignment with State law. The Planning Commission should also encourage public feedback during the continued public hearing on ZTA 01-2026.

As before, staff is recommending the continuance of the public hearing to the next regularly scheduled Planning Commission Meeting of April 7, 2026, to promote on-going public comments on the changes to the Town’s Zoning Ordinance under ZTA 01-2026.

### **RECOMMENDATION**

Staff recommends the Planning Commission provide feedback on Zoning Text Amendment (ZTA) 01-2026 and continue the public hearing for the project to the next regularly scheduled Planning Commission Meeting of April 7, 2026, to facilitate additional public feedback.

### **ATTACHMENTS**

- 1) Agenda Item Summary Document
- 2) Draft Text Amendment Chapter 173 (Article IX. - School Seat Allocation Policy)
- 3) Draft Text Amendments to Chapter 191 (New Article X. - Adequate Public Facilities Requirements)
- 4) Planning Commission Comments from: 1) Chair Banks, 2) Commissioner Miller, 3) Council member Guttenberg, 4) Vice-Chair Hudnell
- 5) Written Public Comments on ZTA 01-2026 from Will Zeid, Kimley-Horn, dated January 28, 2026.
- 6) Written Public Comments on ZTA 01-2026 from Jason Groth, Planning Director, Charles County Government, dated February 1, 2026.
- 7) Written Public Comments from Steve Scott, Scott Law Group, dated February 6, 2026.
- 8) Power Point Presentation to Planning Commission on January 6, 2026.
- 9) Planning Commission Staff Report for January 6, 2026.
- 10) Planning Commission Staff Report for February 3, 2026

-End of Report-

## **Internal Contradictions in Allocatable Capacity (§ 173-93 & § 173-95)**

### **1. Dual Definitions of “Allocatable School Capacity”**

There are **two separate definitions** of Allocatable School Capacity:

- One based on the **lowest positive aggregate capacity across the three school levels**
- Another based on the **lesser of that number OR 6% of total net county capacity**

These should be consolidated into one clean definition.

### **Conflict Regarding Minimum Allocation of 100 Seats (§ 173-95A)**

The ordinance states:

“...in no event shall the number of school seats available for allocation in each fiscal year be less than one hundred (100).”

This directly conflicts with:

- Capacity-based calculations
- 6% systemwide cap
- The prohibition on allocation where no capacity exists

If no capacity exists at one school level, the Town legally cannot allocate 100 seats without undermining the entire APF framework.

**Recommendation:** Remove the mandatory 100-seat floor or clarify that it applies only when capacity exists.

### **Pool Structure (§ 173-95B)**

Pools are divided by:

- ≥50 lots
- <50 lots
- Recorded subdivisions
- Existing lots

Issues:

- 20% minimum allocation to recorded lots may restrict flexibility
- No clear policy justification for 50-lot threshold

- May unintentionally advantage large developers

### **Policy Impacts**

#### **For Developers:**

- Creates timing risk
- Encourages smaller phased plats
- Incentivizes age-restricted housing
- Rewards early application strategy

#### **For the Town:**

- Maintains growth control leverage
- Protects against overcrowding optics
- Limits exposure if County underbuilds schools

#### **For Schools:**

- If strictly applied, prevents over-allocation
- If 6-year provision used, undermines planning predictability



**TOWN OF LA PLATA  
Planning Commission Minutes**

March 3, 2026, 6:00 PM

Regular Meeting

Council Chambers, La Plata Town Hall

305 Queen Anne St.

La Plata MD

**PRESENT:** Chair Dawn Banks  
Vice Chair Jill Hudnell  
Councilman Paul Guttenberg  
Kyle Miller  
Emily Whale

**ABSENT:**

**TOWN STAFF:** Don Dooley, Director of Planning  
Kelly Phipps, Director of Legislative Services  
Shelby E. Pritchett, Town Clerk

**GUESTS:** Tyjon Johnson, Councilman, Ward 4

1. Call to Order

- 1.1. Attendees, please use meeting courtesy. Virtual attendees are asked to mute microphones when joining the meeting. Participants may be muted by the Town Clerk and meetings will be recorded.

In accordance with the Open Meetings Act, the public has the right to view/listen to the discussion only. At their discretion, the Planning Commission may allow participants to voice questions or provide comments on the topics under discussion. Written comments may be submitted via e-mail to [Legislative@townoflaplata.org](mailto:Legislative@townoflaplata.org). Members of the public wishing to address the Planning Commission in person may sign up in advance via the [town webpage](#) or upon arrival at the Council Chamber.

[Join the meeting now](#)

Meeting ID: 228 255 787 294 15

Passcode: t729yv36

(Calendar Year 2026)

1.2. Call to Order

Chair Banks called the meeting to order at 6:00 PM.

2. Roll Call and Quorum Verification

The Town Clerk conducted Roll Call.

3. Pledge of Allegiance

Commissioner Whale led all assembled in the Pledge of Allegiance.

4. Ex Parte Disclosure

Planning Commission members reported there are no Ex Parte conflicts to disclose.

5. Approval of Meeting Agenda

The Planning Commission reached a consensus to approve the agenda as presented.

6. Approval of Minutes

6.1. Approval of minutes from meeting on February 03, 2026.

Councilman Guttenberg moved to approve the minutes as presented.

Moved By: Paul Guttenberg, seconded by Kyle Miller.

Ayes: Chair Banks, Councilman Guttenberg, Miller

Nays: None

Abstained: Vice Chair Jill Hudnell, Emily Whale

Absent:

**Passed**

7. Planning Commission Elections

7.1. Election of Planning Commission Chair

Commissioner Miller moved to nominate Dawn Banks as Planning Commission Chair.

Moved By: Kyle Miller, seconded by Jill Hudnell.

**Passed Unanimously**

7.2. Election of Planning Commission Vice Chair

Chair Banks moved to nominate Jill Hudnell as Planning Commission Vice Chair.

Moved By: Dawn Banks, seconded by Emily Whale.

**Passed Unanimously**

8. Public Hearing - Continued from January 06, 2026

8.1. Zoning Text Amendment (ZTA) 01-2026 – Adequate Public Facilities

**Applicant:** Town of La Plata, Maryland

**Owner:** N/A

**Project Location:** Town-wide

**Request:** To add Article X (Adequate Public Facilities Requirements) to Chapter 191 (Zoning) of the La Plata Municipal Code for the purpose of providing regulatory provisions to require adequate water, sewage, roads, and school seating capacity for new development in the

Town of La Plata. Zoning Text Amendment (ZTA) 01-2026 also proposes to amend Chapter 173 (Subdivision and Land Development) in Article IX (School Seat Allocation Policy) of the La Plata Municipal Code pertaining to regulations for adequate school seating capacity for new development.

Chair Banks stated the details of the continued public hearing for Zoning Text Amendment (ZTA) 01-2026 Adequate Public Facilities.

#### 8.2. Review of Purpose and Procedures for Public Hearing (Town Clerk)

The Town Clerk read the Public Hearing Purpose and Procedures verbatim.

#### 8.3. Call to Order (Presiding Officer/ Chair)

The Public Hearing commenced at 6:06 PM upon completion of the reading of the Purpose and Procedures by the Town Clerk.

#### 8.4. Presentation by Staff

Director Dooley reported on requests to modify the proposed language in Zoning Text Amendment (ZTA) 01-2026 from the Planning Commission and Public Comment from the January 6, 2026, Public Hearing. Director Dooley informed the Planning Commission that staff had engaged with a Traffic Engineer Firm to vet the road component of the draft Adequate Public Facilities Ordinances (APFO). Director Dooley stated that staff is going to decouple the roads component from the water, sewer, and school allocation components of the APFO due to the Traffic Engineer Firm review timelines. Final comments are requested to allow staff to make final adjustments to the draft APFO for review in the form of a resolution at the regularly scheduled April 7, 2026, Planning Commission meeting.

#### 8.5. Planning Commission Questions and Comments

Director Dooley received feedback and answered questions from the Planning Commission.

#### 8.6. Public Comment

- Speakers (signed up) are called on by the presiding officer.
- Those wishing to provide in-person testimony may sign up in advance no later than 3:00 PM on the day of the public hearing via the [town webpage](#), or upon arrival at the Council Chambers via sign-up sheet.
- Speakers who register in advance will be recognized prior to speakers who register upon arrival at the public hearing.
- In-person registration to speak will end when the relevant public hearing is opened.
- At the discretion of the presiding officer, time may be limited to 3 minutes and may not be yielded.

No public speakers were present at this meeting.

#### 8.7. Applicant Rebuttal

No additional applicant rebuttal.

#### 8.8. Planning Commission Discussion

No additional discussion.

#### 8.9. Applicant Closing Statements

Director Dooley reiterates the staff recommendation to keep the record open through the April 7, 2026, Planning Commission meeting.

#### 8.10. Closing of Public Hearing

When the public hearing is concluded, the Commission will not hear further public comments or questions during the meeting.

Councilman Guttenberg moved to continue the public hearing to April 7, 2026, in accordance with staff recommendation.

Moved By: Paul Guttenberg, seconded by Emily Whale.

### **Passed Unanimously**

#### 9. Public Comment

No public speakers were present at this meeting.

#### 10. Matters of Information

##### 10.1. Staff Report

Director Dooley advised there was nothing further to report.

##### 10.2. Town Council Report

Councilman Guttenbuerg reported on the eagerness of the council to review the work put into the Adequate Public Facilities Order (APFO) and thanked the Commission and Staff for their work.

#### 11. Adjourn

##### 11.1. Adjournment

Chair Banks adjourned the meeting at 6:48 PM.

Submitted by:

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Shelby Pritchett, Town Clerk