

# APPENDIX

## C



## CHAPTER 156: ADEQUATE PUBLIC FACILITIES AND CONCURRENCY MANAGEMENT

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### § 156.01 PURPOSE.

(A) The purpose of this chapter is to ensure that proposed or planned residential growth proceeds at a rate that will not unduly strain public facilities, including schools, roads, water and sewer facilities, and police, fire, and emergency medical services.

(B) This chapter establishes minimum adequacy standards or thresholds for these facilities and services and mandates that the cumulative impacts of proposed or planned residential growth, within the incorporated municipalities and the county, be considered in testing for adequacy under these standards.

(C) This chapter does not abrogate or supersede any other applicable statutes, ordinances, regulations, or policies.

(2004 Code, § 71-1) (Ord. 161, passed 3-5-1998; Ord. 02-12, passed 8-13-2002; Ord. 04-13, passed 4-20-2004)

### § 156.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any term not defined in this chapter shall have the meaning as defined in any chapter of the County Code. Any term not defined in the County Code in any chapter shall have its generally accepted meaning.

**ADEQUACY APPROVAL.** The process by which the adequacy of public facilities and services is determined.

**AVAILABLE THRESHOLD CAPACITY(ATC).** The amount of capacity available for future development under this chapter determined by balancing the county's ability to pay for infrastructure, schools, and police, fire, and emergency medical services with building permit reservations and phasing of projects. Capacity of a facility is determined by the county or the incorporated municipality, if applicable.

**BUILDING PERMIT.** As used in this chapter, the term **BUILDING PERMIT** includes only projects that create one or more new residential dwelling units or equivalent dwelling units.

**BUILDING PERMIT CAP.** The number of residential building permits to be issued during a fiscal year in a specific area of the county or county-wide, as authorized by this chapter.

**BUILDING PERMIT RESERVATION.** The ability to apply for a building permit, as authorized by this chapter.

**COMMUNITY INVESTMENT PLAN (CIP).** The six-year plan adopted annually by the County Commissioners to provide, expand, and renovate public facilities.

**DEPARTMENT.** The Department of Land Use, Planning, and Development, or any successor agency designated by the County Commissioners.

**DEVELOPER.** An individual, partnership, firm, corporation, or unincorporated association that undertakes or participates in the activities covered by this chapter.

**DEVELOPMENT PIPELINE.** Unrecorded residential development projects for which the county has accepted a concept plan or an incorporated municipality has accepted a plan.

**DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**EQUIVALENT DWELLING UNIT.** For multi-unit residential development which does not contain complete dwelling units, the number of dwelling units shall be calculated as follows:

- (1) For the first eight occupants, one dwelling unit; and
- (2) For every three occupants after the first eight occupants, one additional dwelling unit.

**LATE RESPONSE.** An incident when the primary unit from the first-due Fire Department responds after the allotted time has elapsed as determined by the Carroll County Volunteer Emergency Services Association (CCVESA) or its successor.

**LEVEL OF SERVICE.** A qualitative measure describing operational conditions on road segments and intersections. Designations of A (free flow) through F (heavily congested) are determined based on criteria established by the Department of Public Works or the State Highway Administration, or their successor agencies, as applicable.

**MAXIMUM DAY DEMAND.** The annual average day demand for water multiplied by 1.75.

**NO RESPONSE.** An incident when the primary unit from the first-due Fire Department fails to respond.

**PHASING.** The scheduled stages by which a project or sections of lots subject to this chapter may proceed which regulate the progress of the project concurrent with available or adequate public facilities or services, or future availability of a relief facility.

**PROJECTED ANNUAL AVERAGE DAILY FLOW.** The annual average daily flow for sewerage plus the projected flow for the proposed use.

**RESIDENTIAL DEVELOPMENT.** All proposed buildings or structures which will contain one or more dwelling units or equivalent dwelling units. This term includes an accessory dwelling, nursing home, continuing care retirement community, and assisted living facility. This term does not include a hospital, hotel, motel, or similar building used for transient overnight stays.

**RETIREMENT HOME.** A development consisting of one or more buildings designed to meet the needs of, and exclusively for, the residences of persons at least 55 years of age.

**ROADS.** Applies to public roads that the county or other governmental entity owns or has primary maintenance responsibility.

**SCHEDULED COMPLETION YEAR.** The year established by the Planning Commission for recordation of each section of a project.

**SCHOOLS.** Applies only to public schools kindergarten through grade 12.

(2004 Code, § 71-2) (Ord. 161, passed 3-5-1998; Ord. 02-12, passed 8-13-2002; Ord. 04-13, passed 4-20-2004; Ord. 08-01, passed 2-14-2008)

### **§ 156.03 APPLICABILITY.**

(A) **Included.** This chapter applies to:

- (1) Major residential subdivisions;
- (2) Site plans for residential development; and
- (3) Mobile home parks.

(B) **Exemptions.** This chapter does not apply to:

- (1) Off conveyances, including off conveyed lots and remainders;
- (2) Commercial and industrial projects;
- (3) Minor residential subdivisions;
- (4) Government uses of property and improvements;
- (5) Amendments to plats and site plans that do not increase residential density over that already

approved;

- (6) Residential subdivisions on property subject to an agricultural land preservation easement; and
- (7) Attached and detached accessory dwellings.

(C) **Modified adequacy testing for certain projects.**

(1) Provided retirement homes are located within a public water and a public sewer service area, retirement homes do not require adequacy approval as to schools but shall meet all other requirements of this chapter.

(2) Final plats and site plans for which the Planning Commission or Department of Planning issued final approval but were not recorded on or before March 5, 1998, shall meet the building permit requirements of this chapter but are not required to obtain adequacy approval in order to be eligible for building permits.

(2004 Code, § 71-3) (Ord. 161, passed 3-5-1998; Ord. 02-12, passed 8-13-2002; Ord. 04-13, passed 4-20-2004; Ord. 07-07, passed 5-17-2007; Ord. 08-01, passed 2-14-2008; Ord. 2011-02, passed 5-17-2011; Ord. 2012-02, passed 2-23-2012; Ord. 2012-02, passed 5-10-2012)

### **§ 156.04 BUILDING PERMITS.**

(A) In areas of the county where thresholds are not met, are approaching inadequacy, or a need to finance facilities exists, the county may establish a building permit cap prescribing the number of residential building

allocations to be issued in that area. In those areas, the county shall determine the total number of building permit reservations per year and the number of building permit reservations to be allocated per subdivision. Building permit reservations are nontransferable from one lot to another. The county may reserve a certain number of the building permits for projects not subject to this chapter. The county may also allow a certain number of building permit reservations in certain areas where services or facilities are inadequate or approaching inadequate if the County Commissioners determine that exceptional circumstances exist.

(B) The county intends that the number of residential development building permit approvals issued in the county shall not exceed an average of 6,000 during any six-year period. For purposes of counting the 6,000 permits, all building permits issued county-wide, including those issued in municipalities and those issued for projects that are not subject to this chapter, shall be included. In order to achieve this goal, the county may establish a building permit cap prescribing the number of residential building permits to be issued in the county for projects listed in § 156.03(A).

(C) The Department, in making recommendations to the Planning Commission regarding the adequacy of public facilities and services for projects subject to this chapter, shall consider the cumulative impacts of the development pipeline in both the county and in the incorporated municipalities. In determining the adequacy of facilities and services, the Planning Commission shall consider the impact of the project and the cumulative impact of the development pipeline in both the county and in the incorporated municipalities.

(D) Except as otherwise provided in divisions (A) or (B) above, building permits that are subject to this chapter shall be issued on a first come, first served basis.

(E) Building permit limits:

(1) Except as provided in division (E)(2) below, the county shall not issue more than 25 building permits per subdivision or 25 residential dwelling units or equivalent dwelling units, as applicable for the project, per fiscal year. The building permits are nontransferable from one lot to another and shall not exceed 25 per subdivision regardless of multiple or successive ownership;

(2) For multi-unit residential site plans, the county shall not issue a building permit or permits for more than 50 residential dwelling units or equivalent dwelling units, as applicable for the project, per fiscal year;

(3) A developer may not circumvent the provisions of this chapter by submitting piecemeal applications for approvals for any parcel of land subdivided after March 5, 1998; and

(4) This division (E) is in addition to and not in lieu of any other limit imposed by law, regulation, or PWA.

(F) Nothing in this chapter shall be construed to limit the number of building permits the county will issue for projects within the boundaries of incorporated municipalities.

(2004 Code, § 71-4) (Ord. 161, passed 3-5-1998; Ord. 02-12, passed 8-13-2002; Ord. 04-13, passed 4-20-2004; Ord. 08-01, passed 2-14-2008; Ord. 2010-04, passed 4-1-2010)

#### **§ 156.05 ADEQUACY APPROVAL.**

(A) **Required.** ATC is required for all years in the current six-year CIP.

(B) **Designation as inadequate.** No project may be approved by the Commission if a public facility or service is inadequate or projected to be inadequate during the current CIP, unless a relief facility is planned to address the inadequacy or the developer provides mitigation acceptable to the county or the Board of County Commissioners has determined that exceptional circumstances exist to allow the approval despite the inadequacy or approaching inadequacy. No residential plat may be recorded or final residential site plan approved until a relief facility planned to address the inadequacy in the current CIP has construction underway and completion is anticipated within six months or the developer provides mitigation acceptable to the county or the Board of County Commissioners has determined that exceptional circumstances exist.

(C) **Preliminary approval.** For projects that received preliminary approval by the Commission after March 5, 1998, and prior to April 22, 2004, the developer shall submit the project to the Commission for issuance of a recordation schedule and building permit reservations. For projects that received preliminary approval by the Commission prior to March 5, 1998, the project shall be tested for adequacy when final plan approval is sought pursuant to § 156.06(E).

(D) **Threshold requirements.**

(1) **Adequacy.**

(a) **Schools.** An elementary or high school serving a proposed project is adequate, for the purposes of this subchapter, when current or projected enrollment equals or is less than 109% of the state-rated capacity. A middle school serving a proposed project is adequate, for the purposes of this subchapter, when current or

projected enrollment equals or is less than 109% of the functional capacity.

(b) **Roads.** Projected level of service for road segments and intersections within the traffic impact study area for the proposed project is adequate if rated Level of Service C or better, according to the Department of Public Works or by the state, as applicable.

(c) **Fire and emergency medical services.** Services are adequate if:

1. Total number of late and no responses is less than 15%, and the total number of no responses is less than 4% measured on a 24-month basis, updated monthly;
2. Using an average over the previous 24 months, response time is eight minutes or less from time of dispatch to on-scene arrival with adequate apparatus and personnel; and
3. All bridges and roads for the most direct route or acceptable secondary route to the project site are adequate to support fire and emergency response apparatus.

(d) **Police services.** Services are adequate if the projected ratio of sworn law enforcement officers to population is 1.3:1,000. The ratio shall be calculated by counting all sworn officers with law enforcement responsibility in an incorporated municipality or within the county and by counting the total population within the incorporated municipalities and within the unincorporated county.

(e) **Water and sewer services.** For water services, the facility is adequate if the maximum day demand is less than 85% of the total system production capacity. For sewer services, the facility is adequate if the projected annual average daily flow is less than 85% of the wastewater treatment facility permitted capacity.

(2) **Approaching inadequacy.**

(a) **Schools.** An elementary school serving a proposed project is approaching inadequate, for the purposes of this subchapter, when current or projected enrollment is 110% to 119% of the state-rated capacity. A middle school serving a proposed project is approaching inadequate, for the purposes of this subchapter, when current or projected enrollment is 110% to 119% of the functional capacity. A high school serving a proposed project is approaching inadequate, for the purposes of this subchapter, when current or projected enrollment is 110% to 119% of the state-rated capacity.

(b) **Roads.** Projected level of service for road segments and intersections within the traffic impact study area for the proposed project is approaching inadequate if rated Level of Service D, according to the Department of Public Works or by the state, as applicable.

(c) **Fire and emergency medical services.** Services are approaching inadequate if:

1. Either the total number of late and no responses equals or exceeds 15%, or the total number of no responses equals or exceeds 4% measured on a 24-month basis, updated monthly, but not both; or
2. Using an average over the previous 24 months, response time is between eight and ten minutes from time of dispatch to on-scene arrival with adequate apparatus and personnel.

(d) **Police services.** Services are approaching inadequate if the projected ratio of sworn law enforcement officers to population is between 1.2-1.3:1,000. The ratio shall be calculated in accordance with division (D)(1)(d) above.

(e) **Water and sewer services.** For water services, the facility is approaching inadequate if the projected maximum day demand is equal to or greater than 85% but less than 95% of the total system production capacity. For sewer services, the facility is approaching inadequate if the projected annual average daily flow is greater than or equal to 85% but less than 95% of the wastewater treatment facility permitted capacity.

(3) **Inadequacy.**

(a) **Schools.** An elementary school serving a proposed project is inadequate, for the purposes of this subchapter, when current or projected enrollment is equal to or greater than 120% of the state-rated capacity. A middle school serving a proposed project is inadequate, for the purposes of this subchapter, when current or projected enrollment is equal to or greater than 120% of the functional capacity. A high school serving a proposed project is inadequate, for the purposes of this subchapter, when current or projected enrollment is equal to or greater than 20% of the state-rated capacity.

(b) **Roads.** Projected Level of Service for road segments and intersections within the traffic impact study area for the proposed project is E or F, according to the Department of Public Works or by the state, as applicable.

(c) **Fire and emergency medical services.** Services are inadequate if:

1. Total number of late and no responses equals or exceeds 15%, and the total number of no

responses equals or exceeds 4% measured on a 24-month basis, updated monthly;

2. Using an average over the previous 24 months, response time exceeds ten minutes from time of dispatch to on-scene arrival with adequate apparatus and personnel; or

3. A bridge or road is inadequate to support fire and emergency response apparatus for the most direct route and a bridge or road is inadequate to support fire and emergency response apparatus for the acceptable secondary route to the project site.

(d) **Police services.** Services are inadequate if the projected ratio of sworn law enforcement officers to population is anything less than 1.2:1,000. The ratio shall be calculated in accordance with division (D)(1)(d) above.

(e) **Water and sewer services.** For water services, the facility is inadequate if the projected maximum day demand is equal to or greater than 95% of the total system production capacity. For sewer services, the facility is inadequate if the projected annual average daily flow is greater than or equal to 95% of the wastewater treatment facility permitted capacity.

(4) **Building permit requirements.** The availability of building permit reservations as limited by a building permit cap as adopted pursuant to § 156.04.

(2004 Code, §71-5) (Ord. 161, passed 3-5-1998; Ord. 02-12, passed 8-13-2002; Ord. 04-13, passed 4-20-2004; Ord. 08-01, passed 2-14-2008; Ord. 2010-04, passed 4-1-2010; Ord. 2012-02, passed 2-23-2012)

### **§ 156.06 APPROVAL PROCESS.**

(A) **Compliance.** No development project subject to this chapter may be approved by the Planning Commission until the project has satisfied the requirements of this chapter.

(B) **Violations.** Any permit or approval obtained in violation of this chapter is void.

(C) **Concept process.**

(1) A concept concurrency application for a residential subdivision or other project subject to this chapter shall be submitted when a concept plan, pursuant to Chapter 155, is submitted to the Department. The application shall contain:

- (a) The number of units, type of units, and gross density of the proposed project;
- (b) The location of the proposed project;
- (c) Identification of the public facilities impacted by the proposed project;
- (d) The tax account identification number; and
- (e) Any other relevant information required by the county.

(2) Upon acceptance by the county of a completed concept concurrency application, the Department shall review the proposed project for ATC and compliance with this chapter. The Department, as staff to the Planning Commission, shall issue a tentative determination as to the adequacy of public facilities. The tentative determination does not constitute any guarantee of adequacy of public facilities and is not binding upon the Planning Commission.

(3) The tentative determination shall expire six months after issuance unless a preliminary plan is submitted and accepted for review in accordance with Chapter 155.

(D) **Preliminary process.**

(1) **Application.** A preliminary concurrency application for a residential subdivision or other project subject to this chapter shall be submitted when a preliminary plan, pursuant to Chapter 155, is submitted to the Department. The application shall contain:

- (a) The number of units, type of units, and gross density of the proposed project;
- (b) The location of the proposed project;
- (c) Identification of the public facilities impacted by the proposed project;
- (d) A traffic impact study for roads and intersections completed in accordance with the traffic impact study guidelines contained in the Department of Public Works' *Design Manual, Volume I, Roads and Storm Drains*, as revised or amended;
- (e) The tax account identification number; and
- (f) Any other relevant information required by the county.

(2) **Distribution and review.**

(a) After all review agency comments have been addressed and the Department has determined that the preliminary plan may be presented to the Planning Commission, the Department shall distribute the ATC form and preliminary plan to the appropriate agencies for review and comment.

(b) Upon receipt of all applicable agency comments and ATC forms, the Department shall review the

proposed project for ATC and compliance with this chapter.

(c) If no response is received from any applicable agency within 30 days of the date the Department distributes the ATC form, the ATC shall be presumed adequate for the particular facility or service for which no response was received.

(d) No preliminary plan may be presented to the Planning Commission until the written report is prepared pursuant to division (D)(3) below.

(e) The preliminary plan may not be withdrawn from the Planning Commission agenda by the developer after the distribution of the ATC form. The preliminary plan shall be presented to the Planning Commission for adequacy approval.

(3) **Report.** The Department shall forward a written report to the Planning Commission including a recommendation as to whether adequacy approval should be granted and the following information:

(a) The number and type of units the proposed project would generate;

(b) The specific public facilities impacted by the proposed project;

(c) The extent of impact of the proposed project;

(d) The availability of ATC to serve the proposed project during the scheduled completion year and all remaining years in the existing CIP;

(e) The demand on existing and planned public facilities and services from all existing and approved development in the proposed project's applicable service area or district, including lots or projects not subject to this chapter, as follows:

1. Existing lots and subdivisions, including residential units which have been approved by the Planning Commission, in the impact area; and

2. All residential building permits proposed or projected in the impact area for the six-year CIP period including units which are not subject to this chapter, such as off conveyances, minor subdivisions in the "A" District, and residential projects located in incorporated municipalities.

(f) If any existing facilities or services are inadequate, whether any facilities or services are planned in the CIP or budget that would alleviate the inadequacy, including the year in which the facilities or services are projected to be completed and operational and the extent to which they would alleviate the inadequacy.

(4) **Planning Commission adequacy determination.**

(a) **Denial.** If a public facility or service is inadequate or projected to be inadequate during the current CIP at the preliminary plan stage and no relief facility is planned in the six-year CIP to address the inadequacy or no mitigation is accepted by the county pursuant to § 156.06(B), the plan shall be denied by the Commission. At the request of the developer, the plan may be placed in a queue and retested on an annual basis.

(b) **Conditional approval.** If a public facility or service is inadequate and a relief facility is planned in the six-year CIP to address the inadequacy or mitigation is accepted by the county pursuant to § 156.06(B), or a public facility or service is approaching inadequate during the current CIP, the Planning Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.

(c) **Approval.** If all public facilities and services are adequate during the current CIP, the Planning Commission may approve the plan to proceed to the final plan stage and issue a recordation schedule and building permit reservations, subject to a building permit cap adopted by the County Commissioners in effect at the time of application for building permits.

(5) **Retesting.** For projects released from a queue, the project will be retested as to the facility or service which was inadequate or projected to be inadequate, in accordance with this division (D).

(E) **Final process.**

(1) **Application.** A final concurrency application for a residential subdivision or other project subject to this chapter shall be submitted when a final plat or site plan, pursuant to Chapter 155, is submitted to the Department. The application shall contain:

(a) The number of units, type of units, and gross density of the proposed project;

(b) The location of the proposed project;

(c) Identification of the public facilities impacted by the proposed project;

(d) The tax account identification number;

(e) For a site plan, a traffic impact study for roads and intersections completed in accordance with the

traffic impact study guidelines contained in the Department of Public Works' *Design Manual, Volume I, Roads and Storm Drains*, as revised or amended; and

(f) Any other relevant information required by the county.

(2) **Distribution and review.**

(a) After all review agency comments have been addressed and the Department has determined that the final plan may be presented to the Planning Commission, the Department shall distribute the ATC form and final plan to the appropriate agencies for review and comment.

(b) Upon receipt of all applicable agency comments and ATC forms, the Department shall review the proposed project for ATC and compliance with this chapter.

(c) If no response is received from any applicable agency within 30 days of the date the Department distributes the ATC form, the ATC shall be presumed adequate for the particular facility or service for which no response was received.

(d) No final plan may be presented to the Planning Commission until the written report is prepared pursuant to division (D) below.

(e) The final plan may not be withdrawn from the Planning Commission agenda by the developer after the distribution of the ATC form. The final plan shall be presented to the Planning Commission for adequacy approval.

(3) **Report.** The Department shall forward a written report to the Planning Commission including a recommendation as to whether adequacy approval should be granted and the following information:

(a) The number and type of units the proposed project would generate;

(b) The specific public facilities impacted by the proposed project;

(c) The extent of impact of the proposed project;

(d) The availability of ATC to serve the proposed project during the scheduled completion year and all remaining years in the existing CIP;

(e) The demand on existing and planned public facilities and services from all existing and approved development in the proposed project's applicable service area or district, including lots or projects not subject to this chapter, as follows:

1. Existing lots and subdivisions, including residential units which have been approved by the Planning Commission, in the impact area;

2. All residential building permits proposed or projected in the impact area for the six-year CIP period, including units which are not subject to this chapter, such as off conveyances, minor subdivisions in the "A" District, and residential projects in incorporated municipalities.

(f) If any existing facilities or services are inadequate, whether any facilities or services are planned in the CIP or budget that would alleviate the inadequacy, including the year in which the facilities or services are projected to be completed and operational and the extent to which they would alleviate the inadequacy.

(4) **Planning Commission adequacy determination.**

(a) **Denial.** If a public facility or service is inadequate or projected to be inadequate during the current CIP at the final plan stage and no relief facility is planned in the six-year CIP to address the inadequacy or no mitigation is accepted by the county pursuant to § 156.06(B), the plan shall be denied by the Planning Commission. At the developer's request, the plan may be placed in a queue and retested on an annual basis.

(b) **Conditional approval.** If a public facility or service is inadequate and a relief facility is planned in the six-year CIP to address the inadequacy or mitigation is accepted by the county pursuant to § 156.06(B) or a public facility or service is approaching inadequate, the Planning Commission may approve the plan subject to a phasing plan for recordation or may defer the project and place the plan in a queue to be retested on an annual basis. The Director of the Department may approve amendments to phasing plans.

(c) **Approval.** If adequacy was not determined by the Planning Commission at the preliminary plan stage and the Planning Commission determines that all public facilities and services are adequate, the Planning Commission may approve the plan and issue a recordation schedule and building permit reservations.

(d) **Conditional approval.** For projects that received a conditional approval and tentative recordation schedule at the preliminary plan stage, the Planning Commission shall review the facility or service which was inadequate or approaching inadequate at the preliminary plan stage and may modify the recordation schedule and building permit reservations or place the project in a queue, at the discretion of the Planning Commission.

(e) **Permit cap.** For projects that received a recordation schedule and building permit reservations at the preliminary plan stage, the Planning Commission's Secretary shall inform the developer whether any existing or proposed building permit cap would be applicable to the project.

(f) **Extensions.** The Director of the Department may grant extensions to recordation deadlines for successive one year periods. The denial of an extension request does not constitute an order, requirement, decision or determination made by an administrative official for the purposes of § 158.133 of Chapter 158, Zoning. If an extension request is denied by the Director of the Department, the request may be presented to the Planning Commission and a decision of the Planning Commission may be appealed to the BZA in accordance with § 158.133.

(F) **Inventory.** The Department shall maintain an inventory of the disposition and current status of all pending projects, including those not subject to this chapter, and any queue.

(G) **Fees.** The county may assess fees to offset the costs of administering this chapter.

(H) **Sunset provisions.** In the event a project is placed in a queue, the Director of the Department may extend the sunset provision in accordance with § 155.056(G). If a project is placed in a queue due to an inadequacy or approaching inadequacy for schools, the plan may be re-tested when the annual enrollment projections are released by the Carroll County Board of Education.

(2004 Code, § 71-6) (Ord. 161, passed 3-5-1998; Ord. 02-12, passed 8-13-2002; Ord. 04-13, passed 4-20-2004; Ord. 08-01, passed 2-14-2008; Ord. 2010-04, passed 4-10-2010; Ord. 2011-02, passed 5-17-2011)

### **§ 156.07 RESIDENTIAL DEVELOPMENT DATABASE AND ANNUAL REPORT.**

(A) The Department shall develop and maintain a complete residential development database for use by the county, incorporated municipalities, and the public. The database shall contain the following information:

(1) For each school district, fire district, community planning area, incorporated municipality, and other designated geographical boundary, the number of projects, lots, and residential units subject to this chapter and the number of projects, lots, and residential units not subject to this chapter;

(2) For each school district, community planning area, and other designated geographical boundary, a calculation of the ATC, for both residential and commercial/industrial land uses, for the facilities and services covered by this chapter, including the additional capacity of future public facilities in the CIP for which funds may be committed within the next six years; and

(3) The current population and projected population growth.

(B) The Department shall prepare an annual concurrency management report for use by the Commission and the county in reviewing the CIP and in administering this chapter. In conjunction with its recommendations on the CIP, the Planning Commission shall forward its comments on the report to the County Commissioners with recommendations for building permit caps designated by area or county-wide; capital improvements needed to serve residential development; and amendments to this chapter. The concurrency management report shall contain:

(1) A summary of all subdivisions and site plans approved by the Planning Commission, approved lots, units, and projects subject to this chapter, building permits issued;

(2) A summary of all units, lots, and projects not subject to this chapter, including an annual average for the last four fiscal years of all residential permits not subject to this chapter, including off conveyances, minor subdivisions in the "A" District, pre-existing lots, and residential projects located in incorporated municipalities;

(3) An examination of growth trends and projections in the county, including building permits issued during the preceding six fiscal years;

(4) Facility capacity information for each public facility and service listed in this chapter, including projections of capacity for each of the six years in the CIP;

(5) For each school, functional capacity, state-rated capacity, and any other relevant information;

(6) Student population projections by the Carroll County Board of Education and by the county;

(7) An evaluation of fire and emergency medical services with respect to late and no responses, response time, and adequacy of roads and bridges for each volunteer fire department;

(8) For each threshold adopted by the county, a calculation of remaining capacity;

(9) An inventory of timing of relief facilities in the CIP to mitigate current and future inadequacies and a staff recommendation for future capital improvements and building permit caps to achieve concurrency;

(10) A cumulative total of all approvals and denials under this chapter, including a list of projects placed

in a queue for an inadequate or approaching inadequate facility or service;

(11) Proposed changes to the boundaries of impact areas for any public facility;

(12) Proposed changes to existing or adopted threshold standards;

(13) Proposed changes in concurrency analysis methodologies; and

(14) Recommended amendments to this chapter, including but not limited to changes to the thresholds imposed by this chapter, and changes to the concurrency management or development review programs.

(C) When a facility or service approaches inadequacy as determined by the Department or government agency responsible for funding the facility or service, the Department shall recommend changes to the ATC and adoption of a building permit cap in accordance with this chapter to the Board of County Commissioners.

(2004 Code, § 71-7) (Ord. 161, passed 3-5-1998; Ord. 02-12, passed 8-13-2002; Ord. 04-13, passed 4-20-2004; Ord. 08-01, passed 2-14-2008; Ord. 2012-02, passed 2-23-2012)