

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2023 Legislative Session

---

**Reference No.:** CB-086-2023

**Draft No.:** 1

**Committee:** PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

**Date:** 9/26/2023

**Action:** FAV

---

### REPORT:

Committee Vote, Favorable (In favor: Council Members Ivey, Blegay, Dernoga, Olson, and Oriadha)

The Planning, Housing and Economic Development (PHED) Committee convened on September 26, 2023, to consider CB-086-2023. As presented on September 12, 2023, this Subdivision Bill amends Section 24-4502 of Subtitle 24, Subdivisions, in the County Code to repeal the discretion held by the County governing body to waive adequate public safety facility mitigation requirements set forth in the County Subdivision Regulations. It applies prospectively to all development requiring subdivision approval that is subject to the public safety facilities adequacy requirements.

The Acting PHED Committee Director summarized the legislation for the Committee and informed the Committee of written comments received on referral. The Planning Department Staff of the Maryland-National Capital Park and Planning Commission submitted comments on the legislation by Memorandum dated September 20, 2023, recommending that the Planning Board Support the legislation with Amendments, stating:

It should be noted that waiving the public safety facilities mitigation requirements for specific projects reduces collected revenue for police, fire, emergency medical services or the ability to address public safety infrastructure adequacies throughout the County.

Staff notes CB-86-2023 is silent as to potential retroactive application; as such, all prior subdivision development projects that may have been subject to prior waivers are unaffected by this bill. There is no language in CB-86-2023 that discusses the possible repeal of CR-126-2020 and CR-111-2022. If the Council's intent is to repeal those resolutions, this should be clear in CB-86-2023 or in the appropriate mechanism such as a Council Resolution. It is important to note that in not clearly repealing those resolutions, they remain in effect because the provision being removed by CB-86-2023 has already been used to pass and enable those resolutions.

The Office of Law submitted a Memorandum dated September 25, 2023, finding the legislation in proper legislative form and adopting the substantive comments of the Planning Department Staff.

Rana Hightower, Planning Department Intergovernmental Affairs Coordinator, offered comments to the Committee to further elucidate the points raised in the September 20, 2023, Memorandum.

Rhonda Weaver, County Attorney, restated the position expressed by the Office of Law in its September 25, 2023, Memorandum.

Sakinda Skinner, County Council Liaison, summarized the County Executive's position on the legislation. Ms. Skinner also indicated that the Office of the County Executive and members of the Police and Fire Departments will provide additional comments at the time of the public hearing process for the legislation.

Council Vice Chair Blegay, the bill's sponsor, explained the underlying public purpose of the legislation to limit unbridled sprawl in areas of the County that are not meeting statutory response times for public safety services. Removing the discretionary waiver for mitigation of adequacy requirements will help to ensure development is commensurate with public safety adequacy.

After receiving testimony from several individuals in support of the legislation, PHED Committee Chair Ivey turned to her colleagues for discussion.

Following discussion, on a motion by Council Member Olson, seconded by Council Vice Chair Blegay, the Committee voted favorable, 5-0, on CB-086-2023 (DR-1) as drafted.