

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 1/6/2004 **Reference No.:** CB-73-2003

Proposer: Dernoga **Draft No.:** 2

Sponsors: Dernoga, Harrington, Peters, Dean, Exum

Item Title: A Subdivision Bill amending the criteria for approving a subdivision when adequate public road facilities are programmed for construction

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Andrew D. Eppelmann
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/30/2003 **Executive Action:** 12/18/2003 V

Committee Referral: 9/30/2003 PZED **Effective Date:** __/__/__

Committee Action: 10/8/2003 FAV(A)

Date Introduced: 10/14/2003

Public Hearing: 11/25/2003 10:00 A.M.

Council Action: 11/25/2003 ENACTED

Council Votes: PS:-, MB:A, SHD:A, TD:A, CE:A, DCH:A; TH:N, TK:A, DP:A

Pass/Fail: P

Council Action: 1/6/2004 MOTION TO OVERRIDE VETO (FAILED)

Council Votes: TK:N:-, MB:N, SHD:A, TD:A, CE:A, DCH:A; TH:N, DP:A, PS:N

Pass/Fail: F

Remarks: This bill was vetoed

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

10/8/03

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members
Harrington, Dernoga, Dean, Exum and Knotts)

Staff summarized the purpose of the bill and written referral comments that were received. CB-73-2003 amends the transportation adequate public facilities provisions in the Subdivision Regulations to require planned facilities to proceed to construction in a timely manner in order to be used to find adequacy. The bill provides that once placed in the County's Capital Improvement Program (CIP) or State Consolidated Transportation Program (CTP), a road can

only be used to determine transportation adequacy, for six years. If the facility is not constructed in six years, it may no longer be used for a finding of adequacy and may not be used until the road is actually constructed.

Council Member Dernoga, the bill's sponsor, explained that the provisions of this legislation are intended to protect residential communities that are continually burdened with traffic as a result of approvals of development applications based on road improvements being included in the CIP or CTP, but they are never constructed.

The Planning Board supported CB-73 with modifications. The Board recommended that the six-year limitation begin in the year when the project is shown as fully funded in the CIP or CTP. The Principal Counsel found the bill to be in proper legislative form. The Office of Audits and Investigations determined there may be some negative fiscal impact on the County as a result of enacting CB-73-2003. An amount, if any, would be minimal.

The Maryland-National Capital Building Industry Association submitted a letter requesting that the committee give CB-73 an unfavorable recommendation. The letter states: "We depend on the County Executive and the Council putting projects in the CIP so we can make sound economic decisions. Once the commitment is made in the CIP, investment decisions are made in reliance on the CIP. Altering the status of the CIP as proposed would put existing economic development investments in jeopardy and will have a chilling effect on the ability to finance new projects. Passage of this legislation will introduce uncertainty into a process that is already very complex and long and would have negative ramifications, not only on our members' ability to move forward, but also on the County's economy."

The City of Bowie submitted a letter recommending a favorable vote on CB-73 indicating that the bill "might have the effect of slowing growth, but will help to address a need identified most recently in the Bowie Master Plan update's Informational Brochure; that is, providing public facilities to keep pace with development approvals."

The following individuals spoke in support of CB-73: Joe Meinert, representing the City of Bowie; Richard Schroder, Norman Clements, Aurelio Nepa, and Bernadette Price.

The committee voted favorably on the legislation with amendments recommended by the Planning Board as follows. On page 2, line 1, change "six" to "eight", delete "included" and add "fully funded." The words "or State Consolidated Transportation Program" were also added on page 2, line 2, after "County Capital Improvements Program." These amendments are incorporated in Draft-2.

BACKGROUND INFORMATION/FISCAL IMPACT (Includes reason for proposal, as well as any unique statutory requirements)

The existing provisions of the Subdivision Ordinance allow planned, but not constructed, transportation facilities to be used to support a finding of adequate public transportation facilities. Unless planned facilities are actually constructed as planned, levels of service continue to remain inadequate and decline whenever additional subdivisions are approved and constructed. The proposed legislation will require planned facilities to proceed to construction in a timely manner

in order to be used to find adequacy.

CODE INDEX TOPICS: