

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 7/23/2008  
**Reference No.:** CB-025-2008  
**Draft No.:** 2  
**Proposer(s):** Dean, Exum  
**Sponsor(s):** Dean, Exum  
**Item Title:** An Subdivision Bill amending the findings for adequacy of public facilities and roads improvements for development on property subject to a specific public facilities financing and implementation program

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**Drafter:** Karen T. Zavakos, Legislative Officer  
**Resource Personnel:** Nell W. Johnson, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	5/6/2008	<b>Executive Action:</b>	8/11/2008 S
<b>Committee Referral:</b>	5/6/2008 - PZED	<b>Effective Date:</b>	9/11/2008

**Committee Action:** 5/27/2008 - HELD  
6/4/2008 - FAV(A)

**Date Introduced:** 6/10/2008  
**Public Hearing:** 7/23/2008 - 10:00 AM

**Council Action (1)** 7/23/2008 - ENACTED  
**Council Votes:** MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:-, EO:A, IT:A  
**Pass/Fail:** P  
**Remarks:**

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### AFFECTED CODE SECTIONS:

24-122.01, 24-124

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### COMMITTEE REPORTS:

#### PLANNING, ZONING & ECONOMIC DEVELOPMENT

**Date 6/4/2008**

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Exum, Dean, Olson, and Knotts)

Staff informed the committee that the language suggested by the Department of Public Works and Transportation (DPW&T) during the May 27th committee meeting was reviewed by the Westphalia Legislative Subcommittee during its meeting on May 30th and it was agreed that DPW&T would submit separate legislation to add the suggested language to the Code.

The committee voted favorably with an amendment to add the language recommended by the Planning Board to clarify and reference the location of the definition for a "specific public facilities financing and implementation program."

## PLANNING, ZONING, &amp; ECON. DEV. COMMITTEE REPORT

5/27/08

Held in committee.

Staff summarized the purpose of CB-25-2008 and informed the committee of written referral comments that were received. This legislation was reviewed by the Westphalia Legislative Subcommittee which supported transmittal of the draft to the County Council for its consideration. The bill amends the Planning Board requirements for finding of adequacy of certain public facilities (police, fire and rescue, and transportation) under the Subdivision Regulations to permit an alternative method to alleviate any inadequacy in these facilities. This alternative allows finding of adequacy if the improvements are funded by the subdivider and include participation in a “specific public facilities financing and implementation program.”

Subtitle 27 defines a “Public Facilities and Financing and Implementation Program” as a comprehensive program established by the County Council and intended to implement and facilitate General Plan, master plan, or sector plan recommendations regarding the construction and maintenance of public facilities not subject to public facilities surcharges, including water, sewerage, transportation (streets and mass transit), libraries, recreation, and privately owned and maintained streets and recreational facilities authorized pursuant to the Subdivision Regulations. Intended to include some or all proposed future development in a specified area, this program should include provisions for financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding “clubs,” the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the Subdivision Regulations, and other methods to ensure equity. Techniques may include but are not limited to tax increment financing, special taxing districts, alternative construction financing, property tax reductions, tax credits, and/or Federal, State, or local programs. Public facilities surcharges for public safety and schools will be collected and distributed in accordance with applicable law. Fees collected in excess of required surcharges shall be included in any established Public Facilities Financing and Implementation Program for that area.

The Office of Law reviewed CB-25-2008 and determined that it is in proper legislative form with no legal impediments to its enactment. The Planning Board supports the legislation with an amendment to add “as defined in Section 27-107.01 (186.1)” for the purpose of clarifying and referencing the location of the definition for a “specific public facilities financing and implementation program.”

DPW&T suggested an amendment to make existing language in Section 24-124(a) (1) consistent with language in the DPW&T Capital Improvement Program.

Council Member Dean, the bill’s sponsor, requested that the committee hold the bill to allow further discussion between the staff, the Westphalia Legislative Subcommittee, and DPW&T regarding the language suggested by DPW&T.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

This bill alters the required adequate public facilities and road requirements to include development on a parcel subject to a specific public facilities financing and implementation program

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**CODE INDEX TOPICS:**


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**INCLUSION FILES:**


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