



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations


October 12, 2022

FISCAL AND POLICY NOTE

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Malcolm Moody - 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CR-111-2022, Waiver of Adequate Public Safety Police Response Time Mitigation
Fee – Dobson Ridge Project

CR-111-2022 (*Proposed by:* Vice Chair Harrison; *Sponsored by:* Council Chair Hawkins and Council Members Franklin, Turner, and Medlock)

Assigned to the Government Operations and Fiscal Policy Committee

A RESOLUTION CONCERNING THE WAIVER OF ADEQUATE PUBLIC SAFETY POLICE RESPONSE TIME MITIGATION FEE for the purpose of approving a waiver of the police response time mitigation fee for all residential units of the Dobson Ridge Project.

Fiscal Summary

Direct Impact:

Expenditures: No additional expenditures.

Revenues: Forgone revenue from mitigation fee of approximately \$1,102,183.

Indirect Impact:

Potentially favorable.

Legislative Summary:

CR-111-2022, proposed by Vice Chair Harrison and sponsored by Council Chair Hawkins and Council Members Franklin, Turner, and Medlock, was introduced on September 20, 2022 and referred to the Government Operations and Fiscal Policy (GOFP) Committee. CR-111-2022 would approve the waiver of the police response time mitigation fee.

Current Law/Background:

Pursuant to CB-020-2022¹, Section 24-122.01(f)² of the Prince George’s County Code, authorizes the County Council to waive any public safety facilities mitigation requirement imposed pursuant to Section 24-122.01. Previously in CB-089-2004³ the County Council enacted an amendment to section 24-122.01 of the Subdivision regulations that established a new Adequate Public Facilities (“APF”) test and the requirement that the Chief of Police submit data to the Office of Audits and Investigation, Office of Management and Budget (“OMB”), and the Planning Board. CB-056-2005⁴ was later enacted by the County Council to allow for the mitigation of inadequate police response time according to the response time data submitted to the Planning Board. Section 24-122.01(e)(1)(D) requires the Chief of Police to provide a statement that the rolling twelve-month average, adjusted monthly, for police response times in the vicinity of the property proposed for subdivision is a maximum of twenty-five (25) minutes total for non-emergency calls for service and a maximum of ten (10) minutes total for emergency calls for service. Based on the current data provided by the Chief of Police the twelve (12) month rolling average, the average response times for Police District VII are now:

- Non-Priority – 10 minutes
- Priority – 8 minutes

The Council adopted CR-078-2005⁵, which approved Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure. These Guidelines referenced both the Public Safety Mitigation Fee and the Public Safety Surcharge imposed under County Code §10-192.11.⁶ The Public Safety Mitigation Fee is established in CR-078-2005 as follows:

¹ [CB-020-2022](#)

² [Sec. 24-122.01. - Adequacy of public facilities.](#)

³ [CB-089-2022](#)

⁴ [CB-056-2005](#)

⁵ [CR-078-2005](#)

⁶ [County Code §10-192.11](#)

The fee paid per dwelling unit by an applicant or applicants as a means of mitigating the impact on public safety facilities in an area of the County that has police and/or fire response times in excess of those required under CB-55-2005. For FY 2006, the fee shall be \$3,780 per dwelling unit for applications that fail in the Police District and \$1,320 per dwelling unit for applications that fail in the Fire Service Area. If the application fails both the police and fire test, the applicant shall pay the combined fee of \$5,100 per dwelling unit. The fee shall be adjusted annually thereafter by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The fee shall be paid at the time of issuance of a grading permit for the development.

Resource Personnel:

- Eric Bowman, Chief of Staff/Legislative Aide, District 9

Discussion/Policy Analysis:

The Dobson Ridge Project is a development of one hundred ninety-six (196) single-family attached (townhouse) units on approximately 80.92 acres of land in the R-T (“Residential Townhouse”) Zone and is generally located on the south side of McKendree Road, approximately 413 feet west of its intersection with US 301 (Robert Crain Highway), in Planning Area 85A. The County Executive has determined that the police response times are being met based on current data. The vicinity of the subject property is also being factored in this decision by the County Executive, which the County Executive believes will allow the subject property to be more than adequately served by police facilities. It is a requirement for the project to dedicate approximately 49.48 acres to the M-NCPPC for the construction of the Timothy Branch and Mattawoman Creek Master Planned Trails. This project fulfills the Subregion 5 Master Plan’s⁷ future land use recommendations to include medium-high residential uses on the subject property.

A Preliminary Plan of Subdivision (PPS) for the project was approved by the County Planning Board on January 28, 2021.⁸ At the time of approval of the PPS, a passing police response time was not reported, and mitigation had not been waived by Council resolution. Therefore, prior to Planning Board approval of the PPS, the applicant entered into and submitted a ratified Public Safety Mitigation Fee agreement with M-NCPPC-Prince George’s County Planning Department for 196 single-family dwelling units, in accordance with the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure (CR-078-2005), since a passing response time was not achieved for priority calls.

⁷ [Subregion 5 Approve Master Plan \(July 2013\)](#)

⁸ [PGCPB No. 2021-04](#)

Accordingly, Condition 19 of the PPS approval resolution read as follows:

Unless waived pursuant to Section 24-122.01(f) of the Prince George's County Subdivision Regulations, prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of \$976,668 (\$4,983 x 196 dwelling units). The per unit factor of \$4,983 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

Fiscal Impact:

Direct Impact

Adoption of CR-111-2022 will have an adverse fiscal impact in the form of lost revenue. As described above, the FY 2023 public safety mitigation fee is \$5,623 per dwelling unit for applications within police districts. This resolution would exempt all 196 units for the Dobson Ridge Project, from the fee. To the extent a mitigation fee is otherwise required under PPS approval resolution condition 19, the waiver would equate to approximately \$1,102,183 in lost revenue.

Indirect Impact

Adoption of CR-111-2022 may have a favorable indirect fiscal impact upon the County to the extent that new residents generate additional economic activity, though the exact impact is unknown.

Appropriated in the Current Fiscal Year Budget

N/A

Effective Date of Proposed Legislation:

The proposed Resolution shall become effective as of the date of adoption.

If you require additional information, or have questions about this fiscal impact statement, please call me.