

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

Meeting Date: 7/30/96

Reference No.: CB-54-1996

Proposer: Council Member Russell

Draft No.: 2

Sponsors: Council Members Russell and Del Giudice

Item Title: An Act for the purpose of requiring the Planning Board to conduct a School Planning Capacity Analysis at the time of preliminary plat of subdivision

Drafter: Mary Lane
PZ&ED Committee Director

Resource Personnel: Debra Boxley
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: __/__/__

Executive Action: 8/14/96 S

Committee Referral:(1) 6/11/96 PZED

Effective Date: *

Committee Action:(1) 6/19/96 FAV(A)

Date Introduced: 6/11/96

Pub. Hearing Date: (1) 7/30/96 1:30 P.M.

Council Action: (1) 7/30/96 Enacted

Council Votes: SD:A, DB:A, JE:A, IG:A, AMc:A, WM:A, RVR:-, AS:N, MW:A

Pass/Fail: P

Remarks: (See Also CB-36-1996 and CR-28-1996)

* To take effect upon adoption of guidelines

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 6/19/96

Committee Vote: Favorable with amendments, 3-1 (In favor: Council Members Wilson, MacKinnon and Russell. Opposed: Council Member Maloney).

Staff explained that this legislation requires the Planning Board to conduct a School Planning Capacity Analysis at the time of subdivision, for planning purposes only. It specifies that the Board shall use the most recent information provided by the Board of Education regarding pupil yield and school capacity, and shall conduct the test based on the Board of Education's cluster boundaries. The results of the analysis will be used by the Planning and BOE staffs when assessing the need for new or expanded school facilities, and shall not be a consideration in the approval of the subdivision.

The Planning Board supports the legislation, with an amendment. It is recommended by the Board that a specific set of guidelines be developed to describe the methodology and define the terms being used. The guidelines are intended to ensure that the methodology and assumptions for conducting the analysis are explicit and understandable. The Committee requested that the Planning Board prepare the guidelines and transmit them to the Council for approval within 60 days of approval of CB-54-1996. The Board of Education supports the bill, with an amendment that would allow the Planning Board to consider the information and analysis regarding school adequacy in its decision of approval or denial of a subdivision. The Council's legal staff explained that this type of "consideration", if used as a basis to deny a subdivision, is an adequate public facilities test, and is therefore in conflict with HB460. House Bill 460, the State law that authorized the surcharge, expressly prohibits the imposition of both the surcharge and APF test for schools on a development. The County Executive supports the legislation, the Office of Law finds it to be in proper legislative form, and the Prince George's County Educators' Association supports the bill. Jim Cronk, representing the City of Bowie, spoke in support of the bill, but recommended that the capacity used in the analysis be 100%, rather than 120% of the school's rated capacity. Also, if inadequacy is found, the money collected from the surcharge for the subdivision should be earmarked to alleviate the specific inadequacy. Hamer Campbell, representing the SMBIA, spoke in support of the bill. Jon Robinson, representing the Sierra Club, spoke in opposition.

A motion to incorporate the Board of Education's recommendation into the bill was made by Council Member Maloney, but was not seconded. The legislation was reported out with the amendments proposed by the Planning Board.

BACKGROUND INFORMATION/FISCAL IMPACT

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

On May 29, 1996, a resolution (CR-28-1996) was introduced that directed the Planning Board to conduct a School Planning Capacity Analysis on all new residential subdivisions, in order to monitor the impact of new development on school facilities and to aid in the planning of new facilities. This resolution was a companion to a bill abolishing the APF test for schools in the zones where it was required, which was in response to a State law prohibiting the County from imposing an APF test for schools simultaneously with the newly adopted school facilities surcharge. This legislation codifies the requirements of CR-28-1996.

CODE INDEX TOPICS:

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