

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

Meeting Date: 6/17/2003

Reference No.: CB-30-2003

Proposer: Harrington

Draft No.: 1

Sponsors: Harrington, Shapiro, Dean, Knotts

Item Title: A Subdivision Bill eliminating the provisions for payment of a per-dwelling unit fee in conjunction with a school facilities adequacy test

Drafter: Jackie Brown, Director
PZED Committee

Resource Kenneth Williams
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: __/__/__

Executive Action: 6/26/2003 S

Committee Referral: 5/6/2003 PZED

Effective Date: 7/28/2003

Committee Action: 6/4/2003 HELD

Date Introduced: 5/6/2003

Public Hearing: 6/17/2003 10:00 A.M.

Council Action: 6/17/2003 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

6/11/03

Committee Vote: Favorable with recommended amendments, 4-0 (In favor: Council Members Harrington, Dean, Dernoga and Knotts)

A Proposed Draft-2 (DR-2) of CB-30-2003 was distributed along with a new draft of CR-23-2003. Staff summarized the changes to Draft-2. A memorandum dated June 11, 2003, from Council Member Harrington to the PZED Committee members was also distributed explaining the amendments proposed in the DR-2. In summary, DR-2 incorporates the concept of another bill (CB-36-2003), sponsored by Council Member Hendershot, by including all language to implement the CB-40-2001 schools Adequate Public Facilities (APF) test, but removes all language imposing a delay in obtaining building permits. In addition, the language concerning the credit for the APF fee, originally included in CB-31-2003, is now contained in CB-30. Finally, language is included in DR-2 that alleviates an applicant currently in a wait

period as a result of the CB-40 test applied at the time of their preliminary plat of subdivision. The memorandum states: “This bill allows applicants to continue to move through the development process and obtain building permits so that the County can collect needed surcharge revenues to build schools.”

Staff advised that if the committee supported the recommended amendments in DR-2, an amendment sheet would be prepared to incorporate the language after the public hearing and prior to enactment of the bill scheduled for June 17.

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

6/4/03

Held in committee.

Council Member Harrington, the bill’s sponsor, explained that the proposed legislation is an attempt to remove the school facilities fee required in areas where school clusters exceed a certain percent capacity in light of the increase in the school facilities surcharge required by State law (HB 487). Mr. Harrington explained that, as drafted, with the removal of the provision allowing payment of the per-dwelling unit fee, an application would then be subject to a 3- or 6-year wait period prior to building permit issuance. It was the sponsor’s recommendation that the committee recommend an unfavorable report on CB-30 in order to avoid what could result in a moratorium on residential construction. In addition, he indicated his intent to have a draft bill establishing a new school facilities adequacy test (as described in CR-23-2003) prepared and presented on the next Council session.

The Planning Board took no position on CB-30-2003. The Legislative Officer found the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be negative fiscal impact on the County as a result of adopting CB-30. The negative impact will stem from the elimination of the pay-go option, however, it cannot be estimated at this time, the number of applicants that were planning to pay the fee in lieu of the 3- or 6-year wait.

The committee discussed the preference of holding CB-30 for further discussion at the next scheduled meeting to allow time for the sponsor to propose the draft bill containing the new criteria for the school facilities adequacy test described in CR-23-2003.

BACKGROUND INFORMATION/FISCAL IMPACT

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

CB-40-2001, enacted by the County Council in November, 2001, amended the method of testing proposed development for adequate facilities for schools. The law contained a provision allowing an applicant to pay a per-dwelling unit fee in lieu of a 3- or 6-year wait that would normally be required if a school cluster exceeds a certain capacity as described in the test. This bill eliminates the provision for payment of this fee.

CODE INDEX TOPICS: