

PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT

Adequate PUBLIC SAFETY FACILITIES

Mitigation Guidelines

 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department

Presenters: **Bobby Ray, Supervisor, Special Projects Section**
Katina Shoulars, Division Chief, Countywide Planning

Prince George's County Council
Committee of the Whole
July 11, 2023





GOAL of an **Adequate Public Facilities Ordinance (APFO)**

- » APFO ensures the adequacy and concurrency of public facilities.
- » APFO identifies ways a development application can contribute to achieving adequacy.
- » Concurrency means that adequate public facilities are in place when the impact of a development occurs.
- » Usually, the standards that define adequacy are expressed in measures that are appropriate to the facilities.

CURRENT

APFO REGULATIONS (STATE)

Maryland LAND USE Code Ann. § 23-106 states:

- (a) In general—In addition to any other authority granted by this division, the County Council of Montgomery County and the County Council of Prince George's County, by local law, may impose in their respective counties standards and requirements for the purpose of avoiding scattered or premature subdivision or development of land because of the inadequacy of transportation, water, sewerage, drainage, school, or other public facilities.
- (b) (1) This subsection does not apply to any property located in an infrastructure finance district approved before January 1, 2000.
- (2) Notwithstanding subsection (a) of this section, the County Council of Prince George's County shall impose adequate public facilities standards and requirements under subsection (a) of this section with respect to schools.



CURRENT

APFO REGULATIONS (COUNTY)



APFO regulations are contained within the Subdivision Ordinance, Section 24-4500.



APFO applies to all preliminary plan of subdivision and plat applications.



Subtitle 24-4500(b)(2): An application listed in Section 24-4502(a) above shall not be approved until a certificate of adequacy or conditional certificate of adequacy is approved in accordance with the procedures and standards of this Section. No certificate of adequacy or conditional certificate of adequacy shall be approved unless and until it is reviewed and approved in conjunction with one of the applications or subdivision reviews identified in Section 24-4502(a) above and Section 24-4503(a).



CURRENT

APFO REGULATIONS (COUNTY)

The current Ordinance requires adequacy to be approved prior to the approval of a Preliminary Plan of Subdivision through the review and issuance of a **Certificate of Adequacy**



APFO applies to:

- Transportation (multimodal)
- Parks and Recreation
- Schools
- Police
- Fire/EMS



BACKGROUND

APFO MITIGATION GUIDELINES



CB-100-1989

Bill CB-100-1989 **amended the adequate public facilities test** at the time of preliminary plat of subdivision and established a new adequate public safety facilities standards to be met.

- ✓ Guidelines the Analysis of Development Impact on **Police Facilities** (the test is limited to the capacity of existing facilities and to the projected capacity of facilities programmed for expansion; response time not test included)
- ✓ Guidelines for the Analysis of Development Impact on **Fire and Rescue Facilities** (response time test applied to first due station close to site)

Each of the guidelines contained mitigation options if the test did not meet adequacy, including provisions for the applicant to negotiate a method to alleviate the inadequacy, if supported by the approving authorities.

BACKGROUND

APFO MITIGATION GUIDELINES



CB-89-2004

Bill CB-89-2004 **amended the public facilities adequacy test** for both Police and Fire/EMS.

- ✓ **Police**—12-month Rolling average must be no more than:
 - 25 minutes for non-emergency calls
 - 10 minutes for emergency calls

- ✓ **Fire/EMS**—12-month Rolling average for basic/advanced life support must be no more than:
 - Rural Tier – 8/10 minutes
 - Other areas – 6/10 minutes

APFO MITIGATION GUIDELINES



CB-55-2005

SURCHARGE FEES

Bill CB-55-2005 established the County's **Public Safety Surcharge** pursuant to HB-1129 (2005). Currently referred to as the Public Safety and Behavioral Health Surcharge.

- ✓ Amended annually through a resolution to adjust for inflation—CR-063-2023, would become effective July 1, 2023.
 - \$3,123 per dwelling unit in Transportation Service Area 1 (TSA1)
 - \$9,362 for all other areas
- ✓ The Public Safety Surcharge fee applies to all residential subdivisions and is **separate from the Public Safety Mitigation Fee**. It does not offset any of the mitigation costs.

CURRENT

APFO MITIGATION GUIDELINES & PROCESS



CB-56-2005

Bill CB-56-2005 amended response times and established mitigation guidelines for failure:

- ✓ **Police** - No major change to response time
- ✓ **Fire** - Seven minute or less travel time, countywide for basic and advanced life support
- ✓ Three monthly cycles for testing
- ✓ Council may approve waiver for applications inside the beltway (subsequently amended to all applications)
- ✓ Directed the Office of Management and Budget to amend the mitigation the guidelines (CR-78-2005)

CURRENT

APFO MITIGATION GUIDELINES & PROCESS

CR-78-2005

Resolution CR-78-2005 established guidelines for applying the APF test for police and fire/EMS response times which were adopted in the prior and current Subdivision Ordinance.



POLICE FACILITIES ADEQUACY

- A. The Police Chief shall submit a statement that the rolling twelve-month average, adjusted monthly, for response times in the vicinity of the property proposed for subdivision is a maximum of twenty-five minutes total for non-emergency calls and a maximum of ten minutes total for emergency calls for service in each of the police districts. Response times shall be stated in whole numbers, rounding where necessary in the following manner: a) decimal places between .01 and .49 shall be rounded to the nearest lower whole number; and b) decimal places between .50 and .99 shall be rounded to the nearest higher whole number.

This data is collected, calculated, and submitted by the Prince George's Police Department on a monthly basis.

- B. The Fire Chief shall submit a statement that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven minutes travel time.

This data is collected and calculated by the Prince George's County Fire Department.

FIRE/EMS FACILITY ADEQUACY

STAFF REVIEW FOR

POLICE ADEQUACY TEST



Police Department Review is done in conjunction with a Certificate of Adequacy application for a residential subdivision.



The police district of the application is identified.



The rolling average for that police district is applied for the 10-minute emergency call test and the 25-minute nonemergency call test.

24-4508. Police Adequacy Test

(b) Adopted LOS Standard-Police

- (1) The population generated by the proposed subdivision, at each stage, shall not exceed the service capacity of existing police stations, in accordance with the *Public Safety Guidelines*, approved by Resolution of the Council.
- (2) To demonstrate compliance with this LOS standard, the Chief of Police shall submit the following information, on an annual basis, to the Planning Director:
 - (A) A statement reflecting adequate equipment pursuant to studies and regulations used by the County, or the *Public Safety Master Plan* for police stations in the vicinity of the area of the proposed subdivision; and
 - (B) A statement by the Police Chief that the rolling 12-month average, adjusted monthly, for response times in the vicinity of the proposed subdivision is a maximum of 25 minutes total for non-emergency calls and a maximum of 10 minutes total for emergency calls for service. For the purposes of this Subsection, response time means the length of time from the call for service until the arrival of Police personnel on-scene or other police response, as appropriate.

Police Department Data

Prince George's County Response Times May 2023

	May 2023	Apr 2023	Mar 2023	Feb 2023	Jan 2023	Dec 2022	Nov 2022	Oct 2022	Sep 2022	Aug 2022	Jul 2022	Jun 2022	12M Avg	12M Rnd
Calls for Service	11,793	11,074	11,176	10,512	10,909	11,649	10,837	11,646	11,336	11,512	11,999	11,680	136,123	136,123
Countywide	09:19	09:16	09:16	09:09	09:20	09:12	09:23	09:19	09:07	09:02	08:58	09:01	09:12	09:00
Priority	07:25	07:27	07:26	07:31	07:28	07:22	07:20	07:32	07:23	07:22	07:17	07:25	07:25	07:00
Non-Priority	09:47	09:43	09:44	09:34	09:49	09:40	09:54	09:44	09:32	09:28	09:24	09:25	09:39	10:00
Division I	08:48	08:52	08:34	08:27	08:37	08:34	08:48	08:33	08:30	08:26	08:18	08:14	08:33	09:00
Priority	06:58	07:05	07:06	07:12	07:06	06:58	06:49	07:03	06:59	07:00	06:57	06:55	07:01	07:00
Non-Priority	09:13	09:17	08:54	08:46	08:59	08:56	09:18	08:51	08:52	08:49	08:38	08:34	08:55	09:00
Division II	10:10	10:10	10:14	10:00	10:20	10:11	10:22	10:21	09:43	09:35	09:57	10:06	10:05	10:00
Priority	07:48	07:51	07:32	07:59	07:42	07:53	07:49	08:05	07:29	07:28	07:35	07:50	07:45	08:00
Non-Priority	10:42	10:43	10:50	10:27	10:59	10:46	10:58	10:53	10:12	10:06	10:29	10:31	10:37	11:00
Division III	08:33	09:08	08:28	08:25	08:54	08:24	08:42	08:37	08:16	08:17	08:18	08:21	08:32	09:00
Priority	07:06	07:26	07:02	07:04	07:26	07:17	07:21	07:31	07:27	07:23	07:23	07:10	07:18	07:00
Non-Priority	08:54	09:32	08:50	08:42	09:16	08:40	09:04	08:55	08:29	08:31	08:30	08:40	08:50	09:00
Division IV	08:54	08:56	08:50	08:51	08:49	08:40	08:43	08:45	08:36	08:34	08:33	08:46	08:45	09:00
Priority	07:19	07:20	07:22	07:25	07:31	07:07	07:08	07:29	07:19	07:24	07:06	07:33	07:20	07:00
Non-Priority	09:23	09:22	09:20	09:15	09:14	09:08	09:13	09:07	09:02	08:56	09:01	09:09	09:11	09:00
Division V	10:54	10:33	11:22	10:47	10:44	10:39	11:00	11:03	10:48	11:12	10:40	10:57	10:53	11:00
Priority	08:20	08:01	08:15	07:44	07:58	07:43	08:06	07:39	07:51	08:01	07:42	08:13	07:58	08:00
Non-Priority	11:32	11:09	11:57	11:22	11:21	11:19	11:34	11:47	11:21	11:45	11:16	11:30	11:30	12:00
Division VI	09:26	09:18	09:31	09:09	09:16	09:31	09:43	09:58	09:58	09:30	09:14	08:57	09:27	09:00
Priority	07:28	07:26	08:05	07:24	07:19	07:38	07:19	08:07	07:38	07:39	07:12	07:01	07:30	08:00
Non-Priority	09:53	09:44	09:46	09:32	09:41	09:55	10:18	10:21	10:28	09:55	09:44	09:21	09:53	10:00
Division VII	10:01	10:14	10:57	10:59	10:59	11:13	10:56	11:05	11:00	10:14	10:33	10:25	10:42	11:00
Priority	07:56	07:46	07:37	08:32	08:18	07:40	07:51	08:51	08:11	07:46	08:21	08:00	08:04	08:00
Non-Priority	10:29	10:53	12:00	11:38	11:45	12:10	11:45	11:41	11:37	10:47	11:06	11:10	11:24	11:00
Division VIII	09:21	08:54	09:09	09:11	09:30	09:20	09:14	09:10	09:03	09:00	08:49	08:48	09:07	09:00
Priority	07:32	07:29	07:39	07:40	07:26	07:36	07:35	07:18	07:33	07:27	07:20	07:36	07:31	08:00
Non-Priority	09:50	09:21	09:36	09:36	10:06	09:52	09:42	09:44	09:29	09:27	09:13	09:09	09:35	10:00
Nat'l Harbor	07:01	05:16	06:38	06:12	06:51	06:13	06:12	06:39	06:29	06:38	06:38	06:37	06:26	06:00
Priority	07:43	07:01	05:55	06:31	06:09	05:21	06:28	05:46	06:53	07:01	06:54	06:42	06:33	07:00
Non-Priority	06:53	04:54	06:47	06:07	07:01	06:22	06:09	06:50	06:23	06:34	06:35	06:36	06:25	06:00

Average Response Times by Division



ANGELA D. ALSOBROOKS
COUNTY EXECUTIVE

PRINCE GEORGE'S COUNTY POLICE DEPARTMENT

FIRST TO SERVE SINCE 1931

8801 Police Plaza
Upper Marlboro, Maryland 20772



MALIK AZIZ
CHIEF OF POLICE

June 7, 2023

Ms. Andree Checkley
Planning Director
M-NCPPC
Prince George's County Planning Department
County Administration Building
Upper Marlboro, Maryland 20772

Dear Ms. Checkley:

The Prince George's County Police Department's actual staffing as of June 7, 2023 is 1,396 sworn officers. County Bill CB-56-2005 requires the Department to have 1,420 officers or 100% of the authorized strength of 1,420 on and after December 31, 2005.

The Department has an adequate amount of equipment for our current sworn officers.

Sincerely,

Lakina Webster
Deputy Chief,
Bureau of Administration

cc: Stanley Earley, Director
Office of Management and Budget
Turkessa M. Green, County Auditor
Office of Audits and Investigations
Lakisha Giles, Acting Comptroller
Fiscal Management Division
William Hunt, Deputy Administrator
County Council

21ST CENTURY POLICING

STAFF REVIEW FOR

FIRE/EMS ADEQUACY TEST



The Fire Chief shall submit a statement that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven minutes travel time.



A referral is sent to the Fire Department for response times from the location of the development to the nearest Fire / EMS Station



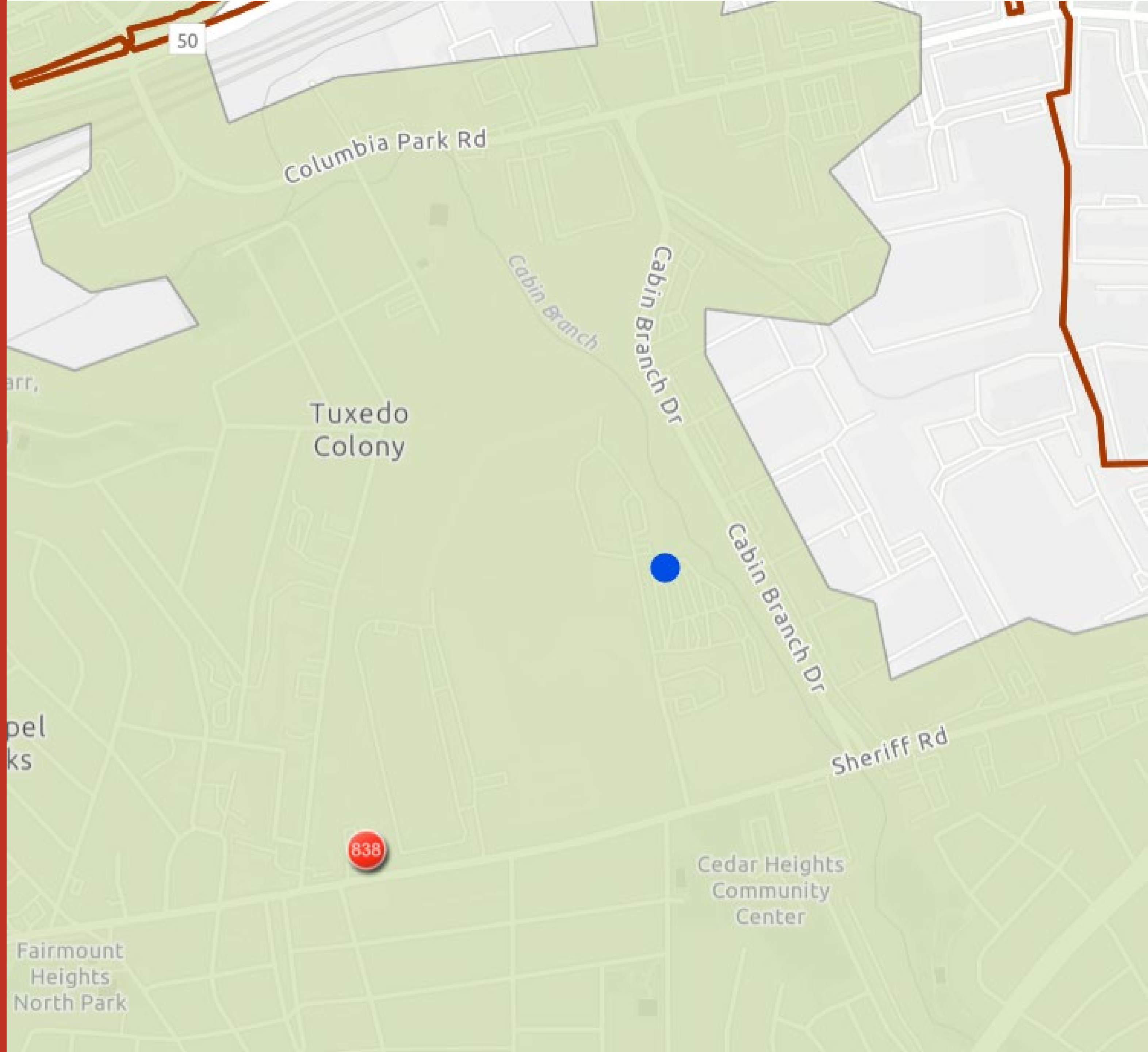
Fire Department staff responds with statement and map that the project passes or does not pass the required response time

24-4509. Fire/EMS Adequacy Test

(b) Adopted LOS Standard for Fire and Rescue

- (1) The population and/or employees generated by the proposed subdivision, at each stage of the proposed subdivision, will be within the adequate coverage area of the nearest fire and rescue station(s) in accordance with the Public Safety Guidelines.
- (2) The Fire Chief shall submit to the County Office of Audits and Investigations, County Office of Management and Budget, and the Planning Director:
 - (A) A statement reflecting adequate equipment in accordance with studies and regulations used by the County, or the Public Safety Master Plan for fire stations in the vicinity of the area where the subdivision is proposed to be located; and
 - (B) A statement by the Fire Chief that the response time for the first due fire and rescue station in the vicinity of the proposed subdivision is a maximum of seven minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for calls for service during the preceding month.

24-4509. Fire/EMS Adequacy Test



TEST FAILURE



C. If an application for a certificate of adequacy is located in an area that fails either of the requirements mentioned above, then the application cannot be issued a certificate of adequacy, and the Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.

SUMMARY OF APPLICABILITY

POLICE

APFO Response Time	Public Safety Surcharge	Mitigation Fee
Meets 10/25 minutes	Required	Not Required
Exceeds 100% but less than or equal to 120%	Required	Required
Exceeds 120%	Not Required-PPS denied	Not Required-PPS denied

SUMMARY OF APPLICABILITY

FIRE/EMS

APFO Response Time	Public Safety Surcharge	Mitigation Fee
Meets 7 minutes	Required	Not Required
Exceeds 7 minutes	Required	Required

APFO MITIGATION

Mitigation Plan

If the test fails, the applicant must enter into a Mitigation Plan agreement that details the applicant's commitment to either:

- ✔ Pay the Public Safety Mitigation Fee
or
- ✔ Provide equipment and/or facilities that equal or exceed the cost of the Public Safety Mitigation Fee
or
- ✔ Provide a combination of in-kind services and supplemental payment of the Public Safety Mitigation Fee

APFO MITIGATION



FEE

- ✓ Public Safety Mitigation Fee (Fair share fee):
 - Current Police Mitigation - **\$5,899**
 - Current Fire/EMS - **\$2061**
 - Mitigation Fee if both fail - **\$7,960**

- ✓ **At the time of permit, the applicant pays the mitigation fee.**

APFO MITIGATION

FEE

Projects requiring a Fair Share Fee for Fire/EMS as a Condition of Approval

Residential Subdivision Name	M-NCPPC Permit Reviewer	Subdivision #	Fair Share Contribution Fee Amount as specified in PGCPB Resolution	Original Subdivision Title	Preliminary Plan PGCPB Resolution #	Fire/EMS Station Name	Customer Number for Fire Station as Assigned by Treasury Office	Document ID/ Fire Station CIP ID #
Archers Glen	Alice Jacobs	4-02085	\$1,187.00	Archers Glen	03-34(A)	Nottingham "Previously called" Croom-Naylor	1000000987	LK511133
Beechtree	John Linkins	4-00010	\$201.65	Beechtree	00-127	Beechtree	1000000599	LK510423
Cedars of Nottingham	Joanna Glascoe	4-04074	\$1,302.00	Cedars of Nottingham	04-221	Nottingham "Previously called" Croom-Naylor	1000000987	LK511133
Collingbrook	Joanna Glascoe	4-02063	\$328.00	Collingbrook	02-249	Northview "Previously called" Bowie New Town	1000001281	LK510431
Knott Subdivision	Alice Jacobs	4-04067	\$2,266.24	Knott	04-254	Aquasco	1000000981	LK511253
Lusby Village West/East, Bailey's Village, Edelen Village North	Tempi Chaney	4-03027	\$479.00	The Preserve at Piscataway	03-122	Brandywine	1000000597	LK510403
Mansfield	Tempi Chaney	4-02094	\$1,294.00	George Property	03-01	Nottingham "Previously called" Croom- Naylor	1000000987	LK511133
Marlboro Ridge	John Linkins	4-04080	\$264 or \$294	Clagett Property	04-255	Forestville Station	1000000596	LK510230
Marlboro Riding	John Linkins	4-03096	\$259 or \$283.38	Addison Property	04-38	Forestville Station	1000000596	LK510230
Oak Creek Club	Previously Cheryl Bressler	4-01032	\$263.34	Oak Creek Club	01-178 (C)	Beechtree	1000000599	LK510423
Thrift Manor	John Linkins	4-03137	\$479.00	Parcels 31 and 32 (Thrift Manor)	04-77	Brandywine	1000000597	LK510403
Village of Melwood	Joanna Glascoe	4-04139	\$259.00	Village of Melwood	04-261	Forestville Station	1000000596	LK510230
Villages of Savannah	Alice Jacobs	4-02126	\$440 or \$480	Saddlecreek	03-100	Brandywine	1000000597	LK510403
Wallace Landing	Joanna Glascoe	4-03115	\$1,190	Wallace Landing	04-66	Nottingham "Previously called" Croom- Naylor	1000000987	LK511133
Waterford	Tempi Chaney	4-03111	\$328.62	Pleasant Prospect	04-24	Beechtree	1000000599	LK510423
						Beltsville Fire Station	1000000600	LK510800

Revised: October 16, 2018. Prepared by: TWJennings, Prince George's County Planning Department, M-NCPPC.

APFO MITIGATION

IN-KIND SERVICES

- ✓ An applicant may offer to provide equipment and or facilities that equal or exceed the cost of the Public Safety Mitigation Fee or offer a combination of in-kind services and supplemental payment of the Public Safety Mitigation Fee.
- ✓ Acceptance of in-kind services is at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

APFO MITIGATION



POOLING RESOURCES

- ✔ Applicants may pool together with other applicants to purchase equipment or build facilities that would equal or exceed the cost of paying the Public Safety Mitigation Fee.
- ✔ Acceptance of pooled resources to provide in-kind services is at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

WAIVER OF MITIGATION OPTIONS

- ✓ In accordance with 24-4502(b)(3), the County Council may, by Resolution, waive any public safety requirement imposed pursuant to 24-4508 and 24-4509 (police and fire/EMS adequacy standards).



Questions?