

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2003 Legislative Session

Resolution No. CR-6-2003

Proposed by Council Members Hendershot and Shapiro

Introduced by Council Members Hendershot and Shapiro

Co-Sponsors _____

Date of Introduction February 25, 2003

RESOLUTION

1 A RESOLUTION concerning

2 The Review Process for School Facilities Agreements

3 For the purpose of establishing procedures for the District Council and Planning Board to review
4 and for the Council to act on school facilities agreements for residential subdivisions, to advance
5 school construction in clusters where elementary, middle, or high schools are over capacity.

6 WHEREAS, the Prince George's County Subdivision Regulations, in Subtitle 24 of the
7 County Code, and Title 7 of the Regional District Act, Article 28 of the Annotated Code of
8 Maryland, have for many years required that prior to the approval of subdivisions of land in the
9 County, the Prince George's County Planning Board must find that public facilities will be
10 adequate to serve the subdivisions; and

11 WHEREAS, Chapter 456 of the Laws of Maryland of 2000 amended Section 7-120 of
12 Article 28, the Regional District Act, to require specifically that the County's Subdivision
13 Regulations impose "adequate public facilities standards and requirements . . . with respect to
14 schools"; and

15 WHEREAS, in Council Bills 3-1997, 104-1998, and 15-1999, the County Council and
16 County Executive provided in the Subdivision Regulations for testing the impact of residential
17 subdivisions on school facilities, before Planning Board approval; and

18 WHEREAS, in Council Bill 40-2001, effective January 14, 2002, the County Council and
19 Executive approved further amendments to the Subdivision Regulations, to modify the school
20 facilities adequacy test for residential subdivisions; and

1 WHEREAS, CB-40-2001 further provided that subdivisions placed in a wait status because
 2 an adequacy finding could not be made could move forward to obtain building permits upon
 3 payment of fees, in amounts stated in the legislation, to advance school facilities capacity; and

4 WHEREAS, pursuant to procedures established under CB-40-2001, the County Council
 5 and County Executive, by September 30, 2002, had approved school facilities agreements in
 6 which residential subdivision owners committed over \$11.7 million in school facilities
 7 construction fees; and

8 WHEREAS, by Chapter 389 of the Laws of Maryland of 2002, effective October 1, 2002,
 9 the General Assembly further amended Title 7 of Article 28, the Regional District Act, to
 10 authorize the County Council, sitting as the District Council, and the County Executive of Prince
 11 George's County to approve school facilities agreements, styled "development rights and
 12 responsibilities agreements," by certain procedures; and

13 WHEREAS, to meet the requirements of Chapter 389, the District Council adopts this
 14 Review Process Resolution for school facilities agreements, requiring a public hearing before the
 15 Council acts on school facilities applications; and

16 WHEREAS, this Review Process Resolution is intended to meet all hearing and review
 17 requirements in Chapter 389 of 2002, and all review requirements in CB-40-2001.

18 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
 19 County, Maryland, sitting as the District Council for the Maryland-Washington Regional District
 20 in Prince George's County, that the Council hereby adopts procedures for the review of
 21 applications for school facilities agreements not approved by December 31, 2002, as follows:

22 A. School Facilities Agreement Approval Process: First Resolution. These
 23 procedures apply to properties in the first School Facilities Resolution:

24 (1) Eligibility. A property shall be included in the first School Facilities
 25 Resolution if, by December 31, 2002, the owner received approval of a preliminary plat of
 26 subdivision in an adopted Planning Board resolution and filed a request, with the information
 27 required in Chapter 389 of 2002, for approval of a school facilities agreement.

28 (2) Council hearing. The District Council will hold a public hearing, with notice
 29 and hearing procedures as stated in paragraph C.
 30
 31

1 B. School Facilities Agreement Approval Process: Second Resolution. These
2 procedures apply to properties in the second School Facilities Resolution:

3 (1) Eligibility. A property may be included in the second School Facilities
4 Resolution if, by date of adoption of this Review Process Resolution, the owner received
5 approval of a preliminary plat of subdivision in an adopted Planning Board resolution.

6 (2) Filing deadline. The owner must file, within 15 days of adoption of this
7 Review Process Resolution, a request for approval of a school facilities agreement. The request,
8 by letter filed with the Clerk, shall give the name and application number of the subdivision.

9 (3) Completed application. Within 20 days of adoption of this Review Process
10 Resolution, the owner must file a completed school facilities agreement form, with all
11 information required by Chapter 389 of 2002, and copies of the Planning Board resolution
12 approving the preliminary plat and any subsequent Board actions on the subdivision.

13 (4) Planning Board review. The Planning Board or its designee shall file with
14 the Clerk a report on each application, to state whether it is eligible for approval.

15 (5) Council hearing. The District Council will hold a hearing, with notice and
16 hearing procedures as stated in paragraph C.

17 C. District Council public hearing. Notice of a public hearing before the District
18 Council shall be published once in County newspapers of record, to give 10 days' notice, and
19 posted on the Clerk's bulletin board in the usual manner. Hearing procedures are as follows,
20 subject to modification by the Chair.

21 (1) Each applicant shall submit in writing all direct evidence to support the
22 application by filing the evidence with the Clerk, at least 10 days before the public hearing.

23 (2) The hearing will be held in the Council Hearing Room in the County
24 Administration Building in Upper Marlboro, Maryland. All speakers must sign up with the
25 Clerk before the hearing begins. The Chair will call each case in turn, and Planning Board staff
26 will summarize the information in the file for that case. Each applicant will be allowed three
27 minutes for direct case presentation, by testimony only. Other speakers for that case will then be
28 allowed three minutes each.

29 D. School Facilities Application Process: Later Resolutions. The following
30 procedures apply to properties not approved in the first or second School Facilities Resolution:

31 (1) Eligibility. An owner of property for which the Planning Board has

1 approved or will approve a preliminary plat of subdivision may file a school facilities
2 application.

3 (2) Application. The owner may file the school facilities application when or
4 after the Planning Board staff accepts the preliminary subdivision plan application. The
5 application, when complete, shall contain:

6 (a) a completed school facilities agreement form, with all information
7 required by Chapter 389 of 2002;

8 (b) copies of the Planning Board resolution approving the preliminary plat
9 and any subsequent Board actions on the subdivision, unless the school facilities application and
10 the preliminary subdivision plan application are heard at the same time; and

11 (c) a statement, with explanation, that the subdivision and proposed
12 agreement are consistent with the General Plan.

13 (3) Application review and Planning Board hearing. Staff shall review the
14 school facilities application and file a report with the Planning Board, and the Board shall hold a
15 public hearing on the application. If the school facilities application and the preliminary
16 subdivision plan application are heard at the same time, staff may review both applications
17 before the Planning Board, and both may be acted on, including a report to the District Council,
18 in the Planning Board's resolution for the subdivision. If staff reviews the school facilities
19 application after the Planning Board has approved the owner's preliminary plat of subdivision,
20 then staff and Board shall review and make a report to the District Council on the proposed
21 agreement.

22 (4) District Council resolution. The District Council, by resolution, will take
23 action on all school facilities agreements reported on by the Planning Board.

24 E. School Facilities Agreement Process after District Council Approval. All school
25 facilities agreements approved after January 1, 2003, will be identified in a School Facilities
26 Resolution adopted by the District Council. The file with the Clerk of the Council for each
27 approved school facilities application will contain a copy of the approved agreement, signed by
28 the Chair. The Clerk shall transmit signed agreements to the Office of the County Executive, for
29 final action.

Adopted this 4th day of March, 2003.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL
FOR THAT PART OF THE MARYLAND-
WASHINGTON REGIONAL DISTRICT
IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council