

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

Meeting Date: 1/7/97

Reference No.: CB-103-1996

Proposer: Gourdine and Maloney

Draft No.: 1

Sponsors: Gourdine, Maloney, and Scott

Item Title: A Subdivision Amendment for the purpose of establishing
an adequate public facilities test for schools at the time
of preliminary plat of subdivision

Drafter: Mary Lane
PZ&ED Committee Director

Resource Personnel: Andy Eppelmann
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:

Executive Action: 12/17/96 V

Committee Referral:(1) 10/15/96 PZED

Effective Date: __/__/__

Committee Action:(1) 10/16/96 FAV

Date Introduced: 10/15/96

Pub. Hearing Date: (1) 11/26/96 1:30 PM

Council Action: (1) 11/26/96 Enacted

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

Pass/Fail: P

Council Action: (2) 1/7/97 To Override Veto

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

Pass/Fail: F

Remarks: Veto Sustained

PLANNING, ZONING & ECONOMIC DEV. COMM. REPORT

DATE: 10/16/96

Committee Vote: Favorable, 4-0 (In favor: Council Members Wilson, MacKinnon, Maloney and Russell).

Staff explained that this legislation is almost identical to CB-58-1996, which had been held in Committee earlier in the year. It establishes an Adequate Public Facilities test for schools in Subtitle 24, the Subdivision Regulations, which will apply to residential development proposals in all zones.

Currently, only Comprehensive Design Zones are tested for schools adequacy. The proposed test requires that the students generated by the subdivision not exceed 100% of the affected elementary, middle, and high schools' rated capacities, or that a new or expanded school has been funded by the State in an adopted State of Maryland annual budget bill. It was noted that this is a stricter test than the current APF test for schools imposed on Comprehensive Design Zones, where funding in the first six years of the County CIP is sufficient to find adequacy. The affected school, pupil yield factor, and five-year projected enrollment, which are elements of the test, are established by the Board of Education. If adequacy cannot be found, the Planning Board may allow the developer to pay \$5,000 per seat to fund or contribute to an improvement to alleviate the inadequacy.

The Office of Law finds the bill to be in proper legislative form, and sees no legal impediment to its adoption. Staff distributed a letter from Richard Israel, Assistant Attorney General, to Patricia Goldberg, Acting General Counsel of the M-NCPPC, regarding the relationship of the adequate public facilities test for schools and the school facilities surcharge. The committee discussed possible amendments to the bill, but since it had already been introduced and advertised for public hearing, legal staff suggested that amendments be proposed at the time of third reading.

BACKGROUND INFORMATION/FISCAL IMPACT

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

An adequate public facilities test is currently conducted at the time of subdivision for transportation, police, and fire and rescue facilities. This legislation incorporates an APF test for schools into the subdivision regulations, Subtitle 24.

CODE INDEX TOPICS: