

CB-86-2023 – Planning Board Analysis (Attachment 2)

A bill for the purpose of repealing the provision for discretionary waiver, by resolution of the governing body, for compliance with any public safety facilities mitigation requirements within the Subdivision Regulations.

The Planning Board has the following comments for consideration by the District Council:

Policy Analysis:

CB-86-2023 removes the ability for the County Council to waive any public safety facilities mitigation requirements for police, fire, and rescue adequacy. CB-20-2022 (DR-2) expanded the areas where the County Council may waive the public safety facilities mitigation requirements for residential developments that could not meet the level of service standards for adequacy. After approval of a County Council Resolution a development project was exempted from providing public safety mitigation through providing equipment, building facilities or payment of a mitigation fee. It should be noted that waiving the public safety facilities mitigation requirements for specific projects reduces collected revenue for police, fire, emergency medical services or the ability to address public safety infrastructure adequacies throughout the County. The Planning Board notes CB-86-2023 is silent as to potential retroactive application; as such, all prior subdivision development projects that may have been subject to prior waivers are unaffected by this bill. There is no language in CB-86-2023 that discusses the possible repeal of CR-126-2020 and CR-111-2022. If the Council's intent is to repeal those resolutions, this should be clear in CB-86-2023 or in the appropriate mechanism such as a Council Resolution. It is important to note that in not clearly repealing those resolutions, they remain in effect because the provision being removed by CB-86-2023 has already been used to pass and enable those resolutions.

Impacted Property:

As drafted, Planning Board staff are unable to determine which, and if any, properties are affected by CB-86-2023.

Following discussion, the Planning Board voted to support CB-86-2023 with an amendment.