



Committee: GO
Committee Review: At a future date
Staff: Robert H. Drummer, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #ValidityPeriod, Subdivision Staging Policy, SSP

AGENDA ITEM 1C
July 29, 2020
Introduction

SUBJECT

Bill 37-20, Subdivision – Preliminary Plan - Adequate Public Facilities – Amendments
Lead Sponsor: Council President at the request of the Planning Board

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce Bill – no vote expected

DESCRIPTION/ISSUE

Bill 37-20 would require an applicant requesting an extension of an adequate public facilities determination to provide a new determination of school adequacy for the remaining unbuilt units under the school test in effect at the time of Planning Board review.

SUMMARY OF KEY DISCUSSION POINTS

- Is it reasonable to require a determination of school adequacy on unbuilt units under a request for extension of the validity period?

This report contains:

Bill 37-20	©1
Legislative Request Report	©4

F:\LAW\BILLS\2037 Subdivision - Preliminary Plan - Adequate Public Facilities\Inroduction Cover Sheet.Docx

Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

MEMORANDUM

July 27, 2020

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney
Pamela Dunn, Senior Legislative Analyst

SUBJECT: Bill 37-20, Subdivision – Preliminary Plan - Adequate Public Facilities – Amendments

PURPOSE: Introduction – no Council votes required

Bill 37-20, Adequate Public Facilities – Validity Period Extensions – Amendments, sponsored by Lead Sponsor Council President at the request of the Planning Board, is scheduled to be introduced on July 29, 2020. A public hearing is tentatively scheduled for September 15 at 7:30 p.m.¹

Bill 37-20 would require an applicant requesting an extension of the validity period of an adequate public facilities determination to provide a new determination of school adequacy for the remaining unbuilt units under the school test in effect at the time of Planning Board review.

Code §33A-15(b)(2) requires the Planning Board to approve and send to the Council a recommended Subdivision Staging Policy by August 1. The Planning Board often recommends other legislative changes concurrent with its recommended changes to the Subdivision Staging Policy (SSP). Bill 37-20 is one of the Planning Board’s recommended changes to law.

On July 30, the Planning Board is scheduled to approve the 2020-2024 Subdivision Staging Policy (SSP) and related legislative changes, including Bill 37-20. In order to provide additional opportunity for the public and the Council to review the Board’s recommendations, Bill 37-20 is being introduced before the Planning Board’s final action on the SSP. If the Planning Board modifies any of its recommendations for Bill 37-20, these modifications will be noted at the Council’s public hearing in September.

This packet contains:	<u>Circle #</u>
Bill 37-20	1
Legislative Request Report	4

¹#ValidityPeriod, Subdivision Staging Policy, SSP

Bill No. 37-20
Concerning: Subdivision – Preliminary
Plan – Adequate Public Facilities –
Amendments
Revised: 6/30/2020 Draft No. 1
Introduced: July 29, 2020
Expires: January 29, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the request of the Planning Board

AN ACT to:

- (1) require an applicant for an extension of the validity period of an adequate public facilities determination to provide an updated determination of school adequacy for the remaining unbuilt units; and
- (2) generally amend the law governing a determination of adequate public facilities

By amending

Montgomery County Code
Chapter 50, Subdivision of Land
Division 50.4, Section 4.3

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

(d) an application may be made to extend an adequate public facilities period for a lot within a subdivision covered by a previous adequate public facilities determination if the applicant provides sufficient evidence for the Board to determine the amount of previously approved development attributed to the lot[.]; and

(e) the applicant must provide a new adequate public facilities determination for school adequacy for the remaining unbuilt units under the school test in effect at the time of Board review.

* * *

g. If a new adequate public facilities determination is required under this Subsection, the procedures in Chapter 8, Section 8-32 apply.

Sec. 2. Transition.

The amendments made in Section 1 must apply to any requests to extend the validity period for a determination of adequate public facilities received by the Planning Board on or after January 1, 2021.

LEGISLATIVE REQUEST REPORT

Bill 37-20

Subdivision – Preliminary Plan – Adequate Public Facilities – Amendments

DESCRIPTION:	Bill 37-20 would require an applicant requesting an extension of the validity period of an adequate public facilities determination to provide a new determination of school adequacy for the remaining unbuilt units under the school test in effect at the time of Planning Board review.
PROBLEM:	This Bill is part of the Planning Board’s recommended changes to the Subdivision Staging Policy.
GOALS AND OBJECTIVES:	Improve the development review process.
COORDINATION:	The Planning Board and Planning Department staff
FISCAL IMPACT:	Office of Management and Budget
ECONOMIC IMPACT:	OLO
EVALUATION:	To be determined.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Pamela Dunn, Senior Legislative Analyst and Robert H. Drummer, Senior Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	None.