COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND
RESOLUTION NO. 2015-24

A Resolution concerning

CHARLES COUNTY DEVELOPMENT
RIGHTS AND RESPONSIBILITIES AGREEMENT

FOR THE PURPOSE OF suspending temporarily consideration of development rights and responsibilities agreements ("DRRAs") in which the County is requested to issue school allocations in exchange for monetary payments.

WHEREAS, Chapter 297, Zoning Regulations, Article XVI, Adequate Public Facilities Requirements of the Code of Charles County, Maryland, requires developers to demonstrate that a proposed subdivision for development will not adversely affect the adequacy of public facilities, including schools, serving the area, project or development; and

WHEREAS, §297-258B of the Code of Charles County, Maryland provides that no final plat for residential subdivision or development services permit for a residential site plan shall be approved until school capacity allocations have been granted by the Director of the Department of Planning and Growth Management; and

WHEREAS, Maryland law, Land Use Article of the Maryland Annotated Code §7-301, *et seq.* ("Land Use Article"), grants Charles County the authority to establish procedures and requirements for the consideration and execution of the DRRAs; and

WHEREAS, Pursuant to Land Use Article, §7-301 *et seq*, and Chapter 297, Zoning Regulations, Article XXX, Development Rights and Responsibilities Agreements, of the Code of Charles County, Maryland, Charles County, Maryland, the County Commissioners, are authorized to enter into binding development rights and responsibility agreements with any party having legal or equitable interest in real property; and

WHEREAS, the County Commissioners and developers of real property have entered into DRRAs under which the County has agreed to provide school capacity allocations for development in certain quantities and at certain specified times in exchange for monetary payments; and

WHEREAS, in March, 2013, the County Commissioners appointed the Adequate Public Facilities Committee to study and report on the Adequate Public Facilities Ordinance as it relates to school allocations, and determining new methods of funding school construction, to ensure the policy is achieving its goals and to present solutions to address the situation of certain schools being over capacity; and

WHEREAS, in February, 2014, the Adequate Public Facilities Committee delivered a report to the County Commissioners which contained a detailed analysis and a series of recommendations; and

WHEREAS, the County Commissioners have requested the staff of the Department of Planning and Growth Management and the Department of Fiscal and Administrative Services to study the statutes, rules and policies of the State of Maryland and the County in connection with the funding of the capital costs of constructing school capacity to accommodate new development in the County and, if appropriate, to propose changes to law and policy for the purpose of ensuring that the County is able to fund these capital costs in a fair, effective and timely manner; and

WHEREAS, the County Commissioners have requested the staff of the Department of Planning and Growth Management to study the County's laws, manuals and policies, including the approval of DRRAs, which govern the determination and allocation of school capacity and are fashioned to ensure that development proceeds where school capacity is reasonably available and, if appropriate, to propose changes for the purpose of ensuring that school capacity allocations are granted in a fair, effective and timely manner; and

WHEREAS, the County Commissioners have directed staff to provide a report and recommendations on or before November 1, 2015; and

WHEREAS, on October 20 – 21, 2015, the County Commissioner received a briefing from the staff of the Department of Planning and Growth Management and the Department of Fiscal and Administrative Services as directed; and

WHEREAS, the County Commissioners acknowledge that the comprehensive briefing on the laws, manuals and policies which govern the determination and allocation of school capacity and funding for school construction will require considerable deliberation and discussion; and

WHEREAS, The County Commissioners extended Resolution 2015-06 to November 17, 2015 to have further discussion on the additional time which will be required to discuss and develop policies, including the approval of DRRAs.

NOW, THEREFORE, BE IT RESOLVED,

(1) That the Director of the Department of Planning and Growth Management shall suspend, until march 17, 2016, consideration of applications filed after the effective date of this resolution, for DRRAs in which the County is requested to issue school allocations in exchange for monetary payments; and

(2) That this Resolution shall become effective upon the date if its adoption.

ADOPTED this 17th day of November, 2015.

<SIGNATURE PAGE TO FOLLOW>

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND

Peter F. Murphy, President

Ken Robinson, Vice President

Debra M. Davis, Esq.

Amanda M. Stewart, M.Ed.

Bobby Rucci

ATTEST:

Danielle E. Mitchell
Clerk to the Commissioners