
By: **Washington County Delegation**
Introduced and read first time: February 13, 2004
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2004

CHAPTER 406

1 AN ACT concerning

2 **Washington County - Adequate Public Facilities**

3 FOR the purpose of authorizing the Washington County Board of County
4 Commissioners to adopt an ordinance that grants the Washington County Board
5 of County Commissioners certain powers with regard to adequate public
6 facilities; providing for certain provisions that may be included in certain
7 ordinances adopted by the Washington County Board of County Commissioners
8 with regard to adequate public facilities; defining a certain term; providing for
9 the application of this Act; and generally relating to adequate public facilities in
10 Washington County.

11 BY adding to
12 Article 66B - Land Use
13 Section 14.08
14 Annotated Code of Maryland
15 (2003 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 66B - Land Use**

19 14.08.

20 (A) IN THIS SECTION, "PUBLIC FACILITIES" MEANS SCHOOLS, ROADS, ~~WATER~~
21 ~~AND SEWER WATER, WASTEWATER, AND STORMWATER MANAGEMENT~~ FACILITIES,
22 AND OTHER INFRASTRUCTURE SUPPORTED BY THE FEDERAL, STATE, OR LOCAL
23 GOVERNMENT FOR PUBLIC PURPOSES.

1 (B) EXCEPT FOR LAND WITHIN A MUNICIPAL CORPORATION IN WASHINGTON
2 COUNTY, THIS SECTION APPLIES TO WASHINGTON COUNTY.

3 (C) IN ADDITION TO THE AUTHORITY GRANTED IN § 10.01 OF THIS ARTICLE,
4 THE COUNTY COMMISSIONERS MAY PROVIDE, BY ORDINANCE, FOR THE PROVISION
5 AND FINANCING OF ADEQUATE PUBLIC FACILITIES CONCURRENTLY WITH THE
6 NEED FOR THOSE FACILITIES.

7 (D) THE ORDINANCE MAY INCLUDE THE AUTHORITY FOR THE COUNTY
8 COMMISSIONERS TO:

9 (1) DETERMINE THE FUNCTIONAL OR DESIGN CAPACITY OF PUBLIC
10 FACILITIES;

11 (2) ESTABLISH STANDARDS FOR DETERMINING THE ADEQUACY OF
12 PUBLIC FACILITIES;

13 (3) DETERMINE SCHOOL CAPACITY STANDARDS;

14 (4) DETERMINE THE STUDENT YIELD FACTORS FOR SCHOOLS AT
15 VARIOUS LEVELS;

16 (5) ESTABLISH CATEGORIES OF DEVELOPMENTS THAT WILL BE EXEMPT
17 FROM THE APPLICATION OF THE ORDINANCE;

18 (6) ESTABLISH FORMULAS FOR MEASURING AVAILABLE CAPACITY OF
19 PUBLIC FACILITIES;

20 (7) DETERMINE THE ADEQUACY OF PUBLIC FACILITIES IN AREAS
21 AFFECTED BY NEW DEVELOPMENTS IN THE DEVELOPMENT PLAN REVIEW PROCESS;

22 (8) ENTER INTO AGREEMENTS WITH DEVELOPERS PROVIDING FOR THE
23 PAYMENT OF MONETARY COMPENSATION TO ADDRESS INADEQUACIES IN PUBLIC
24 FACILITIES CAUSED BY PROPOSED DEVELOPMENTS AS A PART OF THE
25 DEVELOPMENT PLAN APPROVAL PROCESS;

26 (9) DETERMINE THE VALUE OF IN-KIND CONTRIBUTIONS OF
27 EQUIVALENT VALUE SUCH AS REAL ESTATE;

28 (10) ~~FORFEIT~~ REQUIRE FORFEITURE OF CONTRIBUTIONS 3 YEARS AFTER
29 FINAL PLAT APPROVAL;

30 (11) ESTABLISH AN APPEAL PROCESS FOR DECISIONS MADE UNDER THE
31 ORDINANCE;

32 (12) LIMIT THE NUMBER OF BUILDING PERMITS IN ANY SCHOOL
33 DISTRICT; AND

34 (13) LIMIT THE NUMBER OF RESIDENTIAL BUILDING LOTS APPROVED
35 FOR DEVELOPMENT ON AN ANNUAL BASIS.

1 (E) THE ORDINANCE UNDER SUBSECTION (D) OF THIS SECTION MAY
2 AUTHORIZE THE COUNTY COMMISSIONERS TO IMPOSE CIVIL FINES AND PENALTIES
3 FOR ANY VIOLATION OF THE ORDINANCE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply to
5 any development or proposed development in Washington County with respect to
6 which a preliminary plat was formally approved prior to July 1, 2003.

7 ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
8 effect July 1, 2004.