



## ANNE ARUNDEL COUNTY OFFICE OF LAW

### Legislative Summary

**To:** Members, Anne Arundel County Council

**From:** Lori L. Blair Klasmeier, Deputy County Attorney /s/

**Via:** Gregory J. Swain, County Attorney /s/

**Date:** February 6, 2023

**Subject:** Bill No. 9-23 – Adequate Public Facilities – Public Schools

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This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 9-23.

### Background

Prior to 2017, § 17-5-502 of the County Code provided for the preparation of school utilization charts each November that based the designation of a school as “open” or “closed” for purposes of determining adequacy of public facilities (“APF”) based on 100% of the school’s capacity. Bill No. 92-17 modified the method of preparation of the chart, set the standard of an “open” school at 95% of the State-rated capacity, and added adequacy of school mitigation provisions.

Bill No. 15-18 modified school APF exemption requirements, further modified the standards for schools being considered as “open”, required additional school charts to be prepared in May and September of each year based on reductions to available school capacity as a result of proposed developments, and decreased the requirements for APF approval for projects when affected schools did not exceed 85% of the available capacity. Bill No. 15-18 also changed the criteria for an exemption from the school APF requirements from subdivisions of no more than three lots to subdivisions of no more than five lots (§ 17-5-207(a) and (b)), and changed the exemption requirement that the developer own the property for five years to requiring ownership for three years (§ 17-5-207(a)).

Bill Nos. 92-17 and 15-18 (collectively the “Bills”) contained provisions for the Bills to sunset on the earlier of January 1, 2020, or the adoption of legislation updating the 2009 General Development Plan (“GDP”). The GDP was not adopted by January 1, 2020, so Bill No. 74-19 extended the effective date of the Bills until the final adoption of the GDP by the County Council, after which time the provisions “stand repealed with no further action required by the County

**Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.**

Council". The updated GDP was adopted by the County Council on May 3, 2021, thus resulting in the sunset of the Bills. This had the practical effect of returning § 17-5-502 regarding the school utilization chart and the other County Code provisions affected by the Bills to the forms they were in prior to the effective dates of the Bills

Bill No. 85-21 restored certain changes made by the Bills to §§ 17-5-207(a) and (b) relating to the eligibility for the exemption to school APF for certain properties and restored the entirety of § 17-5-502 relating to school utilization charts to the version that resulted from the Bills. Bill No. 85-21 was amended to add provisions to §§ 17-5-501(a) and 17-5-901 to provide for the donation of land to the Board of Education for future construction of school facilities as an option for meeting adequate public facilities requirements for schools. Bill No. 85-21 was also amended such that it remains in effect until May 1, 2023, after which time it will stand repealed and be of no further force and effect.

### **Purpose**

The purpose of Bill No. 9-23 is to extend the time that the provisions of Bill No. 85-21 remain in effect until September 1, 2023.

### **Bill No. 9-23**

#### **SECTION 1.**

This section amends the uncodified provision of Bill No. 85-21 to extend the time that the provisions of Bill No. 85-21 remain in effect until September 1, 2023.

#### **SECTION 2.**

This section provides that the bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill.  
Thank you.

cc: Honorable Steuart Pittman, County Executive  
Christine Anderson, Chief Administrative Officer  
Jeff Amoros, Chief of Staff  
Peter Baron, Chief Strategy Officer  
Chris Trumbauer, Budget Officer  
Jenny Jarkowski, Planning and Zoning Officer