

**AMENDED
RESOLUTION**

**(Amended Adequate Public Facilities Ordinance Transition Policy
for Washington County, Maryland)**

RECITALS

Md. Code, Article 66B, §10.01 and §14.08, among other sources of authority, provide that the Board of County Commissioners of Washington County, Maryland (the "Board") has the authority to enact an ordinance "providing for or requiring the planning, staging, or provision of adequate public facilities."

The Adequate Public Facilities Ordinance (the "Ordinance") was adopted by the Board on October 16, 1990, effective December 1, 1990. Certain amendments to Article V "Schools" (the "Schools Amendments") were adopted on December 16, 2003, effective January 1, 2004. Since the adoption of the amendments, certain procedural issues have arisen concerning its enactment and implementation.

On March 30, 2004, the Board adopted a resolution entitled the "Adequate Public Facilities Ordinance Transition Policy for Washington County, Maryland" containing some but not all of the rules set forth below.

On May 25, 2004, after the adoption of the above resolution, the Board adopted other amendments that would allow developers of subdivisions of five lots or fewer to pay fees due under the Ordinance at the time a building permit is issued for the property.

The Board expressly finds that the adoption of an amended resolution consolidating the old and new transitional rules for the exemption or other treatment of development applications meeting certain specified criteria would address the procedural issues that have arisen and would therefore be in the best interests of the citizens of the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Washington County, Maryland, that:

TRANSITION POLICY

1. The Schools Amendments shall not apply to any development or proposed development in Washington County with respect to which a preliminary plat was formally approved prior to July 1, 2003.
2. The Schools Amendments shall not apply to any development or proposed development in Washington County with respect to which a final plat was formally approved prior to January 1, 2004.

3. Fees may be paid at the building permit application stage for developments with five (5) lots or fewer.

4. For the purposes of this policy, the term "formally approved" shall mean that the referenced development plat was approved by the Washington County Planning Commission or by its duly-authorized designee.

5. If Planning Commission action is not required, then "formally approved" shall mean the approval of the Planning Director as authorized by the Planning Commission.

6. This resolution shall be construed to apply retroactively and shall be applied to and interpreted to affect all new development or proposed development in Washington County on or after December 1, 1990, so that the Ordinance shall operate continuously and without interruption from that date. This section may not be applied to or interpreted to affect any new development that has acquired vested rights.

Adopted the 1st day of February, 2005.

Effective the 25th day of May, 2004.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND

Joni L. Bittner, Clerk

Gregory I. Snook, President

Approved as to form
and legal sufficiency:

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