

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MEETING**

**Wednesday, December 18, 2013**

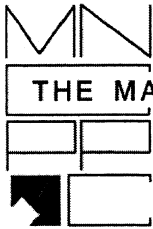
**PRA**

**9:30 a.m. – 11:30 a.m.**

				<u>ACTION</u>	
				Motion	Second
1.	<b>Approval of Commission Agenda</b>	(+*) Page	1		
2.	<b>Approval of Commission Minutes</b>				
	a) Open Session – November 20, 2013	(LD*)			
	b) Closed Session – November 20, 2013	(LD*)			
3.	<b>General Announcements</b>				
	One Commission Black History Event				
4.	<b>Committee/Board Reports (For Information Only):</b>				
	a) Executive Committee Minutes – Open Session – December 4, 2013	(+) Page	3		
	b) Regular Board of Trustee Meeting Minutes – November 5, 2013	(+) Page	7		
5.	<b>Action and Presentation Items</b>				
	a) Resolution #13-27, Subregion 6 Master Plan and Sectional Map Amendment (Carlson-Jameson)	(+*) Page	11		
	b) Resolution #13-28, Subregion 5 Master Plan and Sectional Map Amendment (Irminger)	(+*) Page	53		
	c) Resolution 13-29, Largo Town Center Sector Plan and Sectional Map Amendment (Washburn)	(+*) Page	111		
	d) Resolution #13-30, Adoption of the Approved Glenmont Sector Plan (Brown)	(+*) Page	145		
	e) Resolution #13-31, Adoption of the Approved County-wide Transit Corridors Functional Master Plan (Coleman)	(+*) Page	165		
	f) Resolution #13-32, Long Branch Sector Plan (Williams)	(+*) Page	171		
	g) Resolution #13-33, M-NCPPC FY 15 Proposed Operating Budget (Barney/Kroll)	(LD*)			
	h) OPEB Valuation (Boomershine/Zimmerman)	(+*) Page	177		
	i) New Investment Manager Approval: ING US Investment Manager (Rose)	(+*) Page	189		
	j) Employee Retirement System (ERS) Plan Amendments (Rose)	(+*) Page	191		
	k) CAFR 2013 (Walsh/Zimmerman)	(+) Page	307		
6.	<b>Officers' Reports</b>				
	a) <b>Executive Director</b> – (For Information Only)				
	1. Late Employee Performance Evaluations – (November 2013).....	(+) Page	325		
	b) <b>Secretary-Treasurer</b>				
	1. Investment Report – (October 2013).....	(+) Page	327		
	c) <b>General Counsel</b>				
	1. Litigation Report – (November 2013).....	(+) Page	333		
	2. Legislative Update				
	a) Lyme Disease Bill .....	(+*) Page	369		
7.	Pursuant to Maryland State Government Article of the Annotated Code of Maryland, Section 10-508(a) (7) & (9), a closed session is proposed to consult with counsel for legal advice, conduct collective bargaining discussions, and consider matters that relate to negotiations.				







THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

## EXECUTIVE COMMITTEE MEETING

Minutes

December 4, 2013

A meeting of The Maryland-National Capital Park and Planning Commission's Executive Committee meeting was held by teleconference at 9:00 a.m. on December 4, 2013, in the Executive Director's Conference Room, 6611 Kenilworth Avenue, Riverdale, Maryland.

Present in the teleconference were Chair Elizabeth M. Hewlett, Vice-Chair Françoise M. Carrier, and Executive Director Patricia C. Barney. Also in attendance were:

### Department Directors/Deputies/Presenters/Staff

Adrian Gardner, General Counsel

Joe Zimmerman, Secretary-Treasurer

Mary Bradford, Director, Montgomery County Parks

Ronnie Gathers, Director, Prince George's County Parks and Recreation

Fern Piret, Director, Prince George's County Planning

Gwen Wright, Director, Montgomery County Planning

Rose Krasnow, Deputy Director, Montgomery County Planning

William Spencer, Human Resources Director

Anju Bennett, Corporate Policy and Management Operations Division Chief

William Dickerson, Senior Associate General Counsel

Executive Director Barney convened the meeting at 9:03 a.m.

### ITEM 1 AGENDA APPROVALS

- a) Executive Committee Agenda
  - The One Commission Black History Event was added to the agenda for discussion as item 3d.
  - Remove Item 3b - MFD Statistics – 1<sup>st</sup> Quarter from the agenda.
  
- b) Commission Meeting Agenda - accepted with the following modifications
  - Add One Commission Black History Event under Announcements
  - Add Item 5h – Employee Retirement System (ERS) Plan Amendments (Rose)
  - Add Item 5i – Approval of New Investment Manager, ING U.S. Investment (Rose).
  - Move Item 5g – Update on Show Place Arena Audit Recommendation to January 2014 meeting agenda to allow Parks and Recreation additional time to provide input on implementation of recommendations.
  - Defer Item 6b2 – MFD Statistics – 1<sup>st</sup> Quarter as they have not been presented to Executive Committee.

- Add Lyme Disease Bill to Legislative Update. The discussion of the Bill will require vote (Gardner).
  - Add WSSC item to Legislative Update
- c) Rolling Agenda
- Move Diversity Council Annual Report from February 2014 to January 2014 meeting agenda.
  - Policy amendments for Salary Equity Adjustments and Retention Incentives may be presented in February or March 2014 meeting depending on the timing of the Merit System Board's review of proposals and the timing of the mandated 30-day employee comment period (Bennett).
  - The Branding and Marketing Update may need to be moved from February depending on the presentation to Directors in January. Ms. Krasnow explained that the Montgomery County Planning Department recently hired a Public Information Officer who has worked on the Rockville branding effort. The department would like Ms. Schwiesow to be involved on M-NCPPC's branding project. Ms. Krasnow will forward contact information to Ms. Bennett, Corporate Policy and Management Operations Division Chief and she will be added to project team members' list.
  - Due to the substantial Commission agenda which is tentatively proposed for February, the Executive Committee recommended shifting some of the policy items to provide sufficient time for discussion. The Overtime/Compensatory Leave policy may be moved to the March 2014 agenda if the Salary Equity/Retention Incentive item is presented in February. Practice 2-16 (Contract Employment) may need to move to the April 2014 meeting agenda

Item 2 – MINUTES

- a) Executive Committee Open Session – November 6, 2013 - accepted
- b) Executive Committee Closed Session – November 6, 2013 - accepted.

Item 3 – DISCUSSION/REPORTS/PRESENTATIONS

- a) Investment Report – October 2013 – The yield is .23%. The agency is in compliance.
- b) Enterprise Resource Planning – Progress is noted.
- c) MFD Statistics- This item was deferred as the report was being completed.
- d) One Commission Black History Event – Executive Director Barney provided an update to the Executive Committee on the event being planned for February 2013 by departmental representatives. She shared that in addition to the agency-wide event, some departments were also hosting events. She requested input on the handling of administrative leave for these events. Following discussion, the Executive Committee agreed that employees should be able to attend the One Commission event and one departmental event. The Executive Director will review the amount of administrative leave for each event but recalls that it may have been close to 3 hours with travel allowance. The Committee also indicated that if employees wish to attend other events, they may request use of their leave or flextime (as applicable).

Item 4 – COLLECTIVE BARGAINING UPDATE

The Executive Director shared that there were no negotiation updates as this time; however, meetings were being coordinated.

There being no further business to discuss, the meeting adjourned at 9:28 a.m.

\_\_\_\_\_  
Gayla I. Williams, Senior Technical Writer

  
\_\_\_\_\_  
Patricia Colihan Barney, Executive Director





## EMPLOYEES' RETIREMENT SYSTEM The Maryland-National Capital Park and Planning Commission

### REGULAR BOARD OF TRUSTEES MEETING MINUTES

**Tuesday, November 5, 2013; 10:00 A.M.**  
**ERS/Merit Board Conference Room**

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, November 5, 2013 at 10:00 a.m. Voting members present were: Richard H. Bucher, Ph.D., LaKisha Giles, Elton King, Tracy Lieberman, Barbara Walsh and Joseph C. Zimmerman, CPA. Elizabeth M. Hewlett arrived at 10:08 a.m. Patricia Colihan Barney arrived at 11:29 a.m. Khalid Afzal, Casey Anderson and Josh Ardison were not present.

ERS staff included: Andrea L. Rose, Administrator; Heather D. Brown, Senior Administrative Specialist; and, Sheila S. Joynes, Accounting Manager.

ERS legal counsel included: M-NCPPC Legal Department - LaTonya Reynolds, Associate General Counsel.

Presentation by Boomershine Consulting Group - David S. Boomershine; EA, MAAA, MSPA, FCA, Senior Consulting Actuary and President; Gregory M. Stump, FSA, EA, MAAA, FCA, Vice President and Senior Actuary; and, Sunita Bhatia, EA, ASA, MAAA, ACA, Senior Consultant and Actuary.

In the absence of the Chairman and Vice Chairman, DR. BUCHER opened the meeting at 10:00 a.m. with a quorum.

#### **1. CONSENT AGENDA**

The following items are to be approved or accepted by vote on one motion unless a Board member requests separate consideration:

- A. Approval of the November 5, 2013 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, October 1, 2013
- C. Closed Session Minutes of Meeting, October 1, 2013 (***Confidential-Trustees Only***)
- D. Disbursements Granted Report – September 2013

The November 5, 2013 Board of Trustees' Meeting Agenda was revised to move Item 2.A.i. (IFEBP 59<sup>th</sup> Annual Employees Benefits Conference Report) to the December 3, 2013 Board of Trustees' Meeting Agenda in the absence of Josh Ardison.

MS. WALSH made a motion, seconded by MR. KING to approve the Consent Agenda, as revised. The motion PASSED unanimously (6-0). (Motion #13-59)

#### **2. CHAIRMAN'S ITEMS**

Andrea Rose noted changes to the Board of Trustees Conference and Training Summary in order to make reviewing the conferences easier for Board members. The revisions include a "Topics" column for each conference, a list of conference sponsors, e-learning courses and web links to the sponsor or conference agenda.

#### **3. MISCELLANEOUS**

No miscellaneous items were reported.

MINUTES, AS APPROVED, AT THE DECEMBER 3, 2013 BOARD OF TRUSTEES MEETING



#### **4. REPORT OF THE ADMINISTRATOR**

Presentation by Administrator, Andrea L. Rose

##### A. Administrator's Report dated October 25, 2013

Andrea Rose presented the Administrator's Report dated October 25, 2013.

The 2013 Popular Annual Financial Report (PAFR) and Annual Statements were distributed to all members during the last week of October 2013. Following distribution, an invitation to participate in a survey to was sent to all active members, retirees and beneficiaries. The first 75 members to respond received a free gift. The survey is scheduled to close on November 27, 2013.

In follow-up to MS. BARNEY'S request last month for additional information on foreign class actions, Ms. Rose reported that Northern Trust files U.S. class action claims on behalf of the ERS. Northern Trust can only file foreign class action claims if the claim is settled; is considered an "Opt out" claim; Northern has the authority to file within that country; there is no risk of financial loss to the ERS or Northern; and, the claims are compensated with something Northern can process, like cash or stock. Northern is currently filing claims in Canada and has filed one claim in the Netherlands. Most countries who offer class action activity do so in an "Opt In" format which requires the client to contract with lead counsel. Northern does not have the authority to opt clients into legal actions. If Northern is notified of a foreign class action then Northern will notify the ERS and it would be up to the ERS to take action.

Ms. Rose reported the ERS is required to file an IRS Determination Letter Application by January 31, 2014. Any required updates to the Plan Document will be forwarded to the Board in December for approval. Commission approval will be required as well.

CHAIRMAN HEWLETT arrived at 10:08 a.m.

#### **5. COMMITTEE REPORTS/RECOMMENDATIONS**

##### A. Investment Monitoring Group

Presentation by Committee Chairman, Patricia Barney

##### i. Regular Report of October 15, 2013

In the absence of the Investment Monitoring Group (IMG) Chairman, Andrea Rose presented highlights of the IMG's regular report of October 15, 2013.

The IMG conducted a performance review of Earnest Partners International Equity strategy and noted performance exceeds the ACWI ex-US Index for the third quarter 2013, 1 year, 2 years and since inception, June 15, 2010.

The IMG reviewed a Proxy from Artisan Funds and discussed how to address future proxies. The Proxy contained two proposals. Proposal 1 was to elect the Directors to the Board of the Corporation and Proposal 2 was to approve the Amended and Restated Investment Advisory Agreement between Artisan Partners Limited Partnership and Artisan Partners Funds, Inc. on behalf of the Fund.

The IMG did not have any concerns regarding Proposal 1, but was unable to make a formal recommendation without a quorum. On Proposal 2, the IMG requested that legal counsel review the Amended and Restated Investment Advisory Agreement.

The IMG requested the Administration & Personnel Oversight Committee give consideration to formalizing a Proxy Policy to address future proxy votes that are not voted directly by the investment managers.

## **6. CLOSED SESSION**

The Board will meet in closed session, pursuant to State Government Article of the Annotated Code of Maryland Section 10-508(a)(7) to consult with legal counsel.

DR. BUCHER made a motion, seconded by MS. LIEBERMAN to go in to Closed Session under authority of State Government Article 10-508(a)(7) to consult with legal counsel. The motion PASSED unanimously (7-0). (Motion #13-60)

DR. BUCHER made a motion, seconded by MS. WALSH to ratify the actions taken in Closed Session. The motion PASSED unanimously (7-0). (Motion #13- 64)

## **7. PRESENTATION**

### **A. Boomershine Consulting Group**

Presentation by David S. Boomershine; EA, MAAA, MSPA, FCA, Senior Consulting Actuary and President; Gregory M. Stump, FSA, EA, MAAA, FCA, Vice President and Senior Actuary; and, Sunita Bhatia, EA, ASA, MAAA, ACA, Senior Consultant and Actuary

- i. Actuarial Pension Science 101 (**TRAINING**)
- ii. Employees' Retirement System Review as of July 1, 2013
- iii. Recommendation to Approve an Employer Contribution payable July 1, 2014

ERS Staff Lisa Butler, Senior Retirement Benefits Analyst, and Antonia Lanier, Member Relations Manager, joined the meeting.

Ms. Rose recognized Ann McCosby, Software Manager, Tonia Lanier and Lisa Butler for their respective roles and efforts in implementing the plan amendments, software changes, and submission of the actuarial data. This was a challenging year for staff and they performed above and beyond expectations and should be commended. Sunita Bhatia also recognized ERS' staff and noted the data the ERS provided was "exceptional".

David Boomershine conducted an Actuarial Pension Science 101 training session covering a review of the actuarial valuation processes and the upcoming GASB changes.

Sunita Bhatia reviewed the results of the July 1, 2013 Actuarial Valuation which indicated the funded ratio of the actuarial value of assets to the actuarial accrued liability for benefits was 83.1%, which is up from 82.3% in 2012. As of July 1, 2013, the actuarial value of assets is \$690,539,998 and the actuarial accrued liability is \$831,199,592, which resulted in an unfunded actuarial accrued liability of \$140,659,594.

The July 1, 2013 actuarial valuation included reductions in the investment return and salary assumptions and a change in the expense assumption which were approved earlier this year following a study by Boomershine Consulting Group.

MS. BARNEY arrived at 11:29 a.m.

Gregory Stump discussed Boomershine Consulting Group's recommendation for an open 15-year amortization approach beginning July 1, 2013 in order to better control the contribution volatility. The ERS was amortizing the July 1, 2005 unfunded actuarial accrued liability (UAAL) in equal payments to January 1, 2016 and amortizing subsequent changes in the UAAL in equal payments over 15 years which was creating an irregular contribution pattern due to various amortization bases and schedules.

The Board agreed to adopt the recommendation for an open 15-year amortization approach, which resulted in a recommended employer contribution of \$28,149,976 (21.8% of covered payroll) payable July 1, 2014 for fiscal year 2015. The recommended employer contribution decreased slightly from \$28,750,323 (22.1% of covered payroll) as of July 1, 2012 primarily due to actuarial asset value losses, salary experience, assumption changes and a change in the funding approach.

DR. BUCHER made a motion, seconded by MS. BARNEY to approve the recommendation for an open 15-year amortization approach and the recommended employer contribution of \$28,149,976 (21.8% of covered payroll) payable July 1, 2014 for fiscal year 2015. The motion PASSED unanimously (8-0). (Motion #13-65)

The Board of Trustees meeting of November 5, 2013 adjourned at 12:00 p.m.

Respectfully,



Heather D. Brown  
Senior Administrative Specialist



Andrea L. Rose  
Administrator





Prince George's County Planning Department  
Community Planning Division

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Upper Marlboro, Maryland 20772  
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December 18, 2013

## MEMORANDUM

**TO:** The Maryland-National Capital Park and Planning Commission

**VIA:** Fern Piret, Planning Director *F. P.*  
Ivy A. Lewis, Chief, Community Planning Division *IAL*  
Steve Kaii-Ziegler, Planning Supervisor, Community Planning Division

**FROM:** Betty Carlson-Jameson, Planner Coordinator, Community Planning Division *BCJ*

**SUBJECT:** **Resolution to certify the *Approved Subregion 6 Master Plan and Sectional Map Amendment***

Attached for your review and approval is the Full Commission Resolution Number 13-27 to certify the *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Planning Areas 77, 78 (part of), 79, 82A, 82B, 85B, 86A, 86B, 87A and 87B). Also attached for your information are the Prince George's County Council Resolutions CR-82-2013 and CR-83-2013, dated July 24, 2013, and the Prince George's County Planning Board Resolution PGCPB No. 13-70 dated June 27, 2013.

## RECOMMENDATION

Staff recommends that the Full Commission approve the resolution to certify.

## Attachments

1. Full Commission Resolution Number 13-27
2. Prince George's County Council Resolutions CR-82-2013 and CR-83-2013
3. Prince George's County Planning Board Resolution PGCPB No. 13-70
4. Certificate of Adoption and Approval



RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Code of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to a General Plan for Physical Development of the Maryland-Washington Regional District; and

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, held a duly advertised joint public hearing with the Prince George's County Council, sitting as the District Council, on April 22, 2013 to consider the Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment, being also an amendment to the 1994 *Approved Subregion VI Master Plan and Sectional Map Amendment* (Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B), the 1994 *Approved Melwood/Westphalia Master Plan and Sectional Map Amendment* (Planning Areas 77 and 78 excluding that portion included in the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*), the 1993 *Approved Subregion V Master Plan and Sectional Map Amendment*, the 2002 *Prince George's County Approved General Plan*, the 1983 *Functional Master Plan for Public School Sites*, the 2005 *Countywide Green Infrastructure Functional Master Plan*, the 2008 *Approved Public Safety Facilities Master Plan*, the 2009 *Approved Countywide Master Plan of Transportation*, the 2010 *Approved Historic Sites and Districts Plan*, and the 2010 *Approved Water Resources Functional Master Plan*; and

WHEREAS, the Prince George's County Planning Board on June 27, 2013, after due deliberation and consideration of the public hearing testimony, adopted the master plan and endorsed the sectional map amendment with revisions, as described in Prince George's County Planning Board Resolution PGCPB No. 13-70, and transmitted the plan to the District Council on July 1, 2013; and

WHEREAS, the Prince George's County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Prince George's County, held a work session on July 8, 2013, to consider hearing testimony and the Planning Board's resolution; and

WHEREAS, upon consideration of the testimony received through the hearing process, the District Council on July 24, 2013, determined that the adopted plan should be approved as the master plan and sectional map amendment for Subregion 6 (Areas 77, 78 (excluding that portion included in the 2007 Westphalia Sector Plan), 79, 82A, 82B, 85B, 86A, 86B, 87A and 87B) for Prince George's County, Maryland, subject to the modifications and revisions set forth in Resolutions CR-82-2013 and CR-83-2013.

NOW, THEREFORE, BE IT RESOLVED, that Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby certify said master plan and sectional map amendment for Subregion 6 (Areas 77, 78 (excluding that portion included in the 2007 Westphalia Sector Plan), 79, 82A, 82B, 85B, 86A, 86B, 87A and 87B) as an amendment to the General Plan for physical development of the Maryland-Washington Regional District within Prince George's

County as approved by the Prince George's County District Council in the attached Resolutions CR-82-2013 and CR-83-2013; and

BE IT FURTHER RESOLVED, that the Recitals are hereby incorporated into this Resolution by reference; and

BE IT FURTHER RESOLVED, that copies of said amendment shall be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of Prince George's and Montgomery Counties, as required by law.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Maryland-National Capital Park and Planning Commission on the motion of Commissioner X, seconded by Commissioner X, with Commissioners X, X, X, and X and Commissioner X being absent, at its regular meeting held on December 18, 2013 in Riverdale Park, Maryland.

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Patricia Colihan Barney  
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY.

  
\_\_\_\_\_  
M-NCPPC Legal Department

Date 11/1/13



PGCPB No. 13-70

RESOLUTION

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, in conjunction with the Prince George's County Council, pursuant to Section 27-644 of the Zoning Ordinance of Prince George's County, held a duly advertised public hearing on the *Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment*, on April 22, 2013; and

WHEREAS, the *Preliminary Subregion 6 Master Plan and Sectional Map Amendment* is proposed to amend the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, and 87B; the 1994 Approved Master Plan and Sectional Map Amendment for Melwood Westphalia (Planning Areas 77 and 78) (excluding that portion of Planning Area 78 included in the 2007 Approved Westphalia Sector Plan); Planning Area 85B in the 1993 Approved Master Plan and Sectional Map Amendment for Subregion V; the 2002 Prince George's County Approved General Plan; the 2009 Master Plan of Transportation; the 2008 Public Safety Master Plan; the 2009 Prince George's County Historic Sites and Districts Plan; the 2005 Countywide Green Infrastructure Plan; and the 1975 Countywide Trails Plan with the 1985 Equestrian Addendum; and*

WHEREAS, the planning areas of the *Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment* are bounded by the Patuxent River (East), the Charles County line (South) the the Pope's Creek Conrail line (West), PEPCO powerline right of way (West) (turning right at the Talbert Substation), Piscataway Creek (West), Woodyard Road (West), Pennsylvania Avenue (West), Ritchie Marlboro Road (West), Brooke Lane (West), Brown Station Road (West), Leeland Road (North), US 301 (North) and District Branch (North); and

WHEREAS, the purpose of the *Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment* is to develop a comprehensive plan focusing on the General Plan's principal of sustainability. Specifically appropriate to this subregion are the goals to retain sustainable agricultural land, to enhance the quality and character of the existing communities, encourage quality economic development, preserve and protect environmentally sensitive and scenic land, and make efficient use of existing and proposed county infrastructure and investment; and

WHEREAS, the *Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment* contains a comprehensive rezoning element known as the Proposed Sectional Map Amendment intended to implement the land use recommendations of the master plan for the foreseeable future; and

WHEREAS, on June 6, 2013, the Planning Board held a public worksession to examine the transcript analysis of testimony presented at the April 22, 2013 joint public hearing on the *Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment*, and exhibits received before the close of the record; and

WHEREAS, the Prince George's County Planning Board determined to amend said *Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment*, in response to said public testimony, and to adopt the master plan, endorse the sectional map amendment, and transmit both the plan and

sectional map amendment with further amendments, extensions, deletions, and additions in response to the public hearing record, eligible testimony brought forward from the May 30, 2010 Corrected PGCPB No. 09-66C, and at the direction of the County Executive and District Council Resolution 54-2013 (DR-1) pertaining to prioritizing public facilities recommendations and reconsideration of recommendations to widen roadways within the county’s Rural Tier which also contains Sustainable Growth Area Tier IV, Priority Preservation Area (PPA), and Rural Legacy Area, as follows:

**I. BACKGROUND AND PLANNING PROCESS CHAPTER**

1. Page 20, add the following language:

“The county should develop a Design and Sustainability Guidelines and Standards document as part of educational outreach to educate citizens on the principles of sustainable communities throughout the county.”

**II. DEVELOPMENT PATTERN/LAND USE CHAPTER**

1. Page 43, Correct error on Map 8: Rural Tier Amendments as follows:

~~“3. Reclassification of a 76- 87-acre tract from the Rural Tier to the Developing Tier.”~~

2. Page 44, add a strategy to Policy 1: “The contiguous parcels located south of MD 4 between South Osborne Road and Old Crain Highway should remain in the Rural Tier and examined for the application of an equestrian and agricultural heritage-themed L-S CDZ which could serve as a gateway to this portion of the Rural Tier in the county and make use of the recently approved community well and septic systems.”

3. Page 47, delete the following language pertaining to the primary and secondary criteria for establishing the PPA boundary:

~~“The land preservation goal within the PPA is approximately 14,600 acres, a number that may be refined as more detailed resource mapping is undertaken during the PPA certification process. See the table below.”~~

*Priority Preservation Area Acreage Goal*

		<b>Aeres</b>
1	Priority Preservation Area	39,089
2	Developed	8,313
3	Undeveloped (1-2)	30,776
4	Total Protection Goal (80% x 3)	24,620
5	Already Protected	10,014
6	Remaining Protection Goal (5-4)	14,607

4. Page 48, change the pertinent section to read as follows:

~~“Consideration should be given to increasing this requirement to 70 percent within the PPA a requirement that will not change the potential density in the underlying O-S zoning. Within the PPA consideration should be given to increasing the open space requirement to ensure that the goals of the PPA are met.”~~

Underlining indicates new language  
[Brackets/Strikethrough] indicated deleted text.

5. Page 48, Change part of the last sentence in the first paragraph as follows:

~~the~~ Conservation Fund.

6. Page 48, Do not further change current text in the first paragraph pertaining to environmental easements as was indicated in the technical changes submitted at the Planning Board worksession on April 23, 2009 in the Technical Changes and Errata, page.

7. Page 48, change pertinent text to read as follows:

~~“Woodland conservation: The county’s Woodland Conservation and Tree Preservation Ordinance (WCO) requires mitigation for development activities that affect woodland. This program, together with enhancements proposed in other strategies, will could lead to additional land preservation in the PPA from both onsite and off-site mitigation. On-site preservation will result from mining and conservation subdivisions. Off-site preservation could result partially from mining and partially from mitigation for development from outside of the PPA. Program modifications should be considered to stimulate and facilitate landowner interest in selling woodland conservation easements to developers from outside the PPA needing mitigation sites, such as creating a retention bank, which would be forward funded (200 acres), or reforestation bank (establish the bank for at least two years). Off-site woodland conservation banks are directed towards locations within the green infrastructure network to the greatest extent possible. Continuing conservation of off-site woodlands in the Subregion 6 PPA can be expected to occur in response to ongoing development occurring throughout the county.”~~

8. Page 49, remove the following text:

~~“Voluntary agricultural zone: During preparation of the subregion plan some property owners expressed interest in a very low density agricultural zone, allowing perhaps only minor subdivisions for family conveyances. This would provide assurance to participating landowners that land within the zone would not be divided for development purposes. While support for large scale downzoning for agricultural/forest preservation is currently lacking, the voluntary application of such a zone may be supported in some parts of the subregion.”~~

9. Page 50, Remove Strategy “6. Develop a voluntary agricultural zone.”

10. Page 54, Change Strategy 1 under policy 5 as follows:

~~“Increase setback requirements on Evaluate the need to increase setback and buffering requirements for adjacent mining and developing residential properties to minimize the potential effects of noise and dust from future mining ~~on adjoining unexploited parcels.~~”~~

11. Page 55, Move Strategy 3 under policy 7 to policy 6 and add new text as follows:

“3: Create an education and outreach program for developers and real estate agents to promote development and marketing of housing products and communities which are

environmentally-friendly and context sensitive. Work with County government, citizens, building supply retailers, and other affected stakeholders to craft the program.”

12. Page 55, Change Policy 7 and strategies as indicated below:

~~“Policy 7. Ensure that roadway and lighting improvements associated with conservation subdivisions and other types of development in the Rural Tier are consistent with preservation goals. Limit roadway lighting improvements in the Rural Tier to those consistent with preservation and safety goals.”~~

Strategies

~~Establish a Continue collaborative effort with the community, the county’s Department of Public Works and Transportation, the Planning Department, and the State Highway Administration to revise the road code to find ways to meet transportation safety goals while protecting rural character and designated scenic and historic roads.~~

~~Develop road lighting standards for the Rural Tier which include, amongst other things, require the use of full cut-off optics and dark-sky techniques where lighting is required.~~

~~Create an education and outreach program for developers and real estate agents to promote development and marketing of housing products and communities which are environmentally friendly and context sensitive. If updates to the existing guidelines for scenic and historic roads are considered in the future, include a public participation component.”~~

13. Page 55, add the following language:

“Policy 6. Identify an effective approach to managing growth in the Rural Tier and to evaluate the impact of preservation measures over time. Strategies. 1. Re-examine the one percent goal for its appropriateness for the Rural Tier. Use a data and evidence-driven process to consider its impact on land equity, how it should be achieved and enforced, or whether a different approach might be more effective for managing growth in the county. 2. Conduct public outreach to solicit input on identified growth measurement alternatives which will allow time for preservation and other programs to conserve critical resources and offer landowners more options than residential development for receiving equity from their land.”

14. Page 55, change Policy 6, Strategy 2 to read as follows:

“Increase the percentage of open space requirement in conservation subdivisions within the PPA from 60 to 70 percent. Consider the effect of increasing the open space required in the conservation subdivisions within the PPA from the 60 percent gross tract area now required.”

### **III. INFRASTRUCTURE ELEMENTS**

#### **• ENVIRONMENT**

1. Page 74, change Strategy 7 to read as follows:

“Require the use of low-nitrogen septic systems in the Rural Tier portion of the subregion within 1,000 feet of ~~open water~~ any stream or tributary.”

- **TRANSPORTATION**

1. Add a paragraph, Page 89, identifying the following recommendations as high priority among the list of road improvement projects on both state and county roads:

“To ensure that funding is prioritized for new road improvements for both state and county roads the following roads are top priority in Subregion 6:

State roads –MD 4 corridor, Pennsylvania Avenue widening and interchange improvements to

1. Suitland Parkway
2. Westphalia Road
3. Dower House Road
4. MD 223/Woodyard Road

Improvements to MD 223/Woodyard Road from MD 4 to Subregion 5  
MD 725/Water Street

County roads:

1. Whitehouse Road between Beltway and MD 4
2. Dower House Road between MD 4 and Foxley Road”

2. Pages 90-91, add a note to Table 10 (Proposed Road Facilities) to read as follows:

“Alternative transportation improvements should be considered before proceeding to widen a rural road designated as historic or scenic.”

3. Page 92, add a new Policy 1, Strategy 6 to read as follows:

“The county and state should study and reconsider the MD 202 realignment and flyover from north of MD 725 to US 301 as studied and recommended in the 2012 *Greater Upper Marlboro Revitalization and Development Strategy.*”

4. Page 92, insert a bullet point under Policy 2, Strategy 1 to read as follows:

“Ensure the intersection of Woodyard Road/MD 223 and Rosaryville Road is upgraded to handle additional traffic demand and reduce congestion. This improvement is necessary to not only handle local traffic but is also in response to the Pearl Harbor Gate at Joint Base Andrews opening for employees at the base.”

5. Page 102, insert a new strategy under Policy 1 to read as follows:

“Develop road lighting standards for the Rural Tier which require the use of full cut-off optics and dark-sky techniques.”

- **PUBLIC FACILITIES**

1. Add a paragraph, Page 125, identifying the following recommendations as high priority among the list of public safety recommendations:

“To ensure that funding is prioritized for public safety the following are top priority projects for fire/EMS and police facilities in Subregion 6:

1. Complete the relocation of Brandywine Fire/EMS station (Company 40) to the vicinity of Brandywine Road and Dyson Road
2. Construct 19 strategic underground water tanks capable of holding 30,000 gallons of water to provide an emergency water supply to areas without fire hydrants
3. Relocate District V police station with Fire/EMS Company 45 in the vicinity of US 301 and Rosaryville Road.”

2. Page 125, add text to the introductory paragraph for Fire and Rescue to read as follows:

The volunteer fire stations and personnel play an important role in the community and subregion in addition to responding to emergencies. Their facilities serve as community focal points providing meeting spaces and other services this rural area would otherwise not have.

3. Page 232 Public Facilities Chart: Prioritize public facilities recommendations to ensure appropriate planning within the Capital Improvement Plan budget and eventual implementation; and that recommendations for road expansions within the county’s Rural Tier, Sustainable Growth and Agricultural Preservation Tier IV, Priority Preservation Area, and Rural Legacy Area be reconsidered as these areas are where growth should be discouraged.

- **PARKS AND RECREATION**

1. Add a paragraph, Page 128, identifying the following recommendation as high priority among the list of parks recommendation:

“To ensure that funding is prioritized for park development the following are top priority projects in Subregion 6:

1. Fifty-acre addition to the approximately 14 acres of park land acquired from the Winshire development.”

- **ECONOMIC DEVELOPMENT**

1. Page 145, add Strategy 10 to Policy 1 to read as follows:

“Strategy 10: Study the Meadows-Melwood Commercial Area to develop recommendations for revitalization and potential new development. Consider future improvements to Dower House Road and compatibility with Joint Base Andrews operations as part of the study.”

2. Page 148, delete the following text:

~~In response to the above issues, M-NCPPC began an Agricultural Market Analysis in fall 2008. The findings are intended to become a cornerstone of future agricultural development programming and market support. It is expected to be completed early in 2009.~~

Replace with new text to read as follows:

“In response to the above issues an agricultural market analysis was completed in the fall of 2008. The findings are intended to become a cornerstone of future agricultural development programming and market support. The report, entitled the *Prince George’s County Agricultural Strategic Plan (ASP): Draft Agricultural Economic Strategy for Prince George’s County* recognized both the prominence of Subregion 6 in the agricultural sector, as well as the other critical resource lands and unique agricultural industry sectors outside of the subregion. The report and recommendations are countywide in scope. Many of the recommendations are included in this chapter of the plan, and to some extent, in the Land Use and Development Pattern chapter. The full ASP is included at the end of this plan as an Appendix.”

“The *Agricultural Strategic Plan (ASP)* offers additional detail on the transition that the agricultural industry continues to undergo and the challenges and opportunities at hand as the tobacco buyout comes to an end. Strengths, Weaknesses, Opportunities, and Threats (SWOT) to the industry are enumerated fully in the ASP. Weaknesses identified parallel many of those mentioned in this plan (e.g. an aging farm population, high land values, and parcel fragmentation). Strengths include the County’s large, relatively wealthy population, strong local demand, strong food manufacturing employment, and more. Also discussed are external opportunities and threats, such as growth in the demand for “local” food, the rise of nontraditional sectors, and the continued rising cost of agricultural inputs and uncertainty in labor laws.”

“In addition to the SWOT analysis, the countywide economic impact of agriculture is discussed on a sector by sector basis looking at equine, livestock and poultry, horticulture, produce, field crops and forage, and dairy activity in the county. Data on food manufacturing is also provided, which together with food wholesale in the county, remain prominent but are weakening sectors and sources of employment. Although broader than Subregion 6, implementing the ASP recommendations could leverage these existing industries to increase markets for rural production, enhancing the position of both.”

“Recommendations fall into four broad categories: market development, business development, economic development, and regulations and policy. Although discussed more fully in the Appendix, all major recommendations are mentioned in the master plan policies and strategies in this chapter. Recommendations for regulatory reform to the Zoning Ordinance to permit a broader range of modern agricultural activities, identified as a top priority by community members in the subregion, are discussed earlier in the Land Use and Development Pattern Chapter.”

3. Page 148, under Policy 3, add new strategies 3, 4, and 5 to read as follows:

“3. Work with elected leaders and State officials to advocate for farm-friendly changes to State health policy and programs to enhance on-farm processing capacity, develop voluntary, scale-appropriate traceability standards to enhance consumer confidence in food safety, implement a local food purchasing preference standard for county institutions, and more.”

“4. Support State level changes to tax policy to better facilitate intergenerational farm transfer and create additional incentives for forestry and equine breeding.”

“5. Investigate State and county-level transportation policies and programs that require clarification and modification to enhance the competitiveness of county farmers.”

4. Page 149, delete the current strategies under Policy 4 and replace with new:

~~1. Complete the Agricultural Strategic Market Analysis to identify the health of the agricultural businesses in the sub region and what emerging markets should be targeted.~~

~~2. Develop an agricultural marketing program that will continue to support agricultural transition and enhance market access for local farmers.~~

~~3. Create an agricultural marketing position to implement the agricultural marketing programs:~~

- ~~• Identify and convene implementing partners.~~
- ~~• Develop a complementary marketing strategy for county agricultural and equine enterprises, as well as historic resources to capitalize on shared opportunities for agritourism and heritage tourism.~~
- ~~• Integrate county agricultural programs with regionwide agricultural development and marketing initiatives such as those of the Southern Maryland Agricultural Development Commission.~~

~~4. Improve linkages between agricultural production and the research and development capacity at the University of Maryland College of Agriculture and the Beltsville Agricultural Research Center in order to encourage the attraction, retention, and development of regionally significant agricultural infrastructure.~~

- ~~• Explore the viability of a county-supported agribusiness incubation and processing facility development to encourage entrepreneurship at the farm level.~~

~~5. Create a new farmer development program to both attract farmers to Subregion 6 and assist with the development and financing of new and expanding operations.~~

~~6. Integrate agriculture within economic development lending programs to enhance access to development capital, such as those provided by the Small Business Initiative Program and the Prince George's County Economic Development Corporation.~~

“1. Create an agricultural marketing position to lead the implementation of the *Agricultural Strategic Plan (ASP)* in the county and subregion to support agricultural transition and local farmers, equine interests, and other resource industries.”

- “Identify and convene partners from the county, State, non-profit, and private sectors to assist in implementation efforts.”

“2. Develop an agricultural marketing program to implement the broad recommendations of the ASP for enhanced market access.”



- “Improve regional market access at wholesale and retail levels.”
  - “Leverage the Southern Maryland Trails tourism brand, coordinated by the Southern Maryland Agricultural Development Commission, to better integrate county agricultural programs with this, and other, regionwide agricultural development and marketing initiatives. Integrate the promotion of county historic resources to capitalize on shared opportunities for agritourism and heritage tourism where appropriate.”
  - “Create retailer-supported marketing system.”
  - “Improve long-term functionality of the Cheltenham Farmers Market.”
  - “Evaluate the feasibility of developing a public/private agritourism, retail, and culinary arts center.”
  - “Create an outreach and public relations program for agricultural and equine enterprises to raise citizen awareness.”
- “3. Implement ASP recommendations for business development for the benefit of agricultural producers in the subregion and county.”
- “Develop a farmer recruitment program to both attract farmers to Subregion 6 and assist with the development and financing of new and expanding operations.”
  - “Support agribusiness concept incubation and technology transfer to encourage entrepreneurship at the farm level.”
  - “Create a small farm research and training board.”
  - “Support entrepreneurship and on-farm skills development.”
  - “Facilitate integration of agriculture within broader capital markets.”
- “4. Implement ASP recommendations for economic development to develop policies and infrastructure to support agricultural industry sector growth.”
- “Develop an Agribusiness Retention, Expansion, and Attraction Plan which includes improved linkages between agricultural production and the research and development capacity at the University of Maryland College of Agriculture and the Beltsville Agricultural Research Center, amongst other regionally significant institutional partners.”
  - “Integrate agriculture within economic development lending programs to enhance access to development capital, such as those provided by the Small Business Initiative Program administered by Prince George’s County Economic Development Corporation.”

- “Support agribusiness cluster development.”
- “Enhance labor force conditions.”
- “Support regional agricultural leadership development.”
- “Create an Alternative Energy Development Program.”

5. Page 156, change Policy 12, Strategy 2 as follows:

“Conduct community outreach to improve understanding of the sand and gravel industry and to improve industry integration within the rural communities. Traffic, noise, and dust generated by operations must be addressed, along with post-extraction uses. The financial benefits that property owners can receive from pursuing mineral extraction prior to development or some other compatible, rural land use, should also be considered.”

6. Page 156, change Policy 12, Strategy 2 as follows:

Modify Strategy 2, Policy 12 on page 156 to read, “Involve citizens community members in developing guidelines for the review of reviewing new and expanding projects, including post-extraction uses within the PPA, and in developing requirements for identifying post-reclamation uses as part of an amended special exception process. This work should be done in conjunction with the sand and gravel industry, landowners, government officials, etc., so that post-reclamation land use activities are established in the PPA and all other land where septic systems will be the only means of sewage disposal.”

#### IV. LIVING AREAS AND COMMUNITY CHARACTER CHAPTER

1. Page 177, Delete: ~~There is an opportunity to highlight this cultural resource with a low impact development which reflects the rural character of the community. Whatever development occurs at this site should build upon and document this history and be designed to complement the setting comprising scattered single family dwellings along a two lane scenic road that is not recommended for widening.~~ and add: Recently this locally designated historic site was purchased by the M-NCPPC Department of Parks and Recreation and will remain for public use given the cultural importance of the site.

2. Page 182, Add: “The older western residential area of the town has recently been placed on the National Register of Historic Places as an Historic District.”

3. Page 183, add the following language in a new bullet:

“Establish a regular county/town round table discussion on issues and solutions.”

4. Page 184, revise the pertinent section to read as follows:

“Improving the timing of Pulsing traffic with additional signals would keep traffic speeds lower, and staggered queuing at more intersections would spread vehicle loads over a larger proportion of the street network including beyond the town core (in the case of the MD 4 interchange). The vision and action plan recommend installing additional traffic lights to improve traffic flow and ease this congestion.”

5. Page 186, revise the fourth bullet under Strategy 1 to read as follows:

“Evaluate installing new traffic signals....”

6. Page 186, insert a new bullet point under Strategy 2 to read as follows:

“Study the impact of county employee parking on traffic conditions in the Town.”

7. Page 186, insert a new bullet point under Strategy 2 to read as follows:

“Consider connecting Judge’s Drive to Race Track Road to provide additional access to the town and relieve traffic congestion.”

8. Page 193, add new “Strategy 11: Increase and improve parking at the Equestrian Center/Show Place Arena parking lot for town off-site parking.”

9. Page 203, add new paragraph:

Since the original approval of the R-P-C in 1965, there have been numerous revisions to the Official Plan. It became evident as new development applications were reviewed for the undeveloped properties remaining in Marlton, that it was necessary to consolidate all of the relevant changes and conditions that have been made over the last 40 years for the development into one document as well as to update the conditions to meet current regulations. As a result of this effort, a revised Official Plan Amendment for Marlton is included as an Appendix to this master plan to update conditions that are still applicable, clarify issues that have been addressed working with the community, and provide more concise mapping and guidance for the buildout of Marlton.

10. Page 204, revise pertinent sections to read as follows:

... This comprehensive design zone would also allow for a detailed site-specific design plan that could. . .This civic core should include transit to reduce traffic congestion on the main thoroughfare and provide alternative transportation choices for residents. A Basic Plan showing major land uses in the proposed LAC is shown in the accompanying illustration.

**V. SMA/IMPLEMENTATION CHAPTER**

1. Page 231, amend zoning change table #18 to 25as follows:

Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
48-17	C-S-C to O-S	2-215 Ac. <u>0.54</u> Ac.	SMA	5/24/1994	228SE14
Use and Location: Single family homes located at 22110 Aquasco Road (PA 87B, Tax Map 180D3, Parcel 35 and Parcel 33)					
Discussion: Parcel 35 has is zoned C-S-C (Commercial-Shopping-Center), and O-S (Open-Space) zoning. Both properties are <u>This property is</u> currently developed with a single-family home. A zoning change is recommended from C-S-C and O-S to O-S in order to correct the split zoning on Parcel 33. A zoning change is recommended from C-S-C to O-S for part of parcel 35 in order to bring both the single family home currently in the C-S-C zone into the appropriate zoning which will reinforce the rural character of this area.					

Underlining indicates new language  
[Brackets/Strikethrough] indicated deleted text.

Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
18	C-O to L-A-C	15.32 Ac.	SMA	5/24/1994	208SE9
<u>Use and Location:</u> Undeveloped at 10600 Marlboro Pike (PA 82A, Tax Map 100 B-2, and Parcel A).					
<u>Discussion:</u> See Basic Plan – Appendix E					

Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
19	O-S to L-A-C	0.718 Ac	SMA	5/24/1994	208SE9
<u>Use and Location:</u> Undeveloped at 5760 Woodyard Road (PA 82A, Tax Map 100 B-3, and Parcel 34).					
<u>Discussion:</u> Basic Plan – Appendix E					

Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
20	R-S to C-O	1.68 Ac.	SMA	5/24/1994	204SE10
<u>Use and Location:</u> 3151 Presidential Golf Drive (PA 79, Tax Map 85 B-2, and Part of Parcel B-1)					
<u>Discussion:</u> The Beechtree developers have moved ahead with development after the 2009 council decision and prior to 2012 court action overturning that action.					

Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
21	<u>L-A-C to C-S-C</u> and R-S	24.2 Ac.	SMA	5/24/1994	203SE 14
<u>Use and Location:</u> Undeveloped land at 15805 and 15919 Leeland Road (PA 79, Tax Map 85 C-1 and 85 C-2, and Parcel 16, Lot 1, Parcel 21)					
<u>Discussion:</u> The Beechtree developers have moved ahead with development after the 2009 council decision and prior to 2012 court action overturning that action. Adjusting the zoning lines for the R-S and C-S-C Zones is recommended to bring zoning consistent with property lines.					

Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
22	C-2 to L-A-C	26.5 Ac.	SMA	5/24/1994	211SE11
<u>Use and Location:</u> Undeveloped land located between Woodstock Drive and Marlton Center Drive (PA 82A, Tax Map 119 A-2, and Parcel 102)					
<u>Discussion:</u> This zoning change will reinforce the mixed-use town center vision for Marlton. A Basic Plan and design concept are included in Appendix D.					

Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
23	R-R to R-30	12.1999 Ac.	SMA	5/24/1994	211SE12
<u>Use and Location:</u> Undeveloped at Heathermore Boulevard (PA 82A, Tax Map 119 C-1, and Parcel 104)					
<u>Discussion:</u> In 2009 this parcel was owned by the county, it was purchased in 2011 by the current owner who has since been granted a preliminary plan of subdivision for townhouses based on zoning later overturned by the court order.					

Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
24	<u>I-1 and C-M to C-S-C</u>	10.7 Ac.	SMA	5/24/1994	207SE13
<u>Use and Location:</u> Currently a car dealership located at 5300 SE Crain Highway. (PA 79, Tax Map 102 B-2, Parcel C)					
<u>Discussion:</u> This property currently has split zoning I-1 (Light Industrial) and C-M (Commercial Miscellaneous). A zoning change is recommended to consolidate this property into the C-S-C (Commercial Shopping Center) Zone and encourage commercial redevelopment of this site that is more appropriate for this key location.					

Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
25	R-O-S to C-S-C	0.857 Ac.	SMA	5/24/1994	207SE8
<u>Use and Location:</u> Vacant land located at 9429 Marlboro Pike. (PA 77, Tax Map 99 E-1, Parcel 164)					
<u>Discussion:</u> Property formerly owned by the USA and purchased by the current owner in 2010. Property conveyed in fee simple by the USA immediately is placed in the R-O-S Zone. This property is surrounded by C-S-C zoned land.					

**VI. OTHER CHANGES**

1. Change the plan and map(s) to incorporate mapping, typographical, grammatical, and rewording corrections, as necessary.
2. Change the plan and map(s) where appropriate to correspond to the aforementioned amendments, revisions, extensions, deletions, and additions.
3. Change the plan and map(s) where appropriate to reflect technical changes/errata as follows:

Item Number	Recommended Change	Page No.:
1	Change spelling in footnote 12 of "Mariana" to "Marina"	15
2	Correct references to the Rural Legacy Area and the Patuxent River. Revise the section on the Rural Tier, starting with the second sentence, to read as follows: <u>This area forms a significant part of the large block of forest, agriculture, and open space areas that surround the Washington, D.C.</u>	26

Underlining indicates new language  
[~~Brackets/Strikethrough~~] indicated deleted text.

	<p><u>metropolitan area to the east and south. The portion of the Patuxent Rural Legacy Area (Prince George's County) within the subregion (Map 4) is a contiguous block of O-S (low-density) zoned properties located between Croom Road and the western shore of the Patuxent River which was designated as a legacy area by the state in 1998 based on an application and plan submitted by the county. The original legacy area proposed included almost 35,000 contiguous acres located within the Rural Living Areas delineated in the 1993 Subregion VI Master Plan. The Rural Legacy Program, administered by the state, provides annual granting opportunities for protection of lands within designated Rural Legacy Areas on a competitive basis to local jurisdictions. The local sponsor of the Rural Legacy Area is M-NCPPC, and the program is administered by the Prince George's Soil Conservation Service.</u></p> <p><u>The Patuxent River and its tributaries are important environmental resources in the Subregion 6 Rural Tier. It is the largest river whose watershed is entirely in Maryland, and is tidal in Subregion 6 and therefore subject to Chesapeake Bay Critical Area requirements. The river has been a focus of state and regional water quality improvements efforts since the 1980s.</u></p> <p>Move Map 4: Rural Legacy in Subregion 6 Plan to where this text is in the document.</p>	
3	<p>Delete, retain, and add the following language to the first paragraph as follows: <del>The proposed PPA in Subregion 6 would cover approximately 39,000 acres, or 58% of the Rural Tier in the study area. In 2012 the county approved the Countywide PPA plan with accompanying map incorporated in this plan. It generally covers the outer portions of the subregion along the Patuxent River, the boarder area with Charles County, and from Marlton south to Brandywine. (Map 9) (Other subregion plans may recommend additional PPAs in other parts of Prince George's County.</del></p>	45
4	<p>Amend Map 9 to reflect the approved Countywide PPA boundaries in Subregion 6</p>	46
5	<p>Delete the first table in Appendix 1. The table on page 239, Appendix 1, is a duplicate of page 47. Page 47 states that Appendix 1 will provide a detailed explanation of how the PPA boundary was created. Table 2 is a break out of how the percentage total were derived. To improve continuity and avoid duplication, Table 2 could be moved to the second paragraph on page 47, and the entire Appendix 1 could be deleted.</p>	47/239
6	<p>Change "other easements" to "protective easements" <del>Although the easement programs and resource mitigation requirements are intended and expected to direct development out of the PPA, some development can be expected to take place in the PPA. Under the county's conservation subdivision regulations adopted in 2006, subdivisions in the Rural Tier are required to conserve, and place under easement, at least 60 percent of the land within the subdivision. The 60 percent requirement is based on the likely retention of all of the development potential of a property. Within the PPA it may be desirable to increase the 60 percent requirement to ensure that the goals of the PPA are met.</del></p>	48
7	<p>Change "resource mitigation" to "soil mitigation." Insert note about directing land development away from class I, II, and III soils in current text in the Preliminary Plan.</p>	48

8	<p><u>Revise text on Easement Overlays: Relationships Between Easements and Overlays: To encourage participation in land conservation and stewardship opportunities available in the PPA, property owners should be made aware of the range of programs available and their applicability and interrelationship in the protection of natural land resources. Different protection mechanisms may be applicable to different portions of a site, and may co-exist without difficulty. Overlaying easements may be in conflict with county and state laws regarding the various easements but should be permitted in the instances where they are not in conflict. The relationship between different land protection mechanisms needs to be carefully evaluated when determining the best mechanisms for a site.</u></p>	49
9	<p><u>Insert a section on the Rural Legacy Program with other preservation programs: The Rural Legacy Program: The Rural Legacy Program provides the focus and funding necessary to protect large, contiguous tracts of land and other strategic areas from sprawl development and to enhance natural resource, agricultural, forestry, and environmental protection through cooperative efforts among state and local governments, land trusts, and willing property owners.</u></p> <p><u>Protection is provided through the acquisition of easements and purchases from willing landowners and the supporting activities of Rural Legacy Sponsors and local governments.</u></p> <p><u>The Rural Legacy Program's goals are: to establish greenbelts of forests and farms around rural communities in order to preserve their cultural heritage and sense of place; to preserve critical habitat for native plant and wildlife species, to support natural resource economies such as farming, forestry, tourism and outdoor recreation, and to protect riparian forests, wetlands, and greenways to buffer the Chesapeake Bay and its tributaries from pollution run-off.</u></p> <p><u>The Patuxent Rural Legacy Area (Prince George's, was approved in 1999 for an area of almost 39,000 acres) is contained within the Rural Tier of Subregion 6, and is also part of the portion of the proposed PPA which drains into the Patuxent River. Consideration should be given to the establishment of a second Rural Legacy Area for the headwaters of the Zekiah Swamp Watershed in Prince George's County, which would protect contiguous O-S Zoned lands in the Rural Tier. This would include most of the PPA area in Subregion 6 which drains into the Potomac watershed, and provide a green infrastructure linkage with the Zekiah Watershed Rural Legacy Area in Charles County.</u></p>	49
10	<p><del>Reword Strategy 1 under Policy 5 to read: "Increase setback and buffering requirements on potential mining sites adjacent to residential properties to minimize the potential effects of noise and dust from future mining."</del></p>	54
11	<p><del>Reword Strategy 3 under Policy 5 to read: "Update the inventory of reclaimed and abandoned mine sites in the county, . . ."</del></p>	54
12	<p><del>Delete the paragraph at the top of the page and replace with text: <u>In 2007 county legislation was passed to require the application of conservation subdivision techniques for all new residential development proposed in the Rural Tier with a goal of retaining and enhancing rural character. The initial results of this program are unclear because there have been few applications processed to date. Further evaluation should be carried out in the future to determine if the existing</u></del></p>	55

Underlining indicates new language  
[~~Brackets/Strikethrough~~] indicated deleted text.

	<u>requirements are adequate to achieve the stated objectives.</u>	
13	<p><del>Policy 7: Limit roadway lighting improvements in the Rural Tier to those that are consistent with preservation and safety goals.</del></p> <p>Strategies</p> <p>1. <del>(Waiting for CJ)</del></p> <p>2. <del>Develop road lighting standards for the Rural Tier which requires the use of full cut-off optics and dark sky techniques.</del></p> <p>Policy 6</p> <p><del>Strategy 3: Create an education and outreach program for developers and real estate agents to promote development and marketing of housing products and communities which are environmentally friendly and context sensitive. Work with County government, citizens, building supply retailers, and other affected stakeholders to craft the program.</del></p>	55
14	<p>Revise the two bullet points on the bottom of the page to read:</p> <ul style="list-style-type: none"> <li>• “Preserve, protect, restore, and enhance the quality of air, water, and land to preserve biodiversity and environmental health while providing a natural resource base for current and future generations.”</li> <li>• “Implement a watershed-level approach to preserving, restoring and enhancing the natural environment in order to mitigate the land use-related impacts of climate change and development on ecological functions.”</li> </ul>	63
15	Add Strategy 7 as indicated: <u>Preserve and enhance where possible, grassland habitats that are of critical importance to native and migratory bird species.</u>	69
16	Policy 3, Strategy 1, update as indicated: <u>1. Promote agricultural and other resource industry practices which support environmental restoration, such as conservation tillage, intercropping and crop rotation, integrated pest management, etc., to contribute to healthier waterways and wildlife habitat.</u>	73
17	Correct the road realignment of route C-613 on Map 14.	85
18	Maps on pages 85 and 86 do not show C-629, Old Marlboro Pike. Add the C-629 label to the maps.	85/86
19	Map 15 should show the intersection of C-615, MC-602 and C-620 as a single, four-legged intersection, as was originally proposed in the 1993 Subregion 6 Plan.	86
20	On Table 10, the limits of A-53 are from Old Branch Avenue to MD 4. Within Subregion 6, the limits are from Piscataway Creek to MD 4.	90
21	On Table 10, the limits of MC-602 should be indicated as from the intersection of C-615 (Croom Road) at C-620 (Molly Berry Road) to MD 4.	90
22	On Table 10, the north limit of A-61 should be listed as MD 197.	90
23	<p>Amend Table 10 Proposed Road Facilities: <del>F-9 Capital Beltway to Charles County Allentown Way to Old Alexandria Ferry Road</del></p> <p><del>F-10 US 50 to Charles County MC-600 to Subregion 5</del></p> <p><del>A-36 MD 202 MD 4</del></p> <p><del>MC-602 Croom Road Relocated new arterial; MD-4 MD 301</del></p> <p><del>C-611 C-608 to MC604 Duley Station Road to Heathermore Boulevard</del></p> <p><del>C-612 MC-604 Heathermore Boulevard</del></p> <p><del>C-624 C-610 Frank Tippet/Cherry Tree Crossing Roads</del></p>	90, 91



24	Amend reference of “ <del>Lake Marilton Boulevard</del> ” to “ <u>East Marilton Avenue.</u> ”	90, 234
25	Re-number the strategies under Policy 2 to place greater emphasis on the financing strategy over the others.	92
26	The first bullet item under Policy 4, Strategy 1 should be changed to read: “ <u>Establish incentives and requirements to forward-fund transportation improvements, so that roads are upgraded before new development occurs.</u> ”	92
27	Comments from DPW&T to remove Strategy bullet #3 under Policy 4: <u>Protect and maintain rural villages by promoting compatible development that conserves rural character.</u>	93
28	Map 17 add missing scenic and historic roads from Table 11.	94
29	Add strategies under Policy 1: <u>Strategy 11: Limit street lighting along designated roadways to only that necessary to address safety concerns.</u> <u>Strategy 12: Require new and replacement lighting along designated roadways to utilize full cut-off optic luminaries to minimize glare and light pollution.</u>	102
30	<del>Add language to strategy 1, Policy 12 on page 156 to address specific concerns related to improving the integration of sand and gravel operations into the community. Amend strategy 2: “Involve community members in reviewing new and expanding projects, and in developing requirements for identifying post-reclamation uses as part of an amended special exception process. This work should be done in conjunction with the sand and gravel industry, landowners, government officials, etc. so that post-reclamation land use activities are established in the PPA and all other land where septic systems will be the only means of sewage disposal.”</del>	112
31	Amend Strategy 5 under Policy 2 to add text: <u>Relocate the existing station to a more centrally-located site.</u>	126
32	Add new Strategy 7 under Policy 2: <u>Construct a new Fire/EMS Station at Beechtree which is needed to provide service to an area that is currently underserved.</u>	126
33	Revise strategy 2, policy 9: 2. <u>Explore options to create additional tax incentives, in addition to those already in place that would support timber management activities.</u>	154
34	“Military History” – add text to reflect the upcoming bicentennial of the War of 1812 and the interpretation efforts that have already been undertaken by NPS and the Chesapeake Gateways.	160
35	Map 23 add missing scenic and historic roads from Table 11.	161
36	In the first line of the third full paragraph change the word “byways” to “roadways.”	162
37	Map 24A and 24B add missing scenic and historic roads from Table 11	164,165
38	Under Policy 4 – Remove Strategy 5. Roads in question are designated through the plan, guidelines have been developed for scenic and historic roads. Renumber the remaining strategies.	168
39	In the third paragraph, the words “along a two-lane scenic road that is not recommended for widening” should be deleted. Part of Brandywine Road within Subregion 6 will need to be widened to four lanes.	177

40	Under Policy 4 – Remove Strategy 5. Roads in question are designated through the plan, guidelines have been developed for scenic and historic roads. Renummer the remaining strategies.	177
41	Revise Strategy 6 to read as follows:  “6. Ensure that rural development patterns do not force changes to the character of scenic and historic roads in order to meet required road capacities.”	178
42	Revise Town of Upper Marlboro’s area from one square mile to 0.44 square miles.	180
43	The first paragraph under Transportation contains the sentence “Special events at the Equestrian Center/Show Place Arena also cause major congestion due to poor traffic management.” The words “due to poor traffic management” should be deleted.	184
44	Following the first full paragraph, add text as follows: <u>Valley Lane is a historic lane that passes by Trinity Episcopal Church and its cemetery, and curves around to the historically important African American cemetery of the Union Memorial Methodist Church. Valley Lane leads to a small African American enclave that developed around the site of the first Union Memorial Methodist Church and a Freedman’s Bureau School that are no longer extant. Union Memorial Methodist Cemetery is subject to erosion from water running downhill from Valley Lane.</u>	185
45	Under Strategy 2, revise the fourth strategy “Consider improving Valley Lane and extending it to serve as a neighborhood street” to say: “ <u>Evaluate the historic character of Valley Lane and maintain its historic alignment to protect the historic Union Memorial Cemetery from further erosion.</u> ”	186
46	First full paragraph, second sentence add language: The Old Duvall Courthouse park, county mall area, brick streetscapes, <u>Marlboro Academy/Dr. Beanes’ grave hillside....</u>	187
47	Add a new strategy: <u>Develop and implement a site and landscape plan to enhance access to Dr. Beanes’ grave with an appropriate pathway and interpretative signage and ensure consistent maintenance of the hillside and gravesite.</u>	188
48	Pages 194-202, delete SMA zoning change #4 language: <del>“will reinforce the vision for the Town of Upper Marlboro.”</del>	194
49	Under Policy 1, Strategy 4, there is no “scenic road ordinance.” The word “ordinance” will be replaced with the word “guidelines.”	205
50	SMA zoning change #4 revision: Parcels 110, 901, 202, and 182 will be added to the list of parcels in the “Use and Location” box. Changes in the map will be reflected in the zoning change chart.	218
51	SMA zoning change #3 revision: The proposed change for the commercial part of this property showed as going from R-A (Residential Agricultural) to C-S-C (Commercial Shopping Center). A correction will replace C-S-C with C-M (Commercial Miscellaneous). Changes in the map will be reflected in the zoning change chart.	219
52	SMA zoning change #7 revision: An undeveloped parcel located at Largo Road south of 4807 Largo Road will no longer be recommended for a zoning change though the SMA (PA 82A, Tax Map 102, Grid A1, Parcel 102). This property is not five acres and therefore O-S zoning cannot apply to it.	220

Underlining indicates new language  
[~~Brackets/Strikethrough~~] indicated deleted text.

<b>53</b>	Proposed Zoning Changes Map: This map will be corrected to reflect changes made to the Sectional Map Amendment chapter.	216
<b>54</b>	The plan uses acronyms and planning terms, such as PPA, TDR, PDR, AICUZ, and others that are not known to everyone. In order to make a more user friendly document a glossary should be included.  Recommendation: Incorporate a glossary of planning terms and other acronyms into the plan.	

WHEREAS, the Sectional Map Amendment for Subregion 6 is proposed with a view toward the protection of the health, safety, and general welfare of all citizens in Prince George's County; and

WHEREAS, the Sectional Map Amendment for Subregion 6 is a proposed amendment to the Prince George's County Zoning Ordinance, being an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County; and

WHEREAS, the Sectional Map Amendment includes zoning changes enumerated and transmitted herein, accounting for varying acreage and zoning categories; and

WHEREAS, in accordance with Section 27-645(d)(1) of the Zoning Ordinance of Prince George's County, the acceptance and processing of Zoning Map Amendment applications within the subject planning area shall be postponed in accordance with the provisions of Sections 27-225.01(f), 27-225.01.05(f), and 27-226(a); and

WHEREAS, pursuant to Section 27-646(d) of the Zoning Ordinance of Prince George's County, building permit recommendations by the Planning Board and the issuance of building permits by the Department of Environmental Resources shall be postponed until final action on the endorsed SMA by the District Council as provided for in Section 27-225.02(a)(1).

NOW, THEREFORE, BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby adopt the Subregion 6 master plan, said plan being an amendment to the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B)*; the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood Westphalia (Planning Areas 77 and 78)* (excluding that portion of Planning Area 78 included in the 2007 *Approved Westphalia Sector Plan*); Planning Area 85B in the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V*; the 2002 *Prince George's County Approved General Plan*; the 1982 *Master Plan of Transportation*; the 2008 *Public Safety Master Plan*; the 1992 *Prince George's County Historic Sites and Districts Plan*; and the 1975 *Countywide Trails Plan with the 1985 Equestrian Addendum*, this said adopted plan containing amendments, deletions, and additions noted above in response to the public hearing record and comments received from the County Executive and District Council Resolution 54-2013 pertaining to public facilities recommendations; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the sectional map amendment, as heretofore described, is in conformance with the principals of orderly comprehensive land use planning and staged development, being consistent with the *Adopted Subregion 6 Master Plan*, and with consideration having been given to the applicable County Laws, Plans, and Policies; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to Sections 27-645(c)(1) and 27-225.01.05 of the Zoning Ordinance, endorses the proposed sectional map amendment for the Subregion 6 planning areas by this resolution, and recommends that it be adopted as an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County as described as Planning Areas 77, 78 (excluding that portion approved in the *Approved 2007 Westphalia Master Plan and SMA*), 79, 82A, 82B, 85B, 86A, 86B, 87A, and 87B; and

BE IT FURTHER RESOLVED that the *Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment*, as herein adopted, is applicable to the area within the boundaries delineated on the plan map and consists of a map(s) and text; and

BE IT FURTHER RESOLVED that the adopted master plan comprises the *Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment* text as amended by this resolution; and

BE IT FURTHER RESOLVED that in accordance with Section 27-645(c)(2) of the Zoning Ordinance of Prince George's County, copies of the adopted plan, consisting of this resolution to be used in conjunction with the *Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment*, will be transmitted to the County Executive and each municipality whose territorial boundaries are in and abut the area affected by the plan; and

BE IT FURTHER RESOLVED that an attested copy of the adopted plan, and all parts thereof, shall be certified by the Commission and transmitted to the District Council of Prince George's County for its approval pursuant to Article 28, Annotated Code of Maryland; and

BE IT FURTHER RESOLVED that this adoption shall be recorded by an appropriate Certificate of Adoption containing the identifying signatures of the Chairman, Vice Chairman, and Secretary-Treasurer of The Maryland-National Capital Park and Planning Commission and shall be affixed to this resolution with a notation indicating: "This resolution is to be used in conjunction with the January 2009 *Preliminary Subregion 6 Master Plan and Proposed Sectional Map Amendment*;" and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to Section 27-645(c)(1) of the Zoning Ordinance, transmits this Sectional Map Amendment for Subregion 6 to the District Council and recommends that it be adopted as an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission finds that the sectional map amendment, as transmitted, has been prepared in accordance with the requirements of Section 27-225.01.05 of the Zoning Ordinance; and

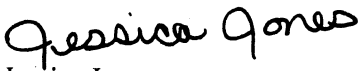
BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the sectional map amendment, as heretofore described, is in conformance with the principles of orderly comprehensive land use planning and staged development, being consistent with the *Adopted Subregion 6 Master Plan*, and with consideration having been given to the applicable County Laws, Plans, and Policies; and

BE IT FURTHER RESOLVED that the District Council, after holding a joint public hearing with the Planning Board, may reconsider each amendment, and may approve the master plan and sectional map amendment with all, any one or more, a portion, or none of the proposed amendments.

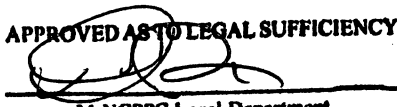
This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Washington, with Commissioners Geraldo, Washington, and Bailey voting in favor of the motion, with Commissioner Hewlett recused and Commissioner Shoaff absent, to adopt this resolution at its regular meeting held on Thursday, June 27, 2013 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27<sup>th</sup> day of June 2013.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department

Date 7/1/13



**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2013 Legislative Session**

Resolution No. CR-82-2013  
Proposed by Council Member Patterson (by request – Planning Board)  
Introduced by Council Members Franklin and Davis  
Co-Sponsors \_\_\_\_\_  
Date of Introduction July 24, 2013

**RESOLUTION**

1 A RESOLUTION concerning

2 The Subregion 6 Master Plan

3 For the purpose of approving, with revisions and amendments, as an Act of the County Council  
4 of Prince George’s County, Maryland, sitting as the District Council, the Master Plan for  
5 Subregion 6, thereby defining long-range land use and development policies in Planning Areas  
6 77, 78 (excluding that portion included in the 2007 Approved Westphalia Sector Plan), 79, 82A,  
7 82B, 85B, 86A, 86B, 87A and 87B for the area generally bounded by the Patuxent River (East),  
8 the Charles County line (South), the Conrail Line, PEPCO powerline right of way, Piscataway  
9 Creek, Andrews Air Force Base, Old Alexandria Ferry Road, Branch Avenue, Allentown Road,  
10 Interstate 95/495, Pennsylvania Avenue, Ritchie Marlboro Road (West), White House Road,  
11 Largo Road, Watkins Park Drive, Oak Grove Road, Leeland Road, US 301 and District Branch  
12 (North).

13 WHEREAS, upon approval by the District Council, the Master Plan for Subregion 6 will  
14 update the 1993 *Subregion VI Study Area Master Plan* (Planning Areas 79, 82A, 82B, 86A,  
15 86B, 87A and 87B); the 1994 *Melwood Westphalia Master Plan* (Planning Areas 77 and 78  
16 excluding that portion included in the 2007 *Westphalia Sector Plan*); the 1993 *Subregion V*  
17 *Master Plan* (Planning Area 85B); and amend portions of the 2002 *Prince George’s County*  
18 *Approved General Plan*, Maryland; the 2010 *Water Resources Functional Master Plan*; the 2009  
19 *Master Plan of Transportation*; the 2009 *Prince George’s County Historic Sites and Districts*  
20 *Plan*; the 2008 *Public Safety Facilities Master Plan*; the 2005 *Countywide Green Infrastructure*  
21 *Plan*; and

1 WHEREAS, in adopting CR-89-2007 on November 20, 2007, the County Council of Prince  
2 George's County, Maryland, sitting as the District Council for that portion of the , authorized  
3 initiation of an amendment to the 1993 Approved Master Plan for the Subregion VI Study Area,  
4 1994 Melwood Westphalia Master Plan (excluding the 2007 Westphalia Sector Plan area) and  
5 Planning Area 85B of the Subregion V Master Plan, in order to develop a comprehensive  
6 approach to implementing the recommendations of the 2002 General Plan and to ensure that  
7 future development is consistent with County growth policies; and

8 WHEREAS, on September 15, 2009, the District Council approved the 2009 Subregion 6  
9 Master Plan in CR-62-2009; and

10 WHEREAS, pursuant to an action filed in the Circuit Court for Prince George's County, on  
11 October 26, 2012, in consolidated cases CAL09-31402/CAL09-32017, the Circuit Court for  
12 Prince George's County declared void the adoption of CR-62-2009 by the District Council for  
13 failure to meet the affidavit requirement pursuant to Md. Ann. Code, State Gov't § 15-831  
14 (2012), and returned the matter to the District Council for review of the recommendations of The  
15 Maryland-National Capital Park and Planning Commission ("M-NCPPC"); and

16 WHEREAS, on November 5, 2012, the District Council, on its own motion, and pursuant to  
17 the October 26, 2012, Order of Court and § 27-227 of the Zoning Ordinance, voted to reconsider  
18 CR-62-2009 concerning the Subregion 6 Master Plan and Sectional Map Amendment; and

19 WHEREAS, by Order dated November 13, 2012, the District Council remanded the  
20 Subregion 6 Master Plan and Sectional Map Amendment to the Planning Board for the purposes  
21 of compliance with affidavit requirements pursuant to Md. Ann. Code § 15-831 and resubmittal  
22 of its January 2009 Preliminary Subregion 6 Master Plan and Proposed Sectional Map  
23 Amendment to the District Council; and

24 WHEREAS, in order to reapprove the Subregion 6 Master Plan, the District Council for  
25 Prince George's County, in conjunction with the Prince George's County Planning Board, held a  
26 joint public hearing on April 22, 2013; and

27 WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, on March 21, 2013  
28 the Planning Board referred the public facilities element of the Preliminary Subregion 6 Master  
29 Plan, for review, comments and identification of any inconsistencies between the public facilities  
30 proposed in the Plan and any existing or proposed State or County facilities; and



1 WHEREAS, the Office of the County Executive, by letter dated May 28, 2013, to the  
2 Chairman of the Planning Board, stated general support for the public facilities recommendations  
3 contained within the preliminary plan, provided that the public facilities recommendations reflect  
4 County policies regarding green technologies and sustainable environments; that planning staff  
5 prioritize public facilities recommendations to ensure appropriate planning within the Capital  
6 Improvement Plan budget and eventual implementation; and that planning staff reconsider  
7 recommendations for road expansions within the County's Rural Tier, Smart Growth Tier IV,  
8 Priority Preservation Areas and Rural Legacy Area as these areas are where growth should be  
9 discouraged; and

10 WHEREAS, upon review the District Council has concluded that, in general, the new and  
11 modified public facilities transportation proposals contained in the Preliminary Master Plan are  
12 consistent with the county's Capital Improvement Program ("CIP") and the State's Consolidated  
13 Transportation Program ("CTP") by CR-54-2013 (DR-1); and

14 WHEREAS, on June 6, 2013, the Planning Board held a work session to consider the public  
15 hearing testimony; and

16 WHEREAS, on June 27, 2013, the Planning Board adopted the master plan with revisions,  
17 in response to the public hearing testimony, as described in Prince George's County Planning  
18 Board Resolution PGCPB No. 13-70, and transmitted the adopted master plan and supporting  
19 documents to the District Council on July 1, 2013; and

20 WHEREAS, on July 8, 2013 the District Council held a work session to review the  
21 Adopted Plan including the Planning Board's recommendations on public hearing testimony,  
22 proposed amendments to the adopted plan, and directed Technical Staff to prepare a resolution of  
23 approval with the following revision; and

24 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
25 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
26 Regional District in Prince George's County, Maryland, that the Subregion 6 Master Plan as  
27 adopted on June 27, 2013, by PGCPB No. 13-70, be and the same is hereby approved, with the  
28 following revisions:

**GENERAL PLAN**

**REVISION 1:**


Amend the 2002 General Plan by removing approximately 565.39 acres from the Rural Tier, including 6300 South Osborne Road; 6310-6500 South Osborn Road; 6516 South Osborn Road; 12511 William Beans Road; 12121 Farm Road; 12200, 12310, and 12401 Farm Road to end at the PEPCO right-of way, in Tier III on the 2012 Approved Sustainable Growth and Agricultural Preservation map, and designate said property in the Developing Tier, attached hereto as "Attachment A" and incorporated as if set forth fully herein.

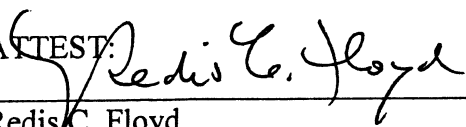
BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate textual and graphical revisions to the master plan to correct identified errors, reflect updated information and revisions, and otherwise incorporate the changes reflected in this Resolution.

BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If any provision, sentence, clause, section, or part thereof is held illegal, invalid, unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof, persons, or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence, clause, section, or part had not been included therein.

Adopted this 24th day of July, 2013.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

BY:   
Obie Patterson  
Vice Chair

ATTEST:   
Redis C. Floyd  
Clerk of the Council

## CR-82-2013 Attachment A

## Properties within Revision 1 for removal from the Rural Tier

Parcel/Lot	Tax Map/Grid	Tax Acct #	Acres	Ag Tax Acct #	Ag Acres	Total Acreage
Parcel 2	109-F1	1785294	1	1785302	108.76	
Parcel 3	109-F1	1731850	1.234			
Parcel 4	109-F1	1731835	2.06			
Parcel 9	100-E3	1724103	1	1724111	257.8817	
Parcel 31	109-F1	1786300	0.4983			
Parcel 31	100-D4	1736206	2	1736214	73.76	
Parcel 32	109-F1	1786797	0.4982			
Parcel 42 (part of)	110-A1	1724053	16.95			
Parcel 45	109-E1	1785344	1	1785351	37.0041	
Parcel 50	109-E1	1785369	1	1785377	1.0964	
Parcel 51	109-E1	1785385	1	1785393	1.0637	
Parcel 57	109-D1	1727056	5.26			
Parcel 87	109-E1	1785328	1	1785336	4.9267	
Parcel 90	109-F1			2834430	40.38	
Parcel 96	109-E1	3238680	1	3422359	1.0033	
Parcel 104	109-F1			3841624	2.02	
Lot 1	100-D3	1781533	2.0013			
<b>Totals</b>			37.5018		527.8959	565.3977

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 7/24/2013  
**Reference No.:** CR-082-2013  
**Draft No.:** 1  
**Proposer(s):** Park & Planning  
**Sponsor(s):** Franklin, Davis  
**Item Title:** A Resolution approving, with revisions and amendments, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council, the Master Plan for Subregion 6, thereby defining long-range land use and development policies in Planning Areas 77, 78 (excluding that portion included in the 2007 Approved Westphalia Sector Plan), 79, 82A, 82B, 85B, 86A, 86B, 87A and 87B for the area generally bounded by the Patuxent River (East), the Charles County line (South), the Conrail Line, PEPCO powerline right of way, Piscataway Creek, Andrews Air Force Base, Old Alexandria Ferry Road, Branch Avenue, Allentown Road, Interstate 95/495, Pennsylvania Avenue, Ritchie Marlboro Road (West), White House Road, Largo Road, Watkins Park Drive, Oak Grove Road, Leeland Road, US 301 and District Branch (North).

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**Drafter:** M-NCPPC,  
**Resource Personnel:** M-NCPPC

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>		<b>Executive Action:</b>
<b>Committee Referral:</b>		<b>Effective Date:</b>
<b>Committee Action:</b>		
<b>Date Introduced:</b>	7/24/2013	
<b>Public Hearing:</b>		
<b>Council Action (1)</b>	7/24/2013 - ADOPTED	
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:-, ML:A, EO:A, OP:A, IT:A, KT:-	
<b>Pass/Fail:</b>	P	
<b>Remarks:</b>		

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### AFFECTED CODE SECTIONS:

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### COMMITTEE REPORTS:

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### BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This Resolution will approve, with revisions, as an Act of the District Council, the Subregion 6 Master Plan.

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### CODE INDEX TOPICS:

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### INCLUSION FILES:

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**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2013 Legislative Session**

Resolution No. CR-83-2013  
Proposed by Council Member Patterson (by request – Planning Board)  
Introduced by Council Members Franklin and Davis  
Co-Sponsors \_\_\_\_\_  
Date of Introduction July 24, 2013

**RESOLUTION**

1 A RESOLUTION concerning

2 The Subregion 6 Sectional Map Amendment

3 For the purpose of approving, with amendments and revisions, as an Act of the County Council  
4 of Prince George’s County, Maryland, sitting as the District Council, the Sectional Map  
5 Amendment (“SMA”) for Subregion 6, thereby setting forth and adopting detailed zoning  
6 proposals in Planning Areas 77, 78 (excluding that portion included in the 2007 Approved  
7 Westphalia Sector Plan), 79, 82A, 82B, 85B, 86A, 86B, 87A and 87B for the area generally  
8 bounded by the Patuxent River (East), the Charles County line (South), the Conrail Line, PEPCO  
9 powerline right of way, Piscataway Creek, Andrews Air Force Base, Old Alexandria Ferry Road,  
10 Branch Avenue, Allentown Road, Interstate 95/495, Pennsylvania Avenue, Ritchie Marlboro  
11 Road (West), White House Road, Largo Road, Watkins Park Drive, Oak Grove Road, Leeland  
12 Road, US 301 and District Branch (North).

13 WHEREAS, upon approval by the District Council the Sectional Map Amendment for  
14 Subregion 6 will update the 1994 *Subregion VI Study Sectional Map Amendment* (Planning  
15 Areas 79, 82A, 82B, 86A, 86B, 87A and 87B); the 1994 *Melwood Westphalia Sectional Map*  
16 *Amendment* (Planning Areas 77 and 78 excluding that portion included in the 2007 *Westphalia*  
17 *Sectional Map Amendment*); the 1993 *Subregion V Sectional Map Amendment* (Planning Area  
18 85B); and

19 WHEREAS, in adopting CR-89-2007 on November 20, 2007, the County Council of Prince  
20 George’s County, Maryland, sitting as the District Council, authorized initiation of an  
21 amendment to the 1994 Approved Sectional Map Amendment for the Subregion VI Study Area,

1 1994 Melwood Westphalia Sectional Map Amendment (excluding the 2007 Westphalia Sector  
2 area) and Planning Area 85B of the Subregion V Sectional Map Amendments, in order to  
3 develop a comprehensive approach to implementing the recommendations of the 2002 General  
4 Plan and to ensure that future development is consistent with County growth policies; and

5 WHEREAS, the District Council approved the Prince George's County Planning Board's  
6 initiation of a master plan and concurrent sectional map amendment pursuant to Sections 27-  
7 225.01 and 27-641 of the Zoning Ordinance with the adoption of CR-89-2007 on November 20,  
8 2007; and

9 WHEREAS, on September 15, 2009, the District Council approved the 2009 Subregion 6  
10 Sectional Map Amendment in CR-62-2009; and

11 WHEREAS, pursuant to an action filed in the Circuit Court for Prince George's County, on  
12 October 26, 2012, in consolidated cases CAL09-31402/CAL09-32017, the Circuit Court for  
13 Prince George's County declared void the adoption of CR-62-2009 by the District Council for  
14 failure to meet the affidavit requirement pursuant to Md. Ann. Code, State Gov't § 15-831  
15 (2012), and returned the matter to the District Council for review of the recommendations of The  
16 Maryland-National Capital Park and Planning Commission ("M-NCPPC"); and

17 WHEREAS, on November 5, 2012, the District Council, on its own motion, and pursuant to  
18 the October 26, 2012, Order of Court and § 27-227 of the Zoning Ordinance, voted to reconsider  
19 CR-62-2009 concerning the Subregion 6 Master Plan and Sectional Map Amendment; and

20 WHEREAS, by Order dated November 13, 2012, the District Council remanded the  
21 Subregion 6 Master Plan and Sectional Map Amendment to the Planning Board for the purposes  
22 of compliance with affidavit requirements pursuant to Md. Ann. Code § 15-831 and resubmittal  
23 of its January 2009 Preliminary Subregion 6 Master Plan and Proposed Sectional Map  
24 Amendment to the District Council; and

25 WHEREAS, in order to reapprove the Subregion 6 Sectional Map Amendment, the District  
26 Council for Prince George's County, in conjunction with the Prince George's County Planning  
27 Board, held a joint public hearing on April 22, 2013; and

28 WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, on March 21, 2013,  
29 the Planning Board referred the public facilities element of the Preliminary Subregion 6 Master

1 Plan and Proposed Sectional Map Amendment for review, comments and identification of any  
2 inconsistencies between the public facilities proposed in the Plan and any existing or proposed  
3 State or County facilities; and

4 WHEREAS, the District Council subsequently did not find any inconsistencies between the  
5 proposed public facilities in the master plan proposal as adopted in CR-54-2013; and

6 WHEREAS, on June 6, 2013, the Planning Board held a work session to consider the public  
7 hearing testimony; and

8 WHEREAS, on June 27, 2013, the Planning Board endorsed the sectional map amendment  
9 with revisions, in response to the public hearing testimony, as described in Prince George's  
10 County Planning Board Resolution PGCPB No. 13-70, and transmitted the endorsed sectional  
11 map amendment and supporting documents to the District Council on July 1, 2013; and

12 WHEREAS, on July 8, 2013, the District Council held a work session to review Planning  
13 Board endorsed SMA, including recommendations on public hearing testimony, as well as the  
14 record and exhibits associated with the Subregion 6 Master Plan and Sectional Map Amendment,  
15 and upon discussion, directed Technical Staff to prepare a resolution of approval incorporating  
16 revisions; and

17 WHEREAS, the District Council has reviewed several comprehensive design zone  
18 proposals and finds the proposals to be in general conformance with the land use  
19 recommendations of the Adopted Subregion 6 Master Plan; and

20 WHEREAS, the District Council recognizes that its actions to approve the comprehensive  
21 design zones as described in the Sectional Map Amendment and approve a Basic Plan for each  
22 development which, combined with policies and strategies in the plan text becomes the basis on  
23 which the second phase, Comprehensive Design Plan, and third phase, Specific Design Plan(s),  
24 will be processed as a continuing development sequence.

25 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
26 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
27 Regional District in Prince George's County, Maryland, that the Subregion 6 Sectional Map  
28 Amendment as endorsed on June 27, 2013, by PGCPB No. 13-70, be and the same is hereby  
29 approved, with the following revisions:

**REVISION ONE:**

1 Modify the SMA to add:

2 **Existing Zone:** R-A **Proposed Zone:** C-S-C

3 **Location:** SE Crain Highway **Tax Account:** 3951068

4 **Street Address:** 6100 Block SE Crain Highway

5 **Land Area:** 12.39 ± acres

6 **Legal Description:** Tax Map 102, Grid A-4; 208SE13; Parcel 116

7 **Existing Use:** Vacant Land

8 **REVISION TWO:**

9 Modify the SMA to add:

10 **Existing Zone:** R-R **Proposed Zone:** C-S-C

11 **Location:** Dower House Road at MD 223 **Tax Account:** 0916288

12 **Street Address:** 6905 Dower House Road

13 **Land Area:** 1.52 ± acres

14 **Legal Description:** Map 108, Grid F-2; 209SE9; Parcel 65

15 **Existing Use:** auto body shop/convenience store and single family dwelling

16 **REVISION THREE:**

17 Modify the SMA to add:

18 **Existing Zone:** R-A **Proposed Zone:** M-X-T

19 **Location:** SE quadrant MD 223/

20 South Osborn Road

21 **Street Address:** 5800 Woodyard Road **Account:** 1716299

22 **Land Area:** 37.61 ± acres

23 **Legal Description:** Tax Map 100, Grid B-3; 208SE9; Parcel 6

24 **Existing Use:** Vacant Land

25 **REVISION FOUR:**

26 Modify the SMA to add:

27 **Existing Zone:** R-E **Proposed Zone:** R-80

28 **Location:** 11210 Brown Road

29 **Street Address:** 11210 Brown Road

30 **Account:** 1712702



1 **Land Area:** 9.97 ± acres

2 **Legal Description:** Tax Map 83, Grid C-3; Parcel A

3 **Existing Use:** Vacant Land

4 **REVISION FIVE:**

5 Modify the SMA to add:

6 **Existing Zone:** R-R **Proposed Zone:** I-1

7 **Location:** MD 275/Marlboro Racetrack Road

8 **Street Address:** Marlboro Pike

9 **Account:** 0248161

10 **Land Area:** 0.238 ± acres

11 **Legal Description:** Tax Map 102; Grid A-1; Parcel 70

12 **Existing Use:** Vehicle Storage Yard

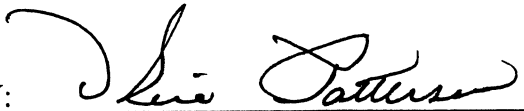
13  
14 BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate  
15 textual, graphical, and map revisions to correct identified errors, reflect updated information and  
16 revisions, and incorporate the zoning map changes reflected in this Resolution.

17 BE IT FURTHER RESOLVED that this Sectional Map Amendment is an amendment to  
18 the Zoning Ordinance and to the official Zoning Map for the Maryland-Washington Regional  
19 District in Prince George's County. The zoning changes approved by this Resolution shall be  
20 depicted on the official Zoning Map of the County.

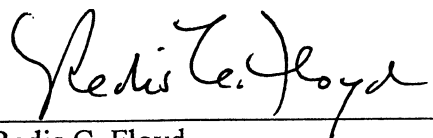
21 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If  
22 any provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid,  
23 unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or  
24 unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses,  
25 sections, zones, zoning maps, or parts hereof or their application to other zones, persons, or  
26 circumstances. It is hereby declared to be the legislative intent that this Resolution would have  
27 been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence,  
28 clause, section, zone, zoning map, or part had not been included therein.

Adopted this 24th day of July, 2013.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

BY:   
Obie Patterson  
Vice Chair

ATTEST:

  
Redis C. Floyd  
Clerk of the Council

**Prince George's County Council  
Agenda Item Summary**

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**Meeting Date:** 7/24/2013  
**Reference No.:** CR-083-2013  
**Draft No.:** 2  
**Proposer(s):** Park & Planning  
**Sponsor(s):** Franklin, Davis  
**Item Title:** A Resolution approving, with amendments and revisions, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council, the Sectional Map Amendment ("SMA") for Subregion 6, thereby setting forth and adopting detailed zoning proposals in Planning Areas 77, 78 (excluding that portion included in the 2007 Approved Westphalia Sector Plan), 79, 82A, 82B, 85B, 86A, 86B, 87A and 87B for the area generally bounded by the Patuxent River (East), the Charles County line (South), the Conrail Line, PEPCO powerline right of way, Piscataway Creek, Andrews Air Force Base, Old Alexandria Ferry Road, Branch Avenue, Allentown Road, Interstate 95/495, Pennsylvania Avenue, Ritchie Marlboro Road (West), White House Road, Largo Road, Watkins Park Drive, Oak Grove Road, Leeland Road, US 301 and District Branch (North).

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**Drafter:** M-NCPPC,  
**Resource Personnel:** M-NCPPC

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**LEGISLATIVE HISTORY:**

<b>Date Presented:</b>		<b>Executive Action:</b>
<b>Committee Referral:</b>		<b>Effective Date:</b>
<b>Committee Action:</b>		
<b>Date Introduced:</b>	7/24/2013	
<b>Public Hearing:</b>		
<b>Council Action (1)</b>	7/24/2013 - ADOPTED	
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:-, ML:A, EO:A, OP:A, IT:A, KT:-	
<b>Pass/Fail:</b>	P	
<b>Remarks:</b>		

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**AFFECTED CODE SECTIONS:**

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**COMMITTEE REPORTS:**

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

This Resolution will approve, with revisions, as an Act of the District Council, the Subregion 6 Sectional Map Amendment.

7/24/2013 - CR-83-2013 was amended on the floor prior to adoption; CR-83-2013 (DR-2) was adopted.

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**CODE INDEX TOPICS:**

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CERTIFICATE OF ADOPTION AND APPROVAL

This master plan and sectional map amendment for Subregion 6 amends the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area* (Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B); the 1983 *Functional Master Plan for Public School Sites*; Planning Area 85B in the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V*; the 1994 *Approved Master Plan and Sectional Map Amendment for Melwood-Westphalia* (Planning Areas 77 and 78), excluding that portion included in the 2007 Westphalia Sector Plan); the 2002 *Prince George's County Approved General Plan* for the physical development of the Maryland-Washington Regional District within Prince George's County, Maryland; the 2005 *Countywide Green Infrastructure Plan*; the 2008 *Public Safety Facilities Master Plan*; the 2009 *Master Plan of Transportation*, the 2010 *Prince George's County Historic Sites and Districts Plan*; and the 2010 *Water Resources Functional Master Plan*. The Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted this master plan and sectional map amendment by resolution number 13-70 on June 27, 2013, after a duly-advertised joint public hearing held on April 22, 2013 in conjunction with the Prince George's County Council, sitting as the District Council, pursuant to the provisions of Section 27-645 of the County Code of Prince George's County, Maryland and Division II of the Land Use Article of the Annotated Code of Maryland. The Prince George's County Council, sitting as the District Council, approved the Subregion 6 Master Plan and Sectional Map Amendment by resolutions CR-82-2013 and CR-83-2013 on July 24, 2013.

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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Françoise M. Carrier  
Chairman, Montgomery County Planning Board

---

Dorothy F. Bailey  
Vice Chairman, Prince George's County Planning Board

---

Joseph Zimmerman  
Secretary-Treasurer





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department  
Community Planning Division

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco  
301-952-3972

December 18, 2013

**MEMORANDUM**

TO: The Maryland-National Capital Park and Planning Commission

VIA: Fern Piret, Planning Director *J.P.*  
Ivy A. Lewis, Chief, Community Planning Division *aw*  
Steve Kaii-Ziegler, Planning Supervisor, Community Planning Division *slc*

FROM: Wendy Irminger, Planner Coordinator, Community Planning Division *WJ*

SUBJECT: **The Maryland-National Capital Park and Planning Commission Resolution to certify the *Approved Subregion 5 Master Plan and Sectional Map Amendment***

Attached for your review and approval is the Full Commission Resolution Number 13-28 to certify the *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Planning Areas 81A, 81B, 83, 84 85A). Also attached for your information are the Prince George's County Planning Board Resolution PGCPB No. 13-75 dated June 27, 2013 and the Prince George's County Council Resolutions CR-80-2013 and CR-81-2013, dated July 24, 2013.

**RECOMMENDATION**

Staff recommends that the Full Commission approve the resolution to certify.

**Attachments**

1. Full Commission Resolution Number 13-28
2. Prince George's County Resolutions CR-80-2013 and CR-81-2013
3. Prince George's County Planning Board Resolution PGCPB No. 13-75
4. Certificate of Adoption and Approval

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Code of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to a General Plan for Physical Development of the Maryland-Washington Regional District; and

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, held a duly advertised joint public hearing with the Prince George's County Council, sitting as the District Council, on April 11, 2013 to consider the Preliminary Subregion 5 Master Plan and Proposed Sectional Map Amendment, being also an amendment to the 1993 *Approved Subregion V Master Plan and Sectional Map Amendment* (Planning Areas 81A, 81B, 83, 84, 85A, 85B), the 2002 *Prince George's County Approved General Plan*, the 1983 *Functional Master Plan for Public School Sites*, the 2005 *Countywide Green Infrastructure Functional Master Plan*, the 2008 *Approved Public Safety Facilities Master Plan*, the 2009 *Approved Countywide Master Plan of Transportation*, the 2010 *Approved Historic Sites and Districts Plan*, and the 2010 *Approved Water Resources Functional Master Plan*; and

WHEREAS, the Prince George's County Planning Board on June 27, 2013, after due deliberation and consideration of the public hearing testimony, adopted the master plan and endorsed the sectional map amendment with revisions, as described in Prince George's County Planning Board Resolution PGCPB No. 13-75, and transmitted the plan to the District Council on July 1, 2013; and

WHEREAS, the Prince George's County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Prince George's County, held a work session on July 8, 2013, to consider hearing testimony and the Planning Board's resolution; and

WHEREAS, upon consideration of the testimony received through the hearing process, the District Council on July 24, 2013, determined that the adopted plan should be approved as the master plan and sectional map amendment for Subregion 5 (Planning Areas 81A, 81B, 83, 84, 85A), for Prince George's County, Maryland, subject to the modifications and revisions set forth in Resolutions CR-80-2013 and CR-81-2013.

NOW, THEREFORE, BE IT RESOLVED, that Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby certify said master plan and sectional map amendment for Subregion 5 (Planning Areas 81A, 81B, 83, 84, 85A), as an amendment to the General Plan for the physical development of the Maryland-Washington Regional District within Prince George's County as approved by the Prince George's County District Council in the attached Resolutions CR-80-2013 and CR-81-2013; and

BE IT FURTHER RESOLVED, that the Recitals are hereby incorporated into this Resolution by reference; and



BE IT FURTHER RESOLVED, that copies of said amendment shall be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of Prince George's and Montgomery Counties, as required by law.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Maryland-National Capital Park and Planning Commission on the motion of Commissioner X, seconded by Commissioner X, with Commissioners X, X, X, and X and Commissioner X being absent, at its regular meeting held on \_\_\_\_\_, 2013 in Riverdale Park, Maryland.

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Patricia Colihan Barney  
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 11 / 1 / 13



## RESOLUTION

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, in conjunction with the Prince George's County Council, sitting as the District Council, pursuant to Section 27-644 of the Zoning Ordinance of Prince George's County, held a duly advertised public hearing on the *Preliminary Subregion 5 Master Plan and Proposed Sectional Map Amendment* on April 11, 2013; and

WHEREAS, the planning area of the *Preliminary Subregion 5 Master Plan and Proposed Sectional Map Amendment* is bounded by the Joint Base Andrews Naval Air Facility Washington (JBA, North), the Piscataway Creek and the CSX (Popes Creek) rail line (East), Charles County (South), and the Potomac River, Piscataway Creek, Gallahan Road, and Tinkers Creek (West); and

WHEREAS, the purpose of the *Preliminary Subregion 5 Master Plan and Proposed Sectional Map Amendment* is to develop a comprehensive plan that sets policies and strategies that will improve the quality of life for the residential communities, improve the business climate, guide revitalization and redevelopment in the master plan area to ensure efficient use of existing transit infrastructure, protect environmentally sensitive and scenic land, and make efficient use of existing and proposed county infrastructure and investment; and

WHEREAS, the *Preliminary Subregion 5 Master Plan and Proposed Sectional Map Amendment* contains a comprehensive rezoning element known as the Proposed Sectional Map Amendment intended to implement the land use recommendations of the master plan for the foreseeable future; and

WHEREAS, the *Preliminary Subregion 5 Master Plan and Proposed Sectional Map Amendment* is proposed to amend the 1993 *Subregion V Approved Master Plan and Sectional Map Amendment (Planning Areas 81A, 81B, 83, 84, 85A, (excluding 85B))*; the 2002 *Prince George's County Approved General Plan*, the 2009 *Master Plan of Transportation*, the 2008 *Public Safety Master Plan*, the 2005 *Countywide Green Infrastructure Plan*, the 2010 *Prince George's County Historic Sites and Districts Plan*; and the 2010 *Water Resources Functional Master Plan*; and

WHEREAS, the Preliminary Subregion 5 Master Plan incorporates and is superseded by recommendations in the 2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan (CBA) for areas that overlap with the boundaries of the Subregion 5 Master Plan, except that the Subregion 5 Master Plan shall supersede said CBA Sector Plan with regard to the following:

1. Change the land use classification for Tax Accounts 3463304, 3463312, 3463320, 3463338, and 3463346, properties east of Ferry Avenue and south of Old Alexandria Ferry Road, from Residential Low to Commercial and rezone the properties from C-2 to C-M, per change C-5 in the preliminary plan;
2. Change the land use classification for Tax Account 0965129 on Old Branch Avenue opposite Fairview Court from Residential Low to Commercial -Neighborhood and rezone the property from R-80 to C-S-C; and,

3. Change the land use classification for Tax Account 0945667, at 7512 Surratts Road, from Residential Low to Commercial Office and rezone the property from R-R to C-O.

WHEREAS, on June 13, 2013, the Planning Board held a public work session to examine the analysis of testimony pertaining to the April 11, 2013 joint public hearing on the *Preliminary Subregion 5 Master Plan and Proposed Sectional Map Amendment*, including exhibits received before the close of the record on April 26, 2013 and additional exhibits accepted after the close of record by the Planning Board on June 13, 2013; and

WHEREAS, the Prince George's County Planning Board determined to amend said *Preliminary Subregion 5 Master Plan and Proposed Sectional Map Amendment*, in response to said public testimony and County Executive and District Council input on the Public Facilities Report, and to adopt the master plan, endorse the sectional map amendment and transmit both the plan and sectional map amendment with further amendments, revisions, deletions, and additions in response to the public hearing record, as follows:

1. Modify the plan text and map(s) to reflect technical changes and errata presented at the March 31, 2009 joint public hearing and the Planning Board work session held on June 13, 2013, as shown in Attachments A and B. In the case of conflicting information, revisions shown in the 2009, Attachment A, will be superseded by revisions shown in 2013, Attachment B, or with the most current information available.
2. In the Executive Summary, address the remand and resubmission of the master plan and Sectional Map Amendment for reconsideration of adoption and approval and the relationship between the master plan and the 2013 *Approved Central Branch Avenue (CBA) Corridor Revitalization Sector Plan*. State that the Subregion 5 master plan recognizes and incorporates by reference all the recommendations for the portion of the CBA sector plan that falls within the Subregion 5 master plan boundary. Address specific CBA recommendations within Subregion 5 regarding land use, environment, transportation, public facilities and the public facilities cost estimates. Note that CBA prevails in any conflicts between the plans' recommendations and that CBA provides specific, detailed information on the planning vision, goals, development program, design guidelines, and public facilities recommendations for the portion of the CBA sector plan within Subregion 5, with exceptions noted in this Resolution.
3. Revise text and insert corresponding map to update information regarding the Area of Primary Concern within the Mount Vernon Viewshed in Subregion 5 as shown in Attachment D.

## CHAPTER II – BACKGROUND

3. Page 1, in the chart, under "Community:" identify "Tippett" along with "Clinton" as Tippett is the name of Planning Area 81B.

## CHAPTER IV – LAND USE AND DEVELOPMENT PATTERN

4. Page 29, add to plan text in 2<sup>nd</sup> paragraph and at page 169, 4<sup>th</sup> paragraph: (modified) "The zoning decisions in the approved master plan are final until either a proposal to rezone a specific site is approved by the District Council or State Law allows a use for the property that is not allowed by the County Zoning Ordinance."

5. Page 30, revise and replace Table IV, Land Use Map Designation, with the following:

Table IV-1. Land Use Map Designations, Descriptions and Applicable Zones

<b>Designation</b>	<b>Intent/Types of Land Uses, Densities</b>	<b>Applicable Zones</b>
Commercial	Retail and business areas, including employment [uses] such as office and service uses.	<u>C-O, C-A, C-S-C, C-M, C-R-C</u>
Industrial	Manufacturing and industrial parks, warehouses and distribution. May include other employment such as office and service uses.	<u>I-1, I-2, I-3, I-4, E-I-A</u>
Mixed Use	Areas of various residential, commercial, employment and institutional uses. Residential uses may include a range of unit types. Different mixed use areas may vary with respect to their dominant land uses; i.e. commercial uses may dominate overall land use in one mixed use area, whereas residential uses may dominate in another.	<u>M-X-T, M-X-C, M-U-T-C, M-U-I, M-A-C, L-A-C</u>
Institutional	Uses such as military installations, sewerage treatment plants, schools.	<u>Any zone</u>
Residential high	Residential areas over 20 dwelling units per acre. Mix of dwelling unit types, including apartments.	<u>R-H, R-10, R-10A</u>
Residential medium-high	Residential areas between eight and 20 dwelling units per acre. Mix of dwelling unit types, including apartments.	<u>R-30, R-1, R-18, R-18C</u>
Residential medium	Residential areas between 3.5 and eight dwelling units per acre. Primarily single-family dwellings (detached and attached).	<u>R-55, R-M, R-T, R-20, R-35</u>
Residential low	Residential areas up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.	<u>R-E, R-R, R-L, V-L, V-M, R-S, R-80</u>
Residential low – transition area[s]	Residential areas up to two dwelling units per acre. Primarily single-family detached dwellings. Minimum 60 percent open space through required conservation subdivisions.	<u>R-R, R-E, R-A, R-L, V-L</u>
Rural	Agricultural land (cropland, pasture, farm fields), forest, very low density residential. The county's intent is for these areas to remain rural and to conserve these areas' natural resources, primarily forest and forest resources, for future generations. New residential development is permitted at a maximum density of one dwelling unit per five acres.	<u>R-O-S, O-S, R-A</u>
Public Parks and Open Space	Parks and recreation areas, publicly owned natural areas.	<u>R-O-S</u>

6. Page 42, delete the discussion on voluntary agricultural zoning, paragraph 7, Agricultural Zone; rename the title and delete the first two sentences in the section titled "Resource Mitigation" by substituting the following text:

Soil Mitigation: This plan's policy is to conserve agricultural and other natural resource lands for the future. Fertile agricultural and forest soils are a nonrenewable resource which must be retained in order to sustain agricultural uses. Land development and

disturbance should be directed away from class I, II, and III agricultural or forest soils in the PPA towards more suitable soils, while maintaining a sustainable land development pattern. Class I, II and III soil types are the most fertile agricultural and forest soils and their presence may be required for certain state agricultural easement programs. Mitigation for the loss of valuable soils to development may take the form of either purchasing easements on resource lands elsewhere in the Rural Tier, within the PPA preferred, or paying a fee-in-lieu to support the county's Purchase of Development Rights (PDR) program. The precedent for such action is the county's Woodland Conservation and Tree Preservation Ordinance which requires mitigation for development that affects woodland anywhere in the county. In the future the county expects there to be demand for land for other types of mitigation such as carbon offsets (planting trees or preserving woodlands to offset greenhouse gas emissions) or for nutrient trading (planting trees or preserving woodlands to compensate for nitrogen phosphorus loading that exceeds watershed load limits.)

7. Page 43, delete the paragraph that starts "Note on easement overlays" and replace with the following text: Note on easement compatibility within a property: To encourage participation in land conservation and stewardship opportunities available in the PPA, property owners should be made aware of the range of programs available and their applicability and interrelationship in the protection of natural land resources. Different protection mechanisms may be applicable to different portions of a site, and may co-exist without difficulty. Overlaying easements may be in conflict with county and state laws regarding the various easements. The relationship between different land protection mechanisms needs to be carefully evaluated when determining the best mechanisms for a site. Protective Easements: Other types of easements can also contribute to land preservation in the PPA. These include historic preservation easements established through the Maryland Historic Trust, or environmental easements held by organizations such as the Maryland Environmental Trust, which may be acquired or may be donated. In many parts of Maryland local land trusts, supported by state legislation, play an important role in land preservation as easement holders or as brokers between landowners and the eventual easement holders. Promotion of the potential for local land trusts is a tool for local preservation. Organizations such as the Trust for Public Land and The Conservation Fund may also become active, as they are in other parts of the state, as local land trust partners develop.
8. Page 43, revise "Priority Preservation Area" to acknowledge the certification of the county's Priority Preservation Area, insert corresponding map; and revise "Mineral Resources Areas" to replace the last bullet with the following language: Increase setback and buffering requirements on potential mining sites adjacent to residential properties to minimize the potential effects of noise and dust from future mining.
9. Page 45, add a strategy to the plan text on to support "grandfathering" abutting recorded lots under one ownership that are legal at the time of SMA approval. Add text to the plan that recommends an amendment of the County Code to implement this strategy.
10. Page 54, under "Corridor" replace the last sentence as follows, Within the Developing Tier, the General Plan's vision is for corridor development that is of moderate density and compatible with the surrounding community. [The nodes themselves should have approximately a one-quarter mile radius, and should be transit oriented.] Core centers should include the area that is between one-quarter and one-half of a mile walking

distance from a transit station or stop.

11. Page 58, insert the following text as the last sentence in the paragraph titled, Rural Character:” The Conservation Subdivision technique, the county’s most environmentally sensitive manner of subdividing land for residential development, is encouraged throughout Accokeek.
12. Pages 61 – 64, incorporate into the section titled *Clinton* the land use recommendations from the 2013 *Approved Central Branch Avenue Revitalization Sector Plan* that pertain to the Clinton community.
13. Page 65, insert the following under *Strategies, Ongoing*:
  - Use the Conservation Subdivision technique for future residential development in Accokeek.
14. Page 60: Replace the third paragraph under “Village of Brandywine” with the following:

As an result of the planning process, a special study of revitalization strategies and opportunities was prepared in collaboration with the community. The focus of the Brandywine Revitalization and Preservation Study, February 2012, is a stretch of Brandywine Road between the CSX railroad tracks and Timothy Branch. It includes several historic sites, two churches, Brandywine Elementary School, a post office, retail commercial, office, and industrial land uses. The study provides recommendations and implementation actions pertaining to transportation improvements along Brandywine Road and rural village community design concepts with historic preservation as a guiding principle. Community members and staff in advocating for development that can revitalize this community may use the recommendations and implementation strategies in the study.
15. Page 67, revise Map IV-1, General Plan Amendments, to add per plan text:
  - a. deletion of a Corridor Node at the intersection of MD 5 and planned A-65;
  - b. designation of the boundaries of the Brandywine Community Center.

## CHAPTER V - ENVIRONMENT

16. Page 75, update text concerning the 2010 *Approved Water Resources Functional Master Plan*.
17. Page 80, revise the text to change the title “Mattawoman Creek Watershed” to Watersheds, make Mattawoman Creek a subsection, and add a new subsection titled that includes the text regarding the Piscataway Creek Watershed as follows:

### Piscataway Creek Watershed

The Piscataway Creek watershed encompasses 69 square miles in Prince George’s County. Headwaters originate to the west and east of Joint Base Andrews Naval Air Facility Washington, referred to as JBA, (in the vicinity of Camp Springs, Clinton, along Woodyard Road). On the southwest side of JBA two branches join to form Tinkers Creek, the major tributary to Piscataway Creek. Surface water runoff flows into Tinkers

Creek, to Piscataway Creek, and eventually into the Potomac River.<sup>4</sup>

Piscataway Creek Watershed lies partially in Subregion 5 and partially in Subregion 6. It is the largest watershed in Subregion 5, encompassing approximately 24,500 acres, a little over 50 percent of Subregion 5. The headwaters of Piscataway Creek originate on and in the vicinity JBA in Subregion 6. The tidal wetlands at the mouth of Piscataway Creek are important to the overall ecology of the Lower Potomac River Basin and the natural productivity of the area supports resident and migratory fish, waterfowl, and many marsh birds. All land within 1,000 feet of the lower approximately 4.5 miles of Piscataway Creek is within the Chesapeake Bay Critical Area (CBCA) and subject to Prince George's County's Critical Area regulations.

Several rare, threatened and endangered species have been found in the Piscataway Creek watershed, including the federally listed endangered plant Sandplain gerardia (*Agalinis acuta*) and the state listed threatened Bald eagle (*Haliaeetus leucocephalus*). The Piscataway Creek watershed is considered a stronghold watershed for two species of fish, the American Brook Lamprey (*Lampetra appendix*) and the Comely Shiner (*Notropis amoenus*), which are state listed threatened. Stronghold watersheds are essential for the conservation of these species in Maryland. According to the 2000-2004 Maryland Biological Stream Survey, these species tolerate maximum impervious surfaces of 12.9 and 8.7 percent, respectively.

Two sections of Piscataway Creek in Subregion 5 contain listed Tier II waters. One section is located between MD 210 and Gallahan Road in the eastern area of the watershed, and the other between Branch Avenue and Surratts Road near the central area of the watershed. Maryland's 1999 Clean Water Action Plan identified Piscataway Creek as a priority for restoration and recommended it for protection. According to that Plan, as of 1998, the watershed was 16.7% impervious. Noted above in Section B (Water Quality) Sewer overflows that have taken place at the Piscataway Wastewater Treatment Plant and sewer line breaks have discharged effluent into Piscataway Creek. Under the Clean Water Act Total Maximum Daily Loads (TMDLs) are required to be developed for impaired waters that are too degraded to meet water quality standards in order to achieve and maintain water quality standards. TMDLs remain in place in perpetuity even if the water quality standards are met or if the waterbody is removed from the Section 303(d) impaired list. The non-tidal Piscataway Creek watershed has an approved TMDL for fecal bacteria.<sup>5</sup> Fecal bacteria are microscopic single-celled organisms (primarily fecal coliforms and fecal streptococci) found in the wastes of warm-blooded animals. Their presence in water is used to assess the sanitary quality of water for body-contact recreation, for consumption of molluscan bivalves (shellfish), and for drinking water. Excessive amounts of fecal bacteria in surface water used for recreation are known to indicate an increased risk of pathogen-induced illness to humans. Infections due to pathogen-contaminated recreation waters include gastrointestinal, respiratory, eye, ear, nose, throat, and skin diseases (EPA, 1986).<sup>6</sup>

The 2005 Green Infrastructure Plan identified Piscataway Park, located in the Piscataway

<sup>4</sup>[http://www.mde.state.md.us/Programs/WaterPrograms/TMDL/ApprovedFinalTMDL/TMDL\\_final\\_piscataway\\_creek\\_fc.asp](http://www.mde.state.md.us/Programs/WaterPrograms/TMDL/ApprovedFinalTMDL/TMDL_final_piscataway_creek_fc.asp)

<sup>5</sup> The fecal bacteria TMDL for Piscataway Creek is 201 billion Most Probable Number (MPN) of *Escherichia coli* per day, which is distributed between load allocation for non-point sources (118 billion MPN/day) and waste load allocations for point sources (83 billion MPN/day) such as wastewater treatment plants. The Maryland Department of Environment monitors water quality to determine compliance with the TMDL.

<sup>6</sup> [http://www.mde.state.md.us/assets/document/Piscataway\\_TMDL\\_051006\\_final.pdf](http://www.mde.state.md.us/assets/document/Piscataway_TMDL_051006_final.pdf)



Creek and Lower Potomac River Tidal Watersheds, as a special conservation area (SCA). The Potomac River Shoreline, which contains a portion of the Piscataway Creek watershed, is also a SCA (Map V-1). The Green Infrastructure Plan reported that the Piscataway Creek watershed ranked "fair" for the Benthic Index of Biological Integrity (IBI) and "poor" for aquatic habitat (Table V-1). The poor physical quality of the aquatic habitat is likely due to urbanization and failing septic systems. According to the Piscataway Creek TMDL, there are approximately 1,800 septic systems located mainly in the eastern and southern areas of the non-tidal Piscataway Creek watershed.

Recommendations by the Department of Natural Resources (DNR) regarding threats, conservation strategies, and inventory, data and modeling needs are summarized for coastal plain streams and available at: [http://www.dnr.state.md.us/wildlife/WCDP\\_Chapter4\\_Part4\\_20050926.pdf](http://www.dnr.state.md.us/wildlife/WCDP_Chapter4_Part4_20050926.pdf)

The Planning Department has funded a stream corridor assessment and DER has begun work on a Watershed Management Plan and Watershed Restoration Strategy for the Piscataway Creek watershed.

This Subregion 5 Plan supports environmental protection of Piscataway Creek and its watershed in several ways:

- The Future Land Use Map (Map IV-1) seeks to support the protection of lands within Piscataway Creek watershed with the designation of some lands near the main tributary as residential - low transition, which would require a minimum 60 percent open space through conservation subdivisions. Approximately 15 percent of the Piscataway Creek watershed is designated residential low transition.
- Over 50 percent of the Piscataway Creek watershed is designated residential low.
- Approximately 15 percent of the Piscataway Creek watershed is in the Rural Tier which has the lowest development potential.
- Land in the southern and western part of the Piscataway Creek watershed is in the Priority Preservation Area (Map IV-3).
- Land along the Piscataway Creek mainstream is designated as a stream valley park (Map VII-2).

18. Page 83, revise the text under Policies, as follows:
- Ensure that, to the fullest extent ~~that~~ is possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.

## CHAPTER VI -TRANSPORTATION SYSTEM

19. Pages 101,105, revise Plan Tables VI-4 and VI-5 to indicate that the intersection of MD 210 (F-11) at MD 373 if deemed necessary will be upgraded to an interchange, with MD 373 going over MD 210.
20. Page 10, modify Table VI-4 by inserting a new Intersection section, after the Interchange section, and a line item for C-520, with "Intersection" showing Windbrook Drive at Floral Park Road Intersection—consider replacing four-way stop with appropriate traffic controls.
21. Page 10, modify Table VI-4 by including, for A-54, a footnote stating: In lieu of widening beyond four lanes, consider the construction of C-514 or A-65 as a means of providing a parallel route for traffic.

22. Page 100, add text under the "MD 223 Piscataway Road/Steed Road to MD 5" heading, to revise the third sentence as follows: During 2008, only the Steed Road to MD 5 segment was an active project planning study (A-54), and funding for that study was deferred late in the year and remains deferred at the current time.
23. Pages 104-105, amend Table VI-5 to add C-533, Tippet Road, Thrift Road to MD 223, with a proposed right-of-way of 80 feet and two travel lanes
24. Page 108, modify Map VI-1 to show Tippet Road as a collector on existing alignment (solid black).
25. Page 113, add the following language within a new bullet: Upgrade Tippet Road to a two-lane collector roadway with shoulders.
26. Page 101, amend Table VI-4 on to include this improvement as follows:  
C-533 Tippet Road Thrift Road to MD 223 ROW=80 2 lanes
27. Page 103, add the following paragraph and identify the following recommendations as high priorities among the list of road improvement projects on both state and county roads:
- "To ensure that funding is prioritized for new road improvements for both state and county roads the following roads are top priority in Subregion 5:
- State roads:
1. MD 5 Interchanges at Surratts Road, Burch Hill Road (A-65) and Brandywine Road
  2. MD 223 widening between Steed Road and Subregion 6
  3. US 301/MD 5 Upgrade between Charles County and T.B.
  4. MD 223 widening between Floral Park Road and Steed Road.
- County roads:
1. Surratts Road between Brandywine Road and MD 5
  2. Completion of the Brandywine Spine Road and West Brandywine Spine Road including connections to US 301 and MD 5 north and south of T.B.
  3. Widening of Brandywine Road between Thrift Road and MD 223
  4. Widening of the Floral Park Road approaches to MD 5 and MD 223
  5. Construction of A-65 from Old Fort Road to MD 223 or (if the former is constructed by developers) from MD 223 to MD 5.
28. Page 104, amend Table VI-5 on for A-65 to show a right-of-way that Varies (80' minimum) and the number of lanes is 2 - 4.
29. Page 113, revise the text from the fifth bullet, add the following new sentence: The right-of-way for A-65 should vary from a minimum 80 feet at stream crossings to 120 feet in general, and it should be constructed as a two-lane to four-lane facility as deemed appropriate by projected traffic volumes.
30. Page 120, add the following text to the end of the paragraph under the headings: Strategies ...Construct the following Off Road Trails... Potomac Heritage Trail Connector Trails: No trails are planned along private roads in the Moyaone Reserve.

31. Page 119, amend Table VI-6 to add Tippett Road.

## CHAPTER VII -PUBLIC FACILITIES

32. Pages 133 -140, replace the chapter with the updated text in its entirety, as follows:

Public facilities that meet the educational, safety, and recreational needs of all Subregion 5 residents are essential elements of a thriving, livable community. These facilities provide important services, such as education and public safety, as well as opportunities for community involvement and enrichment at libraries and recreational facilities. The analysis of such facilities for this master plan shows where facilities are needed to serve the projected growth in Subregion 5. The results below are presented for schools, libraries, police stations and fire stations.

### Goals:

1. Needed public facilities are provided at locations that effectively and efficiently serve the existing and future population.
2. Schools operate at 100 percent of capacity or less to provide an effective, quality learning environment.
3. Priority is given to funding public facilities to support development in the Developing Tier policy area.
4. All new public facilities will be constructed to LEED (Leadership in Energy Efficiency and Design) standards or the equivalent and existing buildings will be retrofitted to make them energy efficient.

### A. Public Schools

There are 12 public schools in Subregion 5: one academy serving grades PreK-8, five elementary, two middle, three high schools and one special education school.

In 2008, Prince George's County Public Schools conducted a facilities condition assessment of public schools within the county. This assessment was updated in September 2012. The assessment explores the physical conditions of schools, both internal and external. The study measured schools based upon a facilities condition index (FCI) which is a measurement of "a facility's condition represented by the ratio of the cost to correct a school facility's deficiencies to the current replacement value of the facility." Facilities constructed after 1992 were not included in this assessment.

**Table VII-1: Projected School Enrollment and Capacity by Level**

School	Address	Enrollment 9/2012	State Rated Capacity	Percent Capacity	Facilities Condition Index (FCI) Rating	Facility Assessment Physical Condition
<b>Elementary Schools/Academies</b>						
Accokeek Academy	14400 Berry Road	1,361	1,261	108%	Not Provided	Not Provided
Brandywine Elementary	14101 Brandywine Road	444	473	94%	65%	fair
Clinton Grove Elementary	9420 Temple Hill Road	355	345	103%	71%	fair
James Ryder Randall	5410 Kirby Road	490	506	97%	53%	fair
Rose Valley Elementary	9800 Jacqueline Drive	385	436	88%	60%	fair
Waldon Woods Elementary	10301 Thrift Road	583	628	93%	50%	fair
<b>Total</b>		<b>3,618</b>	<b>3,649</b>	<b>99%</b>		
<b>Middle Schools</b>						
Gwynn Park	8000 Dyson Road	516	765	67%	69%	fair
Stephen Decatur	8200 Pinewood Drive	735	901	82%	58%	fair
<b>Total</b>		<b>1,251</b>	<b>1,666</b>	<b>75%</b>		
<b>High Schools</b>						
Friendly	10000 Allentown Road	1,159	1,505	77%	46%	fair
Gwynn Park	13800 Brandywine Road	1,130	1,313	86%	63%	fair
Surrattsville	6101 Garden Drive	851	1,195	71%	31%	good
<b>Total</b>		<b>3,140</b>	<b>4,013</b>	<b>78%</b>		
<b>Other</b>						
Tanglewood Special Ed Center	8333 Woodyard Road	41	120	34%	41%	fair

Schools with a FCI of 0-40% are considered to be in good condition. Schools with an FCI of 40-75% are considered to be in fair condition and a FCI greater than 75% is considered poor condition. There are no schools within the subregion rated in poor condition (See Table VII-1). Clinton Grove Elementary School is ranked at 71% which is almost at the poor condition level.

In the FY 2014-2019 CIP, Clinton Grove Elementary School and Eugene Burroughs and Stephen Decatur Middle Schools are budgeted for renovation. Additionally, funding is budgeted in the CIP to construct new classrooms and renovate existing classrooms at Surrattsville High School to accommodate classes with a smaller than 25:1 ratio. This effort is a part of the School System's Secondary School Reform Initiative.

Prince George's County Public Schools owns two unimproved possible future school sites in Subregion 5:

- The Nothey Farm site located east of MD 223, north of Windbrook Drive, in the Tippett Community.
- A site adjacent to the Piscataway Preserve development located west of Danville Road, in Accokeek.

Future elementary, middle and high school needs were derived from Subregion 5 dwelling unit projections (see Chapter II), average pupil generation rates by dwelling unit<sup>7</sup>, and taking into account current seating capacities (Table VII-1). New elementary schools are built to a capacity of 740 students, middle schools 900-1000 students and high schools range from 1500-2200 students.

This plan projects that by 2030 there will be an additional 11,300 dwelling units which will generate an estimated 1,777 elementary, 1,054 middle and 709 school students. These additional students will create the need for two new elementary schools and one new middle school by 2030.

At build-out (beyond 2030), this plan projects an additional 25,000 dwelling units. These units will generate the need for approximately 3,969 elementary, 2,835 middle, and 2,627 high school seats. At build-out, school needs will increase to five elementary schools, two middle schools and one additional high school. The need for these facilities is not addressed in this master plan.

By 2030, future growth is projected to occur in all three of the of the Subregion 5 communities, with the majority of the growth occurring in Brandywine and Clinton.

To meet the needs for 2030, the following school sites should be considered:

**Table VII-2: School Site Recommendations**

<b><u>School Level/Community</u></b>	<b><u>Site Recommendations</u></b>
<b><u>Elementary - 2030 need: 2 new schools</u></b>	
<b><u>Accokeek</u></b>	<b><u>Adjacent to Piscataway Preserve development; site is owned by the Board of Education and is identified as a floating symbol on the plan map.</u></b>
<b><u>Brandywine</u></b>	<b><u>West of the Lakeview subdivision on Accokeek Road. The site is identified as a floating school symbol in the plan map.</u></b>
<b><u>Clinton</u></b>	<b><u>In the vicinity of Hyde Field with access to Piscataway Road, south of Steed Road. The site is identified as a floating school symbol on the plan map.</u></b>
<b><u>School Level/Community</u></b>	
<b><u>Middle - 2030 need: 1 new school</u></b>	

<sup>7</sup> Pupil yield rates per dwelling unit are 0.16 pupils for elementary schools; 0.13 pupils for middle schools; and 0.14 pupils for high schools.

<u>School Level/Community</u>	<u>Site Recommendations</u>
<u>Clinton/Accoceek</u>	<u>Nothey Farm property: the site is owned by Board of Education and is well situated to serve the northern part of Accoceek, southern part of Clinton, and Brandywine via Windbrook Drive. The site is identified as a floating school symbol on the plan map.</u>
<u>Brandywine/Clinton</u>	<u>In the planned Brandywine Community Center; locate a floating school symbol on the plan map.</u>

**Policy 1**

**Construct new public schools at locations that are convenient for the populations they serve and require minimal bussing of students.**

**Strategies**

- a. Acquire two elementary school sites in locations that will serve future residential development.
- b. Acquire a middle school site in the Brandywine Community Center.

**Policy 2**

**Construct and renovate schools in order to operate at 100 percent of capacity or less and to provide a quality, energy efficient learning environment.**

**Strategies**

- a. Conduct an energy audit of public school buildings and, based on the outcome, retrofit buildings to reduce energy consumption.
- b. Lead certified professionals are used when designing new facilities.

**B. Libraries**

There are two library branches of the Prince George's County Memorial Library System located in Subregion 5. These facilities are the Accoceek Branch located on Livingston Road in Accoceek and the Surratts-Clinton Branch located on MD 223 in Clinton (Map VII-1). The FY 2014-2019 CIP contains a project for rehabilitation and expansion at the Surratts-Clinton Branch.

Data collected by the library system has shown that internet usage has grown rapidly over the past several years and public access computers are being fully utilized by the public in county libraries. This growing demand for public access computers and Wi-Fi may necessitate larger buildings or other means to provide service. With the changing use of libraries by county residents, there is a need to fully explore all of the ways to provide library services and their implications for new and existing facilities.

Current library standards recommend one library branch per 40,000 to 80,000 residents. The Plan projects that by 2030 the population in the subregion will reach approximately 82,000 people.

**Policy 1**

**All Developing Tier residents should live within a 10-minute drive time to libraries.**

**Strategies**

- a. Locate an additional library facility in Subregion 5 (in the Brandywine Community Center) to support the projected population increase past 2030. Consider co-locating the site with another public facility.

b. Consider the adaptive reuse of existing buildings for library facilities to meet the need for additional access to computers.

**Policy 2**

The library system meets an increasing demand from the community for computing and internet technology in library facilities.

**Strategy**

a. Continue to evaluate and improve existing library facilities and services, including computing and internet services.

**C. Public Safety**

**Police**

The Prince George's Police Department is the primary law enforcement agency in the County. Subregion 5 is served by the District V station located on Groveton Drive in Clinton (Map VII-1). The Prince George's County 2008 *Approved Public Safety Facilities Master Plan* (PSFMP) recommends relocating this station to the intersection of US 301 and Rosaryville Road in Subregion 6. In addition, the construction of the new District VII station in the vicinity of MD 210 and Fort Washington Road in Subregion 7 is anticipated to provide service to the majority of the area that is the subject of this plan. Funding for the construction of the new District V is budgeted in FY2014 and FY2015 and construction funding for the new District VII station is budgeted in FY 2017 and FY 2018 of the current CIP.

**Fire and Rescue**

Two fire and rescue stations are located in the Master Plan area: Company 24 (Accokeek) and Company 25 (Clinton). Company 40 (Brandywine), currently located in Subregion 6, provides additional service to the subregion.

Based on current service demands and response time criteria, the PSFMP recommends the relocation of the Brandywine Fire/EMS station from its present location in Subregion 6 to a site in the vicinity of Brandywine Road and Dyson Road in Subregion 5. The PSFMP also recommends that a new station (Piscataway) be constructed near the intersection of Brandywine Road and Danville Road.

These facilities are funded in the current CIP. Company 25 (Clinton) is budgeted for renovation; Company (40) Brandywine is budgeted for replacement; and the Piscataway Fire/EMS station which will be located near the intersection of Danville Road and Brandywine Road is budgeted for construction in the current CIP.

**Policy 1**

Locate police, public safety, and fire/rescue facilities to meet the needs of the community and in accordance with the standards contained in the PSFMP.

**Strategies**

a. Reaffirm the PSFMP recommendation for the construction of the District VII Police Station in Fort Washington (County CIP item KJ500853).

b. Amend the PSFMP recommendation relocating the Brandywine Fire/EMS Station; the priority of this project should move from "high" to "highest":

Name: Brandywine Fire/EMS Station – Co. 40

PA: 85A

**Tier: Developing**

**Strategy:** Relocate the existing station to a site in the vicinity of Brandywine Road and Dyson Road.

**Justification:** A new station is needed to provide adequate space for larger fire and rescue vehicles that are now in use by the Fire/EMS Department. The existing station is in a poor location to serve the increasing development in the Brandywine area.

**Staging Priority:** *Highest Priority—Funded for construction in FY 2012, FY 2013, and FY 2014.*

**Parks and Recreation**

33. Page 144: Revise the 5<sup>th</sup> paragraph to indicate that plans for a South Clinton Community Center, originally slated for a new facility at Cosca Regional Park, have shifted to a new, planned aquatic facility for the southern area. The new facility, known as the Southern Area Aquatic and Recreation Complex, will be built at Brandywine Area Park, will meet the recreation needs of a greater population in southern Prince George's County.

**CHAPTER VIII - ECONOMIC DEVELOPMENT**

34. Page 155, add to Policies: Before a new commercial shopping center is approved for development, a market analysis should demonstrate that there is sufficient support in the intended retail market area to justify the amount and type of commercial development proposed.
35. Page 161, replace Strategies, 5<sup>th</sup> bullet, as follows:  
Ensure that sand and gravel mine applications address all impacts on surrounding communities by evaluating special exception applications with the following guidelines:
- a. Mining operations should be designed to minimize adverse effects on environmentally sensitive areas.
  - b. Extraction of the area's identified commercially viable sand, gravel, and clay deposits should occur in a manner that provides a readily available supply of these basic construction materials and prevents preemption of extraction activities by development.
  - c. Extraction and reclamation activities should be designed to minimize the potential adverse effects on adjacent land uses of dust, noise, vibration, traffic and unsightly storage.
  - d. Mineral storage, processing operations and equipment storage should be screened from direct view along public right-of-ways and from living areas.
  - e. Noise attenuation techniques such as the use of setbacks and earthen berms, the retention of periphery vegetation and woodlands, and the construction of acoustical fencing should be utilized to minimize noise intrusion on adjacent uses. Furthermore, extraction proposals should factually demonstrate that their attenuation measures will ensure that the surrounding development will not be subject to noise that exceeds the State's current maximum allowable levels.
  - f. Extraction and reclamation activities should be designed to minimize the adverse effects on the public transportation network. Access and haul roads should not traverse living areas and haul routes should primarily utilize arterial and roadways designed to safely accommodate truck traffic.



- g. Extraction and reclamation activities should be designed with clear post mining development plans, particularly in areas zoned for low-density where the only sewage disposal systems are individual septic tanks.
- h. Reclamation plans should be designed to enhance the environmental features such as ridgelines, drainage areas, steep slopes and woodlands, and to prepare the site for the character and intensity of development as recommended in the plan.

## CHAPTER X - SECTIONAL MAP AMENDMENT

36. Revise the proposed Sectional Map Amendment and SMA map as follows:
- a. Page 180, revise proposed SMA change A-1, to exclude the southernmost eight (8) acres (Tax Account 0328807) of the property located west of MD 210, east of Livingston Road from the proposed rezoning from C-M to R-R and instead rezone this property (Tax Account 0328807) from C-M to C-S-C.
  - b. Page 187, delete proposed change B-2, which recommends rezoning from I-1 Zone to R-R Zone) for property located on the west side of 301, approximately 3200 feet north of Dyson Road to retain the existing I-1 Zone and revise the Future Land Use Map to show Industrial. (TM 135, Grid G-2, parcel 16)
  - c. Page 190, modify proposed change B-5 which recommends rezoning from I-1 to M-X-T Zone, as follows
    - i. Rezone the 4.56-acre M-NCPPC property from the I-1 Zone to the R-O-S Zone. (Tax Map 145, Grid B-2, part of lot 8, tax account 3713856, 4002762);
    - ii. Add the .79 acre property located on the west wide of Cattail Way at the intersection with Missouri Avenue, to change B-5 and rezoning the property from the R-O-S Zone to the M-X-T Zone (Tax Map 145, Grid C-2, part of lot 148, tax account 3985041);
    - iii. Retain the existing I-1 zoning for Lot 22 located on the north side of Brandywine Road west of Mattawoman Drive (Part of Tax Map 145, Grid B-3)
  - d. Page 192, delete proposed change B-7; this property was specifically excluded from the SMA in the court order for CAL09-31402.
  - e. Page 193, revise proposed SMA change B-8 which recommends rezoning the subject property from the C-M and R-A to R-R to a rezoning from C-M and R-A to R-T for the entire property. (TM 164, Grid E-2, parcel 10/Grid F-1 parcel 7/Grid F-2, parcel 12, Tax Accounts 1191709; 1152040; 1151992)
  - f. Page 199, modify the proposed SMA change C-6A which recommends rezoning the subject property from E-I-A to R-E to reflect the Planning Board decision in A-10009 (Hyde Field I), PGCPB Resolution No. 09-90, to rezone property from the E-I-A and R-E zones to the L-A-C Zone. (Tax accounts 0865121; 0328708)
  - g. Page 199, modify the proposed change C-6B which recommends rezoning the subject property from E-I-A to R-E to reflect the Planning Board decision in A-10017 (Hyde

Field II), PGCPB Resolution No. 09-91, to rezone property from the E-I-A and R-E zones to R-S (Tax accounts 0865121; 0328708; 0360651; 0327833)

- h. Revise proposed change C-7 (identified in the March 31, 2009 Errata), which recommends rezoning the subject property (Tax account 0965137) from C-1 to C-M, to a rezoning from C-1 to C-S-C; rezone the adjoining .5 acre property (Tax account 0965129) from R-80 to C-S-C; and change the land use classification from Residential Low to Commercial-Neighborhood.
- i. Page 202, revise proposed change D-2 which recommends rezoning the subject properties from R-A to O-S, to retain the existing R-A zoning for the properties identified on the map and listed in Attachment C.
- j. Rezone the property located at 13709 Old Brandywine Road from the R-R Zone to the C-M Zone. (TM 144, Grid F-3, parcel 167, tax account 1138593)
- k. Add a new SMA change to rezone the property located east of Matapeake Business Drive and the Brandywine Crossing Shopping Center from the I-1 and I-3 zones to M-X-T. (Longs Subdivision in the I-3 Zone, Tax accounts 1149087, 1134014, 1134006, 1133990; and in the I-1 Zone, 3466257, 3652096, 3652088, 3652112, 3567880 and 3652120)
- l. Add a new SMA change to rezone the property located west of MD 5, south of Clymer Drive, north of Albert Road from C-M to C-S-C. (Tax Map 154, Grid E4, p/o Parcel 30; Grid F4, p/o Parcel 30, Blocks p/o H, I, J, p/o K, L; tax accounts 3994696; 3994704; 3994712; 3994720; 3994746)
- m. Add a new SMA change to rezone the property located at 14100 Brandywine Road from the R-R Zone to the C-S-C Zone. (Tax account 1148246)
- n. Add a new SMA change to rezone the property located on the west side of MD 210 from the C-S-C Zone to the C-M Zone. (Tax accounts 0294215, 0294199)
- o. Add a new SMA change to rezone the property located on the north side of McKendree Road, 500 feet west of the intersection with US 301 from the R-R and C-M to the R-F Zone and revise the Future Land Use Map to show Residential Medium. (TM 164, Grid F-1, parcel 15, tax accounts 1147958, 3046042)
- p. Add a new SMA change to rezone the C-S-C zoned portion of the property located at 9016 Pineview Lane to the R-80 Zone. (Tax account 0903864)

WHEREAS, the Sectional Map Amendment for Subregion 5 is proposed to protect the health, safety, and general welfare of all citizens in Prince George's County; and

WHEREAS, the Sectional Map Amendment for Subregion 5 is a proposed amendment to the Prince George's County Zoning Ordinance, being an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County; and

WHEREAS, the Sectional Map Amendment includes proposed zoning changes and revised zoning changes as enumerated and transmitted herein, accounting for varying acreage and zoning categories; and

WHEREAS, in accordance with Section 27-645(d)(1) of the Zoning Ordinance of Prince George's County, the acceptance and processing of Zoning Map Amendment applications within the subject planning areas shall be postponed in accordance with the provisions of Sections 27-225.01(f), 27-225.01.05(f), and 27-226(a); and

WHEREAS, pursuant to Section 27-646(d) of the Zoning Ordinance of Prince George's County, building permit recommendations by the Planning Board and the issuance of building permits by the Department of Environmental Resources shall be postponed until final action on the endorsed Sectional Map Amendment by the District Council as provided for in Section 27-225.02(a)(1).

WHEREAS, pursuant to Section 27-157(b)(4) of the Zoning Ordinance of Prince George's County, the conditions and findings attached to previously approved zoning applications are considered part of the endorsed Sectional Map Amendment where the previous zoning category has been maintained and noted on the Zoning Map.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby adopt the *Preliminary Subregion 5 Master Plan*, said plan being an amendment to the 1993 *Subregion V Approved Master Plan and Sectional Map Amendment (Planning Areas 81A, 81B, 83, 84, 85A, (excluding 85B))*; the 2002 *Prince George's County Approved General Plan*, the 2009 *Master Plan of Transportation*, the 2008 *Public Safety Master Plan*, the 2005 *Countywide Green Infrastructure Plan*, the 2010 *Prince George's County Historic Sites and Districts Plan*; 2010 *Water Resources Functional Master Plan*; and this said adopted plan containing amendments, deletions, and additions in response to the public hearing record; and

BE IT FURTHER RESOLVED that recommendations in the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* supersede recommendations in the *Preliminary Subregion 5 Master Plan and Sectional Map Amendment* where there are overlapping boundaries, except as noted in this resolution; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the sectional map amendment, as heretofore described, is in conformance with the principals of orderly comprehensive land use planning and staged development, being consistent with the *Adopted Subregion 5 Master Plan*, and with consideration having been given to the applicable County Laws, Plans, and Policies; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the sectional map amendment has been prepared in accordance with the requirements of Section 27-225.01.05 of the Zoning Ordinance; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to Sections 27-645(c)(1) and 27-225.01.05 of the Zoning Ordinance, endorses the proposed sectional map amendment for the Subregion 5 planning area by this resolution, and recommends that it be approved as an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County as described as Planning Areas 81A, 81B, 83, 84, and 85A; and

BE IT FURTHER RESOLVED that the *Preliminary Subregion 5 Master Plan and Proposed Sectional Map Amendment*, as herein adopted, is applicable to the area within the boundaries delineated on the plan map; and

BE IT FURTHER RESOLVED that the adopted master plan comprises the *Preliminary Subregion 5 Master Plan and Proposed Sectional Map Amendment* text as amended by this resolution; and

BE IT FURTHER RESOLVED that in accordance with Section 27-645(c) (2) of the Zoning Ordinance of Prince George's County, copies of the adopted plan, consisting of this resolution to be used in conjunction with the *Preliminary Subregion 5 Master Plan and Proposed Sectional Map Amendment*, and attachments hereto, will be transmitted to the County Executive; and

BE IT FURTHER RESOLVED that the Zoning Map Amendments A-10009 known as "Hyde Field I" and A-10017 known as "Hyde Field II" be included as part of the Sectional Map Amendment, and the Prince George's County Planning Board Resolutions No. 09-90 and No. 09-91 pertaining to these applications are considered part of the endorsed Sectional Map Amendment; and

BE IT FURTHER RESOLVED that the adopted plan, and all parts thereof, shall be transmitted to the District Council of Prince George's County for its approval pursuant to Article 28, Annotated Code of Maryland; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to Section 27-645(c)(1) of the Zoning Ordinance, transmits this Sectional Map Amendment for Subregion 5 to the District Council and recommends that it be approved as an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County.


\*\*\*\*\*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Washington with Commissioners Bailey, Washington and Geraldo voting in favor of the motion, and with Commissioner Hewlett temporarily absent and Commissioner Shoaff absent, at its regular meet held on Thursday, June 13, 2013 in Upper Marlboro, Maryland.

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Bailey, Washington and Geraldo voting in favor of the motion to adopt this resolution, as revised, and with Commissioner Hewlett recused and Commissioner Shoaff absent, at its regular meeting held on Thursday, June 27, 2013 in Upper Marlboro, Maryland.

Patricia C. Barney  
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department

Date 6/27/13



By Jessica Jones  
Planning Board Administrator

**Preliminary Subregion 5 Master Plan and  
Proposed Sectional Map Amendment  
Errata/Technical Corrections Sheet**

March 31, 2009

Correction No.	Technical Correction/Errata	Page No.
1	Add to the Table of Contents a List of Maps and Figures	x
2	The first sentence in the last paragraph currently says, "The Patuxent River is subject to several regional planning initiatives." Revise to say, " <i>The Patuxent River has received considerable policy and planning attention both at the county and state levels.</i> "	13
3	The first part of the second sentence in the last paragraph says, "The Patuxent River Policy Plan, last updated in 1997..." should be revised to say "The Patuxent River Policy Plan, <i>approved in 2000...</i> "	13
4	The last sentence in the final paragraph begins with "Within Subregion 5..." should be revised to read: " <i>The Patuxent Policy Plan applies to all of the Patuxent River watershed, only a portion of which is within the Subregion 5 plan area.</i> "	13
5	The last item on Table II-4 states that this certain section of MD 373, Accokeek Road "lies 0.1 miles south of MD 5." Revise to read that MD 373, Accokeek Road " <i>lies 0.1 miles west of MD 5.</i> "	22
6	Delete Map IV-1, Future Land Use; it is redundant	31
7	The first sentence in the first paragraph reads "Rural areas are located in the designated Rural Tier, generally north of Mattawoman Creek, west of the Potomac River....Revise the last phrase to read .... <i>east of the Potomac River.</i> " Also, remove "(the county line)" from its' current location after Potomac River to just after Mattawoman Creek.	34
8	The first strategy currently reads, "Revise the conservation subdivision regulations (Code Section 24-152) to require conservation subdivisions in the areas designated residential low-transition on the land use map." Revise this strategy to say, " <i>Strongly encourage developers to use the Conservation Subdivision technique in transitional areas in the Developing Tier to provide significant expanses of open space adjacent to the Rural Tier.</i> "	34
9	The first sentence under "Noise" reads "Federal, state and local ordinances..." delete the word " <i>local.</i> "	35
10	Remove the apostrophe at the end of the fifth listing entitled "Already Protected" on Table IV-2: Priority Preservation Area Acreage Goal.	40
11	Insert map of the "Recommended Primary Preservation Area" to replace the current Map IV-3 (attached).	41
12	Delete current map titled Map IV-8, General Plan Amendments (page 67); replace it with current Map IV-3, General Plan Amendments (page 41); the title of current Map IV-3 should be changed to Map IV-8. (attached)	41, 67
13	Figure V-2: The aerial is facing west and the illustration is facing east; correct the aerial.	63
14	The third sentence in the first paragraph currently says, "Scenic and historic roads will be preserved and promoted as significant remnants of an area's past." This sentence will be revised to say, " <i>Designated scenic and historic roads will be conserved and enhanced as a defining element of community character, linked to the historic</i>	92

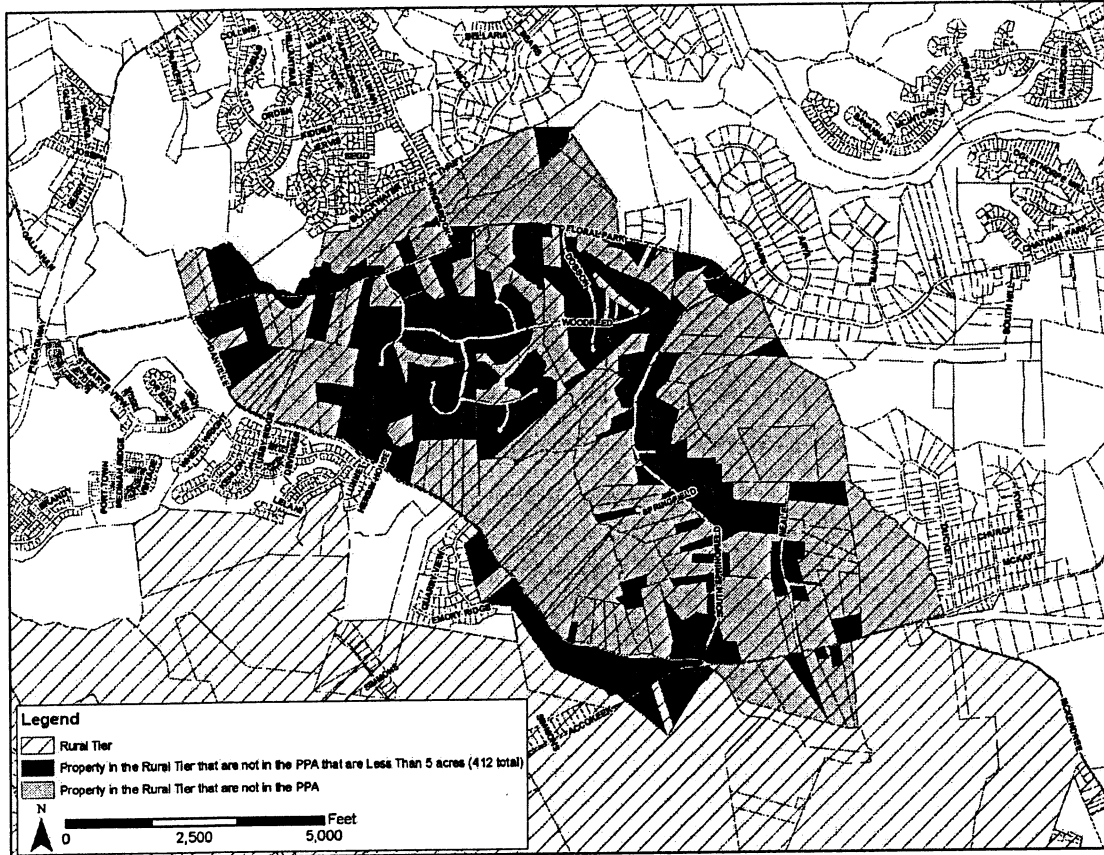
	<i>development patterns of the county.</i> "	
15	Replace the definition of a dual route in the first sentence of the fifth paragraph to read <i>"an off road-combined bicycle and pedestrian facility and an on-road bicycle facility."</i>	116
16	Format and insert Bikeways Map into Public Facilities chapter.	118
17	Change map reference in the first paragraph from "Map IV-5" to <i>"Map VI-5"</i> .	118
18	Modify Table VI-6: Recommended Major On-Road Pedestrian and Bicycle Improvements to remove "US 301 Charles County to Anne Arundel County Dual Route, Branch Avenue MD 5 Charles County to Beltway Sidepath, Crain Highway US 301 MD5 to US 50 Sidepath, and Indian Head Highway (MD 210) MD 228 to Beltway Sidepath" and insert <i>"Indian Head Highway in (limited to nodes) in keeping with the Preliminary Master Plan of Transportation, 2009"</i>	119
19	Delete the first strategy that says, <i>"Designate scenic or historic roads for protection and enhancement."</i> per Countywide comments.	125
20	The symbol for a designated historic and a proposed historic on Map VI-4: Special Roadways is too similar to differentiate. Amend the symbol on the legend for one of these categories.	131
21	Replace the photo of the Upper Marlboro Branch library with a photo of the Accokeek Branch Library and/or Surratts-Clinton Branch Library.	133
22	Remove the reference to Robindale golf course. It is currently closed.	142
23	The goal currently says, "Forestry is a strong contributor to the Subregion 5 and the Prince George's County's agricultural economy." <i>Revise this goal to read: "Forestry resources enhance the economic viability and sustainability of the Subregion 5 communities."</i>	158
24	Planning areas annotation overwrites the map, remove the annotation.	170
25	Update the existing and proposed zoning maps to reflect the following approved zoning cases: A-9987/88 Village of Timothy Branch, A-9996/7 Brandywine Village (Chaddsford), and A-9982 Towns of Brandywine	171,172
26	Revise Proposed Zoning Changes map to update with revisions in this Errata, transpose SMA changes C-7 and C-8, and add map title/number.	179
27	Revise SMA tables to add revised SMA Change Map for change C-6C and add a table to include C-6C (attached).	199
28	Add new SMA Change Maps and Tables for changes C-7 and C-8. (attached)	201

**Preliminary Subregion 5 Master Plan and  
Proposed Sectional Map Amendment  
Errata/Technical Corrections Sheet**

**June 27, 2013**

<b>Correction No.</b>	<b>Technical Correction/Errata</b>	<b>Page No.</b>
<b>Land Use and Development Policies</b>		
1	Update reference to Joint Land Use Study to reflect approval in December 2009.	34
2	Update discussion of the Priority Preservation Area to reflect approval by the District Council on July 10, 2012.	39, 43
3	Update map to replace Map IV-3, "Recommended Primary Preservation Area"	41
4	Update reference to construction of Target, Costco and the Brandywine Crossing Shopping Center in paragraph 4.	49
5	Revise title [Clinton] to <u>Clinton and Tippet</u> . Revise last sentence paragraph 3, "Although the slowdown in the housing market that began in 2007 is likely to retard the pace of development in the [Clinton] <u>Tippet</u> area ..."	61
<b>Transportation</b>		
6	Revise to "Ensure that to the <u>fullest</u> extent [that is] possible, land use policies support the protection of the Mattawoman Creek <u>and Piscataway Creek watersheds.</u> "	83
7	Update strategies. Revise: ["Revise the countywide stormwater management ordinance to incorporate revisions in the MD Stormwater Design Manual (anticipated in late 2008)"] to " <u>Revise the countywide stormwater management ordinance to incorporate 2009 revisions in the MD Stormwater Design Manual</u> "	83
<b>Transportation, Transit, and Special Modes</b>		
8	Update, as necessary (Table VI-1, Roadway Improvements Since 1992)	94, 95,96
9	Update US 301 Waldorf Area Transportation Improvements Project information	99
<b>Sectional Map Amendment</b>		
10	Update "Table X-1: Existing and Proposed Zoning Inventory"	177
11	Update the map titled "Subregion 5 SMA Proposed Zoning Changes" to read "Subregion 5 Planning Board Endorsed Zoning Changes"	179
12	Update Public Facility Cost Estimates	253

Item 36. i. Properties Retaining R-A Zone in the Rural Tier





**Rural Tier Tax Accounts Omitted from SMA, 2013 (467)**

1157288	0337204	1183854	0383067	3590692	0371203
1187228	1147552	2935377	0351080	0359836	0351148
0309120	1138478	3649944	1159078	3649365	1189158
1185362	0286369	1159045	1147420	1151661	1135607
3590544	3649803	2935807	3436649	1159136	3649985
2935666	1137991	3675386	0378703	2935740	1173673
0277251	0296095	0353458	1184951	0381632	1178888
0370502	3590577	1135748	2935674	1185354	0327064
1182989	0344077	1161504	1173632	0335661	1133453
0284737	1176759	1173707	0310268	5522971	1187236
0387696	1135656	1159003	0309088	1138023	1138569
3675394	1138015	1181445	0377358	3649977	0321851
3649332	3649811	1182476	0291567	3590668	1180843
1160936	0306480	0284968	2935609	3590502	1187723
1161512	1175769	2935393	0281196	1135615	0309070
0340141	0375907	0411454	3650124	0309617	1177302
1174051	3649894	1160910	3649910	1149459	2935252
1183862	1153154	2935781	3650116	3650132	0312504
1171313	0375899	2935534	3590403	0370668	3649936
0312777	3590726	3649993	0309161	1146737	0337634
1137603	1171081	1135599	2935278	0351130	0344069
1146182	3649845	0335653	1147537	1137660	1147560
1175405	3650041	1134113	1177674	3590684	2935765
2935260	3649860	0319434	0295972	1138502	1187244
2935401	0355891	3590445	1136100	3590619	3649951
2935484	1173624	1171743	0411355	1174622	2935633
0378729	0284620	3590387	1161009	0294678	1171099
0306886	1146513	0278127	1188192	3590478	1150846
1158179	1149236	1158914	1182922	1135680	1159128
0345553	3649852	0353565	2935823	1137579	2935229
1173681	3649878	1135714	1189042	0387597	1188960
1135722	1159094	1159011	1184233	1135672	1149830
0381046	3590650	1138551	1173699	2935583	0371146
1159060	0285627	3590411	0284406	1180884	1135581
0284661	1148360	1150556	0399576	0345561	0356287
1191832	0309179	2935203	3649795	0312785	3590627
3590429	0353250	1174358	3650017	3590635	2935575
1176767	1146315	0348110	3649928	0337196	0337931
1158989	0394007	0387571	2935716	1173665	1171198
0312900	3590643	0328526	1145812	1173640	2935211
1171180	9999999	0387589	2935286	1183730	2935799
0350827	1175272	0403865	1138445	1171222	1173657
2935468	3590536	2935591	0387605	2935435	0390807
1156165	3649969	2935385	0371120	1157361	1158963
3649415	1135631	3649399	1159037	3650082	3650033
2871861	1149756	3650074	3650140	2935245	1180876
5522993	2935757	5523007	0404632	2935682	1151257
1138544	2935708	0307520	0284729	3590460	2935625
2935369	1159102	0343582	0377622	3706165	0411546
3590452	3590585	3650066	2935310	2935237	1189380
1138007	1171156	2935302	3649407	1138494	0386003
2935559	3590700	0284489	1159086	1158971	0353524
1138536	2935294	0344085	1138460	2935690	3650058
0378737	3199296	0338962	1171107	2868826	1147693
1171495	0359844	0309633	2935658	1160266	1159029

1137892	3590494	0307603	2935724	3650009	3649357
2935542	3590528	1182781	0309153	0351437	0371138
1171206	1161116	2935419	1138486	1158997	3649340
0316836	1182880	0393942	1159185	2935351	2935518
3706157	1145689	2935344	2935476	3590676	2935443
2935617	1137645	0316174	3958196	0312884	0316562
0403857	3590601	0275149	5522982	0385302	1147438
1133461	0403832	2935450	1138429	1151646	0353466
1159193	3590510	1151315	3590593	0319442	0340125
0281832	0360511	2935732	1138361	0309146	1158906
3578655	3675378	0353532	2935641	0403345	1173772
0340133	2935815	1153915	1142934	3590718	1146919
1138577	1133339	1151653	0327510	1157106	0371088
2935328	1141118	1141134	3590437	1151620	3650090
3590486	0403840	3649902	0380998	3649423	3650025
1138452	0360107	1147602	0377630	0312918	1187251
3989936	2935526	1171289	2935773	0309625	3649829
5522960	2935336	0337063	0281717	1137652	0310565
0402396	3590742	0393959	1149772	1175389	1159979
0376129	1138528	1175371	0353557	3649886	1152982
0314088	0387225	3649837	0320697	0378711	3989928
1146265	2935567	2935427	3650108	0360776	4020541
1159052	1152420	3590734	3590395	0313650	

Update the discussion and map of the Mount Vernon Viewshed with the following:

PAGE 6 (First sentence at top of page)

The vision for the Rural Tier is protection of large amounts of land for woodland, wildlife habitat, recreation and agricultural pursuits, [and] the preservation of rural character and the conservation of significant scenic vistas. Land use, environmental, transportation, and public facilities policies recommended for the Rural Tier are intended to balance pressure for residential development and landowners' equity with the desire

PAGE 8 (Rural Tier at middle of page)

Two separate areas of Subregion 5 fall within the Rural Tier (Map II-2, page 3). In combination with the rural portions of Subregion 6, these areas form a significant part of the large block of forest, agriculture, and open space that surrounds the Washington, D.C. metropolitan area to the east and south. The Rural Tier area in Accokeek, west of MD 210, covers approximately 4,800 acres, and contains Piscataway National Park [administered by the National Park Service]. Low density development and large forested areas in the Rural Tier help protect tributaries of Piscataway Creek and the Potomac River, and are part of a mostly continuous chain of publicly owned land (much of it under the jurisdiction of the National Park Service) stretching along the Potomac River from Indian Head (in Charles County) to the District of Columbia. In 1998, the U.S. Environmental Protection Agency designated the Potomac River as one of the first 14 American Heritage Rivers in a program designed to streamline federal participation in local efforts to protect and enhance the natural, cultural, and economic to maintain rural character and sustainable natural environments.

PAGE 10 (paragraph 3)

The National Park Service [owns and maintains] administers Piscataway National Park, which was established in 1962 primarily to protect the scenic viewshed of [as a scenic easement for] Mount Vernon, located on the Virginia side of the Potomac River. The boundaries of Piscataway National Park encompass over 5,000 acres of federally owned property and [Much of the] privately-held land [south of Piscataway Park is also] which is subject to the scenic easement[.]s held by the National Park Service.

PAGE 12 (last part of paragraph 2)

An especially desirable area in west Accokeek is a wooded, scenic area called the "Moyaone Reserve" located within the established boundary of Piscataway National Park. Residential [L]lots in the Moyaone Reserve are a minimum of five acres in size and are subject to scenic [an] easements acquired for the protection [ng] of the Mount Vernon viewshed.

PAGE 13 (penultimate sentence of paragraph 3)

Piscataway National Park encompasses 5,000 acres of open fields, forest[s], tree canopy, and wetlands along the Potomac River protecting a significant cultural landscape directly opposite [Mt] Mount Vernon in Virginia. The park supports diverse plant and animal populations including bald eagles, beavers and osprey.

PAGE 14 (last sentence of paragraph 1)

The other SCAs are Piscataway National Park and the Potomac River/Chesapeake Bay Critical Area Shoreline.

PAGE 38 (C. Rural Tier- paragraphs 1, 2 and 3)

The 2002 General Plan designates a significant portion of land in the southern part of Subregion 5 to be in the Rural Tier policy area. In these areas, the county policy is to conserve large portions of land for woodland, wildlife habitat, recreation and agricultural pursuits, and to preserve rural character and significant scenic vistas. To ensure consistent strategies to implement Rural Tier land use policies throughout the county, the sectional map amendment proposes rural densities that are consistent with densities established in the Rural Tier in Subregion 6 and in other parts of the county. (See Chapter X, Sectional Map Amendment.)

The Rural Tier comprises almost thirty percent of Subregion 5 in two areas: west of MD 210 (Indian Head

Highway) and between Accokeek and Brandywine, mostly south of Floral Park Road. The Rural Tier contains farm land and extensive forest as well as other environmental, scenic and historic resources. These are the last remaining largely undeveloped areas that are not committed to a suburban development pattern. These areas are also under development pressure due to easy access from them to major highways and their strategic location close to existing or planned metropolitan centers, including Washington, D.C., National Harbor, Branch Avenue Metro, Largo, and Westphalia.

This subregion master plan uses the term "agriculture" to cover the broadest range working landscapes and [of] agricultural enterprises, including cropland, livestock, nurseries, equine, forestry, and other specialty enterprises such as vineyards and wineries. This chapter identifies land use policies to allow agriculture and forestry to continue and flourish in the subregion, but other policies and actions are needed in the areas of economic and business development and support, strategic planning, and marketing. These are discussed in Chapter VIII, Economic Development.

PAGE 40 (No.3.)

3. **Protective Easements.** [Other] Various types of easements can also contribute to land preservation in the PPA. These include historic preservation easements established through the Maryland Historic Trust[,]; environmental easements held by organizations such as the Maryland Environmental Trust, which may be acquired or may be donated[,]; or scenic easements as held by the National Park Service or by more local entities. In many parts of Maryland local land trusts, supported by state legislation, play an important role in land preservation as easement holders or as brokers between landowners and the eventual easement holders. Promotion of the potential for local land trusts is a tool for local preservation. Organizations such as the Trust for Public Land and The Conservation Fund may also become active, as they are in other parts of the state, as local land trust partners develop.

PAGE 42 (No.5.)

5. **Woodland Conservation.** The county's Woodland Conservation and Tree Preservation Ordinance requires mitigation for development activities that result in the clearing of [affect] woodland. [This program] The application of this ordinance, together with enhancements proposed in this section, will [lead to] result in [additional land preservation] woodland conservation and tree canopy retention in the PPA from both on developing [-] site and in off-site woodland conservation banks established to provide [off-site mitigation. On-site preservation will result from mining and from conservation subdivisions. Off-site preservation will result partially from mining and partially from] mitigation for development outside the PPA.

[Program modifications should be considered to stimulate and facilitate ] Landowners can be encouraged and assisted in establishing woodland conservation banks through retention or afforestation within the PPA , which can [interest in] sell[ing] woodland conservation transfer credits to developer[s] properties outside the PPA, [needing mitigation sites such as creating a retention or reforestation bank.]

PAGE 55 (third bullet of Goals in E. Communities)

- In rural areas preserve agricultural and forested working landscapes and protect significant cultural landscapes [important views], scenic vistas, landmark and historical sites. Ensure that new development respects and fits into the existing vernacular landscape rather than visually dominating it.

PAGE 58 (Rural Character, near middle of page)

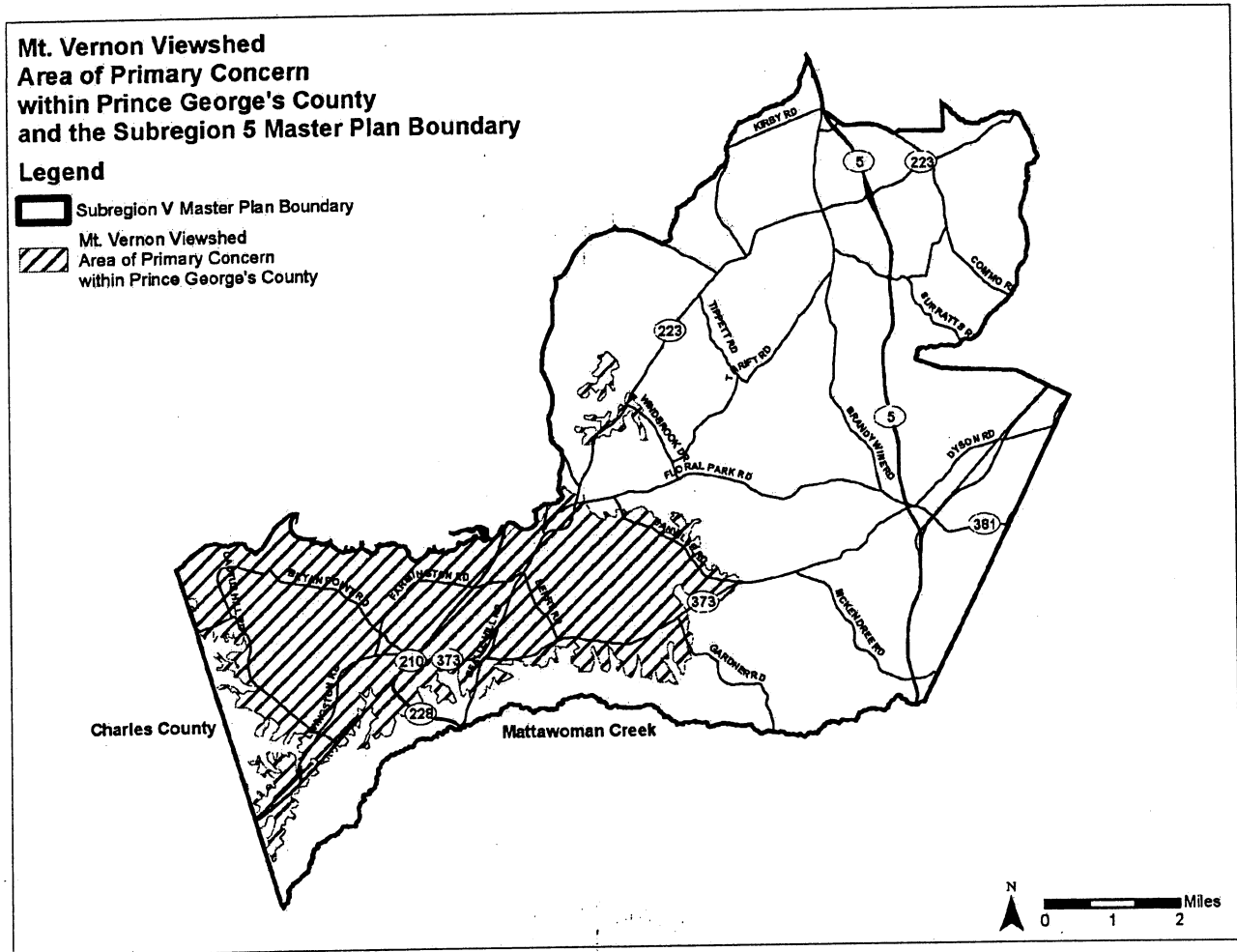
Rural Character and Cultural Landscapes

The cultural landscapes of the rural communities of Accokeek and Piscataway are part of a nationally significant historic landscape within the scenic viewshed of Mount Vernon, located across the Potomac River. This area, as well as the view across the Potomac River to and from Mount Vernon, should be protected using the controls and processes recommended in the 2007 and 2013 viewshed studies. Land use policies that retain, conserve, and enhance rural character should be utilized during the development process to protect areas of critical vegetation and help ensure protection of the area's rural character and its historic significance. Appropriate controls should be used during development to ensure that the height, siting, mass, material, and setbacks within the Area of Primary Concern (see Map) are consistent with the area's rural character.

PAGE 71 (first sentence of paragraph 2, Local Conservation Areas)

Within [Adjacent to] Piscataway National Park in Accokeek, the Moyaone Reserve is also identified in this plan as a local conservation area due to its significance as an area with low impact development, two working farms, and Potomac River frontage entirely within the Mount Vernon viewshed [across the river in Virginia].

Area of Primary Concern – Mount Vernon Viewshed (Attachment D – continued)





**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2013 Legislative Session**

Resolution No. CR-80-2013  
Proposed by Council Member Patterson (by request – Planning Board)  
Introduced by Council Members Franklin and Davis  
Co-Sponsors \_\_\_\_\_  
Date of Introduction July 24, 2013

**RESOLUTION**

1 A RESOLUTION concerning

2 The Subregion 5 Master Plan

3 For the purpose of approving, with amendments and revisions, as an Act of the County  
4 Council of Prince George’s County, Maryland, sitting as the District Council, the Subregion 5  
5 Master Plan, thereby defining long-range land use and development policies in Planning Areas  
6 81A, 81B, 83, 84, and 85A for the area generally comprised of the properties bounded by  
7 Andrews Air Force Base (to the north) and Charles County (to the south), and between these  
8 boundaries, the Potomac River, Gallahan Road, Old Fort Road, Steed Road, Allentown Road and  
9 Tinkers Creek (to the west), and Piscataway Creek, a PEPCO electric utility right-of-way and the  
10 Pope’s Creek CONRAIL railroad (to the east).

11 WHEREAS, upon approval by the District Council, this Master Plan will amend the 1993  
12 *Subregion V Approved Master Plan and Sectional Map Amendment (Planning Areas 81A, 81B,*  
13 *83, 84, 85A,(excluding 85B); the 2002 Prince George’s County Approved General Plan, the*  
14 *2005 Countywide Green Infrastructure Functional Master Plan, the 2008 Approved Public*  
15 *Safety Facilities Master Plan, the 2009 Master Plan of Transportation, the 2010 Approved*  
16 *Historic Sites and Districts Plan, and the 2010 Approved Water Resources Functional Master*  
17 *Plan; and*

18 WHEREAS, on November 20, 2007, in Council Resolution CR-88-2007, the County  
19 Council of Prince George’s County, Maryland, sitting as the District Council, directed The  
20 Maryland-National Capital Park and Planning Commission (M-NCPPC) to prepare a new  
21 Subregion 5 Master Plan and Sectional Map Amendment in order to develop a comprehensive

1 approach to implementing the recommendations of the 2002 General Plan and to ensure that  
2 future development is consistent with County policies; and

3 WHEREAS, on November 20, 2007, the District Council endorsed the Goals, Concepts,  
4 Guidelines and the Public Participation Program prepared by the Planning Board and established  
5 the Plan boundaries (81A, 81B, 83, 84 and 85A) and excluded Planning Area 85B which was  
6 included in the Subregion 6 Master Plan pursuant to Section 27-643 of the Zoning Ordinance;  
7 and

8 WHEREAS, the Planning Board hosted a series of listening sessions to gather community  
9 guidance and inform the public of the planning process and solicit issues and concerns, and the  
10 Planning Board staff further conducted nine planning workshops as the major component of the  
11 Public Participation Program to involve the community in the preparation of the plan; and

12 WHEREAS on September 9, 2009, the District Council approved the 2009 Subregion 5  
13 Master Plan and Sectional Map Amendment in CR-61-2009; and

14 WHEREAS, pursuant to an action filed in the Circuit Court for Prince George's County, on  
15 October 26, 2012, in consolidated cases CAL09-31402/CAL09-32017, the Circuit Court for  
16 Prince George's County declared void the adoption of CR-61-2009 by the District Council for  
17 failure to meet the affidavit requirement pursuant to Md. Ann. Code, State Gov't § 15-831  
18 (2012), and returned the matter to the District Council for review of the recommendations of The  
19 Maryland-National Capital Park and Planning Commission ("M-NCPPC"); and

20 WHEREAS, on November 5, 2012, the District Council, on its own motion, and pursuant to  
21 the October 26, 2012, Order of Court and § 27-227 of the Zoning Ordinance, voted to reconsider  
22 CR-61-2009 concerning the Subregion 5 Master Plan and Sectional Map Amendment; and

23 WHEREAS, by Order dated November 13, 2012, the District Council remanded the  
24 Subregion 5 Master Plan and Sectional Map Amendment to the Planning Board for the purposes  
25 of compliance with affidavit requirements pursuant to Md. Ann. Code § 15-831 and resubmittal  
26 of its February 2009 Preliminary Subregion 5 Master Plan and Proposed Sectional Map  
27 Amendment to the District Council; and

28 WHEREAS, in order to reapprove the Subregion 5 Master Plan, the District Council for  
29 Prince George's County, in conjunction with the Prince George's County Planning Board, held a  
30 joint public hearing on April 11, 2013; and



1 WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, the plan proposals for  
2 public facilities were referred to the County Executive and the District Council for review, and  
3 on June 11, 2013, the District Council adopted CR-53-2013, finding no inconsistencies between  
4 the proposed public facilities in the Master Plan proposal; and

5 WHEREAS, on June 13, 2013, the Planning Board held a work session to consider the plan  
6 recommendations and public hearing testimony; and

7 WHEREAS, on June 27, 2013, the Planning Board adopted the Master Plan with revisions  
8 as described in Prince George's County Planning Board Resolution PGCPB No. 13-75 and  
9 transmitted the adopted Master Plan and supporting documents to the District Council on July 2,  
10 2013; and

11 WHEREAS, on July 8, 2013, the District Council held a work session to review the adopted  
12 Subregion 5 Master Plan and, after discussion concerning the record of testimony and exhibits  
13 relevant to the Subregion 5 Master Plan and SMA, the Council directed Technical Staff to  
14 prepare a resolution of approval with revisions.

15 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
16 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
17 Regional District in Prince George's County, Maryland, that the Subregion 5 Master Plan, as  
18 adopted on June 27, 2013, by PGCPB No. 13-75, be and the same is hereby approved, with the  
19 following revisions:

20 **REVISION 1:**

21 A. Chapter V, Environment, C. Mattawoman Creek Watershed, page 81, revise as  
22 follows:

23 • While large areas of the watershed in Prince George's County are wooded, valuable  
24 sand and gravel resources underlie many parcels and mining activity [is expected to] may  
25 continue for many years in the Rural Tier.

26 B. Chapter V, Environment, C. Mattawoman Creek Watershed, page 84, revise as follows:

27 • [Work with] Require mining companies to achieve post mining reclamation that meets  
28 environmental needs, with a strong emphasis on reforestation, and consideration for grassland  
29 creation.  
30

**REVISION 2:**

1  
2 • Chapter VI, Transportation Systems, Table VI-7, page 127-127, change the Functional  
3 Class of roadway as follows: 1) Windbrook Drive between Floral Park Road and Thrift Road  
4 from a Collector to a Local road; 2) Thrift Road between Tippet Road and Brandywine Road  
5 from a Collector to a Local road; and 3) Floral Park Road between MD 223 and Brandywine  
6 Road from a collector to a Local Road.

**REVISION 3:**

7  
8 A. Chapter VIII, Economic Development, A. Industrial, Office, and Retail, Strategies,  
9 Clinton, page 155, revise to omit the following strategy: .

10 • [Designate land west of the intersection of MD 223 and Steed Road for limited mixed-  
11 use development.]

12 B. Chapter VIII, Economic Development, D. Sand and Gravel, pages 160-161, revise as  
13 follows:

- 14 • Sand and gravel is an essential element of new construction in the Washington, D.C.,  
15 region. Major sand and gravel deposits associated with the Brandywine geological  
16 formation (see Map IV-4, page 46) are located in Subregion 5. There is significant  
17 potential for sand and gravel mining due to the existence of large un-mined reserves. [It  
18 is a diminishing resource because of depletion from ongoing mining and because new  
19 development on top of sand and gravel reserves eliminates potential future extraction.]

*Goal*

20  
21 • The county balances the need for [capitalizes on] the extraction of sand and gravel  
22 resources (and related activities) with the potential negative impact and nuisance to nearby  
23 properties and the environment, including restricting sand and gravel mining to the rural tier.  
24 [prior to the land being pre-empted by other land uses.]

25 • As of August 2008, Subregion 5 supported seven active mines comprising  
26 approximately 1,580 acres, and there were approximately 2,130 acres of closed and  
27 reclaimed mines. There is a sand and gravel washing and processing plant on Accokeek  
28 Road in Brandywine. Additionally, the mining industry may support[s] other independent  
29 businesses in the region, predominately in the trucking industry, thus generating potential  
30 additional economic spin offs in the local economy, though the specific amount of positive  
31 impact to the county has not been quantified in this plan.

1 Because of its high weight-to-size ratio, sand and gravel from the Brandywine Formation is  
 2 most cost effective to extract, process and transport near its local end use. [The aggregate  
 3 industry's contribution to the local economy is likely to increase as neighboring counties,  
 4 particularly Anne Arundel County, reduce sand and gravel output due to mine closures.  
 5 Furthermore, as transportation costs continue to rise, sand and gravel operations located  
 6 within the Washington, D.C., metropolitan marketplace will have a competitive advantage  
 7 over outlying sources of aggregates in Virginia and the Eastern Shore.] However, the  
 8 region's sand and gravel industry faces several issues and challenges:

- 9 • Access to new mining capacity is becoming limited as land is subdivided for  
 10 development or broken up into uneconomical units of production.
- 11 • Mining places a traffic burden on a rural and suburban road system that is also  
 12 increasingly used by commuters, creating traffic conflicts.
- 13 • Public opinion on the effectiveness of mine reclamation often puts the community at  
 14 odds with the industry, although many mine reclamation issues cited by the public as poor  
 15 practice are, in fact, related to mining activities that predated current reclamation practices.  
 16 Over time, costs associated with these issues could lead to disinvestment in the industry and its  
 17 eventual relocation. Improving the public's understanding and acceptance of the industry and  
 18 protecting long-term access to the resource is the focus of the following policies and strategies.

19 *Policies*

- 20 • Restrict sand and gravel mining to the rural tier, with enhanced buffering between sand  
 21 and gravel mining and communities in the Developing Tier. [Provide commercially viable access  
 22 to sand and gravel resources to accommodate current and future demand. Ensure that entrances  
 23 meet applicable county regulations.]
- 24 • Encourage the mining industry to provide specific evidence of the positive economic  
 25 benefit of this activity to Prince George's County, including documentation of the positive  
 26 impact of proposed mining for employment of truckers who are Prince George's County  
 27 residents.
- 28 • Improve access to financial and work force development incentives to support  
 29 economic development of mining regulations.
- 30 • Foster dialogue between community residents and members of the sand and gravel  
 31 community to address concerns. [Discuss the benefits of mining and the mining

1 application approval process.]

- 2 • [Prevent the preemption of mineral resource extraction by other land uses (see Chapter  
3 IV).]

4 *Strategies*

- 5 • Explore the feasibility of developing a mineral overlay zone to protect mineral  
6 resources.

7 Issues to be evaluated include:

- 8 • Real estate notices  
9 • Dispute resolutions  
10 • Expand easement language in programs such as those run by the Maryland Agricultural  
11 Land Preservation Foundation (MALPF) to integrate sand and gravel operations within easement  
12 contracts.

- 13 • Integrate the sand and gravel industry within traditional economic development  
14 programming such as tax credits and abatements, workforce assistance, and assistance with  
15 state and federal small business financing.

- 16 • Conduct community outreach to improve understanding of the sand and gravel industry  
17 and to improve industry integration within the rural communities.

- 18 • Ensure that sand and gravel mine applications address all impacts on surrounding  
19 communities, including requiring applicants to mitigate on and off-site transportation impacts  
20 from mining activities and potentially limiting the daily hours of mining activities and duration  
21 of sand and gravel approvals to mitigate the nuisance to nearby communities.

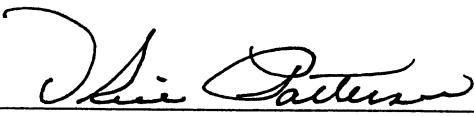
22 See additional mineral related recommendations in Chapter IV (Land Use—Development  
23 Pattern), including guidelines for the review of new and expanding projects including post  
24 extraction uses.

25 BE IT FURTHER RESOLVED that the planning staff is hereby authorized to make  
26 appropriate textual and graphical revisions to the master plan to correct identified errors, reflect  
27 updated information and revisions, and otherwise incorporate the changes reflected in this  
28 Resolution.

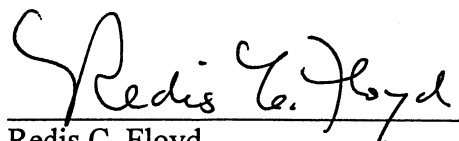
1 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If any  
2 provision, sentence, clause, section, or part thereof is held illegal, invalid, unconstitutional, or  
3 unenforceable, such illegality, invalidity, unconstitutionality, or unenforceability shall not affect  
4 or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof or their  
5 application to persons, or circumstances. It is hereby declared to be the legislative intent that this  
6 Resolution would have been adopted as if such illegal, invalid, unconstitutional, or  
7 unenforceable provision, sentence, clause, section, or part had not been included therein.

Adopted this 24th day of July, 2013.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

BY:   
Obie Patterson  
Vice Chair

ATTEST:

  
Redis C. Floyd  
Clerk of the Council



## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 7/24/2013  
**Reference No.:** CR-080-2013  
**Draft No.:** 1  
**Proposer(s):** Park & Planning  
**Sponsor(s):** Franklin, Davis  
**Item Title:** A Resolution approving, with amendments and revisions, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council, the Subregion 5 Master Plan, thereby defining long-range land use and development policies in Planning Areas 81A, 81B, 83, 84, and 85A for the area generally comprised of the properties bounded by Andrews Air Force Base (to the north) and Charles County (to the south), and between these boundaries, the Potomac River, Gallahan Road, Old Fort Road, Steed Road, Allentown Road and Tinkers Creek (to the west), and Piscataway Creek, a PEPCO electric utility right-of-way and the Pope's Creek CONRAIL railroad (to the east).

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**Drafter:** M-NCPPC,  
**Resource Personnel:** M-NCPPC

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>		<b>Executive Action:</b>
<b>Committee Referral:</b>		<b>Effective Date:</b>
<b>Committee Action:</b>		
<b>Date Introduced:</b>	7/24/2013	
<b>Public Hearing:</b>		
<b>Council Action (1)</b>	7/24/2013 - ADOPTED	
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:-, ML:A, EO:A, OP:A, IT:A, KT:-	
<b>Pass/Fail:</b>	P	
<b>Remarks:</b>		

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### AFFECTED CODE SECTIONS:

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### COMMITTEE REPORTS:

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### BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)  
This Resolution will approve, with revisions, as an Act of the District Council, the Subregion 5 Master Plan.

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### CODE INDEX TOPICS:

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### INCLUSION FILES:

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**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**  
**2013 Legislative Session**

Resolution No. CR-81-2013  
Proposed by Council Member Patterson (By request – Planning Board)  
Introduced by Council Members Franklin and Davis  
Co-Sponsors \_\_\_\_\_  
Date of Introduction July 24, 2013

**RESOLUTION**

1 A RESOLUTION concerning

2 The Subregion 5 Sectional Map Amendment

3 For the purpose of approving, with amendments and revisions, as an Act of the County  
4 Council of Prince George’s County, Maryland, sitting as the District Council, the Subregion 5  
5 Sectional Map Amendment, thereby setting forth and adopting detailed zoning proposals in  
6 Planning Areas 81A, 81B, 83, 84, and 85A for the area generally comprised of the properties  
7 bounded by Andrews Air Force Base (to the north) and Charles County (to the south), and  
8 between these boundaries, the Potomac River, Gallahan Road, Old Fort Road, Steed Road,  
9 Allentown Road and Tinkers Creek (to the west), and Piscataway Creek, a PEPCO electric utility  
10 right-of-way and the Pope’s Creek CONRAIL railroad (to the east).

11 WHEREAS, upon approval by the District Council, this Sectional Map Amendment will  
12 amend the 1993 *Subregion V Approved Master Plan and Sectional Map Amendment (Planning*  
13 *Areas 81A, 81B, 83, 84, 85A,(excluding 85B))*; the 2002 *Prince George’s County Approved*  
14 *General Plan*, the 2005 *Countywide Green Infrastructure Functional Master Plan*, the 2008  
15 *Approved Public Safety Facilities Master Plan*, the 2009 *Master Plan of Transportation*, the  
16 *2010 Approved Historic Sites and Districts Plan*, and the 2010 *Approved Water Resources*  
17 *Functional Master Plan*; and

18 WHEREAS, on November 20, 2007, in Council Resolution CR-88-2007, the County  
19 Council of Prince George’s County, Maryland, sitting as the District Council, directed The  
20 Maryland-National Capital Park and Planning Commission (M-NCPPC) to prepare a new  
21 Subregion 5 Master Plan and Sectional Map Amendment in order to develop a comprehensive

1 approach to implementing the recommendations of the 2002 General Plan and to ensure that  
2 future development is consistent with County policies; and

3 WHEREAS, on November 20, 2007, the District Council endorsed the Goals, Concepts,  
4 Guidelines and the Public Participation Program prepared by the Planning Board and established  
5 the Plan boundaries (Planning Areas 81A, 81B, 83, 84 and 85A and excluded Planning Area 85B  
6 included in the Subregion 6 Master Plan) pursuant to Section 27-643 of the Zoning Ordinance;  
7 and

8 WHEREAS, the Planning Board hosted a series of listening sessions to gather community  
9 guidance and inform the public of the planning process and solicit issues and concerns, and the  
10 Planning Board staff further conducted nine planning workshops as the major component of the  
11 Public Participation Program to involve the community in the preparation of the plan; and

12 WHEREAS on September 9, 2009, the District Council adopted CR-61-2009 approving the  
13 Adopted Subregion 5 Master Plan and Proposed Sectional Map Amendment; and

14 WHEREAS, pursuant to an action filed in the Circuit Court for Prince George's County, on  
15 October 26, 2012, in consolidated cases CAL09-31402/CAL09-32017, the Circuit Court for  
16 Prince George's County declared void the adoption of CR-61-2009 by the District Council for  
17 failure to meet the affidavit requirement pursuant to Md. Ann. Code, State Gov't § 15-831  
18 (2012), and returned the matter to the District Council for review of the recommendations of The  
19 Maryland-National Capital Park and Planning Commission ("M-NCPPC"); and

20 WHEREAS, on November 5, 2012, the District Council, on its own motion, and pursuant to  
21 the October 26, 2012, Order of Court and § 27-227 of the Zoning Ordinance, voted to reconsider  
22 CR-61-2009 concerning the Subregion 5 Master Plan and Sectional Map Amendment; and

23 WHEREAS, by Order dated November 13, 2012, the District Council remanded the  
24 Subregion 5 Master Plan and Sectional Map Amendment to the Planning Board for the purposes  
25 of compliance with affidavit requirements pursuant to Md. Ann. Code § 15-831 and resubmittal  
26 of its February 2009 Preliminary Subregion 5 Master Plan and Proposed Sectional Map  
27 Amendment to the District Council; and

28 WHEREAS, in order to reapprove the Subregion 5 Sectional Map Amendment, the District  
29 Council for Prince George's County, in conjunction with the Prince George's County Planning  
30 Board, held a joint public hearing on April 11, 2013; and

1 WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, the plan proposals for  
 2 public facilities were referred to the County Executive and the District Council for review, and  
 3 on June 11, 2013, the District Council adopted CR-53-2013, finding no inconsistencies between  
 4 the proposed public facilities in the Plan proposal and any existing State or County facilities; and

5 WHEREAS, on June 13, 2013, the Planning Board held a work session to consider the plan  
 6 public hearing testimony; and

7 WHEREAS, on June 27, 2013, the Planning Board, in response to the public hearing  
 8 testimony endorsed the Subregion 5 Sectional Map Amendment as described in Prince George's  
 9 County Planning Board Resolution PGCPB No. 13-75 and transmitted the endorsed Sectional  
 10 Map Amendment and supporting documents to the District Council on July 2, 2013.

11 WHEREAS, on July 8, 2013, the District Council held a work session to review  
 12 Planning Board endorsed Sectional Map Amendment reflecting public hearing testimony and,  
 13 after discussion concerning the record of testimony and exhibits relevant to the Subregion 5  
 14 Master Plan and SMA, the Council directed Technical Staff to prepare a resolution of approval  
 15 with revisions.

16 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
 17 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
 18 Regional District in Prince George's County, Maryland, that the Subregion 5 Sectional Map  
 19 Amendment, as endorsed on June 27, 2013, by PGCPB No. 13-75, be and the same is hereby  
 20 approved, with the following revisions:

21 **REVISION ONE:**

22 Rezone approximately 365 acres located southwest of the intersection of Piscataway  
 23 Road (MD 223) and Steed Road, known as Hyde Field (Tax Accounts 0328708;  
 24 0327833; and 0360651) from the E-I-A (Employment and Institutional Area) Zone to the  
 25 R-E (Residential-Estate) Zone.

26 **REVISION TWO:**

27 Rezone approximately 272.12 acres located east of Piscataway Road, south of Tippet  
 28 Road, known as Bevard East (attached hereto as "Attachment A" and incorporated as if  
 29 fully set forth herein- Tax Accounts for Bevard East) from the R-L (Residential-Low)  
 30 Zone to the R-E (Residential-Estate).  
 31

**REVISION THREE:**

1  
2 Rezone approximately .46 acre located at 10398 Piscataway Road (Tax Account  
3 0867465) from the R-R Zone to the C-S-C (Commercial Shopping Center) Zone.

**REVISION FOUR:**

4  
5 Rezone approximately 74.93 acres located west of MD 5, at the intersection of MD 5 and  
6 future roadway A-65, (Tax Account 1189224), from the R-R (Rural-Residential) Zone to  
7 the M-X-T (Mixed-Use-Transportation Oriented) Zone.

**REVISION FIVE:**

8  
9 Retain existing R-R (Rural Residential) Zone for the approximately 19 acres located  
10 south of Brandywine Road (MD 381) and north of Accokeek Road (MD 373) (Tax  
11 Accounts 1176650; 1149251; 3589389; 1148113; 1160928; 1147297; 1149269;  
12 1176635; 1147305; 3589397; 1149277; 1148105; 1147206; 1153345; 1176668;  
13 3165719; 1142678; 1153337; 1185206; 1147214; 1149285; 3925112; and 4062287).

**REVISION SIX:**

14  
15 Rezone four properties fronting on US 301 (Tax Accounts 1134014; 1133990; 1134006;  
16 and 1149087) from I-3 (Industrial Planned Industrial/Employment Park) to C-S-C  
17 (Commercial Shopping Center) and property located at 7800 Matapeake Business Drive  
18 (Tax Account 3466257) I-1 (Light Industrial) to C-S-C (Commercial Shopping Center).

**REVISION SEVEN:**

19  
20 Retain existing R-A (Residential-Agricultural) Zone and existing R-E (Residential-  
21 Estate) Zone for properties in the Rural Tier.

**REVISION EIGHT:**

22  
23 Retain existing C-M (Commercial Miscellaneous) Zone for properties fronting the  
24 southwest quadrant of US 301 and McKendree Road (part of Tax Accounts 1191709,  
25 1152040, and 1151992).

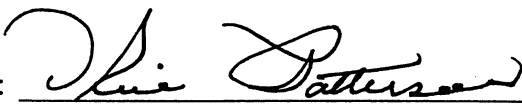
26 BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate  
27 textual, graphical, and map revisions to correct identified errors, reflect updated information and  
28 revisions, and incorporate the zoning map changes reflected in this Resolution.  
29

1 BE IT FURTHER RESOLVED that this Sectional Map Amendment is an amendment to  
2 the Zoning Ordinance and to the official Zoning Map for the Maryland-Washington Regional  
3 District in Prince George's County. The zoning changes approved by this Resolution shall be  
4 depicted on the official Zoning Map of the County.

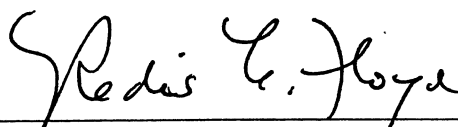
5 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If  
6 any provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid,  
7 unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or  
8 unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses,  
9 sections, zones, zoning maps, or parts hereof or their application to other zones, persons, or  
10 circumstances. It is hereby declared to be the legislative intent that this Resolution would have  
11 been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence,  
12 clause, section, zone, zoning map, or part had not been included therein.

Adopted this 24th day of July, 2013.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

BY:   
Obie Patterson  
Vice Chair

ATTEST:

  
Redis C. Floyd  
Clerk of the Council



## Attachment A - Tax Accounts for Bevard East - CR-81-2013 (DR-2)

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### Tax Account Numbers – Bevard East

3891959	3897972	3893179	3890951	3892817	3897881
3891967	3894664	3890506	3890969	3892825	3891108
3891975	3894672	3893229	3890977	3892833	3893807
3891983	3894706	3897253	3890985	3890894	3890217
3894771	3898996	3897279	3890993	3893609	3890233
3894789	3899002	3897287	3891009	3893617	3890241
3898871	3899010	3897329	3897790	3893625	3890258
3898889	3898970	3897337	3890514	3893633	3890266
3898921	3898988	3897352	3890522	3893641	3890282
3898939	3894714	3890647	3890530	3893666	3891033
3898947	3894722	3899853	3890548	3893674	3891041
3898962	3894730	3899861	3890589	3893690	3891058
3897899	3891868	3892692	3890605	3897808	3891132
3897907	3891892	3895307	3889920	3897816	3891140
3897915	3891942	3895323	3889995	3897824	3891165
3897931	3894755	3895331	3890019	3897832	3893773
3897956	3890399	3892668	3890027	3890068	3926409
3897964	3890407	3892684	3895364	3890100	3893831
3893872	3890423	3900032	3895372	3895521	3893849
3892015	3893096	3893591	3900057	3893740	3891199
3892023	3893104	3890878	3900073	3893757	3891207
3894623	3893112	3897725	3900099	3893765	3891215
3894631	3893120	3897733	3892858	3897840	3891223
3894649	3893138	3897758	3892866	3897857	3899382
3893914	3893146	3890910	3892874	3897865	3899390
3893922	3893161	3890936	3895471	3891090	3891249

## Attachment A - Tax Accounts for Bevard East - CR-81-2013 (DR-2)

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3895257	3897048	3890837	3897162	3892247	3892403
3895273	3892767	3893435	3897196	3899168	3898046
3895281	3892775	3893450	3890464	3899218	3898053
3899762	3892809	3893484	3890472	3895000	3892304
3895216	3895547	3893500	3890498	3895018	3892320
3895224	3895562	3893518	3897246	3895026	3892338
3895232	3897022	3893526	3900321	3890670	3889821
3895240	3890290	3893534	3900339	3890688	3898038
3889979	3890308	3893575	3891694	3890696	3898129
3895356	3892882	3897642	3898723	3890753	3898137
3892569	3892890	3897683	3892056	3890761	3894003
3892577	3892916	3897717	3892072	3890779	3900263
3892619	3900164	3889888	3892080	3892262	3889847
3895463	3892924	3889896	3892106	3892270	3892460
3899937	3892932	3889904	3892171	3892288	3892478
3899945	3892940	3895182	3892197	3889706	3891298
3895398	3892973	3895208	3894797	3889714	3891306
3895414	3892981	3900180	3890712	3889722	3891314
3900131	3890373	3900198	3890738	3889730	3891322
3895422	3893153	3900214	3892122	3889748	3891330
3890126	3899879	3900222	3892148	3889755	3891348
3892718	3899895	3900230	3899127	3889763	3893948
3892726	3899903	3900248	3899135	3889771	3893955
3892734	3899796	3900255	3899143	3889789	3893963
3892759	3899804	3893021	3892205	3889797	3893971
3895489	3899952	3893039	3892213	3889805	3893997
3895497	3890803	3893047	3892221	3895117	3894029
3897030	3890811	3897154	3892239	3895125	3894037



## Attachment A - Tax Accounts for Bevard East - CR-81-2013 (DR-2)

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3894045	3898400	3898566	3893203	3894938	3889698
3894060	3898418	3898574	3898863	3894946	3895042
3894094	3898434	3898632	3891520	3894953	3895059
3898152	3898442	3898640	3891546	3899234	3895067
3898160	3898459	3898657	3891553	3891843	3895133
3898236	3898467	3894458	3891595	3892155	3895141
3898244	3894235	3894466	3891603	3889508	3895158
3898251	3894243	3898681	3891611	3889516	3895166
3898277	3894250	3898699	3891629	3889557	3895174
3898293	3894268	3894490	3891637	3889581	3892486
3898384	3894375	3894508	3891645	3889607	3892494
3898392	3894383	3894516	3891660	3889615	3889870
3898202	3893005	3894565	3891686	3892296	3897402
3898210	3900305	3894573	3898483	3894870	3897410
3891397	3897204	3894607	3891751	3894896	3897428
3891421	3894110	3898731	3891769	3892346	3893377
3891439	3894169	3898798	3891777	3894961	3893401
3891447	3894219	3898822	3891785	3899242	3893419
3891454	3894227	3890332	3891819	3899259	3897493
3891462	3894318	3890357	3891827	3899267	3897519
3891470	3894342	3897113	3894524	3899283	3897527
3891488	3894391	3897121	3894557	3889623	3897535
3898301	3894417	3897139	3898756	3889649	3897543
3898350	3894425	3897147	3898764	3889656	3897550
3894128	3894433	3900370	3898780	3894995	3897485
3894136	3898517	3900388	3894284	3889854	3897584
3894144	3898533	3900404	3894292	3899325	3897592
3894151	3898541	3900420	3894920	3899333	3897626

## Attachment A - Tax Accounts for Bevard East - CR-81-2013 (DR-2)

3890654	3899028	3900123	3900081	3891025	3895455
3890662	3899036	3900024	3900107	3891066	3895380
3893237	3894748	3900040	3892841	3891074	3895406
3893286	3891876	3893468	3890886	3891082	3900149
3893294	3891884	3893583	3890902	3891116	3892627
3893351	3891900	3897634	3893658	3891124	3892635
3893302	3891918	3890845	3893682	3891157	3892643
3893310	3891926	3890852	3890050	3891173	3895430
9999999	3891934	3890860	3890076	3893781	3890134
3891991	3890415	3897741	3890084	3893799	3890142
3894763	3890431	3890928	3890092	3893815	3892742
3898897	3890449	3890944	3890159	3893823	3890118
3898905	3893070	3897766	3890167	3891181	3892783
3898913	3893088	3897774	3890175	3899408	3892791
3898954	3893211	3897782	3890183	3891231	3897055
3897923	3897261	3890555	3890191	3895265	3895554
3897949	3897345	3890563	3890209	3895299	3897014
3893856	3897360	3890571	3895505	3899416	3890316
3893864	3897378	3890597	3895513	3899770	3892908
3892007	3897386	3890613	3895539	3892544	3900156
3894656	3890621	3889912	3893708	3892551	3892957
3893880	3890639	3889938	3893716	3892585	3892965
3893898	3892700	3889946	3893724	3892593	3890365
3893906	3895315	3889987	3893732	3892601	3890381
3893930	3895349	3890001	3891017	3899788	3899887
3897980	3892650	3890035	3897873	3889953	3899812
3894680	3892676	3890043	3890225	3889961	3899838
3894698	3900115	3900065	3890274	3895448	3899846

# Attachment A - Tax Accounts for Bevard East - CR-81-2013 (DR-2)

3899960	3898715	3895109	3892445	3898475	3894581
3890787	3891702	3895075	3892452	3892999	3894599
3890795	3891710	3895083	3891280	3900313	3898749
3890829	3894474	3892379	3893989	3897212	3898806
3893443	3894482	3892387	3894052	3900347	3898814
3893476	3892031	3892395	3894078	3891496	3898830
3893492	3892049	3897998	3894086	3891504	3898848
3893542	3892064	3892312	3894102	3891512	3890324
3893559	3892098	3889813	3898145	3894177	3890340
3893567	3892114	3892411	3898178	3894185	3897097
3897659	3898855	3892429	3898186	3894193	3897105
3897667	3892163	3892437	3891405	3894201	3900354
3897675	3892189	3899291	3891413	3894276	3900396
3897691	3894805	3899309	3898228	3898319	3900412
3897709	3890704	3899317	3898269	3894300	3893187
3897063	3890720	3898004	3898285	3894326	3893195
3897071	3890746	3898012	3898368	3894334	3891538
3895190	3891728	3898020	3898376	3894359	3898335
3900172	3891736	3891256	3900271	3894367	3891561
3897220	3892130	3891264	3900289	3894409	3891579
3900206	3894813	3891272	3900297	3898491	3891587
3893013	3894821	3898061	3891355	3898509	3891652
3897089	3894839	3898079	3891363	3898525	3891678
3897170	3892254	3898095	3891371	3898327	3894441
3897188	3899150	3898103	3891389	3898558	3891744
3890480	3899176	3898111	3898194	3891850	3891793
3893054	3899226	3894011	3898343	3898665	3891801
3897238	3895091	3889839	3898426	3898673	3891835

## Attachment A - Tax Accounts for Bevard East - CR-81-2013 (DR-2)

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3894532	3899275	3893344
3894540	3889631	3893369
3898772	3894979	3893328
3894615	3894987	3893336
3898707	3899366	
3894912	3899374	
3899044	3899341	
3899051	3899358	
3899069	3892502	
3899077	3892510	
3899085	3892528	
3899093	3892536	
3899101	3895034	
3894847	3889862	
3889664	3897394	
3889524	3897444	
3889532	3897451	
3889540	3893385	
3889565	3893393	
3889573	3893427	
3889599	3897469	
3899119	3897477	
3894854	3897501	
3894862	3897568	
3894888	3897576	
3894904	3897600	
3892353	3897618	
3892361	3893278	

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 7/24/2013  
**Reference No.:** CR-081-2013  
**Draft No.:** 2  
**Proposer(s):** Park & Planning  
**Sponsor(s):** Franklin, Davis  
**Item Title:** A Resolution approving, with amendments and revisions, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council, the Subregion 5 Sectional Map Amendment, thereby setting forth and adopting detailed zoning proposals in Planning Areas 81A, 81B, 83, 84, and 85A for the area generally comprised of the properties bounded by Andrews Air Force Base (to the north) and Charles County (to the south), and between these boundaries, the Potomac River, Gallahan Road, Old Fort Road, Steed Road, Allentown Road and Tinkers Creek (to the west), and Piscataway Creek, a PEPCO electric utility right-of-way and the Pope's Creek CONRAIL railroad (to the east).

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**Drafter:** M-NCPPC,  
**Resource Personnel:** M-NCPPC

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>		<b>Executive Action:</b>
<b>Committee Referral:</b>		<b>Effective Date:</b>
<b>Committee Action:</b>		
<b>Date Introduced:</b>	7/24/2013	
<b>Public Hearing:</b>		
<b>Council Action (1)</b>	7/24/2013 - ADOPTED	
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:-, ML:A, EO:A, OP:A, IT:A, KT:-	
<b>Pass/Fail:</b>	P	
<b>Remarks:</b>		

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### AFFECTED CODE SECTIONS:

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### COMMITTEE REPORTS:

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### BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This Resolution will approve, with revisions, as an Act of the District Council, the Subregion 5 Sectional Map Amendment.

7/24/2013 - CR-81-2013 was amended on the floor prior to adoption; CR-81-2013 (DR-2) as adopted.

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### CODE INDEX TOPICS:

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### INCLUSION FILES:

I-CR-81-2013 Attachment A.pdf



CERTIFICATE OF ADOPTION AND APPROVAL

This master plan and sectional map amendment for Subregion 5 (Planning Areas 81A, 81B, 83, 84, 85A) amends the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V* (Planning Areas 81A, 81B, 83, 84, 85A, 85B); the 1983 *Functional Master Plan for Public School Sites*; the 2002 *Prince George's County Approved General Plan* for the physical development of the Maryland-Washington Regional District within Prince George's County, Maryland; the 2005 *Countywide Green Infrastructure Plan*; the 2008 *Public Safety Facilities Master Plan*; the 2009 *Master Plan of Transportation*; the 2010 *Prince George's County Historic Sites and Districts Plan*; and the 2010 *Water Resources Functional Master Plan*. The Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted this master plan and sectional map amendment by resolution number 13-75 on June 27, 2013, after a duly-advertised joint public hearing held on April 11, 2013 in conjunction with the Prince George's County Council, sitting as the District Council, pursuant to the provisions of Section 27-645 of the County Code of Prince George's County, Maryland and Division II of the Land Use Article of the Annotated Code of Maryland. The Prince George's County Council, sitting as the District Council, approved the Subregion 5 Master Plan and Sectional Map Amendment by resolutions CR-80-2013 and CR-81-2013, on July 24, 2013.

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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Françoise M. Carrier  
Chairman, Montgomery County Planning Board

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Dorothy F. Bailey  
Vice Chairman, Prince George's County Planning Board

---

Joseph Zimmerman  
Secretary-Treasurer







THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

Prince George's County Planning Department  
Community Planning Division

301-952-3972

December 18, 2013

**MEMORANDUM**

**TO:** The Maryland-National Capital Park and Planning Commission

**VIA:** Fern Piret, Planning Director *F.P.*  
Vanessa C. Akins, Chief, Strategy and Implementation *Vanessa*

**FROM:** William Washburn, AICP, Planner Coordinator, Community Planning Division *WW*

**SUBJECT:** **The Maryland-National Capital Park and Planning Commission Resolution to certify the *Approved Largo Town Center Sector Plan and Sectional Map Amendment***

Attached for your review and approval is the Full Commission Resolution Number 13- 29 to certify the *Approved Largo Town Center Sector Plan and Sectional Map Amendment* (Planning Area 73). Also attached for your information is the Prince George's County Planning Board Resolution PGCPB No. 13-96 dated October 10, 2013 and the Prince George's County Council Resolutions CR-137-2013 and CR-138-2013, both dated November 12, 2013.

**RECOMMENDATION**

Staff recommends that the Full Commission approve the resolution to certify.

**Attachments**

1. Full Commission Resolution Number 13-29
2. Prince George's County Resolutions CR-137-2013 and CR-138-2013
3. Prince George's County Planning Board Resolution PGCPB No. 13-96
4. Certificate of Adoption and Approval



M-NCPPC No. 13-29

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Code of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to a General Plan for Physical Development of the Maryland-Washington Regional District; and

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, held a duly advertised joint public hearing with the Prince George's County Council, sitting as the District Council, on July 16, 2013 to consider the *Preliminary Largo Town Center Sector Plan and Proposed Sectional Map Amendment*, being also an amendment to the 1990 *Largo-Lottsford Approved Master Plan Amendment and Sectional Map Amendment* (Planning Area 73), the 2002 *Prince George's County Approved General Plan*, the 2004 *Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas*, the 2005 *Countywide Green Infrastructure Functional Master Plan*, and the 2009 *Approved Countywide Master Plan of Transportation*; and


WHEREAS, the Prince George's County Planning Board on October 10, 2013, after due deliberation and consideration of the public hearing testimony, adopted the master plan and endorsed the sectional map amendment with revisions, as described in Prince George's County Planning Board Resolution PGCPB No. 13-96, and transmitted the plan to the District Council on October 15, 2013; and

WHEREAS, the Prince George's County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Prince George's County, held a work session on October 22, 2013, to consider hearing testimony and the Planning Board's resolution; and

WHEREAS, upon consideration of the testimony received through the hearing process, the District Council on November 12, 2013, determined that the adopted plan should be approved as the sector plan and sectional map amendment for Largo Town Center (Planning Area 73), for Prince George's County, Maryland, subject to the modifications and revisions set forth in Resolutions CR-137-2013 and CR-138-2013.

NOW, THEREFORE, BE IT RESOLVED, that Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby certify said sector plan and sectional map amendment for Largo Town Center, as an amendment to the General Plan for physical development of the Maryland-Washington Regional District within Prince George's County as approved by the Prince George's County District Council in the attached Resolutions CR-137-2013 and CR-138-2013; and

BE IT FURTHER RESOLVED, that the Recitals are hereby incorporated into this Resolution by reference; and

**APPROVED AS TO LEGAL SUFFICIENCY**  
  
**M-NCPPC Legal Department**  
Date 11/21/13

BE IT FURTHER RESOLVED, that copies of said amendment shall be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of Prince George's and Montgomery counties, as required by law.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Maryland-National Capital Park and Planning Commission on the motion of Commissioner X, seconded by Commissioner X, with Commissioners X, X, X, X and X, at its regular meeting held on December 18, 2013 in Riverdale Park, Maryland.

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Patricia Colihan Barney  
Executive Director

PGCPB No. 13-96

## RESOLUTION

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, in conjunction with the Prince George's County Council, pursuant to Section 27-644 of the Zoning Ordinance of Prince George's County, held a duly advertised public hearing on the *Preliminary Largo Town Center Sector Plan and Proposed Sectional Map Amendment*, on July 16, 2013; and

WHEREAS, the *Preliminary Largo Town Center Sector Plan and Proposed Sectional Map Amendment* is proposed to amend the 1990 *Largo-Lottsford Approved Master Plan Amendment and Adopted Sectional Map Amendment* (Planning Area 73), the 2002 *Prince George's County Approved General Plan*, and the 2009 *Master Plan of Transportation*; and

WHEREAS, the sector plan area of the *Preliminary Largo Town Center Sector Plan and Proposed Sectional Map Amendment* is defined by Interstate 95/495 (the "Capital Beltway") as a western boundary, Landover Road (MD 202) and the southwest boundary of the Woodview Village subdivision as a northern boundary, Campus Way North, Lake Arbor Way, and Landover Road as an eastern boundary, and Central Avenue (MD 214) as the southern boundary; and

WHEREAS, the purpose of the *Preliminary Largo Town Center Sector Plan and Proposed Sectional Map Amendment* is to set forth a vision, goals, policies and strategies that will implement the 2002 *Prince George's County Approved General Plan* vision for Metropolitan Centers and facilitate future transit-oriented development (TOD) in the sector plan area; and

WHEREAS, the plan (1) addresses the potential impact of future development in the area on existing communities, roadways, public facilities, the visual environment, and the green infrastructure network, (2) responds to the potential game-changing development opportunity presented by the planned regional medical center that is now proposed to be built on a site within the Largo Town Center sector plan area, and (3) sets forth recommendations for urban design, economic development, and the coordination and concurrency of future private development and capital improvements; and

WHEREAS, the *Preliminary Largo Town Center Sector Plan and Proposed Sectional Map Amendment* contain a comprehensive rezoning element known as the Proposed Sectional Map Amendment intended to implement the land use recommendations of the sector plan for the foreseeable future by proposing zoning amendments; and

WHEREAS, on September 19, 2013, the Planning Board held a public worksession on the *Preliminary Largo Town Center Sector Plan and Proposed Sectional Map Amendment* to examine the transcript analysis of testimony presented at the July 16, 2013, joint public hearing and exhibits received before the close of the record on July 31, 2013; and

WHEREAS, the Prince George's County Planning Board determined to amend said *Preliminary Largo Town Center Sector Plan and Proposed Sectional Map Amendment*, in response to said public testimony and Planning Department recommendations presented to the Planning Board on September 19, 2013, as part of the transcript analysis of testimony, and to adopt the sector plan, endorse the sectional

map amendment, and transmit both the plan and sectional map amendment with further amendments, extensions, deletions as follows:

**I. GENERAL**

1. Add a disclaimer statement to all illustrative concept drawings in the plan (with the exceptions of the recommended land use, zoning, and building heights maps) to read: “This drawing is for illustrative purposes only.”
2. Replace the term “regional hospital” with the term “Regional Medical Center” throughout the sector plan wherever the new project’s formal name is cited.
3. Correct all plan maps that show the proposed street network to show only a simple 90-degree “T” intersection between Largo Center Drive and the entrance ramp to westbound Central Avenue (MD 214).

**II. CHAPTER ONE: INTRODUCTION**

1. Insert new text based on the testimony submitted by Council Member Davis into the public hearing record into the *Plan Purpose* section of the preliminary sector plan. Edit the text to reflect the importance of the new Regional Medical Center to future TOD at the Largo Town Center Metro station and county support of incentives for new development that exceeds the minimum requirements of the sector plan’s Development District Standards. Make other minor edits as necessary to ensure clarity and consistency with the existing text in Chapter 1.
2. Amend the first full paragraph in the left-hand column on page 12 to highlight M-NCPPC assistance in community outreach for the new Regional Medical Center (including the major community meeting held on February 28, 2013) and the County Executive’s August 22<sup>nd</sup> selection of Largo Town Center as the chosen site for this facility.

**III. CHAPTER TWO: THE VISION FOR LARGO TOWN CENTER**

1. Amend paragraphs 1 and 2 under **Vision Elements** on pages 17-18 to reflect the presence of the new Regional Medical Center and allied medical office uses.
2. Modify Map 6: Recommended Building Heights Plan on page 19 to show permitted building heights between five and 14 stories on the planned new Regional Medical Center site, with ancillary uses on the site, such as utility or service structures, permitted to be as low as two stories. The revised map should also specify that building heights in the rest of the TOD Core between Arena Drive and Largo Drive West are permitted to range from six to ten stories..

**IV. CHAPTER THREE: LARGO TOWN CENTER TODAY—EXISTING CONDITIONS**

1. Add a new section under **Public Facilities** (pages 37-39) under the new title *Park Facilities* that discusses existing neighborhood and regional park facilities.
2. Add a new bullet to the list of strategies under the New Mixed-Use Retail Center Within the TOD Core goal (page 55) that contains language that explicitly encourages collaboration

between the county and owners of existing shopping centers who wish to redevelop their properties for mixed uses in phases.

2. Delete the following text from the fifth line from the end of the full paragraph in the right-hand column: "... [(See Largo Town Center Development District Standards—Architectural Design Criteria (item 18 under Exterior Walls) on page 139.)]"

#### V. CHAPTER FOUR: RECOMMENDATIONS FOR FUTURE DEVELOPMENT

1. Insert new text into the discussion under Transforming Largo Town Center on page 55 and make minor edits as necessary for consistency and clarity.
2. Revise the text that begins on the fifth line from the end of paragraph 2 under *Transit-Oriented Development Core* on page 62: "(See Map [23]1: [Proposed] Sector Plan Area Boundary on page [63] 2)."
3. Delete Map 23: Proposed Plan Area on page 63 and renumber the remaining maps accordingly.
4. Delete paragraph 3 under *Street Network*.
5. Amend paragraph 4 on page 64 under *Street Network* to clarify the description of the two options for modifying *only* the entrance ramp from eastbound Largo Center Drive to westbound Central Avenue.
6. Modify the language in the last paragraph under *Street Network* to indicate that proposed street connections may be either private or public provided that public access to private streets is secured through written agreement.
7. Expand the sector plan's discussion of transportation access under *Street Network* on page 64 to include explicit consideration of freight mobility and access within the area as well as emergency vehicle access to the new Regional Medical Center.
8. Insert Map of Proposed Open Space Plan after page 66 and renumber the remaining maps accordingly.
9. Add a new sentence to the first full paragraph in the right-hand column on page 66 that references the inserted Map of Proposed Open Space Plan.
10. Add a new *Goal: Adequate Access to Public Park Facilities Serving the Sector Plan Area* on page 76 under **Public Facilities** that discusses service and access criteria from the recently completed *Formula 2040 Functional Master Plan for Parks* and recommends strategies to meet these criteria based on the Proposed Open Space Plan. The discussion should also cover existing neighborhood and regional park facilities serving the sector plan area that Parks and Recreation staff has determined may need to be augmented through the acquisition of additional land outside of the sector plan area to meet the needs of the sector plan area community at full buildout.

11. Add a new paragraph to the discussion under Public-Private Partnerships (page 79) that explicitly endorses county-private developer coordination in facilitating the phased redevelopment of existing shopping centers.

## **VI. CHAPTER FIVE: IMPLEMENTATION**

1. Insert a new bullet at the top of the list of bullets in the left-hand column of page 81 recommending that Prince George's County support incentives, including but not limited to density bonuses, for new development within the DDOZ that exceeds the minimum requirements of the Development District Standards.
2. Amend strategy 6 on page 85 under the *Largo Town Center Implementation Matrix* to include accommodation of freight movements and emergency vehicle access to the new Regional Medical Center.

## **VII. CHAPTER SIX: RECOMMENDATIONS FOR FUTURE DEVELOPMENT**

1. Insert Map of Preferred Land Use Plan before Map 27: Existing Zoning Plan and insert brief description under 'Chapter 6: Recommendations for Future Development' title and renumber the remaining plan maps accordingly.
2. Add Map of Preferred Land Use Plan to the List of Maps after Map 26: Potential Buildout Street Network and renumber the remaining map accordingly.
3. Amend the title of Chapter Six to read **Overview of Development District Zoning Recommendations** and modify the Table of Contents and references in the plan to this chapter accordingly.
4. Amend the text in paragraph 2 under *Northeast Quadrant* on page 88 to read "The Largo Town Center SMA reclassifies the properties previously zoned I-3 to the [M-X-T] M-U-I Zone ..."
5. Change the proposed zone of 400 Largo Center Dr. at the intersection of Harry S Truman Drive and Largo Center Drive shown on Map 28: Rezoning Plan from M-U-I (Mixed-Use Infill) to R-O-S (Reserved Open Space).
6. Retain the current M-A-C (Major Activity Center) zoning for all of the privately-owned properties within the Comprehensive Design Zone (CDZ) area east of the Largo Town Center Metro Station with the exceptions of Parcel B (401-501 Largo Center Drive - Crescents at Largo), Parcel D (8900-9000 Lottsford Road), and Parcel I (9401 Arena Drive).
7. Retain the current R-R zoning for the 81.30-acre vacant property (owned by the Leonnig family) at 10210 Landover Road (MD 202).
8. Retain the current L-A-C zoning for the Lake Arbor Village Center Shopping Center (10200 Lake Arbor Way).



**VIII. CHAPTER SEVEN: SECTIONAL MAP AMENDMENT**

1. Rezone the 1.99-acre recreational area at 400 Largo Center Drive from M-A-C to R-O-S.
2. Replace Table 14. Cumulative Zoning Inventory with the following revised Table 14: Cumulative Zoning Inventory:

<b>Cumulative Zoning Inventory</b>			
Zone	Land Area		
	Existing	Proposed	Net Changes
M-U-I (Mixed-Use Infill)	77.09	120.75	43.66
M-A-C (Major Activity Center)	147.27	0.00	-98.40
M-X-T ( Mixed Use-Transportation Oriented)	0.00	116.84	0.00
L-A-C (Local Activity Center)	5.75	5.75	0.00
I-3 (Planned Industrial/Employment Park)	288.82	0.00	-288.82
C-O (Commercial Office)	16.84	186.25	-16.84
R-O-S (Reserved Open Space)	29.32	1.98	1.98
R-R (Rural Residential)	150.86	69.32	-81.54

3. Add a new Zoning Change symbol representing the rezoning of 400 Largo Center Drive from M-A-C to R-O-S to Map 29: Zoning Change Overview on page 97.
4. Remove all of the M-A-C zoned properties from the Change Number 6 (M-A-C to M-U-I) table and map on pages 106-107 except 401-501 Largo Center Drive (Crescents at Largo property).
5. Add a new Zoning Change chart and map set after page 109:

<b>Change Number</b>	<b>Zoning Change</b>	<b>Area of Change</b>	<b>Approved SMA/ZMA/SE</b>		<b>200' Scale Index Map</b>
			<b>Number</b>	<b>Date</b>	
8	M-A-C to R-O-S	1.99 ac.	SMA		201NE09
Use and Location: Recreation area, 400 Largo Center Drive (Tax Map 67, Grid E-3, Largo Town Center, Block C, Parcel 7).					
Rezoning this property from M-A-C to R-O-S Zone will ensure compliance with county policy to preserve M-NCPPC-owned parkland as open space.					

6. Delete the tables and map for Change Numbers 2 and 3 on pages 100-101 and renumber the remaining zoning change tables and maps accordingly.

**IX. CHAPTER EIGHT: DEVELOPMENT DISTRICT STANDARDS**

1. Remove paragraph 2 under bullet 1 (Legally Existing Development) on page 113 under Exemptions from the Development District Standards.
2. Amend bullet 5 (Nonresidential Development) on page 113 to increase the exemption square footage from 5,000 to 10,000.
3. Amend bullet 11 (Valid Detailed Site Plans) on page 114 to include Planning Director approval of minor amendments to valid specific design plans (SDPs). Indicate that minor amendments in all cases may include (1) modification, repair, or replacement of existing building-attached or free-standing signs; (2) building façade improvements or repairs; or (3) other building renovations or additions that do not exceed the exemption thresholds specified by the Development District Standards.
4. Remove bullet 4 (Incidental automobile service in a parking garage) from the list of prohibited uses on page 115.
5. Modify the text under TOD Core on page 124 and Map 32 on page 125 to permit building heights between five and 14 stories on the proposed new Regional Medical Center site, with ancillary uses on the site, such as utility or service structures, allowed to be as low as two stories. Specify that building heights in the rest of the TOD Core north of Largo Drive West are allowed to range from six to ten stories.
6. Assign identifying numbers to the street type components table on page 127 and the parking standards table on pages 150-151 and modify the List of Tables on page vii accordingly.
7. Add a new section for free-standing and monumental signs under **Signage Design Criteria** on page 156 (following the section on storefront window signs) that contains basic design criteria (materials, design, placement onsite, and dimensions), with references to Part 12. Signs of the Zoning Ordinance where necessary.
8. Remove monumental signs (bullet 10) from the list of prohibited sign types and materials on page 157.

**X. APPENDICES AND OTHER CHANGES**

1. Insert use tables for the M-X-T, M-U-I, C-O, R-T, M-A-C, R-R, L-A-C, and R-O-S zones as a new **Appendix B. Permitted Use Tables** and insert language explaining why these tables are included in the new appendix. Include language referencing the list of prohibited uses on page 15 under *Permitted and Prohibited Uses*.
2. Renumber **Appendix B. Procedural Sequence Chart** accordingly.
3. Correct the title of Appendix A as shown: [Prince George's County, Maryland/Updated November 2010] Guide to Zoning Categories.

4. Modify the Table of Contents, including the lists of Maps, Tables, and Figures to reflect the additions, deletions, and other revisions recommended as amendments to the *Preliminary Largo Town Center Sector Plan and Proposed Sectional Map Amendment*.
5. Change the plan, graphics and maps to incorporate mapping, typographical, grammatical, and rewording corrections, as necessary.
6. Change the plan, graphics and maps where appropriate to correspond to the aforementioned amendments, revisions, extensions, deletions, and additions.
7. Insert separator pages and make other formatting and page layout changes as necessary to enhance the readability and user friendliness of the approved sector plan.

WHEREAS, an objective of the proposed sectional map amendment for Largo Town Center is to protect the health, safety, and general welfare of all citizens in Prince George's County; and

WHEREAS, the proposed sectional map amendment for Largo Town Center is an amendment to the Prince George's County Zoning Ordinance, being an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County; and

WHEREAS, the Sectional Map Amendment includes zoning changes enumerated and transmitted herein, accounting for varying acreage and zoning categories; and

WHEREAS, in accordance with Section 27-645(d)(1) of the Zoning Ordinance of Prince George's County, the acceptance and processing of Zoning Map Amendment applications within the subject sector plan area shall be postponed in accordance with the provisions of Sections 27-225.01(f), 27-225.01.05(f), and 27-226(a); and

WHEREAS, pursuant to Section 27-646(d) of the Zoning Ordinance of Prince George's County, building permit recommendations by the Planning Board and the issuance of building permits by the Department of Environmental Resources (now Department of Permitting, Inspections and Enforcement) shall be postponed until final action on the endorsed SMA by the District Council as provided for in Section 27-225.02(a)(1); and

WHEREAS, pursuant to Section 27-157(b)(4) of the Zoning Ordinance of Prince George's County, the conditions and findings attached to previously approved zoning applications are considered part of the endorsed Sectional Map Amendment where the previous zoning category has been maintained and noted on the Zoning Map.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby adopt the Largo Town Center Sector Plan, said plan being an amendment to the 1990 *Largo-Lottsford Approved Master Plan Amendment and Adopted Sectional Map Amendment*, the 2002 *Prince George's County Approved General Plan*, and the 2009 *Approved Countywide Master Plan of Transportation*, this said adopted plan containing amendments, extensions, deletions, and additions in response to the public hearing record; and

BE IT FURTHER RESOLVED that in accordance with Section 27-645(c)(2) of the Zoning Ordinance of Prince George's County, copies of the adopted sector plan and endorsed sectional map amendment, consisting of this resolution to be used in conjunction with the *Preliminary Largo Town Center Sector Plan and Proposed Sectional Map Amendment*, will be transmitted to the County Executive

and each municipality whose territorial boundaries are in and within one-half mile of the area affected by the plan; and

BE IT FURTHER RESOLVED that an attested copy of the adopted plan, and all parts thereof, shall be certified by the Commission and transmitted to the District Council of Prince George's County for its approval pursuant to Land Use Article 28, Annotated Code of Maryland; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the sectional map amendment has been prepared in accordance with the requirements of Section 27-225.01.05 of the Zoning Ordinance; and

BE IT FURTHER RESOLVED that the *Preliminary Largo Town Center Sector Plan* as hereby adopted, and the *Proposed Sectional Map Amendment*, as hereby endorsed, are applicable to the area within the boundaries delineated on the plan map and consists of a map(s) and text; and

BE IT FURTHER RESOLVED that the adopted sector plan and endorsed sectional map amendment comprise the *Preliminary Largo Town Center Sector Plan and Proposed Sectional Map Amendment* text, map, and graphics as amended by this resolution; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the Largo Town Center Sectional Map Amendment, as heretofore described, is in conformance with the principles of orderly comprehensive land use planning and staged development, being consistent with the *Adopted Largo Town Center Sector Plan*, and with consideration having been given to the applicable County Laws, Plans, and Policies; and


BE IT FURTHER RESOLVED that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to Sections 27-645(c)(1) and 27-225.01.05 of the Zoning Ordinance, endorses the proposed sectional map amendment for the Largo Town Center planning area by this resolution, and recommends that it be approved as an amendment to the Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County.

[indicates deleted text]

This is to certify that the foregoing is a true and correct copy of a resolution, as revised, adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Washington, with Commissioners Hewlett, Geraldo, Shoaff and Washington voting in for the motion and with Commission Bailey absent at its regular meeting held on Thursday, October 3, 2013 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10<sup>th</sup> day of October, 2013.

Patricia Colihan Barney  
Executive Director

  
**APPROVED AS TO LEGAL SUFFICIENCY**  
\_\_\_\_\_  
M-NCPPC Legal Department  
Date 11 / 22 / 13

By   
Jessica Jones  
Planning Board Administrator



**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2013 Legislative Session**

Resolution No. CR-137-2013  
Proposed by The Chair (by request – Planning Board)  
Introduced by Council Member Davis  
Co-Sponsors \_\_\_\_\_  
Date of Introduction November 12, 2013

**RESOLUTION**

1 A RESOLUTION concerning

2 The Largo Town Center Sector Plan

3 For the purpose of approving with revisions, as an Act of the County Council of Prince George's  
4 County, Maryland, sitting as the District Council for that portion of the Maryland-Washington  
5 Regional District in Prince George's County, the Largo Town Center Sector Plan, thereby  
6 defining long-range land use and development policies for the Largo Town Center area,  
7 generally comprised of the properties bounded by the Capital Beltway (I-95/I-495) to the west,  
8 Landover Road (MD 202) and the southwest boundary of the Woodview Village subdivision to  
9 the north, Campus Way North, Lake Arbor Way, and Landover Road (MD 202) to the east, and  
10 Central Avenue (MD 214) to the south.

11 WHEREAS, upon approval by the District Council, this Sector Plan will amend portions of  
12 the 1990 *Largo-Lottsford Approved Master Plan Amendment and Sectional Map Amendment*, the  
13 2002 *Prince George's County Approved General Plan*, the 2004 *Approved Sector Plan and*  
14 *Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas*, and  
15 the 2009 *Approved Countywide Master Plan of Transportation*; and

16 WHEREAS, on May 1, 2012, the District Council adopted CR-25-2012, thereby initiating  
17 an amendment to 1990 *Largo-Lottsford Approved Master Plan Amendment and Sectional Map*  
18 *Amendment*, the 2002 *Prince George's County Approved General Plan*, the 2004 *Approved*  
19 *Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center*  
20 *Metro Areas*, and the 2009 *Approved Countywide Master Plan of Transportation*; and  
21

1 WHEREAS, pursuant to its adoption of CR-25-2012, the District Council further  
2 authorized initiation of a concurrent SMA pursuant to Sections 27-225.01 and 27-641 of the  
3 Zoning Ordinance of Prince George's County; and

4 WHEREAS, in adopting CR-25-2012, the District Council also endorsed the Goals,  
5 Concepts, Guidelines and Public Participation Program and established the Plan boundaries as  
6 recommended by the Planning Board for the Largo Town Center Sector Plan and SMA pursuant  
7 to Sections 27-641, and 27-643 of the Zoning Ordinance; and

8 WHEREAS, the Planning Board staff, in accordance with the plan's public participation  
9 program, gathered substantial input through numerous community workshops held throughout  
10 September, October, November, and December of 2012 with the community and agency  
11 stakeholders, in order to develop the community's vision for a new, mixed-use "Downtown" for  
12 Prince George's County at the Largo Town Center Metro Station; and

13 WHEREAS, using the General Plan policies and goals as guidance, the Planning Board  
14 staff examined best practices in transit-oriented development, existing land use patterns, as well  
15 as existing and pending proposals for zoning and subdivisions of land, in order to generate the  
16 land use policy recommendations within the Sector Plan that will help realize the vision of a  
17 transit-oriented community at Largo Town Center; and

18 WHEREAS, the District Council and the Planning Board held a duly advertised joint public  
19 hearing on July 16, 2013, and

20 WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, the County Executive  
21 and the District Council reviewed the public facilities element of the preliminary sector plan and  
22 proposed sectional map amendment in order to identify inconsistencies between the proposed  
23 public facilities recommended within the preliminary plan and proposed sectional map  
24 amendment and existing County or State public facilities; and

25 WHEREAS, on September 10, 2013, the District Council adopted CR-88-2013, thereby  
26 approving the Public Facilities Element of the Preliminary Largo Town Center Sector Plan and  
27 Proposed Sectional Map Amendment for inclusion in an adopted sector plan and endorsed  
28 sectional map amendment by the Planning Board; and

29 WHEREAS, the Planning Board held a work session on September 19, 2013, that was  
30 continued to October 3, 2013, to review comments contained in the hearing record and staff  
31 recommendations thereon; and



1 WHEREAS, on October 10, 2013, the Planning Board adopted Resolution PGCPB No. 13-  
2 96 and, pursuant to Section 27-645(c), transmitted the Adopted Largo Town Center Sector Plan  
3 and Endorsed Sectional Map Amendment to the District Council on October 11, 2013; and

4 WHEREAS, on October 22, 2013, the District Council held a work session to consider the  
5 record of public hearing testimony and the Planning Board's recommendations embodied in  
6 PGCPB No. 13-96 and, after discussion, directed Technical Staff to prepare a resolution of  
7 approval incorporating revisions.

8 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
9 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
10 Regional District in Prince George's County, that the Largo Town Center Sector Plan, as adopted  
11 on October 10, 2013, by PGCPB No. 13-96, be and the same is hereby approved with the  
12 following revisions:

13 **REVISION ONE:**

14 Add the following language under the "Site Plan Submittal Requirements" section on  
15 page 115 of **Chapter 8: Largo Town Center Development District Standards** as follows:

16 "7. A phasing plan setting forth the sequence and timeframes for the proposed  
17 development."

18 **REVISION TWO:**

19 Revise the second paragraph of the "Permitted and Prohibited Uses" section on page 115  
20 of **Chapter 8: Largo Town Center Development District Standards** to reflect revisions to  
21 Section 27-548.25 the Zoning Ordinance as follows: "Uses that are permitted in the underlying  
22 zones are permitted within the Largo Town Center DDOZ. A use that would normally require a  
23 special exception in the underlying zone is permitted if it is not included in the list of uses  
24 prohibited within the DDOZ (see below) , and only if the Development District Standards so  
25 provide within a table of uses. Such designated uses shall instead be subject to site plan review  
26 by the Planning Board. The Planning Board shall find in its approval of the site plan for such use  
27 that it complies with all applicable development district standards; meets the general special  
28 exception standards in Section 27-317(a)(1), (4), (5), and (6); and conforms to the  
29 recommendations in the sector plan."

30 **REVISION THREE:**

31 Add the following language under the "Plan Purpose" section of **Chapter 1:**

1 **Introduction** as follows:

2 “The purpose of this plan is to ensure the creation of an urban, walkable, transit-oriented  
3 community at the Largo Town Center Metro Station.”

4 “The County further supports incentives for mixed income housing in appropriate locations  
5 within the sector plan area, provided that the development is six (6) stories or more in height and  
6 exceed all other minimum design standards required by the plan.”

7 **REVISION FOUR:**

8 Revise the third from last sentence of the final paragraph within the “**variety of**  
9 **neighborhoods with a range of housing types**” bullet on page 18 as follows: “As the market  
10 shifts, rental units [can be converted] should be incentivized for conversion to condominiums  
11 with tenants having the right of first refusal.”

12 **REVISION FIVE:**

13 Reinststate the first sentence of Paragraph 3 under the “**Street Network**” section on page 64  
14 of **Chapter 4: Recommendations** of the Preliminary Sector Plan as follows:

15 “As development continues outside of the TOD core, an effort should be made to connect  
16 other streets as well such as extending Mercantile Lane east of Lottsford Road through the  
17 Inglewood Restaurant Park and to the west, arriving at the UMUC Academic Center at Largo on  
18 McCormick Drive.

19 **REVISION SIX:**

20 Add the following language on page 124 under the “**TOD Core**” subsection of the “**Urban**  
21 **Design – Building Heights**” section of **Chapter 8: Development District Standards:**

22 “Pursuant to a site plan application for development within the TOD Core filed, accepted,  
23 and permitted prior to December 31, 2016, for property with street frontage along Lottsford  
24 Road, Arena Drive, or Harry S. Truman Drive, or property directly abutting the Capital Beltway  
25 right-of-way, an applicant may request a one-story departure (reduction) from the applicable  
26 Minimum Height requirements set forth in the Development District Standards and Map 32:  
27 **Building Heights** applicable to the development proposal.”  
28

**REVISION SEVEN:**

Add the following language on page 121 in the second paragraph under the “**Urban Design – Frontage**” section of **Chapter 8: Development District Standards**: “Development within the TOD Core with street frontage along Lottsford Road, Arena Drive, or Harry S. Truman Drive must face the street and include non-residential development on the ground floor of the development on the site. Development on property directly abutting the Capital Beltway right-of-way must face Harry S. Truman Drive (extended) and include non-residential development on the ground floor of the development on the site.”

**REVISION EIGHT:**

Add the following language on page 121 in the second paragraph under the “**Urban Design – Frontage**” section of **Chapter 8: Development District Standards**: “Development within the TOD Core with frontage abutting open space contiguous to the Largo Metro Station must face the metro station site and include non-residential development on the ground floor of the development on the site.”

**REVISION NINE:**

Add the following language on page 121 in the second paragraph under the “**Urban Design – Frontage**” section of **Chapter 8: Development District Standards**: “Development within the TOD Core with frontage abutting open space contiguous with the Largo Regional Hospital facility must be oriented with building frontage to face the hospital facility site and include non-residential development on the ground floor of the development on the site.”

**REVISION TEN:**

Add a new subsection on page 142 within the “**Architectural Design Criteria- Building Form**” section in **Chapter 8: Development District Standards** as follows: “**Multifamily Development in the TOD Core**: Within the TOD Core, in any multifamily development project consisting of fifty (50) or more dwelling units, the percentage of workforce housing units shall not exceed ten percent (10%) of the total number of units proposed for the entire project and said workforce units must be disbursed throughout the project and be externally indistinguishable from the market rate units within the project. For purposes of this section, ‘workforce housing’ means residential dwelling units set aside for sale or rent to households earning an annual total income not exceeding 80% – 120% of the median annual household income for the Washington Statistical Metropolitan Area. Multifamily development within the

1 TOD core should be designed to create a diverse residential community with a variety of unit  
2 types at different price points.”

3 **REVISION ELEVEN:**

4 Add a new paragraph 4 on page 136 within the “**General**” subsection under the “**Open Space**  
5 **Design Criteria – Open Space Types**” section of **Chapter 8: Development District**  
6 **Standards**” as follows: “Public / private partnerships should be formed in order to ensure  
7 appropriate funding and and maintenance is provided for the public spaces envisioned within the  
8 Largo Town Center Sector Plan area, including the Greenway trail, the Largo Town Center Lake  
9 Park, the one-acre “main square” civic facility abutting the Largo Metro Station, and the iconic  
10 focal points that herald arrival and a sense of place at the Largo Town Center TOD Core: (1)  
11 Harry S. Truman Drive / Lottsford Drive, and (2) ‘the Green’ at the North Entrance of the TOD  
12 core at Arena Drive.”

13 **REVISION TWELVE:**

14 Revise the second sentence of the “**Development District Standards**” paragraph on page  
15 116 as follows: “All new development in Largo Town Center shall comply with these standards  
16 unless amended [by future SMAs] pursuant to the provisions of the Zoning Ordinance.”

17 BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate  
18 textual and graphical revisions to the sector plan to correct identified errors, reflect updated  
19 information and revisions, and otherwise incorporate the changes reflected in this Resolution.  
20

1 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If any  
2 provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid,  
3 unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or  
4 unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses,  
5 sections, zones, zoning maps, or parts hereof or their application to other zones, persons, or  
6 circumstances. It is hereby declared to the legislative intent that this Resolution would have been  
7 adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence, clause,  
8 section, zone, zoning map, or part had not been included therein.

Adopted this 12th day of November, 2013.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

BY: Andrea C. Harrison  
Andrea C. Harrison  
Chair

ATTEST:

Redis C. Floyd  
Redis C. Floyd  
Clerk of the Council



## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 11/12/2013  
**Reference No.:** CR-137-2013  
**Draft No.:** 2  
**Proposer(s):** Park & Planning  
**Sponsor(s):** Davis  
**Item Title:** A Resolution concerning The Largo Town Center Sector Plan for the purpose of approving with revisions, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Prince George's County, the Largo Town Center Sector Plan, thereby defining long-range land use and development policies for the Largo Town Center area, generally comprised of the properties bounded by the Capital Beltway (I-95/I-495) to the west, Landover Road (MD 202) and the southwest boundary of the Woodview Village subdivision to the north, Campus Way North, Lake Arbor Way, and Landover Road (MD 202) to the east, and Central Avenue (MD 214) to the south.

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**Drafter:** M-NCPPC  
**Resource Personnel:** M-NCPPC

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>		<b>Executive Action:</b>
<b>Committee Referral:</b>		<b>Effective Date:</b>
<b>Committee Action:</b>	11/12/2013 - FAV(A)	
<b>Date Introduced:</b>	11/12/2013	
<b>Public Hearing:</b>		
<b>Council Action (1)</b>	11/12/2013 - ADOPTED	
<b>Council Votes:</b>	WC:-, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A	
<b>Pass/Fail:</b>	P	
<b>Remarks:</b>		

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### AFFECTED CODE SECTIONS:

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### COMMITTEE REPORTS:

#### COMMITTEE OF THE WHOLE

Date 11/12/2013

Committee vote: Favorable with amendments 8-0. (In favor: Council Members Harrison, Davis, Franklin, Lehman, Olson, Patterson, Toles and Turner. Absent: Council Member Campos)

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### BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This Resolution approves the Largo Town Center Sector Plan with certain revisions.

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### CODE INDEX TOPICS:

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**INCLUSION FILES:**

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**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2013 Legislative Session**

Resolution No. CR-138-2013  
Proposed by The Chair (by request – Planning Board)  
Introduced by Council Member Davis  
Co-Sponsors \_\_\_\_\_  
Date of Introduction November 12, 2013

**RESOLUTION**

1 A RESOLUTION concerning

2                                   The Largo Town Center Sectional Map Amendment

3 For the purpose of approving with revisions, as an Act of the County Council of Prince George’s  
4 County, Maryland, sitting as the District Council for that portion of the Maryland-Washington  
5 Regional District in Prince George’s County, the Largo Town Center Sectional Map Amendment  
6 (“SMA”), thereby setting forth and adopting detailed zoning proposals for the Largo Town  
7 Center area, generally comprised of the properties bounded by the Capital Beltway (I-95/I-495)  
8 to the west, Landover Road (MD 202) and the southwest boundary of the Woodview Village  
9 subdivision to the north, Campus Way North, Lake Arbor Way, and Landover Road (MD 202) to  
10 the east, and Central Avenue (MD 214) to the south.

11           WHEREAS, upon approval by the District Council, this SMA will amend portions of the  
12 Prince George’s County Zoning Ordinance and County Zoning Maps for the Largo Town Center  
13 area; and

14           WHEREAS, on May 1, 2012, the District Council adopted CR-25-2012, thereby initiating  
15 an amendment to 1990 *Largo-Lottsford Approved Master Plan Amendment and Sectional Map*  
16 *Amendment*, the 2002 *Prince George’s County Approved General Plan*, the 2004 *Approved*  
17 *Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center*  
18 *Metro Areas*, and the 2009 *Approved Countywide Master Plan of Transportation*; and

19           WHEREAS, pursuant to its adoption of CR-25-2012, the District Council further  
20 authorized initiation of a concurrent SMA pursuant to Sections 27-225.01 and 27-641 of the  
21 Zoning Ordinance of Prince George’s County; and  
22

1       WHEREAS, in adopting CR-25-2012, the District Council also endorsed the Goals,  
2       Concepts, Guidelines and Public Participation Program and established the Plan boundaries as  
3       recommended by the Planning Board for the Largo Town Center Sector Plan and SMA pursuant  
4       to Section 27-641 and 27-643 of the Zoning Ordinance; and

5       WHEREAS, the Planning Board staff, in accordance with the plan's public participation  
6       program, gathered substantial input through numerous community workshops held throughout  
7       September, October, November, and December of 2012 with the community and agency  
8       stakeholders, in order to develop the community's vision for a new, mixed-use "Downtown" for  
9       Prince George's County at the Largo Town Center Metro Station; and

10       WHEREAS, using the General Plan policies and goals as guidance, the Planning Board  
11       staff examined best practices in transit-oriented development, existing land use patterns, as well  
12       as existing and pending proposals for zoning and subdivisions of land, in order to generate the  
13       specific zoning recommendations within the sectional map amendment that will help realize the  
14       vision of a transit-oriented community at Largo Town Center; and

15       WHEREAS, the District Council and the Planning Board held a duly advertised joint public  
16       hearing on July 16, 2013, and

17       WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, the County Executive  
18       and the District Council reviewed the public facilities element of the Preliminary Largo Town  
19       Center Sector Plan and Proposed Sectional Map Amendment in order to identify inconsistencies  
20       between the proposed public facilities recommended within the preliminary sector plan and  
21       proposed sectional map amendment and existing County or State public facilities; and

22       WHEREAS, on September 10, 2013, the District Council adopted CR-88-2013, thereby  
23       approving the Public Facilities Element of the Preliminary Largo Town Center Sector Plan and  
24       Proposed Sectional Map Amendment for inclusion in the adopted sector plan and endorsed  
25       sectional map amendment by the Planning Board; and

26       WHEREAS, the Planning Board held a work session on September 19, 2013, that was  
27       continued to October 3, 2013, to review comments contained in the hearing record and staff  
28       recommendations thereon; and

29       WHEREAS, on October 10, 2013, the Planning Board adopted Resolution PGCPB No. 13-  
30       96 and, pursuant to Section 27-645(c), transmitted the Adopted Largo Town Center Sector Plan  
31       and Endorsed Sectional Map Amendment to the District Council on October 11, 2013; and

1 WHEREAS, on October 22, 2013, the District Council held a work session to consider the  
 2 record of public hearing testimony and the Planning Board's recommendations embodied in  
 3 PGCPB No. 13-96 and, after discussion, directed Technical Staff to prepare a resolution of  
 4 approval incorporating revisions.

5 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
 6 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
 7 Regional District in Prince George's County, Maryland, that by the County Council of Prince  
 8 George's County, Maryland, sitting as the District Council for that portion of the Maryland-  
 9 Washington Regional District in Prince George's County, that the Largo Town Center Sectional  
 10 Map Amendment, as endorsed on October 10, 2013, by PGCPB No. 13-96, be and the same is  
 11 hereby approved with the following revisions:

12 **REVISION 1:**

13 Add the following language under the "**Site Plan Submittal Requirements**" section on  
 14 page 115 of **Chapter 8: Largo Town Center Development District Standards** as follows:

15 "7. A phasing plan setting forth the sequence and timeframes for the proposed  
 16 development."

17 **REVISION 2:**

18 Revise the second paragraph of the "**Permitted and Prohibited Uses**" section on page 115  
 19 of **Chapter 8: Largo Town Center Development District Standards** to reflect revisions to  
 20 Section 27-548.25 the Zoning Ordinance as follows:

21 "Uses that are permitted in the underlying zones are permitted within the Largo Town  
 22 Center DDOZ. A use that would normally require a special exception in the underlying zone is  
 23 permitted if it is not included in the list of uses prohibited within the DDOZ (see below) , and  
 24 only if the Development District Standards so provide within a table of uses. Such designated  
 25 uses shall instead be subject to site plan review by the Planning Board. The Planning Board shall  
 26 find in its approval of the site plan for such use that it complies with all applicable development  
 27 district standards; meets the general special exception standards in Section 27-317(a)(1), (4), (5),  
 28 and (6); and conforms to the recommendations in the sector plan."

29 **REVISION THREE:**

30 Add the following language on page 124 under the "**TOD Core**" subsection of the "**Urban**  
 31 **Design – Building Heights**" section of **Chapter 8: Development District Standards**:

1 “Pursuant to a site plan application for development within the TOD Core filed, accepted,  
 2 and permitted prior to December 31, 2016, for property with street frontage along Lottsford  
 3 Road, Arena Drive, or Harry S. Truman Drive, or property directly abutting the Capital Beltway  
 4 right-of-way, an applicant may request a one-story departure (reduction) from the applicable  
 5 Minimum Height requirements set forth in the Development District Standards and Map 32:  
 6 Building Heights applicable to the development proposal.”

7 **REVISION FOUR:**

8 Add the following language on page 121 in the second paragraph under the “**Urban Design**  
 9 **– Frontage**” section of **Chapter 8: Development District Standards**: “Development within  
 10 the TOD Core with street frontage along Lottsford Road, Arena Drive, or Harry S. Truman Drive  
 11 must face the street and include non-residential development on the ground floor of the  
 12 development on the site. Development on property directly abutting the Capital Beltway right-  
 13 of-way must face Harry S. Truman Drive (extended) and include non-residential development on  
 14 the ground floor of the development on the site.”

15 **REVISION FIVE:**

16 Add the following language on page 121 in the second paragraph under the “**Urban Design**  
 17 **– Frontage**” section of **Chapter 8: Development District Standards**: “Development within  
 18 the TOD Core with frontage abutting open space contiguous to the Largo Metro Station must  
 19 face the metro station site and include non-residential development on the ground floor of the  
 20 development on the site.”

21 **REVISION SIX:**

22 Add the following language on page 121 in the second paragraph under the “**Urban Design**  
 23 **– Frontage**” section of **Chapter 8: Development District Standards**: “Development within  
 24 the TOD Core with frontage abutting open space contiguous with the Largo Regional Hospital  
 25 facility must be oriented with building frontage to face the hospital facility site and include non-  
 26 residential development on the ground floor of the development on the site.”

27 **REVISION SEVEN:**

28 Add a new subsection on page 142 within the “**Architectural Design Criteria- Building**  
 29 **Form**” section in **Chapter 8: Development District Standards** as follows: “**Multifamily**  
 30 **Development in the TOD Core**: Within the TOD Core, in any multifamily development  
 31 project consisting of fifty (50) or more dwelling units, the percentage of workforce housing units

1 shall not exceed ten percent (10%) of the total number of units proposed for the entire project  
 2 and said workforce units must be disbursed throughout the project and be externally  
 3 indistinguishable from the market rate units within the project. For purposes of this section,  
 4 'workforce housing' means residential dwelling units set aside for sale or rent to households  
 5 earning an annual total income not exceeding 80% – 120% of the median annual household  
 6 income for the Washington Statistical Metropolitan Area. Multifamily development within the  
 7 TOD core should be designed to create a diverse residential community with a variety of unit  
 8 types at different price points."

9 **REVISION EIGHT:**

10 Add a new paragraph 4 on page 136 within the "**General**" subsection under the "**Open**  
 11 **Space Design Criteria – Open Space Types**" section of **Chapter 8: Development District**  
 12 **Standards**" as follows: "Public / private partnerships should be formed in order to ensure  
 13 appropriate funding and maintenance is provided for the public spaces envisioned within the  
 14 Largo Town Center Sector Plan area, including the Greenway trail, the Largo Town Center Lake  
 15 Park, the one-acre "main square" civic facility abutting the Largo Metro Station, and the iconic  
 16 focal points that herald arrival and a sense of place at the Largo Town Center TOD Core: (1)  
 17 Harry S. Truman Drive / Lottsford Drive, and (2) 'the Green' at the North Entrance of the TOD  
 18 core at Arena Drive."

19 **REVISION NINE:**

20 Revise the second sentence of the "**Development District Standards**" paragraph on page  
 21 116 as follows: "All new development in Largo Town Center shall comply with these standards  
 22 unless amended [by future SMAs] pursuant to the provisions of the Zoning Ordinance."

23 BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate  
 24 textual, graphical, and map revisions to correct identified errors, reflect updated information and  
 25 revisions, and incorporate the zoning map changes reflected in this Resolution.

26 BE IT FURTHER RESOLVED that this Sectional Map Amendment is an amendment to  
 27 the Zoning Ordinance and to the official Zoning Map for the Maryland-Washington Regional  
 28 District in Prince George's County. The zoning changes approved by this Resolution shall be  
 29 depicted on the official Zoning Map of the County.  
 30

1 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If any  
2 provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid,  
3 unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or  
4 unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses,  
5 sections, zones, zoning maps, or parts hereof for their application to other zones, persons, or  
6 circumstances. It is hereby declared to be the legislative intent that this Resolution would have  
7 been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence,  
8 clause, section, zone, zoning map, or part had not been included therein.

Adopted this 12th day of November, 2013.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

BY: Andrea C. Harrison  
Andrea C. Harrison  
Chair

ATTEST:

Redis C. Floyd  
Redis C. Floyd  
Clerk of the Council

**Prince George's County Council**  
**Agenda Item Summary**

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**Meeting Date:** 11/12/2013  
**Reference No.:** CR-138-2013  
**Draft No.:** 1  
**Proposer(s):** Park & Planning  
**Sponsor(s):** Davis  
**Item Title:** A Resolution concerning The Largo Town Center Sectional Map Amendment for the purpose of approving with revisions, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Prince George's County, the Largo Town Center Sectional Map Amendment ("SMA"), thereby setting forth and adopting detailed zoning proposals for the Largo Town Center area, generally comprised of the properties bounded by the Capital Beltway (I-95/I-495) to the west, Landover Road (MD 202) and the southwest boundary of the Woodview Village subdivision to the north, Campus Way North, Lake Arbor Way, and Landover Road (MD 202) to the east, and Central Avenue (MD 214) to the south.

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**Drafter:** M-NCPPC  
**Resource Personnel:** M-NCPPC

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**LEGISLATIVE HISTORY:**

<b>Date Presented:</b>		<b>Executive Action:</b>
<b>Committee Referral:</b>		<b>Effective Date:</b>
<b>Committee Action:</b>		
<b>Date Introduced:</b>	11/12/2013	
<b>Public Hearing:</b>		
<b>Council Action (1)</b>	11/12/2013 - ADOPTED	
<b>Council Votes:</b>	WC:-, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A	
<b>Pass/Fail:</b>	P	
<b>Remarks:</b>		

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**AFFECTED CODE SECTIONS:**

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**COMMITTEE REPORTS:**

**COMMITTEE OF THE WHOLE**

**Date 11/12/2013**

Committee vote: Favorable with amendments 8-0. (In favor: Council Members Harrison, Davis, Franklin, Lehman, Olson, Patterson, Toles and Turner. Absent: Council Member Campos)

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

This Resolution approves the Largo Town Center Sectional Map Amendment with certain revisions.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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CERTIFICATE OF ADOPTION AND APPROVAL

*This Approved Largo Town Center Sector Plan and Sectional Map Amendment amends the 2009 Approved Countywide Master Plan of Transportation, the 2004 Approved Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas, the 2002 Prince George's County Approved General Plan, and the 1990 Largo-Lottsford Approved Master Plan Amendment and Sectional Map Amendment. The Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the sector plan and endorsed the sectional map amendment by Resolution No. 13-96 on October 10, 2013. The Prince George's County Council approved the adopted sector plan by Resolution No. CR-137-2013 (DR-2) and the endorsed sectional map amendment by Resolution No. CR-138-2013 (DR-2) on November 12, 2013, after a duly advertised joint public hearing held on July 16, 2013.*

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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Elizabeth M. Hewlett  
Chairman

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Françoise M. Carrier  
Vice Chairman

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Joseph C. Zimmerman  
Secretary-Treasurer



Res# 13-30

## ITEM 5d



MONTGOMERY COUNTY PLANNING DEPARTMENT  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
Item No.  
Date: 12/18/13

### Resolution of Adoption of the Approved Glenmont Sector Plan

- MB** Michael Brown, Planner Coordinator, Area 2 Planning Division, Michael.Brown@montgomeryplanning.org, 301.495.4566
- KA** Khalid Afzal, Master Planner Supervisor, Area 2 Planning Division, Khalid.Afzal@montgomeryplanning.org, 301.495.4650
- KK** Glenn Kreger, Chief, Area 2 Planning Division, Glenn.Kreger@montgomeryplanning.org, 301.495.4653

**Completed: 11/26/13**

#### **Recommendation:**

Approval of the Resolution of Adoption.

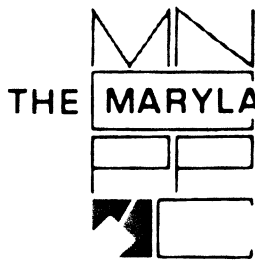
#### **Summary**

Attached for your review and approval is M-NCPPC Resolution 13-30 to adopt the Glenmont Sector Plan. The County Council, sitting as the District Council, approved the Glenmont Sector Plan by Resolution Number 17-932 on November 5, 2013. The Montgomery County Planning Board approved the adoption of the Glenmont Sector Plan by Resolution Number 13-159 on November 21, 2013.

#### **Attachments:**

1. Montgomery County Planning Board Draft Resolution MCPB 13-159 and M-NCPPC Resolution 13-30
2. Montgomery County Council Resolution Number 17-932, Approval of Planning Board Draft Glenmont Sector Plan





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

6611 Kenilworth Avenue • Riverdale, Maryland 20737

**MCPB NO. 13-159**  
**M-NCPPC NO. 13-30**

**RESOLUTION**

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*; and

WHEREAS, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, pursuant to the procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on Thursday, February 14, 2013, on the Public Hearing Draft *Glenmont Sector Plan*, being also an amendment to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*, as amended; the *Master Plan for Historic Preservation*, as amended; the *Master Plan of Highways within Montgomery County*, as amended; the *Countywide Bikeways Functional Master Plan*, as amended; and the *Master Plan for Legacy Open Space*, as amended; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on May 30, 2013, approved the Planning Board Draft *Glenmont Sector Plan*, recommended that it be approved by the District Council, and on June 6, 2013, forwarded it the County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Planning Board Draft *Glenmont Sector Plan* and forwarded those recommendations and analysis to the District Council on September 10, 2013; and

WHEREAS, the Montgomery County Council sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on July 30, 2013, wherein testimony was received concerning the Planning Board Draft *Glenmont Sector Plan*; and

WHEREAS, the District Council, on November 5, 2013 approved the Planning Board Draft *Glenmont Sector Plan* subject to the modifications and revisions set forth in Resolution No. 17-932; and

NOW THEREFORE BE IT RESOLVED, that the Montgomery County Planning Board and the Maryland-National Capital Park and Planning Commission do hereby adopt the said *Glenmont Sector Plan*, together with the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*, as amended; the *Master Plan for Historic Preservation*, as amended; the *Master Plan of Highways within Montgomery County*, as amended; the *Countywide Bikeways Functional Master Plan*, as amended; and the *Master Plan for Legacy Open Space*, as amended, and as approved by the District Council in the attached Resolution No. 17-932; and

BE IT FURTHER RESOLVED, that copies of said Amendment must be certified by the Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of each of Montgomery and Prince George's Counties, as required by law.

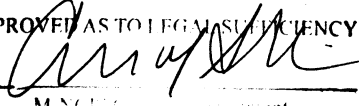
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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, November 21, 2013.

  
\_\_\_\_\_  
Françoise M. Carrier, Chair  
Montgomery County Planning Board

APPROVED AS TO LEGAL SUFFICIENCY

  
\_\_\_\_\_  
M-NCPPC  
Date 11/21/13

**CERTIFICATION OF APPROVAL AND ADOPTION**

**GLENMONT SECTOR PLAN**

This Comprehensive Amendment to the Approved and Adopted 1997 Sector Plan for the Glenmont Transit Impact Area and Vicinity Plan, as amended; being also an amendment to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties*, as amended; the *Master Plan for Historic Preservation*, as amended; the *Master Plan of Highways within Montgomery County*, as amended; the *Countywide Bikeways functional Master Plan*, as amended; and the *Master Plan for Legacy Open Space*, as amended; has been approved by the Montgomery County Council, sitting as the District Council, by Resolution No. 17-932 on November 5, 2013, and has been adopted by The Maryland-National Capital Park and Planning Commission by Resolution 13-30 on December 18, 2013, after duly advertised public hearings pursuant to the Land Use Article - Division II, of the Annotated Code of Maryland.

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

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Francoise M. Carrier  
Chair

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Elizabeth M. Hewlett  
Vice-Chair

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Joseph Zimmerman  
Secretary-Treasurer





Resolution No.: 17-932  
Introduced: November 5, 2013  
Adopted: November 5, 2013

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT: Approval of Planning Board Draft Glenmont Sector Plan**

1. On June 6, 2013, the Montgomery County Planning Board transmitted to the County Executive and the County Council the Planning Board Draft Glenmont Sector Plan.
2. The Planning Board Draft Glenmont Sector Plan amends the Approved and Adopted 1997 Sector Plan for the Glenmont Transit Impact Area and Vicinity, as amended. It also amends the General Plan (on Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties, as amended; the Master Plan for Historic Preservation, as amended; the Master Plan of Highways within Montgomery County, as amended; the Countywide Bikeways Functional Master Plan, as amended; and the Master Plan for Legacy Open Space, as amended.
3. On September 10, 2013, the County Executive transmitted to the County Council his fiscal impact analysis for the Glenmont Sector Plan.
4. On July 30, 2013, the County Council held a public hearing regarding the Planning Board Draft Glenmont Sector Plan. The Plan was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.
5. On September 16, 17, and 30, 2013, the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the Planning Board Draft Glenmont Sector Plan.
6. On October 15, 2013, the County Council reviewed the Planning Board Draft Glenmont Sector Plan and the recommendations of the Planning, Housing, and Economic Development Committee.

**Action**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Planning Board Draft Glenmont Sector Plan, dated May 2013, is approved with revisions. County Council revisions to the Planning Board Draft Glenmont Sector Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring. All page references are to the May 2013 Planning Board Draft Plan.

Throughout the Sector Plan, replace “Privacy World” with “Glenmont Metrocenter”.

Page 12: Delete the “Market Demand and Property Assemblage” section as follows:

**[Market Demand and Property Assemblage**

The Planning Department engaged a consultant to study the financial feasibility of mixed-use development with structured parking on the shopping center property based on the recommended zoning in the Staff Draft Sector Plan (see Appendix A).

The study tested the feasibility of a mid-rise (four to six stories, stick construction) project and assumed that rents for new development in Glenmont will be lower than in Wheaton since Glenmont is farther out and is not an employment or retail center. It concluded that market rents “are not high enough to cover land acquisition, development costs, structured parking cost and an adequate investor return.” The study further concluded that a 14 percent subsidy of the project’s development cost would be necessary to support adequate private investment, but the project would still be “severely hampered by the complexity of land acquisition.”

The study looked at whether 8- to 10-story concrete buildings would enhance private investor interest, but concluded that allowing high-rise development on the site would not resolve feasibility issues due to additional cost of high-rise construction (approximately 20 percent higher than stick-built) and the lack of a market for higher rents in the area.

The study also looked at the challenges of property assemblage for a comprehensive development of the shopping center, and stated that land assembly “occurs when there is a higher and better use for the land than what exists today.” Under the assumption that redevelopment made investment sense, the study explored alternative approaches to land assembly: market-driven, eminent domain, private land pooling, and public/private venture. The study concluded that a public/private venture approach is the only option that could work in Glenmont since a subsidy is required to make redevelopment financially feasible.]

Page 15: Revise the second paragraph as follows:

As part of the housing analysis for this Plan, the Planning Department examined the impact of redevelopment on existing affordable housing stock if the three existing multifamily garden apartment complexes were redeveloped [under this Plan's recommended zoning].

Page 16: Revise the bullets as follows:

- [Redevelopment of the three garden apartment complexes within the Plan area at full recommended densities will] If the Winexburg Manor and Glenmont Forest apartment complexes are rezoned at a future date and redeveloped at the densities suggested in this Plan, they, together with the Glenmont Metrocenter Development, could replace the current 1,459 units with a total of 4,681 units[,] (the four other properties outside the Plan area with 661 units were assumed to remain), bringing the post redevelopment total (including future rezonings) to 5,342 units for the study area.
- Rents in the new buildings [would] could increase from the existing range of \$945 to \$2,070 per month to a new range of \$1,180 to \$2,090 per month.
- Redevelopment of the three major residential properties, if rezoned, would [will] initially result in the loss of a total of 86 rent-restricted units (74 Housing Choice Voucher, and 12 Shelter Plus Care units), which is four percent of the existing 2,120 units in the study area.
- [The] Complete redevelopment [will] would eliminate 284 low to moderate-income, unrestricted market affordable units available to households at 65 percent of AMI. But these units will be replaced by approximately 585 MPDUs [units] (65 percent of AMI) because new development will be required to build a minimum of 12.5 percent MPDUs. The number of MPDUs could be higher if new developments achieve incentive densities through the CR Zone's public benefit provisions under the optional method development process.
- Redevelopment of [the] these three properties [will] would remove 1,089 workforce housing units (affordable to households earning between 65 percent and 100 percent of AMI), but they will be replaced by 4,096 new units affordable to this segment of the population.

Page 16: Revise the first sentence of the last paragraph as follows:

This Plan recognizes that redevelopment of the [three] two remaining garden apartment properties (Glenmont Metrocenter redevelopment is underway on the property formerly known as Privacy World) will have an impact on the area's housing affordability, but in the long term, it [is] may be desirable to provide flexibility to redevelop them at the Plan's recommended densities, since the resulting increased supply of housing will offset the loss of some affordable units in the short term.

Page 17: Add the following sentence at the end of the third paragraph:

The Plan allows the flexibility of redeveloping the two garden apartment complexes in the core if it is desirable to create additional multifamily housing near the Metro Station.

Page 17: Delete the third sentence and revise the last sentence of the last paragraph as follows:

The Plan's recommended densities and building heights are designed to maximize realistic redevelopment potential and encourage assemblage of properties. With the maximum overall Floor Area Ratio (FAR) of up to 3.0, most new development will consist of four to six-story stick construction with structured parking. [This is consistent with the 2012 consultant financial feasibility study for the Glenmont Shopping Center (see Appendix A).] The residential FAR of 1.5 to 2.0 is appropriate for this building type. The maximum residential FAR of 2.5 on the

Shopping Center property is meant to encourage one or two high-rise buildings in later phases of development. The proposed commercial FAR [of 0.25 to 1.0] allows for expansion of the existing retail options to accommodate the growing needs of future residents, but does not anticipate Glenmont as a major office market.

Page 19: Revise the first sentence of the second paragraph as follows:

Table [4] 2 below has the existing and proposed development estimates of both Sector Plans.

Page 19: Revise Table 2 as follows:

<b>Table 2: Existing and Proposed Development Estimates</b>				
<b>Land Use</b>	<b>Existing</b>	<b>1997 Sector Plan Buildout<sup>1</sup></b>	<b>Projected Sector Plan Buildout<sup>2</sup></b>	<b>Projected Sector Plan Buildout with Local Map Amendments<sup>3</sup></b>
Non-Residential floor area (sf)	402,000	508,500	<u>743,000</u>	813,000
Housing Units	3,100	4,600	<u>6,335</u>	8,900
Jobs	873	1,278	<u>2,180</u>	2,350
Jobs-Housing ratio	0.3:1	0.3:1	<u>0.3:1</u>	0.3:1

1. 30-year estimate of development in the 1997 Sector Plan
2. Buildout excluding potential redevelopment of Glenmont Forest and Winexburg Apartments
3. Buildout including potential redevelopment of Glenmont Forest and Winexburg Apartments if the properties are rezoned in a future Local Map Amendment. Used to test the capacity of infrastructure including road network and school enrollment

Page 21: Amend the first sentence of the first paragraph and insert a sentence after it as follows:

This Plan recommends the CR Zones (Commercial-residential) for the Glenmont Shopping Center, the Metro Station/Layhill Triangle Block area, and one of the [three] multifamily parcels that can accommodate significantly higher densities. The Plan also indicates that the other two multifamily parcels may be appropriate for a future local map amendment to change the zoning to CR.

Page 21: Amend the fifth paragraph as follows:

This Plan recommends an increase in residential density to incentivize mixed-use redevelopment with ground floor retail and multifamily residential above. The current zone, RMX-2C, does not have any building height limit. Although the current or near-term market projections do not support [mid-rise (up to six stories) or] high-rise development in Glenmont, the proposed maximum height of 120 feet is designed to encourage, over the long term, a compact building footprint with [up to two] one or more buildings higher than six stories. These taller buildings should be placed in the property's interior.

Page 21: Add the following after the fifth paragraph:

Given the size and configuration of the properties, it is unlikely that redevelopment in excess of 0.5 FAR (Standard Method) could occur without some assemblage. In addition to the small sizes and narrow shapes of the lots, the fragmented ownership pattern and existing cross-property easements necessitate coordination among the property owners to take advantage of the higher densities allowed under Optional Method development. Any significant redevelopment under the proposed CR zoning would require assemblage of some of the parcels.

The Plan anticipates a phased redevelopment of the shopping center over a long period of time. It is likely to start with the assemblage and redevelopment of some of the properties, followed by redevelopment of the remaining properties over time to achieve the comprehensive, long-term vision of a walkable, mixed-use town center with a central open space and a diversity of uses and activities. While this Plan recognizes the need to accommodate some near-term development, the overarching goal of a comprehensive redevelopment of the entire site is the priority and must not be compromised through interim redevelopment of additional pad sites, or strip retail under the Standard Method. Any Optional Method development on the property must achieve the following objectives:

- Create an assemblage of properties large enough to accommodate a mixed-use development, in one or more phases, that contributes to the ultimate vision for the shopping center over the long term. (An exclusively residential development located where ground floor retail would be desirable would not be consistent with the Sector Plan vision for development on this property unless a sufficient amount of commercial redevelopment has already occurred.)
- Facilitate redevelopment of the remaining properties consistent with the long-term vision of the Plan.
- Reduce the amount of surface parking and create a pleasant walkable pedestrian environment.
- Create connectivity among individual parcels, through early phases of redevelopment that would be desirable in a comprehensive plan for the property.

Pages 21 and 24: Amend the last sentence of the last paragraph on page 21 and the first four paragraphs on page 24 as follows:

[Although it] It is desirable that there should be one centrally located public open space[.]. However, it is possible that, initially, a single, central open space would not be possible if the property is developed in phases [there could be more than one public open space]. Every effort should be made to create one large, central public space on this property, even if there are additional open spaces due to phased development of the property. This central open space can be public (owned by the M-NCPPC Department of Parks as a Civic Green Urban Park) or private, and the responsibility for owning, managing, operating and programming the space should be determined during the development review process.

This central open space can be achieved through a combination of various CR mechanisms. [First, a] A CR Zone optional method development is required to provide a minimum amount of Public Use Space[, not to exceed 10 percent of the total site] (5 to 10 percent of the total

site, depending upon the area of the redevelopment site and the number of right-of-way frontages).

[Second, the] The CR Zone permits a project to earn [provides] incentive density under the Optional Method, allowing the property to go above the maximum Standard Method density of 0.5, for providing various public benefits. One category of such public benefits is major public facilities such as parks, schools, recreation centers, and other public infrastructure amenities. An optional method development on this property could provide [an] additional open space above the minimum required Public Use Space as a major public facility under this provision to achieve incentive density. [Lastly, the] The CR Zone also allows incentive density for public open space above the minimum required Public Use Space as part of the Quality Building and Site Design [density criterion] public benefit category.

Page 23: Update Map 5: Proposed Zoning to reflect the zoning changes made by the County Council.

Page 24: Revise the first bullet as follows:

- Rezone the entire site from RMX-2C to CR 3.0, C [1.0] 2.5, R 2.5, H 120.

Page 24: Revise the fourth bullet as follows:

- Use a compact building footprint to allow for landscape buffers, larger setback areas, and courtyards that create a green development with opportunities to achieve greater tree canopy and [a balance of hard and soft landscape] green space.

Page 24: Revised the ninth bullet as follows:

- Minimize surface parking to the extent feasible through structured and shared parking facilities.

Page 25: Amend the second paragraph as follows:

This Plan recommends [the water tower and] the Georgia Avenue Baptist Church for historic designation. The Georgia Avenue Baptist Church (1956, 1962) is an outstanding example of mid-century modern church design. [The 200-foot tall water tower was identified by the community as an iconic structure and it could become an identifying feature of Glenmont] ([see] See Historic Resources section for details.)[.]

Page 25: Revise the second sentence of the third paragraph as follows:

It could use some of the development potential on the adjoining Georgia Avenue Baptist Church property at the corner of Georgia Avenue and Glenallan Avenue through a combined optional method development process, even [if] though the church is designated historic.

Page 25: Revise the first bullet as follows:

- Rezone the block from R-90 and RMX-2C to CR 2.0, C [0.25] 0.5, R 1.75, H 120.

Page 26: Amend the first paragraph as follows:

This 30.9-acre site is zoned TS-R Zone (Transit Station-Residential), and improved with 352 garden apartments. There is an existing stream valley buffer and forest on the property. The property [is currently going through the] has received subdivision [process] approval to allow up to 1,550 residential units and up to 90,000 square feet of retail. [The] Formerly referred to as "Privacy World", the 1997 Plan [referred to this property as "Glenmont Metrocenter" and] deemed [it] the area suitable [a] for maximum residential density of 51 units per acre.

Page 26: Modify the last sentence of the second paragraph as follows:

This Plan also continues to recommend an east-west road through the property [but removes its designation from] and designates it as a new internal road on the Master Plan of Highways to allow for its implementation as either a public or private road.

Page 27: Amend the first two paragraphs (which begin at the end of page 26) as follows:

The existing R-30 and R-20 Zones do not permit retail uses but allow residential redevelopment at up to 17.69 and 26.47 units per acre, respectively, which could produce as many as 751 units (before MPDU bonus). This Plan recommends retaining the existing zoning. This property may be suitable for future rezoning through a Local Map Amendment to the CR Zone to encourage mixed-use development of multifamily units in four- to six-story buildings with structured parking and allow a small amount of retail. [A maximum height of 85 feet is proposed to accommodate the current nine-story building on site. A] If considered appropriate for rezoning in the future, a transition zone of CRN [is recommended] would be appropriate as a buffer along the property line abutting townhouses to the north. Redevelopment should provide an east-west road through the property connecting Layhill and Randolph Roads parallel to Glenallan Avenue; maintain the current spatial relationship with taller structures in the interior of the site; restore and preserve the environmental buffer; and offer space for outdoor public recreation. Non-residential uses should not be located in the transition zone.

[Redevelopment should maintain the current spatial relationship, with taller structures in the interior of the site. In addition to the environmental buffer that should be restore and preserved, the redeveloped site should offer space for outdoor public recreation to provide healthy activate for all ages.]

Page 27: Revise the first bullet and insert a sentence after it as follows:

- [Rezone the] Retain existing R-30 and R-20 Zones. The property may be suitable for rezoning via Local Map Amendment [from R-30 and R-20] to CR 1.75, C 0.25, R 1.5, H 85 and CRN 1.5, C 0.25, R 1.5, H 45 or similar zones, with the CRN Zone creating a 100-foot wide buffer along the property line abutting the existing townhouse community to the north.

If future rezoning of this property is deemed desirable, it should achieve the following objectives:

Page 28: Amend the first sentence as follows:

The police station is the oldest police station built in the County [and is recommended for historic designation].

Page 28: Revise the first and second full paragraphs as follows:

Because of the [The] property's location, within easy walking distance of the Metro, its proximity to the Glenmont Shopping Center, its single ownership, and its size [make], it may be suitable for future rezoning through a Local Map Amendment to CR Zone or an equivalent zone to encourage a multifamily redevelopment of four- to six-story buildings. [The Plan recommends a 100 foot-wide strip of CRN zoning with a maximum building height of 45 feet along the eastern edge] A transition zone of CRN would be appropriate as a buffer between redevelopment and the adjacent single-family detached houses. Non-residential uses should not be located in the transition zone.

[Redevelopment] If rezoned in the future, redevelopment should use a compact building footprint and structured parking to emulate the existing open space character. In addition to the environmental buffer that should be restored and preserved, the redeveloped site should offer space for outdoor recreation to provide healthy activities for all ages.

Page 28: Revise the first bullet and insert a sentence after it as follows:

- [Rezone] Retain existing R-30 Zone for Glenmont Forest, the fire station, the police station, and the Catholic Charities properties. These properties may be suitable for rezoning via Local Map Amendment to [from R-30 to] CR 1.75, C 0.25, R 1.5, H 75 and CRN 1.5, C 0.25, R 1.5, H 45 or similar zones, with the CRN Zone creating [for] a 100-foot wide buffer along the entire eastern property line of [the area] Glenmont Forest Apartments abutting single-family houses.

If future rezoning of this property is deemed desirable, it should achieve the following objectives:

Page 29: Insert the following sentence after the last sentence of the third full paragraph:

Pedestrian and bicycle access from Flack Street to Georgia Avenue should be maintained. If frontage along Georgia Avenue is not needed for construction of a senior housing development, the Glenmont Greenway should be extended to Denley Road. If the WMATA Triangle portion is developed alone as an affordable senior housing project, it should provide adequate transition to single-family houses along Denley Road and Flack Street.

Page 29: Amend the fourth full paragraph as follows:

The Plan recommends [retaining the existing RT-12.5 zoning] rezoning the northern tip of the WMATA property to CRN Zone and retaining the existing R-60 zoning of eight single-family parcels with the option to apply [a mixed-use] CRN floating zone with [predominately] predominantly residential uses. The floating zone should provide the flexibility in building design to achieve compatibility with the surrounding properties.



Page 29: Amend the second and third bullets and insert a new bullet as follows:

- Confirm the RT-12.5 Zone for the southern portion of the WMATA Triangle property [with the northern portion suitable for a mixed-use zone with predominately residential uses].
- Rezone the northern tip of the WMATA Triangle property from RT-12.5 Zone to CRN 1.5, C 0.25, R 1.5, H 65.
- Confirm the R-60 Zone for single-family parcels along the south side of Denley Road between Flack Street and Georgia Avenue and along the north side of Flack Street between Denley Road and the WMATA Triangle, and designate them as suitable for [a mixed-use zone with predominately residential uses] CRN 1.5, C 0.25, R 1.5, H 65.

Page 33: Insert the following after the first bullet:

- Construct a third approach lane exclusively for right turns on Glenallan Avenue heading south into the intersection with Randolph Road.

Page 34: Revise the third sentence of the second paragraph as follows:

[It] Instead of bifurcation, it recommends a slight realignment of Layhill Road to create a T-intersection with Georgia Avenue at the current location, which could be accomplished with little or no dedication from existing properties.

Page 34: Revise the first, second, and third bullets as follows:

- [Do not bifurcate Layhill Road unless other solutions do not achieve the Sector Plan goals such as, but not limited to, the redevelopment of the Glenmont Shopping Center.]
- [With or without the Layhill Road bifurcation, reconfigure] Reconfigure the southern portion of Layhill Road to create a T-intersection with Georgia Avenue to eliminate the current free rights at the northbound and southbound lanes of Layhill Road while retaining the exclusive right turn lane for northbound Georgia Avenue to northbound Layhill Road.
- [Investigate reductions in] Reduce the number of through lanes on Layhill Road between Glenallan Avenue and Georgia Avenue from six lanes to four lanes.

Page 36: Revise the following lane in Table 3:

	From	To	Master Plan of Highways No.	Minimum ROW	Number of Through Travel Lanes	Design Standard
Layhill Road (MD 182)	Glenallan Avenue	Georgia Avenue (MD 97)	M-16	140	[6] <u>4</u> - Divided	Mod. 2008.01

Page 36: Insert the following in Table 3, below Arterials and above Primary Residential Streets:

<u>New Road (Glenmont Shopping Center)*</u>	<u>Layhill Road</u>	<u>Randolph Road</u>	<u>B-1</u>	<u>70</u>	<u>2</u>	<u>2005.02</u>
<u>New Road (Glenmont Shopping Center)*</u>	<u>Georgia Avenue</u>	<u>Randolph Road</u>	<u>B-2</u>	<u>70</u>	<u>2</u>	<u>2005.02</u>

Page 36: Insert in Table 3, in the list of Primary Residential Streets:

<u>New Street (Metrocenter Drive)*</u>	<u>Georgia Avenue</u>	<u>Layhill Road</u>	<u>P-26</u>	<u>70</u>	<u>2</u>	<u>2003.12</u>
<u>New Street (Winexburg Manor)*</u>	<u>Layhill Road</u>	<u>Randolph Road</u>	<u>P-27</u>	<u>70</u>	<u>2</u>	<u>Mod. 2003.11</u>

Page 36: Insert at the bottom of Table 3 the following footnotes:

- New streets B-1, B-2, P-26, and P-27 may be constructed as private streets subject to use easements meeting the requirements described in the Plan text.
- The target speed for all master planned roadways in the Plan is 25 m.p.h., except for the following road segments, where the target speed is 35 m.p.h.: Georgia Avenue north of Denley Road, Layhill Road north of P-27, and Randolph Road east of P-27 and west of Judson Road.

Page 37: In Map 6, designate B-1 and B-2 as “Business” and P-26, P-27, P-28, and P-29 as “Residential.” Delete the tan dashed lines referring to the extensions of Erskine and Wallace Avenues. Delete “Proposed Local Streets” and its footnote from the legend.

Page 41: Revise the fourth bullet under “Increase Tree canopy cover by:” as follows:

- encouraging [a minimum of 25 percent] maximum extent possible of tree canopy coverage on redevelopment projects

Page 43: Revise the second sentence as follows:

It also encourages [the following] strategies and mechanisms to achieve further energy savings.

Page 43: Delete the six bullets and add a new bullet as follows:

- [Encourage new buildings to meet the appropriate American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) advanced energy design guide.]
- [Encourage renovated buildings to meet the appropriate ASHRAE advanced energy design guide.]
- [Channel sunlight for daylighting through proper building orientation and use of light shelves, baffles, clerestories, and skylights.]
- [Integrate geothermal systems and passive solar to reduce energy consumption.]
- [Use solar photovoltaic cells on both horizontal and vertical surfaces.]
- [Encourage wind energy conversion systems and large district energy systems.]
- Encourage new buildings to reduce energy consumption and/or incorporate alternative energy sources, where possible.

Page 45: Amend the first paragraph as follows:

In the Glenmont Sector Plan area there are no historic sites currently designated in the Master Plan for Historic Preservation. This Plan recommends [three sites] one site in the Plan area for designation in the Master Plan for Historic Preservation and addition to the Locational Atlas and Index of Historic Sites. [The Historic Preservation Commission (HPC) concurs with the Planning Board in this recommendation.]

Page 45: Delete the following paragraphs:

**[1. Wheaton-Glenmont Police Station, Fourth District (1959), 2300 Randolph Road**

The Glenmont Police Station is the oldest police station building in Montgomery County. This was the first station built exclusively to house police facilities. The brick Georgian Revival style building, designed in 1958 by Bagley-Soulé & Associates architects, reflects a civic image which draws on the traditional architecture of colonial Maryland. The complex features traditional details including denticulated cornices, brick laid in American bond course, molded brick surrounds, and double hung sash windows. (Historic Resource #31-45)

Criteria: 1d, 2a.

Environmental setting: The setting is parcel P641, being 1.83 acres (Tax ID 13-00971702), excluding the 140-foot Master Plan Right of Way for Randolph Road. This designation recognizes that an approved road interchange project anticipates a new turn lane and reconfiguration of the parking lot within the environmental setting. The garage and adjacent storage shed are contributing resources. Outbuildings immediately adjacent to the station are non-contributing.]

Page 12

Page 46: Delete the following paragraphs:

## [3. Glenmont Water Tower (1947), 12413 Georgia Avenue

The Glenmont Water Tower is one of the oldest extant elevated water tanks in Montgomery County. The Washington Suburban Sanitary Commission bought the water tower site in 1942 and built the tower in 1947. The water tower facilitated the phenomenal postwar suburban development of the Glenmont area that occurred within a five-year period after completion of the water tower. Prominently located at the Georgia Avenue-Layhill Road intersection, the 189-foot tall Glenmont Water Tower is a large-capacity, multi-columned, elevated water tank with a 500,000-gallon capacity. Established in 1917, WSSC was the first planning agency in Montgomery County, having State-granted authority to plan highways and review subdivisions before the creation of M-NCPPC. Alterations to the Glenmont Water Tower include removal of central spiral stairs in 2009, and installation of an array of telecommunication antennas. Despite these changes, the resource continues to convey its historic character. (Historic Resource #31-47)

Criteria: 1a, 2e

Environmental Setting: The setting is parcel P352, being 0.64 acres (Tax ID 13-00983106). The setting does not include non-contributing sheds, nor does it include the 145-foot Master Plan Right of Way for Georgia Avenue.]

Page 47: Add the following bullet after the second bullet:

- Extend the Glenmont Greenway north to Denley Road if the Department of Housing and Community Affairs determines that this area is not needed for an affordable housing project.

Page 49: Revise the second sentence of the first paragraph under “Forested Parcels adjacent to Glenfield Local Park” as follows:

It consists of five parcels, including two County-owned parcels and others owned by WMATA, a Homeowners Association, and [a private landowner] M-NCPPC Department of Parks.

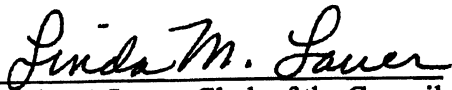
Page 51: Revise the last sentence of the first paragraph under “Recreation Facilities” as follows:

This facility was planned to serve a population of over [100,000] 30,000 in the Mid-County region that includes portions of the Kensington/Wheaton and Aspen Hill Planning Areas.

**General**

All illustrations and tables included in the Plan are to be revised to reflect District Council changes to the May 2013 Planning Board Draft Plan. The text and graphics are to be revised as necessary to achieve clarity and consistency, to update factual information, and to convey the actions of the District Council. All identifying references pertain to the Planning Board Draft.

This is a correct copy of Council action.

  
Linda M. Lauer  
Linda M. Lauer, Clerk of the Council



# ITEM 5e

**M-NCPPC**  
Item No.  
Date: 12-18-13

## Resolution of Adoption for the Approved Countywide Transit Corridors Functional Master Plan

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- LC Larry Cole, Master Planner, Functional Planning and Policy, [larry.cole@montgomeryplanning.org](mailto:larry.cole@montgomeryplanning.org), 301-495-4528
- TA Tom Autrey, Supervisor, Functional Planning and Policy, [thomas.autrey@montgomeryplanning.org](mailto:thomas.autrey@montgomeryplanning.org), 301-495-4533
- DA David Anspacher, Planner Coordinator, Functional Planning and Policy, [david.anspacher@montgomeryplanning.org](mailto:david.anspacher@montgomeryplanning.org), 301-495-2191
- MD Mary Dolan, Chief, Functional Planning and Policy, [mary.dolan@montgomeryplanning.org](mailto:mary.dolan@montgomeryplanning.org), 301-495-4552

**Completed: 12-05-13**

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### Description

#### Resolution of adoption of the Approved Countywide Transit Corridors Functional Master Plan

*Staff recommendation: Approve the Resolution of Adoption.*

### Summary

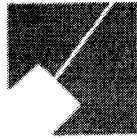
Attached for your review and approval is M-NCPPC Resolution Number 13-31 to adopt the Countywide Transit Corridors Functional Master Plan. The Montgomery County Council, sitting as the District Council for Montgomery County, approved the Planning Board Draft Countywide Transit Corridors Functional Master Plan, as modified, by Resolution Number 17-952 on November 26, 2013.

### Attachments

- Montgomery County Planning Board Resolution No. 13-174 and M-NCPPC Resolution 13-31
- County Council Resolution No. 17-857, Approval of Planning Board Draft Countywide Transit Corridors Functional Master Plan







**MONTGOMERY COUNTY PLANNING BOARD**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

M-NCPPC No. 13-31  
 MCPB No. 13-174

**RESOLUTION**

WHEREAS, under the Maryland Land Use Article The Maryland-National Capital Park and Planning Commission is authorized to make, adopt, amend, extend, and add to The General Plan for the Physical Development of the Maryland-Washington Regional District, and in Montgomery and Prince George's Counties; and

WHEREAS, on May 16, 2013, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission held a public hearing on the Public Hearing Draft of the Countywide Transit Corridors Functional Master Plan, being also a comprehensive amendment to the General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery County, as amended; the Aspen Hill Master Plan; the Bethesda CBD Sector Plan; the Bethesda-Chevy Chase Master Plan; the Clarksburg Master Plan; the East Silver Spring Master Plan; the Fairland Master Plan; the Forest Glen Sector Plan; the Four Corners Master Plan; the Friendship Heights Sector Plan; the Gaithersburg and Vicinity Master Plan; the Germantown Employment Area Sector Plan; the Germantown Master Plan; the Glenmont Sector Plan; the Grosvenor Sector Plan; the Kensington/Wheaton Master Plan; the North and West Silver Spring Master Plan; the North Bethesda/Garrett Park Master Plan; the Olney Master Plan; the Potomac Subregion Master Plan; the Shady Grove Sector Plan; the Silver Spring CBD Sector Plan; the Takoma/Langley Crossroads Sector Plan; the Takoma Park Master Plan; the Twinbrook Sector Plan; the Wheaton CBD Sector Plan; the White Flint Sector Plan; and the White Oak Master Plan; the Master Plan of Highways within Montgomery County, as amended; the Countywide Bikeways Functional Master Plan, as amended; and the Purple Line Functional Plan, as amended; and

WHEREAS, on July 25, 2013, the Montgomery County Planning Board, after public hearing and due deliberation, approved the Planning Board Draft of the Countywide Transit Corridors Functional Master Plan, forwarded it to the County Executive for review, and recommended that the District Council approve

APPROVED AS TO LEGAL SUFFICIENCY

*Carol S. Heck* *1, DPC*  
 M-NCPPC Legal Department

Date 12/2/13 8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
[www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) E-Mail: [mcp-chair@mncppc-mc.org](mailto:mcp-chair@mncppc-mc.org)

WHEREAS, on September 24, 2013, the Montgomery County Executive transmitted to the District Council a fiscal impact analysis for the Planning Board Draft of the Countywide Transit Corridors Functional Master Plan; and

WHEREAS, on September 24 and 26, 2013, the Montgomery County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held public hearings and heard testimony concerning the Planning Board Draft of the Countywide Transit Corridors Functional Master Plan; and

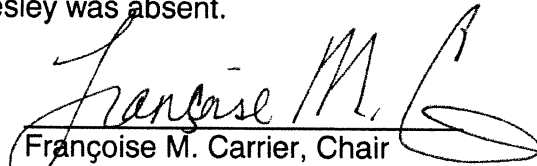
WHEREAS, on November 26, 2013, the District Council approved the Planning Board Draft of the Countywide Transit Corridors Functional Master Plan, subject to certain modifications set forth in Resolution No. 17-952; and

NOW, THEREFORE, BE IT RESOLVED that the Montgomery County Planning Board hereby adopts the Countywide Transit Corridors Functional Master Plan as approved by the District Council in the attached Resolution No. 17-952, which amends: the Master Plan of Highways, and renames it the Master Plan of Highways and Transitways; the General Plan (On Wedges and Corridors) for the Physical Development of Maryland-Washington Regional District, in Montgomery and Prince George's Counties, as amended; the Aspen Hill Master Plan; the Bethesda CBD Sector Plan; the Bethesda-Chevy Chase Master Plan; the Clarksburg Master Plan; the East Silver Spring Master Plan; the Fairland Master Plan; the Forest Glen Sector Plan; the Four Corners Master Plan; the Friendship Heights Sector Plan; the Gaithersburg and Vicinity Master Plan; the Germantown Employment Area Sector Plan; the Germantown Master Plan; the Glenmont Sector Plan; the Grosvenor Sector Plan; the Kensington/Wheaton Master Plan; the North and West Silver Spring Master Plan; the North Bethesda/Garrett Park Master Plan; the Olney Master Plan; the Potomac Subregion Master Plan; the Shady Grove Sector Plan; the Silver Spring CBD Sector Plan; the Takoma/Langley Crossroads Sector Plan; the Takoma Park Master Plan; the Twinbrook Sector Plan; the Wheaton CBD Sector Plan; the White Flint Sector Plan; and the White Oak Master Plan; and

BE IT FURTHER RESOLVED that copies of the Countywide Transit Corridors Functional Master Plan must be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of each of Montgomery and Prince George's Counties, as required by law.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley and Commissioners Anderson and Dreyfuss voting in favor of the motion, and Commissioner Presley absent, at its regular meeting held on December 5, 2013. Commissioner Presley was absent.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board



# ITEM 5f



MCPB 13-176  
Item No.  
Date: Dec 5, 2013

## Resolution of Adoption for the Approved Long Branch Sector Plan

---

- mrw Melissa Williams, Senior Planner/Area 1 Planning Division, [Melissa.williams@montgomeryplanning.org](mailto:Melissa.williams@montgomeryplanning.org) 301-495-4642
- Valdis Lazdins, Chief, Special Projects, [valdis.lazdins@montgomeryplanning.org](mailto:valdis.lazdins@montgomeryplanning.org) 301-495-4506
- 
- 

Completed: Dec 5, 2013

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### Description

Resolution of adoption of the Approved Long Branch Sector Plan

Attached for your review and approval is the M-NCPPC Resolution Number 13-32 to adopt the Long Branch Sector Plan. The Montgomery County Council, sitting as the District Council for Montgomery County, approved the Long Branch Sector Plan by Resolution Number 17-946 on November 19, 2013. The Plan was adopted by the Montgomery County Planning Board on December 5, 2013.

### Summary

Staff recommends **Approval of the Resolution of Adoption**

### Attachments:

1. Montgomery County Planning Board Resolution Number 13-176 and M-NCPPC Resolution Number 13-32
2. Montgomery County Council Resolution Number 17-946





**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB NO. 13-176**

**M-NCPPC NO. 13-32**

**RESOLUTION**

WHEREAS, The Maryland-National Capital Park And Planning Commission, by virtue of Article 28 of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend, and add to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*; and

WHEREAS, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, pursuant to the procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on January 31, 2013, on the Public Hearing Draft *Long Branch Sector Plan*, being also an amendment to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*, as amended; *the Master Plan for East Silver Spring*, as amended; *the Master Plan for the City of Takoma Park*; *the Master Plan of Highways*, as amended; *the Purple Line Functional Plan*, as amended; and *the Countywide Bikeways Functional Master Plan*, as amended; and *the Master Plan for Historic Preservation in Montgomery County*; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on May 23, 2013, approved the Planning Board Draft *Long Branch Sector Plan*, recommended that it be approved by the District Council, and on June 4, 2013, forwarded it to the County Executive and County Council for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Planning Board Draft *Long Branch Sector Plan*, and forwarded those recommendations and analysis to the District Council on July 15, 2013; and

WHEREAS, the Montgomery County Council sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on July 9, 2013, wherein testimony was received concerning the Planning Board Draft *Long Branch Sector Plan*; and

WHEREAS, the District Council, on November 19, 2013, approved the Planning Board Draft *Long Branch Sector Plan*, subject to the modifications and revisions set forth in Resolution No. 17-946;

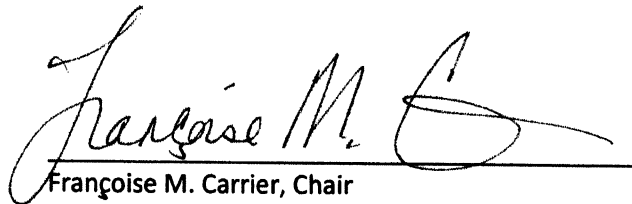
APPROVED AS TO LEGAL SUFFICIENCY  
  
M-NCPPC LEGAL DEPARTMENT

NOW THEREFORE BE IT RESOLVED, that the Montgomery County Planning Board and the Maryland-National Capital Park and Planning Commission do hereby adopt the said *Long Branch Sector Plan*, together with the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*, as amended; *the Master Plan for the City of Takoma Park*; *the Master Plan for East Silver Spring*, as amended; *the Master Plan of Highways*, as amended; *the Purple Line Functional Plan*, as amended; and *the Countywide Bikeways Functional Master Plan*, as amended; and *the Master Plan for Historic Preservation in Montgomery County* and as approved by the District Council in the attached Resolution No. 17-946; and

BE IF FURTHER RESOLVED, that copies of said Amendment must be certified by the Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of each of Montgomery and Prince George's Counties, as required by law.

\*\*\*\*\*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission at its regular meeting held on December 5, 2013, in Silver Spring, Maryland, on motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, with a vote of 4 to 0, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and Commissioner Presley absent.



Françoise M. Carrier, Chair  
Montgomery County Planning Board

\*\*\*\*\*



CERTIFICATION OF APPROVAL AND ADOPTION

LONG BRANCH SECTOR PLAN

This comprehensive amendment to the Approved and Adopted 2000 *East Silver Spring Master Plan*,; the 2000 *Takoma Park Master Plan*; the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties*, as amended; the *Master Plan of Highways within Montgomery County*, as amended; the *Purple Line Functional Master Plan*; the *Countywide Bikeways Functional Master Plan*, as amended, and the *Master Plan for Historic Preservation in Montgomery County* has been approved by the Montgomery County Council, sitting as the District Council, by Resolution and has been adopted by the Maryland-National Capital Park and Planning Commission by Resolution No.13-32 on December 18, 2013 after a duly advertised public hearing as required by Land Use Article, Division II of the Annotated Code of Maryland.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Elizabeth M. Hewlett

Chairman

---

Francoise M. Carrier

Vice-Chair

---

Joseph Zimmerman

Secretary – Treasurer

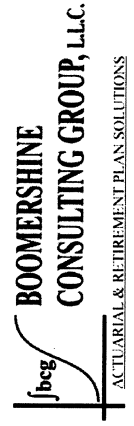




## Retiree Healthcare Programs

2013 Actuarial Valuation Review

December, 2013



- GASB 45 Overview
- Net OPEB Obligation (NOO) Summary
- Valuation Results Summary

**Primary Features/Disclosures – for Plan Sponsor:**

- Book actuarial cost as an expense on financial statements
- Accrue liability on financial statements – actual contributions vs. expense (Not Actuarial Accrued Liability)

- Key financial statement components – GASB #45
  - Annual Required Contribution (annual expense) – ARC
  - Annual OPEB Cost (adjusted annual expense) – AOC
  - Net OPEB Obligation (balance sheet liability) – NOO
- Advance funding is not required; however there are some advantages
  - The Net OPEB Obligation will be close to zero
  - The actuary can use a more favorable discount rate to value the plan

## **Discount Rate Basis**

Per GASB 45: Basis for setting Discount Rate is determined by the source of funds used for paying benefits

- Assuming the Plan is pre-funded:
  - Benefits paid through Trust Fund
  - Investment portfolio similar to pension plans
  - Use Discount Rate – about 7.5%
- Assuming the Plan is not pre-funded:
  - Benefits paid through General Fund
  - Low fixed interest return
  - Use Discount Rate – about 4.5%
- Partial Funding: Pro-rate Discount Rate; utilize 6.0%
- Phase-in Approach: Move from 4.5% to 7.5%; blended rates

## **Major Cost Drivers**

- Assumptions
  - Discount rate assumption – increased from 5.64% (for accounting) to 7.5% Note: At Full Funding ahead of phase-in schedule
  - Healthcare trend rate assumption – 9.00% to 4.50%
  - Per Capita Claims Costs/Premium Rates Experience – utilized 7/1/2013 rates
  - Retirement – per Pension Plan Assumptions
- Plan Design
  - Retiree cost sharing – Moved from 85%/15% to 80%/20% Basis, effective 1/1/2013
  - Eligibility (Retirement) – per Pension Plans
  - Spousal coverage – continued; pay retiree premium rates



## **Bond Rating Agency views**

- Looking for “funding plan”; may include:
  - Funding annual costs
    - Full
    - Partial
    - Phase In
  - Plan design revisions
- Funding approach/plan changes and impacts – “on watch list”

(\$ in thousands)

Note: Based on accounting Select and Ultimate rates

	<b>FY ending 6/30/2011</b>	<b>FY ending 6/30/2012</b>	<b>FY ending 6/30/3013</b>
<b><u>Annual Required Contribution (ARC)</u></b>	\$ 23,871.5	\$ 28,552.9	\$ 20,631.5
<b><u>Annual OPEB Cost (AOC)</u></b>			
ARC	\$ 23,871.5	\$ 28,552.9	\$ 20,631.5
Interest on Net OPEB Obligation (NOO)	1,144.0	2,165.7	4,709.2
Adjustment to ARC	<u>(1,080.0)</u>	<u>(2,642.8)</u>	<u>(4,186.0)</u>
Total AOC	\$ 23,935.0	\$ 28,075.8	\$ 21,154.7
<b><u>Employer Contributions</u></b>			
Increase in NOO	\$ 9,210.0	\$ 16,243.4	\$ 22,114.9
NOO – 7/1	\$ 14,725.0	\$ 11,832.4	\$ (960.2)
NOO – 6/30	\$ 36,232.0	\$ 50,957.0	\$ 62,789.4
Contribution Rate	\$ 50,957.0	\$ 62,789.4	\$ 61,829.2
	38%	58%	105%

**2013 Valuation**

- Valuation Date – 7/1/2013
- Funding Approach – Full Funding
- Discount Rate – 7.5%
- Level % of Pay Amortization
- Reduced number of active Participants and increased number of retired Participants from prior valuation

<b><u>Number of Participants</u></b>	<b><u>Police</u></b>	<b><u>Non-Police</u></b>	<b><u>Total</u></b>
• Actives	170	1,721	1,891
• Retirees and Spouses	73	953	1,026
• Long Term Disability	<u>1</u>	<u>13</u>	<u>14</u>
• Total	244	2,687	2,931

	Police	Non-Police	Total
	(\$ in thousands)		
Discount Rate: 7.5%			
Actuarial Accrued Liability (AAL)	\$ 35,879	\$ 282,951	\$ 318,830
Asset Value 6/30/2013	<u>3,159</u>	<u>24,910</u>	<u>28,069</u>
Unfunded Actuarial Accrued Liability (UAAL)	\$ 32,720	\$ 258,041	\$ 290,761
<b><u>Annual Required Contribution (ARC)</u></b>			
Normal Cost	\$ 815	\$ 4,818	\$ 5,633
30 Year Amortization of UAAL	<u>1,749</u>	<u>13,795</u>	<u>15,544</u>
Total ARC	\$ 2,564	\$ 18,613	\$ 21,177
<b><u>Annual OPEB Cost (AOC)</u></b>			
ARC	\$ 2,564	\$ 18,613	\$ 21,177
Interest on Net OPEB Obligation (NOO)	522	4,115	4,637
Adjustment to ARC	<u>(372)</u>	<u>(2,933)</u>	<u>(3,305)</u>
Total AOC	\$ 2,714	\$ 19,795	\$ 22,509
<b><u>Expected Contributions</u></b>			
Retirees Premiums	\$ 766	\$ 9,697	\$ 10,463
To Trust Fund	940	6,860	7,800
Implicit Rate Subsidy Credit	<u>322</u>	<u>4,073</u>	<u>4,395</u>
Total	\$ 2,028	\$ 20,630	\$ 22,658
Increase in NOO	\$ 686	\$ (835)	\$ (149)
NOO 6/30/2013	\$ 6,958	\$ 54,871	\$ 61,829
Expected NOO – 6/30/2014	\$ 7,644	\$ 54,036	\$ 61,680

## Valuation Highlights

- ARC reduced from \$21.8M to \$21.2M
- Primary reasons for cost/liability decreases are:
  - Increase in discount rate
  - Increases in assets
  - Plan experience: 2013 claims costs/premium rates
  - Full funding of Annual OPEB Cost
- Slight decrease in NOO expected at 6/30/2014
- Review Discount Rate for next year?

# Questions!



**EMPLOYEES' RETIREMENT SYSTEM**  
 The Maryland-National Capital Park and Planning Commission  
 6611 Kenilworth Avenue, Suite 100  
 Riverdale, Maryland 20737

(301) 454-1415 - Telephone  
 (301) 454-1413 - Facsimile  
<http://ers.mncppc.org>  
[ERSBoard@mncppc.org](mailto:ERSBoard@mncppc.org)

*Andrea L. Rose*  
 Administrator

**BOARD OF TRUSTEES**

Chairman Elizabeth M. Hewlett  
 Vice Chairman Casey Anderson

Khalid Afzal  
 Patricia Colihan Barney  
 Lakisha Giles  
 Elton F. King  
 Joseph C. Zimmerman, CPA

Josh Ardison  
 Richard H. Bucher, Ph.D.  
 Tracy Lieberman  
 Barbara Walsh

TO: The Commission DATE: December 4, 2013

Via: Elizabeth M. Hewlett *Elizabeth M. Hewlett*  
 Chairman, Board of Trustees

From: Andrea L. Rose *Andrea L. Rose*  
 ERS Administrator

**SUBJECT:** *Appointment of ING U.S. Investment Management as a new investment manager for the Employees' Retirement System*

**RECOMMENDATION**

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System (ERS), I recommend the Commission approve ING U.S. Investment Management as a new investment manager for the ERS.

**BACKGROUND AND EVALUATION**

At its December 3, 2013 meeting, the Board of Trustees approved the engagement of ING U.S. Investment Management for a dedicated bank loan mandate of 4% of total fund assets (approximately \$30 million). Bank loans provide diversification; are an attractive opportunity versus core fixed income with an expected return between 4 ½% - 5% and are similar to high yield bonds, except they are senior and secured in the capital structure.

The ERS' investment consultant, Wilshire Associates, evaluated potential managers in the bank loan space and recommended the Board meet with Guggenheim Investments and ING U.S. Investment Management ("ING U.S."). ING U.S. offered a more diversified and higher credit quality strategy along with a 20% fee discount for being an early investor in the Common Trust. ING U.S. has approximately \$201 billion in assets under management and approximately \$17 billion in strategy assets.





**MEMORANDUM**

**EMPLOYEES' RETIREMENT SYSTEM**  
 The Maryland-National Capital Park and Planning Commission  
 6611 Kenilworth Avenue, Suite 100  
 Riverdale, Maryland 20737

(301) 454-1415 - Telephone  
 (301) 454-1413 - Facsimile  
<http://ers.mncppc.org>

**BOARD OF TRUSTEES**

Chairman Elizabeth M. Hewlett  
 Vice Chairman Casey Anderson

**Andrea L. Rose**  
**Administrator**

Khalid Afzal  
 Patricia Colihan Barney  
 Tracy Lieberman  
 Elton F. King  
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To: The Commission

Date: December 4, 2013

Via: Elizabeth M. Hewlett *Elizabeth M. Hewlett*  
 Chairman, Board of Trustees

From: Andrea L. Rose *Andrea L. Rose*  
 ERS Administrator

**Subject: *January 1, 2014 Plan Document Restatement for the Employees' Retirement System***

**RECOMMENDATION**

On behalf of the Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System (ERS), I recommend the Commission approve the attached January 1, 2014 Plan Document Restatement.

**BACKGROUND**

At its December 3, 2013 meeting, the Board approved the January 1, 2014 Plan Document Restatement. The amended language in Sections A-7.1 (page 45) and B-7.1 (page 67) increases the employee contributions by 0.5% effective July 1, 2014 as previously approved by Commission Resolution No. 13-11. The revisions in Sections B-6.1(a)(1)(A) (page 64) and E-6.1(a)(1)(A) (page 112) clarify that the death benefit paid to a spouse will be reduced on the date the Participant would have otherwise reached eligibility for Social Security retirement benefits, just as it would have been reduced for a Participant receiving retirement benefits under Sections B-4.1 and E-4.1.

Attachment

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**EMPLOYEES' RETIREMENT SYSTEM**  
**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

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**PLAN**  
**DOCUMENT**

**Plan A**

**Plan B**

**Plan C**

**Plan D**

**Plan E**

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January 1, 2014

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
EMPLOYEES' RETIREMENT SYSTEM**

**PREAMBLE**

The Maryland-National Capital Park and Planning Commission Retirement Plan was established effective July 1, 1972, and administered by the Board of Trustees in accordance with the Trust Agreement between the Board and the Commission. Until that date, Commission employees were covered under the Employees' Retirement System of the State of Maryland. Employees who had been covered by the State System were given the option of remaining with that system or transferring to the Commission's Plan. For those employees who chose to leave the Maryland State System, an actuarially determined amount of money was transferred from the State System to the Commission's Plan and they were given full credit for service previously credited under the State System.

New employees hired after July 1, 1972, and those employees who had not been covered by the State System, had the option of joining the new M-NCPPC Plan.

Revisions to the Social Security Tax structure and other fiscal considerations persuaded the Commission in 1978 that it was necessary and prudent to develop a new retirement plan and benefit structure based on the principle of Social Security excess, and to make this new plan mandatory for new full-time employees and available to current employees and new part-time employees.

The old Plan - open for new membership from July 1, 1972 until December 31, 1978 - was designated Plan A and two new plans were instituted effective January 1, 1979 and were designated Plans B and C. A new plan for Park Police was instituted effective July 1, 1990 until June 30, 1993 and was designated as Plan D. Plan C was reopened for Park Police July 1, 1993.

Fiscal considerations prompted the Commission to establish a new retirement plan for employees (except Park Police) hired on or after January 1, 2013. This Plan is designated as Plan E.

PLAN A: This Plan was the M-NCPPC Retirement Plan from July 1, 1972 until December 31, 1978. This Plan continues in effect for all employees who were covered under it by December 31, 1978, and who have not chosen to transfer to Plan B, Plan C, or Plan D. The Plan was closed to new members on that date.

PLAN B: This Plan is mandatory for all full-time career Merit System employees (except Park Police) employed on or after January 1, 1979; for individuals employed by the M-NCPPC Employees' Retirement System on or after March 1, 1994; and mandatory, effective January 1, 2009, for part-time career Merit System employees, Appointed Officials, and employees exempted from the Merit System who are appointed by the respective County Planning Board as provided in Land Use Article, Sections 16-102 and 20-204 (formerly Article 28, Sections 2-112(a) and 7-111(c)), respectively, of the Annotated Code of Maryland. Effective January 1, 2013, Plan B is closed to individuals hired or appointed on or after January 1, 2013, except that Plan B is also mandatory for individuals that would otherwise be required to participate in Plan E but, as a result of their prior employment, are current Members of Plan B. Plan B is also mandatory for Participants in Plan A who chose to transfer to Plan B.

PLAN C: This Plan was mandatory for full-time career Park Police hired on or after January 1, 1979, and prior to July 1, 1990. Effective July 1, 1990, all Plan C Members were transferred to Plan D, and Plan C was closed to new members. Effective July 1, 1993, this Plan was amended and reopened as mandatory for full-time Park Police hired after July 1, 1993. Plan C also includes members who elected, on or before October 25, 2002, to transfer from Plan D to Plan C.

PLAN D: This Plan is mandatory for full-time Park Police hired on or after July 1, 1990, and on or prior to July 1, 1993, for all former Plan C Participants, and for Participants in Plan A who choose to transfer. Pursuant to a 2002 collective bargaining agreement, Plan D members were given a one-time irrevocable election to transfer to Plan C on or before October 25, 2002.

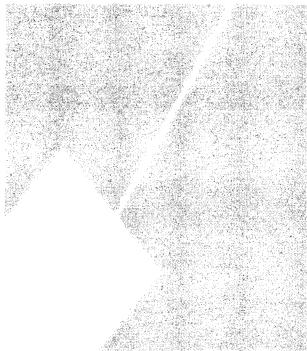
PLAN E: This Plan is mandatory for all full-time and part-time career Merit System employees (except Park Police) employed on or after January 1, 2013; for individuals employed by the M-NCPPC Employees' Retirement System on or after January 1, 2013; for Appointed Officials appointed on or after January 1, 2013; and employees exempted from the Merit System who are appointed on or after January 1, 2013 by the respective County Planning Board as provided in Land Use Article, Sections 16-102 and 20-204, respectively, of the Annotated Code of Maryland. Plan E does not apply to individuals who, as a result of their prior employment, are current Members of Plan B.

As part of the responsibility for overseeing the entire M-NCPPC Employees' Retirement System, the Board of Trustees maintains an ongoing evaluation of the retirement provisions. The Board makes recommendations to the Commission for amendments when it deems them to be in the best interest of the membership of the Employees' Retirement System. Also, amendments will be considered and adopted by the Commission at the time changes are negotiated directly with the Commission by a collective bargaining unit. This document will be updated from time to time, when amendments are approved.

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**GENERAL ARTICLE**  
**Sections Applicable to The M-NCPPC Employees' Retirement System**  
**(Retirement Plans A, B, C, D, and E)**

## SECTION 1 - DEFINITIONS

The following words and phrases used in Plan A, Plan B, Plan C, Plan D, and Plan E of the Employees' Retirement System shall have the following meanings, unless a different meaning is plainly required by the context:

- 1.1 Actuarial Equivalent means a benefit provided in the Retirement System Plans, that is determined by the actuary for the System, to be the equivalent of some other benefit provided in this System, based on the interest rate, and the mortality, and other tables and assumptions being used at the time of any such determination, to compute the contributions required to provide the benefits under the System. To the extent not otherwise set forth in the Plans, the actuarial assumptions described in the preceding sentence shall be set forth in a written resolution adopted by the Board of Trustees or its designee, which may be amended from time to time. For purposes of applying the limits in Section 6, the applicable interest rate shall be 5% and the applicable mortality table shall be the mortality table required under Code section 415(b)(2)(E)(v).
- 1.2 Administrator means the person designated under Section 2.7 herein by the Board of Trustees to handle the administrative details of the System.
- 1.3 Annuitant means a retired Member who is entitled to receive benefits as provided by this Retirement System.
- 1.4 Average Annual Earnings for purposes of Plan A, B, C, or D, means the average of the annual Base Pay of a Participant covered in Plan A, B, C, or D while an employee of the Commission or the M-NCPPC Employees' Retirement System during the three consecutive years of Credited Service that produce the highest total earnings prior to the Member's actual retirement date; prior to the date on which the Participant qualifies for and begins receiving benefits under the Commission's Long-Term Disability Plan, or the Commission's Comprehensive Disability Benefits Program for Park Police; or, if less than three years of Credited Service with the Commission or the M-NCPPC Employees' Retirement System, the average of the annual Base Pay for the entire period of Credited Service with the Commission or the M-NCPPC Employees' Retirement System. For a Member who became eligible for Long-Term Disability Benefits under the Commission's Long-Term Disability Plan as amended August 1, 1982, or the Commission's Comprehensive Disability Benefits Program for Park Police, and who has accrued Credited Service while receiving disability benefits under this Long-Term Disability Plan or Comprehensive Disability Benefits Program for at least three years prior to his/her Normal Retirement Date, Average Annual Earnings shall mean the highest Base Pay attained by the Member prior to the date he/she became eligible for Long-Term Disability Benefits or Comprehensive Disability Benefits for Park Police.

For a Member covered by Plan E, for purposes of determining benefits under Plan E, Average Annual Earnings shall mean the average of the annual Base Pay of a Participant while an employee of the Commission or the M-NCPPC Employees' Retirement System during the five consecutive years of Credited Service that produce the highest total earnings prior to the Participant's actual retirement date; prior to the date on which the Participant qualifies for and begins receiving benefits under the Commission's Long-Term Disability Plan; or, if less than five years of Credited Service with the Commission or the M-NCPPC Employees' Retirement System, the average of the annual Base Pay for the entire period of Credited Service with the

Commission or the M-NCPPC Employees' Retirement System. For a Participant who became eligible for Long-Term Disability Benefits under the Commission's Long-Term Disability Plan and who has accrued Credited Service while receiving disability benefits under this Long-Term Disability Plan for at least five years prior to his/her Normal Retirement Date, Average Annual Earnings shall mean the highest Base Pay attained by the Participant prior to the date he/she became eligible for Long-Term Disability Benefits.

For a one-time only period (between October 5, 1988, and December 5, 1988, Participants eligible for, and irrevocably electing, Normal Retirement to begin on or after November 1, 1988, and no later than March 1, 1989), Average Annual Earnings shall mean the current annual Base Pay of the Participant on the final date of employment prior to Normal Retirement.

Effective July 1, 1996, the Base Pay of any Member who becomes a Participant on or after July 1, 1996, for purposes of calculating retirement benefits, shall not exceed \$150,000, as will periodically be adjusted by the Secretary of the Treasury at the same time, and in the same manner, as under Section 415(d) of the Internal Revenue Code.

Notwithstanding the foregoing, effective July 1, 2002, the foregoing limit shall be increased to the amount set forth in Code section 401(a)(17)(A), as amended by EGTRRA, which amount shall be adjusted from time to time as set forth in Code section 401(a)(17)(B). For years beginning prior to July 1, 2002, the amount of Base Pay taken into account shall also be subject to a \$200,000 dollar limitation in lieu of the limit previously established for such year pursuant to the preceding paragraph.

Notwithstanding the foregoing, to the extent that a Member is covered by more than one Plan, Average Annual Earnings shall be calculated with respect to each Plan based only on the compensation, as described above in the preceding paragraphs, credited to the Member while covered by each such Plan.

- 1.5 Base Pay means the established rate of gross earnable compensation at which a Participant is employed by the Commission or the M-NCPPC Employees' Retirement System, exclusive of any overtime pay or additional compensation of any kind.
- 1.6 Beneficiary means retired Participant, Contingent Annuitant, any person or other designee named by the Member, including his/her Executors and Administrators, entitled to receive benefits as provided by this Retirement System.
- 1.7 Board of Trustees means the Board of Trustees provided for in Article 2 hereof, to administer the Retirement System and to hold, invest, and reinvest the assets of the Trust Fund.
- 1.8 Code means the Internal Revenue Code of 1986, as amended from time to time.
- 1.9 Commission means The Maryland-National Capital Park and Planning Commission.
- 1.10 Contingent Annuitant means any person designated by a Participant to receive benefits under the optional form of benefits provided for in Plan A, B, C, D, and E of this Retirement System.
- 1.11 Credited Service means the total period of years and months of completed service as credited under the terms and conditions of this Retirement System. Effective January 1, 1994, part-time

employees electing to participate in the ERS shall begin to accrue credited service in his/her part-time capacity based on the actual number of paid hours in a calendar year divided by the normal (1950 or 2080) full-time hours for the class of work of the position that the part-time employee occupies. In no instance shall a part-time employee accrue more service (weekly, bi-weekly, or annually) than a full-time employee. For part-time employees, eligibility for receipt of benefits will be based upon calendar years and months of service; and for benefit formula purposes accumulated pro rata accrued service will be used. Part-time employees participating in the ERS as of December 31, 1993, will have an option to participate irrevocably in the full pro rated accrual for his/her part-time service, or to retain the 20 hour per week accrual. Further, part-time credited service accrued prior to January 1, 1994, will be retained at 20 hours per week for benefit calculation purposes.

- 1.12 Medical Review Committee means the Committee referred to in the provisions of this Retirement System, with regard to determinations of disability, which shall be appointed by the Board of Trustees, or by the Administrator on its behalf, and shall be composed of three physicians licensed in the State of Maryland, none of whom are employees of the Commission, and at least two of whom should be specialists in the field of medicine primarily involved in the particular disability application.
- 1.13 Member means any individual included in the membership of the Retirement System as provided herein, including Annuitants and former Participants that have not elected to apply for a refund of their accumulated contributions.
- 1.14 Participant means an employee currently employed and making contributions to the Retirement System pursuant to Plan A, Plan B, Plan C, Plan D, or Plan E; or long-term Disability Plan, or an employee previously making contributions to the Retirement System who, subsequent to August 1, 1982, has qualified for and is receiving benefits under the Commission's Comprehensive Disability Benefits Program for Park Police.
- 1.15 Vested Participant means:
- (i) A Participant with five or more years of Credited Service (with respect to Participants in Plan A, Plan B, Plan C, or Plan D);
  - (ii) A Participant with ten or more years of Credited Service (with respect to Participants in Plan E);
  - (iii) An Appointed Official with immediate vesting, who is automatically entitled to a retirement annuity; or
  - (iv) An individual who is vested pursuant to the terms of Section 5 of the Retirement System.
- 1.16 Plan means Plan A, Plan B, Plan C, Plan D, or Plan E of the Employees' Retirement System.
- 1.17 Prior Plan means the Employees' Retirement System of the State of Maryland.
- 1.18 Trust Fund means the assets held in trust by the Board of Trustees under the Trust Agreement.

- 1.19 Vested Member means a former Participant who has terminated his/her employment with the Commission, has qualified under the Vested Benefits provisions, and has not elected to apply for a refund of his/her accumulated contributions.

**SECTION 2 - ADMINISTRATION OF EMPLOYEES' RETIREMENT SYSTEM –  
BOARD OF TRUSTEES**

- 2.1 Board of Trustees; Composition. The Employees' Retirement System shall be administered by a Board of Trustees which shall be properly constituted as provided in this Section.
- 2.1.1 Commissioners. The Board of Trustees shall, at all times, include as voting members two (2) members of the Commission, one (1) of whom shall reside in Montgomery County and one (1) of whom shall reside in Prince George's County. The term of office shall be three (3) years. Commissioners appointed as Trustees shall serve at the pleasure of the Commission and hold office until a successor is appointed, and may be re-appointed as a Trustee, provided they retain the qualifications of a Commissioner. A Commissioner appointed as a Trustee may resign by giving notice to the Chairperson and Vice-Chairperson of the Commission and the Commission shall appoint a replacement Trustee.
- 2.1.2 Officers. The Board of Trustees shall, at all times, include as voting members the Executive Director and Secretary Treasurer of the Commission. Their terms of office as Trustees shall be concurrent with their tenure in office. In the event of a vacancy in either office, the interim replacement appointed by the Commission shall complete the term as Trustee. Temporary vacancies due to vacation or similar temporary absence shall not be grounds for replacement as a Trustee.
- 2.1.3 Public Members. The Board of Trustees shall, at all times, include as voting members two (2) persons who shall be designated as Public Trustees. One (1) shall be a resident of Montgomery County and one (1) shall be a resident of Prince George's County; and neither may be a member, officer or employee of the Commission. One (1) of the Public Trustees, but not both, may be an Annuitant of the Plan. Neither Public Trustee may be a member, officer or employee of the Commission. The terms of the Public Trustees at the time of the adoption of this provision shall expire on June 30, 2002 and thereafter shall be appointed for terms of three (3) years. Public Trustees shall be appointed by the Commission and serve at the pleasure of the Commission. A Public Trustee shall serve until a successor is appointed. In the event of a vacancy in the office of Public Trustee, any successor shall be appointed to fill the remaining term of the person placed. There shall be no limit to the number of terms.
- 2.1.4 Open Trustees.
- (a) Except as otherwise provided in this section, the Board of Trustees shall, at all times, include as voting members three (3) persons who shall be designated as Open Trustees. To be eligible to serve as an Open Trustee, a person must be employed by the Commission on a career basis; subject to the Commission's Merit System as provided by Maryland law; and may not be a member or officer of the Commission. One (1) Open Trustee shall be regularly assigned for duty to a unit of the Commission located in Montgomery County; one (1) shall be regularly assigned for duty to a unit of the Commission located in Prince George's County; and, one (1) shall be regularly assigned for duty to the Commission's Department of Human Resources and Management, the Finance Department, or the Legal Department or their applicable successors. No Open

Trustee shall be eligible for appointment as a Represented Trustee, as that term is defined in this section.

- (b) Open Trustees shall be elected from among the persons eligible for selection as an Open Trustee within each of the three (3) classes of regular duty assignment described in this subsection. Polling shall be conducted by the Retirement System staff by written, secret ballot in accordance with its written procedures adopted in advance.
- (c) Open Trustees shall continue in office until their successors are elected. There shall be no limit to the number of terms. In the event of a vacancy in a position, there shall be a special election from among the employees in the category from which the former Trustee was chosen. The replacement Trustee shall serve for the remainder of the term of the Open Trustee who vacated office.
- (d) There shall be five (5) Open Trustees until June 30, 2003. At that time, one each of the Open Trustee positions from Montgomery County and Prince George's County shall expire and those positions shall be abolished. Thereafter, the remaining provisions of this subsection shall apply.

#### 2.1.5 Represented Trustees.

- (a) The Board of Trustees shall, effective as of September 1, 2001, include as voting members two (2) persons designated as Represented Trustees, provided that no Represented Trustee may be a member or officer of the Commission.
- (b) Effective as of September 1, 2001, one (1) Represented Trustee must at all times, be: (1) a sworn Park Police Officer and a member of and represented by the exclusive representative established pursuant to Land Use Article, Section 16-302, Annotated Code of Maryland, as amended from time to time and; (2) employed by the Commission on a career basis and subject to the Commission's Merit System as provided by Maryland law; and, (3) selected pursuant to an internal election process established by such exclusive representative which permits the members of the unit to select the Represented Trustee. In the event of a vacancy in the position after election as the Represented Trustee according to this provision, there shall be a special election from among the employees in the represented class from which the former Trustee was chosen, and the replacement Trustee shall serve for the remainder of the term of the Represented Trustee who vacated the office.
- (c) Effective as of September 1, 2001, and at all times on or before June 30, 2009, one (1) Represented Trustee must be a member of, and represented by the exclusive representative established pursuant to Section 2-112.1, Article 28, Annotated Code of Maryland, as amended from time to time, elected by the members of such exclusive representative. Polling shall be conducted by the Retirement System staff by written, secret ballot in accordance with its written procedures established in advance. In the event of a vacancy in the position after election as the Represented Trustee according to this provision, there shall be a special election from among the employees in the represented class from which

the former Trustee was chosen, and the replacement Trustee shall serve for the remainder of the term of the Represented Trustee who vacated office.

- (d) Effective as of July 1, 2009, one (1) Represented Trustee may be qualified for appointment to the Board by the written designation duly authorized and made for that purpose by the chief executive officer of an exclusive representative established pursuant to Land Use Article, Section 16-202, Annotated Code of Maryland, as amended from time to time, provided, that any Represented Trustee appointed according to this provision may, but need not, be employed by the Commission on a career basis and subject to the Commission's Merit System as provided by Maryland law. In the event of a vacancy in the position after appointment of the Represented Trustee according to this provision, the exclusive representative which made that selection may designate a replacement, and that replacement Trustee shall serve for the remainder of the term of the Represented Trustee who vacated the position.
- (e) Represented Trustees shall continue in office until their successors are elected or appointed according to this section. There shall be no limit to the number of terms. The initial Represented Trustees shall serve concurrently for terms ending June 30, 2004 and for terms of three (3) years thereafter.

2.2 The Board of Trustees shall elect from its voting membership a Chairman and Vice Chairman, who shall serve for a period of two years. The Board shall maintain an accurate record of its proceedings, which shall be available for inspection by the Commission upon reasonable notice. A majority of all the members of the Board shall constitute a quorum for the purpose of taking or authorizing any action or duty under, or pursuant to the Trust Agreement executed in connection with, this Retirement System. Each Trustee who is a voting member shall be entitled to one vote.

2.3 The Board of Trustees shall have power and duty to take all action and make all decisions, which shall be necessary, and proper in order to carry out provisions of the Retirement System and, without limiting the generality of the foregoing, the Board of Trustees shall have the following powers and duties:

- (a) To make and enforce such rules and regulations as it shall deem necessary and proper for the efficient administration of the Retirement System;
- (b) To interpret the Plan provisions of the Retirement System, its interpretation thereof to be final and conclusive;
- (c) To decide questions concerning the Plans of the Retirement System and the eligibility of any employee of the Commission to participate therein, and the right of any person to receive benefits thereunder;
- (d) To determine the mortality and other tables and interest rates to be used from time to time in actuarial and other computations for the purpose of the Retirement System;
- (e) To compute the amount of benefit which shall be payable to any person in accordance with the provisions of the Plans of the Retirement System;



- (f) To disburse and authorize any disbursement required under the Retirement System;
  - (g) To recommend to the Commission the contributions to be made by the Commission under the provisions of the Retirement System;
  - (h) To take or authorize the taking of any legal action which may be necessary for the protection or administration of the Retirement System.
- 2.4 The Board of Trustees may employ or engage an actuary to make actuarial evaluations of the liabilities under the Retirement System, to recommend to it the mortality and other tables and the interest rates to be used from time to time in actuarial and other computations for any purpose of the Retirement System, to recommend to it the amounts of contributions to be made by the Commission and to perform such other services as the Board of Trustees shall deem necessary or desirable in connection with the administration of the Retirement System.
- 2.5 The Board of Trustees shall be authorized to employ and consult with legal counsel who may also be counsel to the Commission, with respect to the meaning or construction of this Retirement System and the obligations and duties of the Trustees hereunder. In addition, the Board shall be authorized to hire such other experts, as it may deem necessary or desirable in connection with the administration of the Retirement System.
- 2.6 Subject to approval by the Commission, the Board of Trustees shall be authorized to employ one or more custodians to hold the assets of the Trust Fund, and maintain accurate and detailed records and accounts of all receipts, investments, disbursements, and other transactions made with respect to the Trust Fund. All such accounts, books, and records relating to the Trust Fund shall be available at all reasonable times for inspection and audit by the Commission.
- 2.7 The Board of Trustees shall be authorized to designate an Administrator of the Retirement System, who shall perform such duties, as the Board shall direct.
- 2.8 Any Member or Beneficiary who wishes to appeal a decision of the Administrator on any matter regarding his/her rights under the Employees' Retirement System may file an appeal, in writing, to the Board of Trustees. Such appeal shall state, in detail, the pertinent facts relative to the action, which he/she is appealing. The Board of Trustees may decide the appeal on the written submission, it may permit oral argument, or it may conduct whatever hearing it deems necessary or desirable. In any appeal, the burden of proof shall be on the applicant to establish the entitlement to benefits, and the burden of proof shall be on the Board of Trustees where it is proposed that benefits be removed from a Member or Beneficiary.
- 2.9 In administering the Retirement System, neither the Board of Trustees nor any individual Trustee, nor any person to whom it may delegate any power or duty in connection with administering the Retirement System, nor any member of the Commission shall be liable for any action or failure to act, except for its own willful malfeasance or misfeasance. The Board of Trustees, and each individual Trustee, and each person to whom it may delegate any duty and power in connection with administering the Retirement System, and the Commission or its duly designated representative, shall be entitled to rely conclusively upon, and shall be fully protected in any action taken by them or any of them in good faith in reliance upon any table, evaluation, certificate, opinion, or report which shall be furnished to them or any of them by

any actuary, accountant, counsel, or other expert who shall be employed or engaged by either the Commission or the Board of Trustees. Unless otherwise directed by the Commission, no bond or other securities shall be required of any member of the Board of Trustees as such.

- 2.10 In order to receive any benefits under the Plans of the Employees' Retirement System, a Participant must furnish to the Administrator such information as may be requested for the purpose of proper administration of the Retirement System.
- 2.11 The Board of Trustees is empowered to act in accordance with the Ethics Policy of the Employees' Retirement System effective December 4, 2007 and as amended from time to time. The Ethics Policy is incorporated herein by reference. Pursuant to the Ethics Policy, the Board of Trustees is authorized to pursue remedies for violation of the Ethics Policy by a Board member, including, but not limited to, removal.

### **SECTION 3 - AMENDMENTS**

The Commission reserves the right at any time, and from time to time, to amend in whole or in part, any or all of the provisions of the Plans of the Employees' Retirement System, provided, however, that no amendment shall affect adversely the benefits that have accrued prior to the effective date of such amendment, except as may be legally required to qualify the Plans of the Retirement System under Section 401(a) of the Internal Revenue Code or any successor thereto of similar importance.

## SECTION 4 - MISCELLANEOUS

- 4.1 Facility of Payment. In the event it shall be legally determined that any payee receiving benefits under this Retirement System is legally incompetent or incapable of receiving such benefits; payments or any parts thereof may be made to a duly appointed guardian or other legal representative of such payee. Such payment will constitute a full discharge of all liability of the Fund to the extent of the payment.
- 4.2 Non-Assignment. All payments, benefits, and refunds under this Retirement System to a Participant or other payee are for the support and maintenance of such payee, and no such payments, benefits, or refunds shall be assignable or anticipated. All rights and interests of any Participant shall be free from the claim of all creditors to the fullest extent permitted by law. The non-assignment provisions of this Section shall not, however, be construed contrary to Maryland Law concerning Qualified Domestic Relations Orders.
- 4.3 No Enlargement of Employment Rights. The Retirement System shall not be deemed to constitute a contract between the Employer and a Participant. Nothing in this Retirement System shall be deemed to give any Participant the right to be retained in the service of the Commission, and all the Participants shall remain subject to termination to the same extent as if the Retirement System had never existed.
- 4.4 Forfeitures. Forfeitures arising under the Retirement System for any reason cannot be applied to increase the benefits of any Participants at any time prior to the termination of the Retirement System or any of the Plans included therein. Forfeitures must be taken into consideration in the computation of the actuarial cost of the Retirement System and in the amount of the Commission's contributions.
- 4.5 Applicable Law. The provisions of the Employees' Retirement System shall be construed according to the applicable laws of the State of Maryland and the United States.
- 4.6 Gender. Unless otherwise clear from the context, the masculine shall refer also to the feminine and vice versa, and the singular shall include the plural and vice versa.
- 4.7 Electronic Administration. In establishing rules and regulations for the administration of the Retirement System, the Board of Trustees or the Administrator, as applicable, may provide for the use of electronic communications and other media as permitted by applicable Treasury Regulations and other applicable law.
- 4.8 Errors and Misstatements. In the event of any error by any person responsible for the administration of the Retirement System or misstatement, error, or omission of fact by a Member or Beneficiary to the Retirement System resulting in payment of benefits in an incorrect amount, the Retirement System shall promptly cause the amount of future payments to be corrected upon discovery of the facts and shall cause the Retirement System to pay the Member or Beneficiary any underpayment in cash in a lump sum or to recoup any overpayment from future payments to the Member or Beneficiary in such amounts as the Board of Trustees or Administrator shall direct or to proceed against the Member or Beneficiary for recovery of any such overpayment. The foregoing authority shall also empower the Board of Trustees or the Administrator to recover any delinquent contributions from a Member in any manner as permitted by applicable law.

## **SECTION 5 - TERMINATION OF RETIREMENT SYSTEM**

In the event of the termination of the Employees' Retirement System or a complete or permanent discontinuance of contributions thereunder by the Commission, (1) any individual who is a Participant at such time shall be 100% vested in his/her Employees' Retirement System benefits and (2) the Trust Fund shall be allocated to Members and Beneficiaries, in the order set forth below:

- (a) First, with respect to each Beneficiary to whom payments are being made at the date of discontinuance (hereinafter called the Termination Date) any balance of the Trust Fund which remains unallocated shall be allocated in proportion to the ratio which the actuarial reserve for such Beneficiary at the Termination Date bears to the total of such actuarial reserves for all such Beneficiaries, but in no case shall amounts so allocated exceed the actuarial reserve for such Beneficiary.
  
- (b) Second, with respect to each of the remaining Members and Beneficiaries, any balance of the Trust Fund which remains unallocated shall be allocated in proportion to the ratio which the actuarial reserve for such Member or Beneficiary at the Termination Date bears to the total of such actuarial reserves for all such Members and Beneficiaries, but in no case shall the amount so allocated exceed the actuarial reserve for such Member or Beneficiary.

The respective amounts to be allocated in accordance with the provisions of this Section shall be determined by the Board of Trustees as of the Termination Date. When the determination of such amounts shall be completed, such amounts shall be allocated to the respective Members and Beneficiaries in the order stated in the foregoing clauses (a) and (b) to the extent to which the Trust Fund shall suffice and in proportion to the total interest of the class described in the particular one of the two clauses (a) and (b) that may be involved. The allocation provided for in this Section shall be accomplished through: (1) a distribution of cash in a lump sum or in payments over such period as may be determined by the Board of Trustees; (2) the purchase of annuity contracts; and/or (3) the continuance of the Trust Fund or the establishment of one or more new Trust Funds, as shall be determined by the Board of Trustees.

## SECTION 6 - LIMITATION OF BENEFITS

- 6.1 General Code Section 415(b) Rule. In addition to other limitations set forth in the Plans and notwithstanding any other provisions of this Retirement System, the annual accrued benefit payable to a Member or Vested Member under the Plans of this System shall not exceed the limit under Code section 415(b)(1)(A), as periodically adjusted by the Secretary of the Treasury under Code section 415(d). This adjustment shall also apply to a Member or Vested Member who has had a severance from employment or, if earlier, an annuity starting date. Benefits paid by the Retirement System that are subject to Code section 415(b) shall comply with the foregoing limit in each year during which payments are made. The foregoing limit shall be adjusted pursuant to the requirements of Code sections 415(b)(2)(C) and (D) relating to the commencement of benefits at a date prior to age 62 or after age 65, subject to other applicable rules. Any Member or Vested Member whose benefits were limited by the application of Code section 415 immediately prior to its amendment by the Economic Growth and Tax Relief Reconciliation Act of 2001 shall, for limitation years ending on or after July 1, 2002, have his/her benefit increased to the amount computed under the Retirement System, but not in excess of the limits of Code section 415(b)(1)(A), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001.
- 6.2 Definition of Code Section 415 Compensation. For purposes of the limitations set forth in Code section 415, "compensation" shall mean compensation as defined in Code section 415(c)(3) and in Treasury Regulation section 1.415(c)-2(a) after the applicable effective date of the final Code section 415 regulations issued in May 2007 (in Treasury Regulation section 1.415-2(d)(1) prior to the foregoing applicable effective date). Notwithstanding the foregoing, effective July 1, 2001, "compensation" shall include amounts described in Code section 132(f)(4), and effective January 1, 2009, "compensation" shall include amounts received as "differential wage payments" as defined in Code section 3401(h)(2).
- 6.3 Grandfathered Benefits. The application of the provisions of this Section 6 shall not cause the maximum annual retirement allowance for any Member or Vested Member to be less than the Member's or Vested Member's accrued benefit under all the defined benefit plans of the Commission or a predecessor of the Commission as of the end of the last limitation year beginning before July 1, 2008 under provisions of the plans that were both adopted and in effect before April 5, 2007. The preceding sentence applies only if the provisions of such defined benefit plans that were both adopted and in effect before April 5, 2007 satisfied the applicable requirements of statutory provisions, regulations, and other published guidance relating to Code Section 415 in effect as of the end of the last limitation year beginning before July 1, 2007, as described in Treasury Regulation section 1.415(a)-1(g)(4).
- 6.4 Cost of Living Adjustments. No adjustment shall be required to a benefit described in Treasury Regulation section 1.415(b)-1(c)(5).
- 6.5 Actuarial Assumptions for Code Section 417(e) Purposes. To the extent that Code section 415 and the Treasury Regulations thereunder require that an interest rate under Code section 417(e) apply, the applicable lookback month shall be the 1st calendar month preceding the start of the Retirement System's Plan Year.
- 6.6 Other Code Section 415(b) Requirements. Notwithstanding any provision of the Retirement System to the contrary, Members' or Vested Member's accrued benefits under the Plans of this

Retirement System shall be determined in accordance with the requirements of Code section 415(b) and the Treasury Regulations thereunder. Notwithstanding the foregoing, effective July 1, 2004, the Plan shall comply with the provisions of the Pension Funding Equity Act of 2004 modifying the rules set forth in Code section 415, to the extent applicable. The limitation year is the Plan Year.

## SECTION 7 - MISCELLANEOUS

- 7.1 (a) General Rule. Notwithstanding any provision of the Retirement System, any "eligible rollover distribution" (within the meaning of Code Section 402(c)(4)) may be rolled over to an "eligible retirement plan".
- (b) Definition of Eligible Retirement Plan. For purposes of (the preceding sentence) Section 7.1(a), an "eligible retirement plan" is an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b), an annuity plan described in Code Section 403(a), or a qualified trust described in Code Section 401(a), that accepts a distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to a surviving spouse, an "eligible retirement plan" is an individual retirement account or individual retirement annuity. Effective January 1, 2002, the term "eligible retirement plan" shall also mean an annuity contract described in Code section 403(b) and an eligible plan under Code section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan. Effective for distributions made after December 31, 2007, an eligible retirement plan shall also mean a Roth IRA described in Code section 408A. The general definition of "eligible retirement plan" shall also apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code section 414(p).
- (c) Definition of Eligible Rollover Distribution. For purposes of Section 7.1(a), an "eligible rollover distribution" is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Code Section 401(a)(9); any hardship distribution; the portion of any other distribution(s) that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); and any other distribution(s) that is reasonably expected to total less than \$200 during a year. Effective January 1, 2002, a portion of a distribution shall not fail to be an "eligible rollover distribution" merely because the portion consists of after-tax employee contributions which are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in Code section 408(a) or (b), or to a qualified defined contribution plan described in Code section 401(a) or 403(a), or after December 31, 2006, to a qualified defined benefit plan described in Code section 401(a) or to an annuity contract described in Code section 403(b), that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.
- (d) Rollover by Non-spouse Beneficiary. Effective July 1, 2010, a non-spouse Beneficiary may elect to make a direct rollover to an inherited individual retirement account or annuity described in Code section 408(a) or Code section 408(b), or a Roth individual



retirement account or annuity described in Code section 408A that is established on behalf of the Beneficiary. Such rollover shall be made in a manner consistent with Code section 402(c)(11) and any other applicable guidance.

- (e) Compliance With Code Section 401(a)(31). The election and rollover of an "eligible rollover distribution" shall be effected in a manner consistent with Code Section 401(a)(31) under procedures established by the Board of Trustees.

7.2 Military Leave. Notwithstanding any provision of the Retirement System to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with Code section 414(u). Effective January 1, 2007, the Beneficiary of a Member on a leave of absence to perform military service with reemployment rights described in Code section 414(u), where the Member cannot return to employment on account of his/her death, shall be entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) that would be provided under the Plan had the Member died as an active Employee, in accordance with Code section 401(a)(37).

7.3 Minimum Required Distributions.

- (a) General Rule. Notwithstanding any provision of the Retirement System to the contrary, on an after a Member's required beginning date, benefits under the Retirement System shall be paid in accordance with Code section 401(a)(9), including the minimum distribution incidental benefit rules of Code section 401(a)(9)(G). The Retirement System shall apply a reasonable and good faith interpretation of Code section 401(a)(9) as permitted by the Pension Protection Act of 2006 and any applicable Treasury Regulations.
- (b) Required Beginning Date. A Member's required beginning date is the April 1 of the calendar year following the later of calendar year in which he/she retires or attains age 70½.

7.4 Special Transfer Rules.

- (a) When a Commission employee participating in Plan A, Plan B, or Plan E transfers from a non-public safety position to a position as a police officer the employee shall be transferred to Retirement Plan C and the officer will be required to either pay 100% of the difference between the amount of contributions the employee made to the former plan and the amount of contributions that would have been required for that same period of participation by Plan C, or alternatively accept an actuarial deficiency at the time of payment of retirement benefits in the amount of the actuarial impact of the difference in contributions.
- (b) The amounts identified in paragraph 7.4(a) above must be paid either in a lump sum by the 3 month anniversary of employment as a police officer, or through pro rata after-tax payroll deductions over a period of 5 calendar years commencing in the first pay period following the 3 month anniversary as a police officer.
- (c) When a Commission employee participating in Retirement Plan C or D transfers from a position as a police officer to a non-police officer position, the employee shall be

transferred to Retirement Plan E. Upon transfer to Plan E, the Participant may apply for and receive a refund of all excess after-tax employee contributions. Excess pre-tax employee contributions shall only be payable at retirement. Excess employee contributions shall be calculated on the basis of the difference between his/her actual contributions made or transferred to Retirement Plan C or D and the amount he/she has now subsequently transferred to Retirement Plan E. Should the Participant not opt to apply for and receive a refund of all excess after-tax employee contributions at the time of transfer to Plan E, the Participant will be eligible for return of the excess employee contributions at or before retirement. All benefits, to which the Participant or his/her designee may thereafter be entitled, shall be pursuant to the provisions and benefit criteria set forth in Plan E.



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**ARTICLE A -**  
**Sections Applicable to Plan A of**  
**The M-NCPPC Employees' Retirement System**

## SECTION A-1 - DEFINITIONS

- A-1.1 Disability Retirement Date means the first day of the month, prior to his/her Normal Retirement Date, coinciding with or following a determination of disability of a Participant who, prior to August 1, 1982, filed his/her application for disability retirement under Section A-4.3 of this Plan.
- A-1.2 Early Retirement Date means the first day of any month prior to a Participant's Normal Retirement Date as of which:
- (a) He/she has completed 15 or more years of Credited Service and has reached the age of 55; or
  - (b) He/she has completed 25 years of Credited Service regardless of age; or
  - (c) He/she has completed 20 or more years of Credited Service as a member of the Commission's Park Police.

For part-time employees, eligibility for receipt of benefits will be based upon calendar years and months of service; and for benefit formula purposes accumulated pro rata accrued credited service will be used as calculated in Section A-3.

A-1.3 Effective Date means July 1, 1972.

A-1.4 Employee means (a) any individual employed by the Commission as a career Merit System employee on a continuous full-time, year-round basis; (b) any individual appointed by the Commission to the position of Executive Director, Secretary-Treasurer, General Counsel, or other full-time positions appointed by the Commission and exempted from the Merit System; (c) any individual appointed by the respective County to serve as a Commissioner of The Maryland-National Capital Park and Planning Commission; (d) effective July 1, 1991, any Plan A member, vested, or non-vested, employed by the Commission as a career part-time Merit System employee on a continuance year round basis, eligible to be a Plan A Participant; and (e) an individual exempted from the Merit System, who is appointed by the respective County Planning Board to serve as a Director or as a Deputy Chief of Park Police, as provided in Land Use Article, Sections 16-102, 20-204 and 17-305, respectively, of the Annotated Code of Maryland.

A-1.5 Normal Retirement Date means the earliest of (a) the first day of the month coinciding with or immediately following the date on which a Member covered by this Plan A has both attained age 60 and completed five years of Credited Service; or (b) the first day of the month coinciding with or immediately following the date on which a Member, regardless of age, has completed 30 years of Credited Service; or (c) the first day of the month coinciding with or immediately following the date on which a Member who is a member of the Park Police attains the age of 55; or has completed 25 years of Credited Service as a member of the Park Police. Notwithstanding the foregoing, a Commissioner or a Member who has been appointed by the Commission to the position of Executive Director, Secretary-Treasurer, General Counsel, or another full-time position appointed by the Commission, and exempted from the Merit System reaches his or her Normal Retirement Date once he or she has attained age 60 and five years

have elapsed since he or she was first credited with Credited Service under the Plans, regardless of whether he or she has actually completed five years of Credited Service under the Plans.

For part-time employees, eligibility for receipt of benefits will be based upon calendar years and months of service; and for benefit formula purposes accumulated pro rata accrued credited service will be used as calculated in Section A-3.

- A-1.6 Plan A Participant means an employee who elected to become a member of the Plan prior to January 1, 1979, as provided in Section A-2 and has not (1) terminated his/her employment, (2) retired, (3) died, or (4) elected to transfer to Plan B, Plan C, or Plan D of the Employees' Retirement System under the provisions therein contained.
- A-1.7 Plan A means the Retirement Plan for employees of The Maryland-National Capital Park and Planning Commission established by the Commission effective July 1, 1972, covering employees who prior to January 1, 1979, elected to participate in the Employees' Retirement Plan.
- A-1.8 Represented Plan A Participant means a Plan A Participant who is represented on or after July 1, 2005 for collective bargaining purposes by the exclusive representative elected pursuant to Land Use Article, Title 16, Subtitle 2, Annotated Code of Maryland, as amended from time to time, and represented as of the date upon which any applicable Participant election, action or determination prescribed under this Plan A is permitted or required with respect to a Represented Plan A Participant.

## **SECTION A-2 - REQUIREMENTS FOR PARTICIPATION**

- A-2.1 (a) Employees on June 30, 1972, covered by Prior Plan. An Employee who was covered by the Prior Plan on June 30, 1972, could elect to become a Participant in this Plan on the Effective Date if he/she agreed in writing to turn over to the Trust Fund the entire amount available under the Prior Plan as a result of his/her participation in the Prior Plan. If he/she did not elect to become a Participant in this Plan on the Effective Date, he/she could not thereafter elect to become a Participant in this Plan unless his/her employment with the Commission terminated after the Effective Date and he/she later was reemployed by the Commission as a new employee and was not covered by the Prior Plan at the time of said reemployment.
- (b) Employees on June 30, 1972, not covered by Prior Plan and Employees employed after June 30, 1972, but prior to January 1, 1979. Every Employee on June 30, 1972, who was not covered by the Prior Plan on that date, and every Employee employed after June 30, 1972, but prior to January 1, 1979, could elect on or before December 31, 1978, to become a Participant in this Plan on the first day of any month after the later of June 30, 1972, or the date of his/her employment by the Commission.
- A-2.2 Method of Election to Participate. Each Employee who elected to become a Participant in this Plan filled out, signed, and filed with the Administrator not later than December 31, 1978, an application form furnished by the Administrator, which included an authorization for the deduction by the Commission from the compensation of the Employee, the contributions required of the Employee under the Plan, and the payments of said deducted contributions by the Commission to the Trust Fund under the Plan. This authorization includes, without limitation, an authorization for the recapture by the Commission of deficient contributions. Said applications also contained an agreement by the Employee to be bound by the provisions of the Plan, as then in effect, and as thereafter amended in the manner provided in the Plan.
- A-2.3 Withdrawal of Contributions. A Participant of the Plan may not withdraw his/her contributions from the Plan except upon termination of employment. As is set forth above, no other Participant may discontinue membership except upon termination.

### SECTION A-3 - CREDITED SERVICE

A-3.1 Credited Service means the total completed years and months of employment of a Member, not to exceed a maximum of 40 years, to be used in computing retirement benefits under the Plan. Effective January 1, 1994, part-time employees electing to participate in the ERS shall begin to accrue credited service in his/her part-time capacity based on the actual number of paid hours in a calendar year divided by the normal (1950 or 2080) full-time hours for the class of work of the position that the part-time employee occupies. In no instance shall a part-time employee accrue more service (weekly, bi-weekly, or annually) than a full-time employee. For part-time employees, eligibility for receipt of benefits will be based upon calendar years and months of service; and for benefit formula purposes accumulated pro rata accrued service will be used. Part-time employees participating in the ERS as of December 31, 1993, will have an option to participate irrevocably in the full pro rated accrual for his/her part-time service, or to retain the 20 hour per week accrual. Further, part-time credited service accrued prior to January 1, 1994, will be retained at 20 hours per week for benefit calculation purposes. Credited service shall be the total of the following:

- (a) Employment by the Commission while a Participant in this Plan.
- (b) Employment by the Commission prior to the Effective Date, which was credited in the Prior Plan, provided the Employee was participating in the Prior Plan on June 30, 1972, and elected to join this Plan on the Effective Date.
- (c) Service of a Member in the uniformed services of the United States provided that the members are reemployed in accordance with federal law.
- (d) Any period prior to his/her Normal Retirement Date while a Participant is receiving disability retirement benefits under the provisions of Plan A (formerly Employees' Retirement Plan).
- (e) Any Credited Service purchased, accrued and applied for a Represented Plan A Participant in accordance with Section A-3.5 of this Plan.

A-3.2 Credited Service shall include all periods while on approved leave of absence, for whatever purpose and whether with or without pay, provided that the Employee returns to active service at the end of the leave period, and provided that, in cases where no employee contribution has been made, the Employee pays to the Employees' Retirement System within 90 days of return to active duty, an after-tax sum equal to the employee contributions which would have been paid had normal contributions been made. Additionally, as of July 1, 1991, Credited Service shall include pro-rated service for all periods while a member in approved part-time career status, provided that, in cases where no employee contribution has been made, the Employee pays to the Employees' Retirement System within ninety (90) days of return to active participation, an after-tax sum equal to the Employee contributions which would have been paid had normal contributions been made. If he/she does not, then no portion of the period while on leave of absence shall be counted as Credited Service. All leaves of absence shall be granted in accordance with a uniform and non-discriminatory leave policy of the Commission.

A-3.3 Creditability for Accumulated Sick Leave. In computing Credited Service for Normal or Early Retirement (as may be applicable pursuant to the terms of Plan A), a Member who is entitled to



a benefit under this Plan A shall be entitled to receive an additional credit for earned and unused sick leave, except that such credit shall not apply for meeting minimum retirement eligibility requirements for age nor for the purpose of determining the highest three years for Average Annual Earnings. A maximum of 301 workdays of earned and unused sick leave may be used to qualify for length of service. To be entitled to such additional credit, a Member must have accumulated unused sick leave, which would equate to a minimum of one full month of service credit (twenty-two [22] work days). After allowing for the appropriate amount of additional credit on the basis of full months (twenty-two [22] work days), an additional month of Credited Service will be given for any remainder equating to fifteen (15) or more work days, but no credit will be given for any remainder of less than fifteen (15) work days.

A-3.4 For Members who qualify to receive benefits under the Commission's Long-Term Disability Insurance Plan subsequent to August 1, 1982, Credited Service shall include the total of full months in which the Member, prior to his/her Normal Retirement Date, received or was entitled to receive disability benefits. Should a Member who has been receiving disability benefits subsequently be disqualified for further benefits, then the accrual of Credited Service under this provision shall cease simultaneously with the cessation of benefits under the Commission's Long Term Disability Insurance Plan.

A-3.5 Purchase of Credited Service by Represented Plan A Participants.

(a) Service Eligible for Purchase. Effective as of July 1, 2009 during the period from 90 to 120 days immediately following the date of adoption of this Section A-3.5 or between 60 and 31 days immediately prior to the date of a Participant's actual retirement as permitted under Sections A-4.1 and A-4.2, a Represented Plan A Participant may elect to purchase additional Credited Service not to exceed a total of five (5) years for certain time in public service and qualified as follows:

- (1) Any period of employment by the Commission prior to retirement under this Plan and during which the Participant was eligible to participate in either this Plan or the Prior Plan, but was not a Participant in this Plan or the Prior Plan, respectively.
- (2) Except to the extent that credit for that period already is allowed under this Plan as a result of a transfer of eligible service credit or credit pursuant to Code section 414(u), any period during which the Participant was in an active duty status of a uniformed service of the United States (limited to the United States Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the National Oceanic and Atmospheric Administration, the Public Health Service of the United States, or active duty service in the National Guard of any state of the United States as set forth in applicable Department of Labor Regulations) and not an active Participant in this Plan, the Prior Plan, or any other contributory retirement plan of an agency of a state, federal or local government.
- (3) Except to the extent that credit for that period already is allowed under this Plan as a result of a transfer of eligible service credit, any period during which that Participant was a member/participant in the retirement plan of another agency of state or local government in the State of Maryland prior to retirement under this

Plan, and during which period the Participant was not a participant in this Plan or the Prior Plan. The foregoing shall only be available if the Participant will no longer receive credit for service for the same period of time under the other plan referenced in this subsection.

- (4) Notwithstanding other provisions of this Section, and except as expressly required under federal law, a Participant must not be granted or permitted to purchase credited service for any period of actual or credited service under another retirement system if that Participant is receiving retirement benefits or has retained a vested right to retirement benefits from that system and all purchases of service credit shall comply with Code section 415(n).
- (b) Irrevocable Election. An election to purchase additional Credited Service is irrevocable. When an election to purchase service is made 60 to 31 days before the proposed retirement date, the election to retire becomes immediately irrevocable notwithstanding any other provision of this Plan.
- (c) Calculation of Service Cost.
- (1) The Participant shall contribute to the Plan the entire cost of his/her additional credit determined as the Actuarial Equivalent of additional benefits attributable to the additional Credited Service.
  - (2) For Participants who elect to purchase service during the election window commencing 90 days after the adoption of the Plan amendment, adding this Section A-3.5 to the Plan, the Participant cost to purchase additional service will be the present value of the increase in the accrued benefit at the election date due to the additional service. For the purpose of this calculation the present value will be based on an assumed benefit commencement date that will be the later of the election date or the projected normal retirement date. For the purpose of this calculation, the present value will be based on the Plan's definition of Actuarial Equivalent.
  - (3) For Participants who elect to purchase service between 60-31 days prior to their retirement, the Participant cost to purchase additional service will be the present value of the increase in the accrued benefit at the actual date of retirement due to the additional service. For the purpose of this calculation, the present value will be based on the Plan's definition of Actuarial Equivalent.
- (d) Contribution Methods. The electing Represented Plan A Participant shall contribute the cost for additional Credited Service before retirement in (1) a lump sum or sums paid within thirty (30) days of the Participant's election, or (2) in a number of equal installments payable over no more than five (5) years from the date of such election, provided that installments must be collected by after-tax payroll deduction made while the Participant is employed by the Commission and all of which must be paid before retirement. A lump sum payment made within the thirty (30) days required pursuant to this Section A-3.5(d) may be made by a plan-to-plan transfer from a Code section 403(b) or Code section 457(b) plan in which the Participant also participates that permits such a transfer in a manner consistent with the Code. Under any circumstance,

the Retirement System has no obligation to accept payment of any installment or a partial payment that is not the final payment in any manner other than by after-tax payroll deduction transmitted by the Commission on behalf of the electing Participant. If the electing Participant makes the contributions required in any installment payable after thirty (30) days of the election, interest shall compound and accrue on the outstanding principal balance of the electing Participant's outstanding contribution obligation, computed at the same rate applicable for a refund by the Trust Fund of Participant contributions determined according to Section A-5, such that the principal balance of the Participant's total contribution obligation for additional Credited Service is amortized on a normal basis over the number of installments elected. A Represented Plan A Participant who elects to purchase additional Credited Service in this manner and to pay his/her contribution obligation in any number of installments may prepay all, but not part, of the obligation and accrued interest at any time after the election is made and before retirement. Pre-tax payment is not permitted except by means of a plan-to-plan transfer from a Code section 403(b) or Code section 457(b) plan.

- (e) Effect of Failure to Make Contributions. If a Participant who has elected to purchase service credit under this Section A-3.5 elects to make installment payments and does not qualify for any reason for Commission payroll deductions (either at the time of the election or at a later date during which installments are still being paid) or (2) otherwise fails without legal excuse to pay within ten (10) days of when due all or part of any payment (installment or lump sum) required in accordance with his/her election, that election shall lapse, be of no further force or effect, and the Participant shall not be entitled to vest in any additional Credited Service that has not yet been paid for pursuant to Section A-3.5(d). If the electing Participant makes the contributions required in any installment payable after ten (10) days of when due, interest shall compound and accrue on the outstanding principal balance of the electing Participant's outstanding contribution obligation, computed at the same rate applicable for a refund by the Trust Fund of Participant contributions determined according to Section A-5, such that the principal balance of the Participant's total contribution obligation for additional Credited Service is amortized on a normal basis over the number of installments elected. Unless and until the electing Participant pays his/her total contribution obligation in full, together with any interest accrued, the additional Credited Service shall vest and apply for purposes of this Plan A only on a pro rata basis determined by a fraction, the numerator of which is the sum of all installments paid excluding any interest paid or accrued, and the denominator of which is the Participant's total contribution obligation determined pursuant to Section A-3.5(c).
- (f) Limited Recognition of Purchased Service. Notwithstanding any provision of the Plan to the contrary, additional credit purchased pursuant to this Section A-3.5 does not apply for meeting minimum retirement eligibility requirements for age, vesting, nor for the purpose of determining the highest three years for Average Annual Earnings or for any purpose under this Plan other than for the calculation of service credit for the purpose of determining the amount of the benefit.

## SECTION A-4 - RETIREMENT BENEFITS

- A-4.1 Retirement at or after Normal Retirement Date. The annual amount of retirement benefit payable to an Annuitant who retires on or after his/her Normal Retirement Date shall be an amount equal to 2% of his/her Average Annual Earnings, multiplied by his/her Credited Service. The annual benefit payable, however, shall not be in excess of 100% of his/her Average Annual Earnings.
- A-4.2 Retirement at Early Retirement Date. The annual amount of retirement benefit payable to an Annuitant who retires at an Early Retirement Date shall be an amount equal to the benefit he/she would have been entitled to under Section A-4.1 hereof if his/her Early Retirement Date had been his/her Normal Retirement Date, but based on his/her Credited Service and Average Annual Earnings at his/her Early Retirement Date, reduced by 1/180 for each month by which the commencement date of the early retirement benefit precedes the date that would have been his/her Normal Retirement Date if he/she had continued as a Participant. An Annuitant who retires on an Early Retirement Date may elect to have his/her retirement benefits commence on the first day of any month thereafter, beginning with his/her Early Retirement Date. His/her retirement benefits must commence no later than the date that would have been his/her Normal Retirement Date if he/she had continued to be a Participant.
- A-4.3 Retirement at Disability Retirement Date.
- (a) Retirement Benefit Prior to Normal Retirement Date. The annual retirement benefit payable prior to his/her Normal Retirement Date to a Participant who files an application for Disability Retirement prior to August 1, 1982, and retires at a Disability Retirement Date shall be computed as provided in this Section A-4.3. Effective August 1, 1982, Disability Retirement Benefits are prospectively discontinued under this Retirement System in favor of a comprehensive Commission-sponsored Long-Term Disability Insurance Plan.
- (1) Service-Connected Disability. Upon approval of the application of a Plan A Participant or the Head of his/her Department, filed prior to August 1, 1982, if:
- (i) the Participant is so disabled, mentally or physically, that he/she cannot perform the duties of his/her job, or of a substantially equivalent job with the Commission that is available for him/her, (ii) the disability is not due to his/her willful act, (iii) the disability is likely to be permanent, and (iv) the disability resulted from an accident, illness, or disease occurring or incurred while the Participant was engaged in the performance of the duties of his/her employment with the Commission, the Participant shall be entitled to an annual retirement benefit in an amount equal to the greater of the following (but not to exceed his/her Average Annual Earnings):
- (A) Two-thirds of his/her Average Annual Earnings as of his/her Disability Retirement Date, plus an annuity which shall be the actuarial equivalent of his/her accumulated contributions at the time of retirement;
  - (B) The retirement benefit computed under Section A-4.1 hereof on the basis that his/her Disability Retirement Date was his/her Normal Retirement Date.

- (2) Non-Service-Connected Disability. Upon approval of the application of a Plan A Participant or the Head of his/her Department filed prior to August 1, 1982, if (i) the Participant has five years of Credited Service, (ii) is so disabled mentally or physically, that he/she cannot perform the duties of his/her job, or of a substantially equivalent job with the Commission that is available for him/her, (iii) the disability is not due to his/her willful act, (iv) the disability is likely to be permanent, and (v) the disability is not covered by Section A-4.3(a)(1) hereof, the Participant shall be entitled to an annual retirement benefit in an amount equal to the greater of the following:
- (A) The retirement benefit computed under Section A-4.1 hereof on the basis that his/her Disability Retirement Date was his/her Normal Retirement Date; or
  - (B) 30% of his/her Average Annual Earnings.
- (b) Retirement Benefit After Normal Retirement Date. From and after the date that would have been his/her Normal Retirement Date if he/she had not retired on a Disability Retirement Date, the annual retirement benefit payable to a Participant who retires on a Disability Retirement Date, and is still receiving benefits under Section A-4.3(a) hereof at said Normal Retirement Date, shall be in an amount computed under Section A-4.1, based on his/her Average Annual Earnings at his/her Disability Retirement Date and his/her Credited Service to said Normal Retirement Date.
- (c) Determination of Disability. In no event shall an application for disability retirement be permitted, or disability retirement benefits granted, on behalf of a Participant who has attained his/her Normal Retirement Date, or who has applied for a disability retirement on or after August 1, 1982. All determinations shall be made by the Merit System Board, with a recommendation to the Board of Trustees, whose determination shall be final. A disability determination shall be begun upon written application of a Participant, or the Head of his/her Department, filed with the Administrator, and referred to the Merit System Board.

Before making its determination, the Merit System Board shall obtain a written opinion from the Medical Review Committee with regard to the nature, cause, degree of permanence, and effect of alleged disability. The Medical Review Committee so conducts such inquiry as it deems necessary and proper under the circumstances in order to give said opinion, in addition to its medical examination of the Participant.

In cases of doubt, or upon request of the Participant or the Board of Trustees, the Merit System Board shall hold a hearing for the purpose of reviewing medical and other testimony pertinent to the Participant's application for disability retirement.

- (d) Continuation of Disability Retirement Benefits. Disability Retirement Benefits shall continue so long as the Participant remains disabled, as defined in this Section A-4.3. The Merit System Board may require a physical re-examination from time to time to determine the continuance of disability. The Merit System Board may also require the Participant to participate in a program of rehabilitation, provided at no expense to the

Participant, to attempt to ameliorate or remove the disability. If the Participant does not participate in such a program in good faith, in the opinion of the Merit System Board, his/her Disability Retirement Benefits shall cease forthwith, and shall not begin again until he/she does so participate. Disability Retirement Benefits shall not be terminated after a Participant has reached what would have been his/her Normal Retirement Date under this Plan if he/she had not retired on a Disability Retirement Date.

- (e) Reemployment of Member Receiving Disability Retirement Benefits - Payment of Rehabilitation Stipend. This provision is intended to facilitate offering of career opportunities to disability retirees. Should a Member, retired under the Disability Retirement provisions of this Retirement System, be reemployed by the Commission in a career Merit System position, the Member's Disability Retirement benefits shall cease on the first of the month coinciding with or immediately following his/her reemployment. If the Annual Base Pay (Mid-Point Salary Level) for the position in which the Member is reemployed, should be less than the Member's Base Pay immediately preceding his/her Disability Retirement Date, a monthly Rehabilitation Stipend shall be paid to the Member until the earlier of his/her Normal Retirement Date, or the first of the month coinciding with or immediately following the date upon which the Member attains a salary level in his/her new position which, at that point in time, is equal to or greater than the maximum salary then being paid for the position held by the Member immediately preceding his/her Disability Retirement Date. The amount of the monthly stipend shall be calculated as one-twelfth of the difference between the annual Base Pay of the Member immediately preceding his/her Disability Retirement Date and the initial annual Base Pay (Mid-Point Salary Level) for the new position which the Member is assuming, but in no event shall the Rehabilitation Stipend exceed the Disability Retirement benefits being paid to the Member immediately preceding his/her reemployment. The Member shall again become a Participant in the Plan in which he/she participated at Disability Retirement Date; he/she shall again make employee contributions as a percentage of Base Pay provided for by that Plan; and, he/she shall again accrue Credited Service as a participating Member of the Employees' Retirement System. The Member's Normal Retirement Benefits shall subsequently be based on his/her total Credited Service and his/her Average Annual Earnings, based on actual annual Base Pay without regard to any Rehabilitation Stipends received.

#### A-4.4 Change in Amount of Retirement Benefits Due to Change in Cost-of-Living Index.

- (a) Adjustments Due to Change in Consumer Price Index. The retirement benefits payable under this Plan may be increased or decreased as of each July 1st after the Effective Date, for any Beneficiary who had been receiving his/her retirement benefits for at least six months. The increase or decrease shall be determined by the percentage increase or decrease in the Consumer Price Index--All Items Annual Average, Urban Index for Major U. S. Cities, for the preceding 12 months, prepared by the United States Department of Labor, above or below the level of said Index on the immediately preceding December 31st. If the percentage increase or decrease in the Consumer Price Index, for any year, is 3% or less, the retirement benefits payable shall be adjusted by 100% of the increase or decrease. If the percentage increase or decrease in the Consumer Price Index, for any year, is greater than 3%, the retirement benefits payable shall be adjusted by 3% plus one-half of the percentage increase or decrease above 3%. The maximum adjustment for any year shall be 5%. No decrease shall reduce the

retirement benefit below its initial amount. No decrease shall be made except to the extent that the retirement benefit is, at that time, in excess of the level it would have then attained if it had been increased by the total percentage increase in the Index since the first July 1st on which an adjustment under this paragraph could have been made without regard to the limitations provided in this paragraph.

Notwithstanding the foregoing, (1) effective July 1, 2012, retirement benefits payable under this Plan shall not be decreased because of a decrease in the Consumer Price Index described above; (2) effective July 1, 2012, the portion of a person's retirement benefits attributable to Credited Service (other than Credited Service based on earned and unused sick leave as which shall be governed by (3) below) credited for periods on or after July 1, 2012, shall be subject to a maximum adjustment of 2.5% in any Plan year; and, (3) effective January 1, 2013, Credited Service based on earned and unused sick leave pursuant to the terms of the Plan attributable to full pay periods beginning on or after January 1, 2013, shall be subject to a maximum adjustment of 2.5% in any Plan year. For purposes of interpreting the preceding sentence, (A) Credited Service attributable to a transfer or purchase of service credit not commenced prior to July 1, 2012, pursuant to procedures established for the Plan, shall be considered attributable to a pay period beginning on or after July 1, 2012, and thus subject to the 2.5% maximum adjustment and (B) Credited Service attributable to after-tax payments within ninety (90) days after a leave of absence shall be deemed to relate to the period of the leave of absence.

- (b) Supplemental Adjustment to Benefits Payable to Certain Beneficiaries. Effective January 1, 1984, the monthly annuity of any Beneficiary with an initial benefit commencement date prior to December 31, 1981, shall be increased by one percent (1%) for each two (2) years he or she, or the original Annuitant in the case of a Contingent Annuitant, was entitled to receive benefits between July 1, 1974, and December 31, 1981. The Supplemental Adjustment for months equating to less than a full year will be pro-rated. The amount of Supplemental Adjustment to which a Beneficiary is entitled shall, on January 1, 1984, be added to his/her base annuity for the purpose of any future adjustments to be made under the provisions of Paragraph (a), Section A-4.4.

A-4.5 Payment of Retirement Benefits. Retirement benefits under Plan A shall be payable in equal monthly installments, unless some other payment schedule has been established as provided in the Plan. The first payment of Normal or Early Retirement Benefits may be made on the date a Beneficiary first becomes entitled to the retirement benefit. The first payment of Disability Retirement Benefits shall be made on the date established by the Board of Trustees, but not later than the first of the month following approval by the Board of Trustees of the application for Disability Retirement. The last payment shall be made on the first day of the calendar month in which the Beneficiary dies, unless (a) payments have been made for less than 10 years, or (b) the Member had selected an optional form of benefit payment under Section A-4.6 of the Plan. If said retirement benefits have been paid for less than 10 years, the Beneficiary designated by the Member shall receive the remaining payments that would have been made to the Member until benefits have been paid for 10 years. If an optional form of benefit payment has been selected, payments will be made as required by the option selected.

#### A-4.6 Optional Forms of Benefit Payments.

- (a) Options Available. A Member may elect one of the following forms of payment of his/her retirement benefit payable at Normal Retirement Date, Early Retirement Date, or Disability Retirement Date, in place of the method of payment provided in Section A-4.5 of this Plan. Each of these optional methods of payment shall be the actuarial equivalent of said retirement benefit as payable under Section A-4.5. The optional methods of payment are as follows:
- (1) A Member may elect to receive a reduced retirement benefit during his/her lifetime, and to have all or a specified portion of such reduced retirement benefit paid to a Contingent Annuitant. The Board of Trustees shall make uniform rules as to what portion or portions of the reduced retirement benefits may be made payable to a Contingent Annuitant, subject to the restrictions in the next paragraph hereof.
  - (2) A Member may elect to receive a benefit described in Section A-4.6(a)(1) that provides that, on the death of the Contingent Annuitant prior to the death of the Member, a Member's retirement benefit will revert to the amount that would have been payable as a single life annuity when the Member's retirement benefit originally commenced (as adjusted for cost-of-living adjustments granted since benefit commencement). There shall be no additional right of survivorship after the death of a Contingent Annuitant.
  - (3) A Member may elect any other optional method of payment of his/her monthly retirement income that is acceptable to the Board of Trustees, but no option may be elected that would (a) permit the interest of any Member to be retained in the Trust Fund after the Member becomes entitled to retirement benefits under this Plan, and only the interest thereon to be paid to the Member during his/her lifetime, the balance to be paid after the death of the Member; or (b) permit installment payments to a Contingent Annuitant to continue for a longer period than the longest of (i) the life of the Member's spouse, (ii) the life expectancy of the Member on the commencement date of his/her retirement benefits, or (iii) the joint life and last survivor expectancy of the Member and his/her spouse on the commencement date of the Member's retirement benefit, or (c) permit installment payments in other than equal amounts, except to the extent that, in accordance with uniform rules adopted by the Board of Trustees, the Member may elect to receive a greater retirement benefit prior to the commencement of his/her Federal Social Security Act benefits and a lesser retirement benefit thereafter, in order to provide him/her with retirement benefits in the aggregate of equivalent actuarial value which will give him/her, insofar as practicable, a level total income for life under the Plan and the Social Security Act.
  - (4) A fully Vested Member, whose employment with the Commission terminated on or after the date he/she was eligible for Early Retirement benefits, may elect in writing to defer benefits until his/her Normal Retirement Date, rather than receive an actuarially reduced Early Retirement benefit. A Member, who has made this election, may irrevocably elect any of the foregoing optional forms of



payment, which shall be effective with the commencement of benefits at Normal Retirement Date. Should the Member die prior to Normal Retirement Date, his/her Contingent Annuitant shall be entitled to receive, effective with the date that would have been the Member's Normal Retirement Date, the appropriate income, as survivor, under the option selected.

- (b) Exercise of Election and Designation of Contingent Annuitant. The election of an optional method of payment and the designation of a Contingent Annuitant must be in writing. It must be filed with the Board of Trustees prior to the commencement date of the Member's retirement benefits under the Plan. With the exception of an irrevocable election under Section A-4.6(a)(4), either the election, or the designation, or both, may be changed by the Member, from time to time, at any time prior to the commencement date of his/her retirement benefits under this Plan.
- (c) Revocation of Election by Occurrence of Certain Events. If a Member who has elected an optional form of payment dies before the commencement date of his/her retirement benefits under this Plan, no retirement annuity shall be paid to his/her Contingent Annuitant. The payment shall be made in accordance with the provisions of Section A-6: Death Benefits. If a Contingent Annuitant dies prior to the commencement date of the Member's retirement benefits under the Plan, the election and the designation shall be void, irrespective of when made, except in the case of a Vested Member who has selected an option under the provisions of Section A-4.6(a)(4). If a Contingent Annuitant dies after the commencement date of the Member's retirement benefits under this Plan, the Annuitant shall continue to receive the appropriate retirement benefit to which he/she is entitled under the option he/she selected. If a Vested Member, who has selected an option under the provisions of Section A-4.6(a)(4), dies prior to the commencement date of his/her retirement benefits, his/her Contingent Annuitant shall receive the appropriate retirement benefit to which he/she is entitled under the option selected, commencing with what would have been the Vested Member's Normal Retirement Date. If both the Annuitant and his/her designated primary Beneficiary die prior to completion of payments under an option providing for a guaranteed number of payments, the commuted value of the balance of the payments shall be paid in a lump sum to the next Beneficiary designated in writing by the Annuitant or, in the absence of such designation, if a person so designated is not then living, to the estate of the last to die of the Annuitant and his/her primary Beneficiary.

A-4.7 Monthly Payments of Less than Twenty-Five Dollars. Anything in the Plan to the contrary notwithstanding, if monthly payments that shall be payable to any Beneficiary under the Plan shall be less than \$25.00; then, if the Board of Trustees shall so direct, the aggregate of the amounts which shall be payable to him or her hereunder in any year shall be paid in quarterly, semi-annual, or annual payments or, with the payee's approval, the actuarial lump sum value of the amounts that shall be payable to him/her hereunder shall be paid in one sum of payments over a specified period of time.

A-4.8 Incapacity of Beneficiary. If, for any reason, the Board of Trustees shall determine that it is not desirable, because of the incapacity of the person who shall be entitled to receive any payment in accordance with the provisions of this Plan, to make such payment direct to such person, the Board of Trustees shall give notice to said person of its intention to make alternate payment. Said person shall be advised of the time, date, and place of the meeting at which such action

shall take place, and the basis upon which the Board proposes to alter the manner of payment. The Beneficiary shall have the right to be represented by counsel, at his/her own expense, and to present witnesses and testimony in opposition to the Board's action. In any such proceeding, the burden of proof shall be on the Board. The Board's decision shall be based upon the evidence presented at the hearing. If the Board of Trustees is presented with a certified copy of a judicial decree of a court of competent jurisdiction, determining that a Beneficiary entitled to receive benefits is incompetent and appointing a guardian, the Board of Trustees shall be entitled to act upon that court order without further inquiry. In the event the Board proposes to act on the basis of a court order, it shall give advance notice of the time, date, and place of the meeting at which such action shall take place.

A-4.9 Missing Member or Beneficiary. If the Board of Trustees is not able to locate any person to whom a benefit is due under this Plan, after making all reasonable efforts to do so, such benefit shall not be payable to such person until he/she has been located. Reasonable efforts shall mean the use of the Social Security Administration Employer Reporting Service or any other methodology deemed appropriate by the Board of Trustees or its delegate. If, after a period of two years and eleven months from the date on which the earliest unpaid benefit was due, he/she is not located, the person's interest in the Plan and any unpaid benefits to which he/she would otherwise be entitled shall be forfeited. If the person later makes a request for the forfeited benefit, such benefit shall be reinstated and paid to the person, but without earnings or interest thereon.

A-4.10 Reduction of Benefits by Benefits Under Other Plans. If a Member under this Plan is entitled to benefits under any other retirement plan, or would have been entitled to said benefits if he/she had not elected to receive a refund of his/her contributions under said plan, on account of service that is also Credited Service under this Plan, the benefits under this Plan shall be actuarially reduced by the benefits under the other retirement plan attributable to said service. Social Security benefits, to which a Member is entitled, are specifically exempted from this provision.

A-4.11 Early Retirement Window for Certain Participants. Effective January 1, 2009, 2011, 2013, and 2015, a Represented Plan A Participant with not less than twenty-nine (29) years of Credited Service and not more than thirty (30) years of Credited Service under Plan A may apply to retire any time prior to reaching thirty (30) years of Credited Service and have that date deemed the Participant's Normal Retirement Date for the purpose of his/her Plan and shall have his or her benefit determined under Section A-4.1.

**SECTION A-5 - BENEFITS UPON TERMINATION OF EMPLOYMENT OTHER THAN BY DEATH OR RETIREMENT**

A-5.1 A Member, whose employment with the Commission terminates, other than by death, or retirement on a Disability Retirement Date, an Early Retirement Date, or Normal Retirement Date, shall be entitled to one or the other of the following:

- (a) Refund of Contributions. He/she may elect to receive a lump sum cash refund of his/her contributions to the Trust Fund, with interest thereon at the rate of 4-1/2% per year. Said election shall be in lieu of any other benefits under the Plan.
- (b) Vested Benefits.
  - (1) If a Member, who has completed five or more years of credited service, terminates employment on or after September 1, 2001 and does not elect to receive a refund of required Member contributions, the Member shall be entitled to receive an annual benefit, commencing with what would have been his/her Normal Retirement Date assuming continued active participation in the Plan. The benefits shall be computed as provided in Section A-4.1 of this Plan, on the basis that the first of the month coinciding with or next following his/her date of termination of employment is his/her Normal Retirement Date. Members whose employment terminated prior to September 1, 2001 shall have benefits calculated utilizing the following vesting schedule and the completed years and months of service as of the date of termination:

<u>Completed Years of Credited Service</u>	<u>Percentage</u>
5	50%
6	60%
7	70%
8	80%
9	90%
10 or More	100%

Payment of said benefits shall be made in accordance with Sections A-4.5 and A-4.6 of this Plan.

- (2) A Member whose job is abolished and who is not offered a substantially equal job with the Commission, and a Member whose employment by the Commission is on an appointive basis and is not renewed at the end of his/her term of appointment, shall be entitled to receive, commencing with what would have been his/her Normal Retirement Date if his/her participation in the Plan had continued, a maximum annual benefit computed as provided in Section A-4.1 of the Plan on the basis that the first of the month coinciding with or next following the date of his/her termination of employment had been his/her Normal Retirement Date, and payable in accordance with Sections A-4.5 and A-4.6 of the Plan. A Commissioner or a Member who has been appointed by the Commission to the position of Executive Director, Secretary-Treasurer, General Counsel, or another full-time position appointed by the Commission, and

exempted from the Merit System, and who has otherwise reached his or her Normal Retirement Date with his or her eligibility for Normal Retirement intact, shall be entitled to 100% vesting regardless of years of service, and shall be entitled to a maximum annual benefit as set forth above.

## SECTION A-6 - DEATH BENEFITS

A-6.1 Spouse's and Children's Benefits – Death During Participation. If a Participant is survived by a spouse, who has not been specifically excluded by the Participant for entitlement to survivor death benefits, and the Participant died either (a) as a result of a service-connected accident or illness, as that term is defined in Section A-4.3(a) or (b) after completing at least ten years of Credited Service, the spouse shall be entitled to an annual benefit, commencing with the first of the month coinciding with or next following the date of death of the Participant, in an amount equal to the larger of the following:

- (a) An amount computed under Section A-4.1 of this Plan on the basis that the deceased had continued as a Participant to what would have been his/her Normal Retirement Date, at the same annual earnings received during his/her last completed year of employment with the Commission; effective January 1, 1994, for part-time Participants this will be the average base salary of the Participant for the 36 calendar month period, or for the 12 calendar month period if greater, immediately preceding his/her death;
- (b) 25% of the Final Annual Base Pay of the Participant; effective January 1, 1994, for part-time Participants this will be the average base salary of the Participant for the 36 calendar month period, or for the 12 calendar month period if greater, immediately preceding his/her death;
- (c) If the Participant does not leave a surviving spouse entitled to the benefits provided in Section A-6.1, Paragraphs (a) or (b) of this Plan; or if a surviving spouse entitled to the benefits herein should die, and there are one or more surviving children under the age of 18, under the age of 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support; then the benefits provided under Section A-6.1, Paragraph (a) or (b) of this Plan shall be payable to the surviving children of the Participant under the age of 18, or under the age of 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support.

In the event the accumulated total benefit paid under this provision is less than the benefit, which would have been paid under Section A-6.2(a), the difference shall be paid in a lump sum to the surviving children, regardless of age. In the absence of any such eligible Beneficiaries, the difference shall be paid to the estate of the Participant.

A-6.2 Ordinary Death Benefits.

- (a) General Rule. If a Participant or Vested Member dies prior to retiring on a Disability Retirement Date, an Early Retirement Date or, at or after Normal Retirement Date, without an option selection made under the provisions of Section A-4.6(a)(4), and does not leave a surviving spouse or children entitled to the benefits provided for in Section A-6.1 of this Plan, the Beneficiary designated by him/her, in a written instrument filed with the Administrator, shall be entitled to a lump sum cash payment in an amount equal to the sum of the following:
  - (1) 50% of his/her Average Annual Earnings; plus

(2) His/her total contributions to the Trust Fund, with interest thereon at the rate of 4-1/2% per annum.

(b) Special Rule for Vested Members With An Option Selection on File. If a Vested Member dies prior to retiring on a Disability Retirement Date, an Early Retirement Date or, at or after Normal Retirement Date, with an option selection made under the provisions of Section A-4.6(a)(4), the benefit payable shall be the survivor benefit, if any, under the option selected under Section A-4.6(a)(4).

A-6.3 Post-Retirement Death Benefits. Upon the receipt of proper proof of the death of a retired member on or after July 9, 1986, there shall be paid to such person as the member shall have designated and filed with the Board of Trustees, otherwise to his/her estate, a lump sum benefit in the amount of \$10,000. A member may designate a trust or any other entity as the beneficiary of the lump sum benefit, so long as the trust or entity has legal status as identified by a Federal Tax ID number, and so long as the designation is otherwise properly on file with the Board of Trustees.

## SECTION A-7 - CONTRIBUTIONS

A-7.1 Employee Contributions. Each Plan A Participant who is not a member of the Park Police shall contribute to the Trust Fund 6.5% of his/her Base Pay for each pay period. Each Plan A Participant who is a member of the Park Police shall contribute to the Trust Fund 7% of his/her Base Pay for each pay period. Notwithstanding the foregoing, effective July 1, 2014, each Plan A Participant who is not a member of the Park Police shall contribute to the Trust Fund 7% of his/her Base Pay for each pay period.

Effective January 1, 1984, the Commission shall pick up the employee contributions required by this Section for all Base Pay earned after December 31, 1983, and the contributions so picked up shall, subject to approval by the Internal Revenue Service, be treated as employer contributions in determining Federal and State income tax treatment under Section 414(h) of the United States Internal Revenue Code. These contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The Commission shall pay these employee contributions from the same source of funds, which is used in paying earnings to the employee. The Commission may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up, they shall be treated for all purposes of this Section A-7 in the same manner and to the same extent as employee contributions made prior to the date picked up.

A-7.2 Employer Contributions. The Commission shall contribute to the Trust Fund from time to time such amounts as are actuarially determined to be required to provide for the benefits under the Plans of this Retirement System.

A-7.3 No Reversion of Employer Contributions. No contributions to the Trust Fund by the Commission shall be used for or diverted to purposes other than for the exclusive benefit of Members and Beneficiaries, prior to the satisfaction of all liabilities under this Retirement System.

**ARTICLE B**  
**Sections Applicable to Plan B of the M-NCPPC**  
**Employees' Retirement System**

**EFFECTIVE JANUARY 1, 2013, PLAN B IS GENERALLY CLOSED TO NEW**  
**MEMBERS WITH INDIVIDUALS WHO WOULD HAVE BEEN COVERED BY PLAN B**  
**NOW COVERED BY PLAN E.**



## SECTION B-1 - DEFINITIONS

- B-1.1 Appointed Officials means Commissioners of The Maryland-National Capital Park and Planning Commission; and, the Executive Director, the General Counsel and Secretary-Treasurer, serving at the pleasure of the Commission.
- B-1.2 Condition of Employment means mandatory participation in this Retirement Plan for any individual other than Park Police employed by the Commission on or after January 1, 1979, as a career full-time Merit System Employee, and for individuals employed by the M-NCPPC Employees' Retirement System on or after March 1, 1994. Effective January 1, 2009, Condition of Employment also means mandatory participation in this Retirement Plan for Appointed Officials, employees exempted from the Merit System who are appointed by the respective County Planning Board as provided in Land Use Article, Sections 16-102 and 20-204, respectively, of the Annotated Code of Maryland, and eligible career Part-Time Employees. Effective January 1, 2013, Condition of Employment also means mandatory participation in this Retirement Plan for individuals that would otherwise be required to participate in Plan E but, as a result of prior employment, remain as (vested or non-vested) Members of Plan B on rehire.
- B-1.3 Credited Service means the total period of years and months of completed service credited under this Retirement Plan, computed, as provided in Section B-3 of this Plan. Effective January 1, 1994 for part-time employees electing to participate in the ERS and effective January 1, 2009 for part-time employees required to participate in the ERS, part-time employees shall accrue credited service in his/her part-time capacity based on the actual number of paid hours in a calendar year divided by the normal (1950 or 2080) full-time hours for the class of work of the position that the part-time employee occupies. In no instance shall a part-time employee accrue more service (weekly, bi-weekly, or annually) than a full-time employee. For part-time employees, eligibility for receipt of benefits will be based upon calendar years and months of service; and for benefit formula purposes accumulated pro rata accrued service will be used. Part-time employees participating in the ERS as of December 31, 1993, will have an option to participate irrevocably in the full pro rated accrual for his/her part-time service, or to retain the 20 hour per week accrual. Further, part-time credited service accrued prior to January 1, 1994, will be retained at 20 hours per week for benefit calculation purposes.
- B-1.4 Disability Retirement Date means the first day of the month, prior to his/her Normal Retirement Date, coinciding with or following a determination of disability of a Plan B Participant who, prior to August 1, 1982, filed his/her application for disability retirement under Section B-4.3 of this Plan.
- B-1.5 Early Retirement Date means the first day of any month prior to a Participant's Normal Retirement Date as of which:
- (a) He/she has both completed 15 or more years of Credited Service and has reached the age of 55; or
  - (b) He/she has completed 25 years of Credited Service regardless of age.

For part-time employees, eligibility for receipt of benefits will be based upon calendar years and months of service; and for benefit formula purposes accumulated pro rata accrued credited service will be used as calculated in Section B-3.

- B-1.6 Employee means (a) any individual employed by the Commission as a career full-time Merit System employee except Park Police; (b) any individual appointed by the Commission to the position of Executive Director, Secretary-Treasurer, General Counsel, or other full-time position appointed by the Commission and exempted from the Merit System; (c) any individual appointed by the respective County to serve as a Commissioner of The Maryland-National Capital Park and Planning Commission; (d) any individual exempted from the Merit System, who is appointed by the respective County Planning Board, as provided in Land Use Article, Sections 16-102 and 20-204, respectively, of the Annotated Code of Maryland; (e) any individual employed by the Commission as a career part-time Merit System employee on a year-round basis; and (f) any individual employed by the M-NCPPC Employees' Retirement System.
- B-1.7 Integrated Retirement Plan means Plan B, which provides full retirement benefits until the retired Member is eligible for full Social Security retirement benefits, and provides supplemental benefits thereafter.
- B-1.8 Normal Retirement Date means the earlier of (a) the first day of the month coinciding with or immediately following the date on which a Member of Plan B has both attained age 60 and completed five years of Credited Service; or (b) the first day of the month coinciding with or immediately following the date on which a Member of Plan B, regardless of age, has completed 30 years of Credited Service. For part-time employees, eligibility for receipt of benefits will be based upon calendar years and months of service; and for benefit formula purposes accumulated pro rata service will be used as calculated in Section B-3. Notwithstanding the foregoing, a Commissioner or a Participant who has been appointed by the Commission to the position of Executive Director, Secretary-Treasurer, General Counsel, or another full-time position appointed by the Commission, and exempted from the Merit System reaches his or her Normal Retirement Date once he or she has attained age 60 and five years have elapsed since he or she was first credited with Credited Service under the Plans, regardless of whether he or she has actually completed five years of Credited Service under the Plans.
- B-1.9 Part-Time Employee means a career Merit System employee who is employed on a year-round part-time basis, but working not less than half of a normal workweek.
- B-1.10 Plan B Participant means an employee who (a) has enrolled in Plan B as a Condition of Employment or (b) elected to transfer to Plan B from Plan A pursuant to the provisions of Article A, Section A-2.4 of this Retirement System.
- B-1.11 Social Security Wage Base means the annual taxable wages under the Federal Social Security Act.
- B-1.12 Social Security Covered Compensation Level is the average (without indexing) of the taxable wage bases in effect for each calendar year during the 35-year period ending with the last day of the calendar year in which a Member attains Social Security retirement age. For purposes of this Section B-1.12, Social Security retirement age is rounded up to the next integer age.

The Social Security Covered Compensation Level is the result determined above, rounded to the next lower multiple of 12. The determination of the Covered Compensation Level as of any date shall be calculated without regard to increases in the Maximum Taxable Wage Base occurring after that date. Social Security Covered Compensation Level will be determined at the time of separation from service for any Member who, at the time of such separation, has a non-forfeitable right to benefits

B-1.13 Represented Plan B Participant means a Plan B Participant who is represented on or after July 1, 2005, for collective bargaining purposes by an exclusive representative elected pursuant to Land Use Article, Title 16, Subtitle 2, Annotated Code of Maryland, as amended from time to time, and represented as of the date upon which any Participant applicable election, action or determination prescribed under this Plan B is permitted or required with respect to a Represented Plan B Participant.

## SECTION B-2 - REQUIREMENTS FOR PARTICIPATION

- B-2.1 (a) Employees on December 31, 1978, not covered by Plan A of the Employees' Retirement System. Any eligible employee, other than Park Police employees, who was not a Plan A Participant on December 31, 1978, may elect to become a Participant in Plan B on the first day of any month on or after January 1, 1979.
- (b) New Employees Hired by the Commission on or After January 1, 1979 and Employees Hired by the M-NCPPC Employees' Retirement System on or after March 1, 1994 and Prior to January 1, 2013. Every Employee, other than the categories of individuals listed in sub-section B-2.1(c) below, hired by the Commission between January 1, 1979 and December 31, 2012 or hired by the M-NCPPC Employees' Retirement System between March 1, 1994 and December 31, 2012, shall as a Condition of Employment become a Participant in Plan B of the Employees' Retirement System on the first day of the month following the date of his/her employment.
- (c) Appointed Officials, Employees Exempted From the Merit System and Part-Time Employees. Effective January 1, 2009, Appointed Officials, employees exempted from the Merit System who are appointed by the respective County Planning Board as provided in Land Use Article, Sections 16-102 and 20-204, respectively, of the Annotated Code of Maryland, and part-time Merit System employees appointed or hired prior to January 1, 2013 shall, as a Condition of Employment, become a Participant in Plan B of the Employees' Retirement System on the later of the first day of the month following the date of his/her employment and January 1, 2009.
- (d) Members of Plan B Hired or Appointed On or After January 1, 2013. Employees hired or appointed on or after January 1, 2013 that, as a result of prior employment or appointment with the Commission or Employees' Retirement System, are Members of Plan B shall as a Condition of Employment become a Participant in Plan B of the Employees' Retirement System on the first day of the month following the date of his/her reemployment.
- (e) Participation in the Plan shall be mandatory and may not be waived under any circumstances.
- (f) Except as provided in Sections B-2.1(a) and B-2.1(d) above, effective January 1, 2013 Plan B is closed to new Plan B Participants.

B-2.2 Method of Election to Participate. Each Employee, who as a Condition of Employment must participate in Plan B shall fill out, sign, and file with the Administrator, an application form furnished by the Administrator, which shall include an authorization for the deduction by the Commission from the compensation of the Employee, the contributions required of the Employee under Plan B, and the payment of said deducted contributions by the Commission to the Trust Fund under this Plan. This authorization includes, without limitation, an authorization for the recapture by the Commission of deficient contributions. Said application shall also contain an agreement by the Employee to be bound by the provisions of the Plan, and the Employees' Retirement System, as then in effect, and as thereafter amended in the manner provided for in the Retirement System. A Member of this Plan may not withdraw his/her

contributions from the Retirement System except upon termination of employment. As is set forth above, no other Employee may discontinue membership except upon termination.

### **SECTION B-3 - CREDITED SERVICE**

B-3.1 Credited Service means the total completed years and months of employment of a Member, not to exceed a maximum of 35 years, to be used in computing Retirement Benefits under Plan B, and shall be the total of the following:

- (a) Employment by the Commission in pay status while a contributing Participant in Plan B of this Retirement System.
- (b) Service transferred to this Retirement System pursuant to Title 37 of the State Personnel and Pensions Article of the Annotated Code of Maryland, as applicable at the time of transfer.
- (c) Service transferred to Plan B from Plan A of the M-NCPPC Employees' Retirement System.
- (d) Service of a Member in the uniformed services of the United States provided that the members are reemployed in accordance with federal law.
- (e) Any Credited Service purchased, accrued and applied for a Represented Plan B Participant in accordance with Section B-3.4 of this Plan.

B-3.2 Creditability for Accumulated Sick Leave. In computing Credited Service for Normal or Early Retirement (as may be applicable pursuant to the terms of Plan B), a Member who is entitled to a benefit under this Plan B shall be entitled to receive an additional credit for earned and unused sick leave, except that such credit shall not apply for meeting minimum retirement eligibility requirements for age, nor for the purpose of determining the highest three years of Average Annual Earnings. A maximum of 301 workdays of earned and unused sick leave may be used to qualify for length of service. To be entitled to such additional credit, a Member must have accumulated unused sick leave, which would equate to a minimum of one full month of service credit (twenty-two [22] work days). After allowing for the appropriate amount of additional credit on the basis of full months (twenty-two [22] work days), an additional month of Credited Service will be given for any remainder equating to fifteen (15) or more work days, but no credit will be given for any remainder of less than fifteen (15) work days.

B-3.3 For Members who qualify to receive benefits under the Commission's Long Term Disability Insurance Plan subsequent to August 1, 1982, Credited Service shall include the total of full months in which the Member, prior to his or her Normal Retirement Date, received or was entitled to receive disability benefits. Should a Member who has been receiving disability benefits subsequently be disqualified for further benefits, and then the accrual of Credited Service under this provision shall cease simultaneously with the cessation of benefits under the Commission's Long-Term Disability Insurance Plan.

B-3.4 Purchase of Credited Service by Represented Plan B Participants.

- (a) Service Eligible for Purchase. Effective as of July 1, 2009 during the period from 90 to 120 days immediately following the date of adoption of this Section B-3.4 or at least 31 but not more than 60 days immediately prior to the date of a Participant's actual retirement as permitted under Sections B-4.1 and B-4.2, a Represented Plan B

Participant may elect to purchase additional Credited Service not to exceed a total of five (5) years for certain time in public service and qualified as follows:

- (1) Any period of employment by the Commission prior to retirement under this Plan and during which the Participant was eligible to participate in either this Plan or the Prior Plan, but was not a Participant in this Plan or the Prior Plan, respectively.
  - (2) Except to the extent that credit for that period already is allowed under this Plan as a result of a transfer of eligible service credit or credit pursuant to Code section 414(u), any period during which the Participant was in an active duty status of a uniformed service of the United States (limited to the United States Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the National Oceanic and Atmospheric Administration, the Public Health Service of the United States, or active duty service in the National Guard of any state of the United States as set forth in applicable Department of Labor regulations) and not an active Participant in this Plan, the Prior Plan, or any other contributory retirement plan of an agency of a state, federal or local government.
  - (3) Except to the extent that credit for that period already is allowed under this Plan as a result of a transfer of eligible service credit, any period during which that Participant was a member/participant in the retirement plan of another agency of state or local government in the State of Maryland prior to retirement under this Plan, and during which period the Participant was not a participant in this Plan or the Prior Plan. The foregoing shall only be available if the Participant will no longer receive credit for service for the same period of time under the other plan referenced in this subsection.
  - (4) Notwithstanding other provisions of this Section, and except as expressly required under federal law, a Participant must not be granted or permitted to purchase credited service for any period of actual or credited service under another retirement system if that Participant is receiving retirement benefits or has retained a vested right to retirement benefits from that system and all purchases of service credit shall comply with Code section 415(n).
- (b) Irrevocable Election. An election to purchase additional Credited Service is irrevocable. When an election to purchase service is made at least 31 but not more than 60 days before the proposed retirement date, the election to retire becomes immediately irrevocable notwithstanding any other provision of this Plan.
- (c) Calculation of Service Cost.
- (1) The Participant shall contribute to the Plan the entire cost of his/her additional credit determined as the Actuarial Equivalent of additional benefits attributable to the additional Credited Service.
  - (2) For Participants who elect to purchase service during the election window commencing 90 days after the adoption of the Plan amendment, adding this

Section B-3.4 to the Plan, the participant cost to purchase additional service will be the present value of the increase in the accrued benefit at the election date due to the additional service. For the purpose of this calculation the present value will be based on an assumed benefit commencement date that will be the later of the election date or the projected normal retirement date. For the purpose of this calculation, the present value will be based on the Plan's definition of Actuarial Equivalent.

- (3) For Participants who elect to purchase service at least 31 but not more than 60 days prior to their retirement, the Participant cost to purchase additional service will be the present value of the increase in the accrued benefit at the actual date of retirement due to the additional service. For the purpose of this calculation, the present value will be based on the Plan's definition of Actuarial Equivalent.
- (d) Contribution Methods. The electing Represented Plan B Participant shall contribute the cost for additional Credited Service before retirement in (1) a lump sum or sums paid within thirty (30) days of the Participant's election, or (2) in a number of equal installments payable over no more than five (5) years from the date of such election, provided that installments must be collected by after-tax payroll deduction made while the Participant is employed by the Commission and all of which must be paid before retirement. A lump sum payment made within the thirty (30) days required pursuant to this Section B-3.5(d) may be made by a plan-to-plan transfer from Code section 403(b) or Code section 457(b) plan in which the Participant also participates that permits such a transfer in a manner consistent with the Code. Under any circumstance, the Retirement System has no obligation to accept payment of any installment or a partial payment that is not the final payment in any manner other than by after-tax payroll deduction transmitted by the Commission on behalf of the electing Participant. If the electing Participant makes the contributions required in any installment payable after thirty (30) days of the election, interest shall compound and accrue on the outstanding principal balance of the electing Participant's outstanding contribution obligation, computed at the same rate applicable for a refund by the Trust Fund of Participant contributions determined according to Section B-5, such that the principal balance of the Participant's total contribution obligation for additional Credited Service is amortized on a normal basis over the number of installments elected. A Represented Plan B Participant who elects to purchase additional Credited Service in this manner and to pay his/her contribution obligation in any number of installments may prepay all, but not part, of the obligation and accrued interest at any time after the election is made and before retirement. Pre-tax payment is not permitted except by means of a plan-to-plan transfer from a Code section 403(b) or Code section 457(b) plan.
- (e) Effect of Failure to Make Contributions. If a Participant who has elected to purchase service credit under this Section B-3.4 elects to make installment payments and does not qualify for any reason for Commission payroll deductions (either at the time of the election or at a later date during which installments are still being paid) or (2) otherwise fails without legal excuse to pay within ten (10) days of when due all or part of any payment (installment or lump sum) required in accordance with his/her election, that election shall lapse, be of no further force or effect, and the Participant shall not be entitled to vest in any additional Credited Service that has not yet been paid for pursuant to B-3.4(d). If the electing Participant makes the contributions required in any



installment payable after ten (10) days of when due, interest shall compound and accrue on the outstanding principal balance of the electing Participant's outstanding contribution obligation, computed at the same rate applicable for a refund by the Trust Fund of Participant contributions determined according to Section B-5, such that the principal balance of the Participant's total contribution obligation for additional Credited Service is amortized on a normal basis over the number of installments elected. Unless and until the electing Participant pays his/her total contribution obligation in full, together with any interest accrued, the additional Credited Service shall vest and apply for purposes of this Plan B only on a pro rata basis determined by a fraction, the numerator of which is the sum of all installments paid excluding any interest paid or accrued, and the denominator of which is the Participant's total contribution obligation determined pursuant to Section B-3.5(c).

- (f) Limited Recognition of Purchased Service. Notwithstanding any provision of the Plan to the contrary, additional credit purchased pursuant to this Section B-3.4 does not apply for meeting minimum retirement eligibility requirements for age, vesting, nor for the purpose of determining the highest three years for Average Annual Earnings or for any purpose under this Plan other than for the calculation of service credit for the purpose of determining the amount of the benefit.

## SECTION B-4 - RETIREMENT BENEFITS

### B-4.1 Integrated Retirement Benefits at or after Normal Retirement Date.

- (a) The annual amount of retirement benefits payable to a Plan B Annuitant from date of retirement to date of attaining statutory age of eligibility for full Social Security retirement benefits shall be 2% of Average Annual Earnings multiplied by years of Credited Service up to a maximum of 35 years, plus sick leave credit. Years of Credited Service of less than a full year will be prorated. The annual benefit payable, however, shall not be in excess of 100% of his/her Average Annual Earnings.
- (b) Commencing September 1, 2001, for members who have reached the eligibility date for full Social Security retirement benefits, the amount of retirement benefits payable from the Plan shall be one and one half percent (1½%) of Average Annual Earnings up to the Social Security Covered Compensation Level, plus 2% of Average Annual Earnings in excess of the Social Security Covered Compensation Level, multiplied by years of Credited Service, up to a maximum of thirty-five (35) years, plus sick leave credit, together with any accumulated cost-of-living adjustments received from the date of retirement to the eligibility date for full Social Security retirement benefits. Years of Credited Service of less than a full year will be prorated.

B-4.2 Retirement at Early Retirement Date. The annual amount of retirement benefits payable to a Plan B Annuitant who retires on an Early Retirement Date, shall be an amount equal to the benefit he/she would have been entitled to receive under Sections B-4.1(a) and (b), if his/her Early Retirement Date had been his/her Normal Retirement Date, but based on his/her Credited Service and Average Annual Earnings at his/her Early Retirement Date, reduced by 1/180 for each month by which the commencement date of the Early Retirement Benefit precedes the date that would have been his/her Normal Retirement Date if he/she had continued as a Participant. An Annuitant who retires on an Early Retirement Date may elect to have his/her retirement benefits commence on the first day of any month thereafter, beginning with his/her Early Retirement Date. His/her retirement benefits must commence no later than the date that would have been his/her Normal Retirement Date if he/she had continued to be a Participant.

B-4.3 Retirement at Disability Retirement Date. The annual retirement benefit payable to an Annuitant who retires at a Disability Retirement Date shall be computed as provided in this Section B-4.3. Effective August 1, 1982, Disability Retirement Benefits are prospectively discontinued under this Retirement System in favor of a comprehensive Commission-sponsored Long-Term Disability Insurance Plan.

- (a) Service-Connected Disability. Upon approval of the application of a Participant or of the Head of his/her Department, filed prior to August 1, 1982, any Participant who has been totally and permanently incapacitated for any duty with the Commission as a result of an accident, illness, or disease occurring or incurred while the Participant was engaged in the performance of the duties of his/her employment with the Commission, without willful negligence on his/her part, the Participant shall be entitled to an annual retirement benefit in an amount equal to the greater of the following (but not to exceed his/her Average Annual Earnings):

- (1) Two-thirds of his/her Average Annual Earnings as of his/her Disability Retirement Date, plus an annuity which shall be the actuarial equivalent of his/her accumulated contributions at the time of disability retirement;
  - (2) The retirement benefit computed under Section B-4.1(a) hereof on the basis that his/her Disability Retirement Date was his/her Normal Retirement Date.
- (b) Ordinary Disability. Upon approval of the application of a Participant or of the Head of his/her Department, filed prior to August 1, 1982, if (1) the Participant has five years or more of Credited Service, (2) is so disabled mentally or physically, that he/she cannot perform the duties of his/her job, or of a substantially equivalent job with the Commission that is available for him/her, (3) disability is not due to his/her willful act, (4) the disability is likely to be permanent, and (5) the disability is not covered by Section B-4.3(a) hereof, the Participant shall be entitled to an annual retirement benefit in an amount equal to the greater of the following:
- (1) The retirement benefit computed under Section B-4.1(a) hereof on the basis that his/her Disability Retirement Date was his/her Normal Retirement Date; or
  - (2) 30% of his/her Average Annual Earnings.
- (c) Benefit Limitations. If the retirement benefit payable to a member retired on a disability retirement, plus disability benefits which the member receives from Social Security and any other Commission-sponsored insurance program, exceeds 100% of his/her final Base Pay, the Member's Disability Retirement Benefits shall be reduced to the extent that the total initial benefit from all sources equals, but does not exceed, 100% of his/her final Base Pay.
- (d) Determination of Disability. In no event shall an application for disability retirement be permitted or Disability Retirement Benefits granted on behalf of a Participant who has attained his/her Normal Retirement Date, or who has applied for a disability retirement on or after August 1, 1982. All determinations shall be made by the Merit System Board, with a recommendation to the Board of Trustees, whose determination shall be final. A disability determination shall be begun upon written application of a Participant or the Head of his/her Department, filed with the Administrator and referred to the Merit System Board. Before making its determination, the Merit System Board shall obtain a written opinion from the Medical Review Committee with regard to the nature, cause, degree of permanence, and effect of alleged disability. The Medical Review Committee conducts such inquiry as it deems necessary and proper under the circumstances in order to give said opinion, in addition to its medical examination of the Participant. In cases of doubt, or upon request of the Participant or the Board of Trustees, the Merit System Board shall hold a hearing for the purpose of reviewing medical and other testimony pertinent to the Participant's application for disability retirement.
- (e) Continuation of Disability Retirement. Disability Retirement Benefits shall continue so long as the Member remains disabled, as defined in this Section B-4.3. The Merit System Board may require physical re-examination from time to time to determine the continuance of disability. The Merit System Board may also require the Member to

participate in a program of rehabilitation, provided at no expense to the Member, to attempt to ameliorate or remove the disability. If the Member does not participate in such a program in good faith, in the opinion of the Merit System Board, his/her disability retirement shall cease forthwith, and shall not begin again until he/she does so participate. Disability Retirement Benefits shall not be terminated after a Member has reached what would have been his/her Normal Retirement Date under this Plan if he/she had not retired on a Disability Retirement Date.

- (f) Reemployment of Member Receiving Disability Retirement Benefits - Payment of Rehabilitation Stipend. This provision is intended to facilitate offering of career opportunities to disability retirees. Should a Member, retired under the Disability Retirement provisions of this Retirement System, be reemployed by the Commission in a career Merit System position, the Member's Disability Retirement Benefits shall cease on the first of the month coinciding with or immediately following his/her reemployment. If the Annual Base Pay (Mid-Point Salary Level) for the position in which the Member is reemployed, should be less than the Member's Base Pay immediately preceding his/her Disability Retirement Date, a monthly Rehabilitation Stipend shall be paid to the Member until the earlier of his/her Normal Retirement Date, or the first of the month coinciding with or immediately following the date upon which the Member attains a salary level in his/her new position which, at that point in time, is equal to or greater than the maximum salary then being paid for the position held by the Member immediately preceding his/her Disability Retirement Date. The amount of the monthly stipend shall be calculated as one-twelfth of the difference between the annual Base Pay of the Member immediately preceding his/her Disability Retirement Date and the initial annual Base Pay (Mid-Point Salary Level) for the new position which the Member is assuming, but in no event shall the Rehabilitation Stipend exceed the Disability Retirement benefit being paid to the Member immediately preceding his/her reemployment. The Member shall again become a Participant in the Plan in which he/she participated at Disability Retirement Date; he/she shall again make employee contributions as a percentage of Base Pay provided for by the Plan; and he/she shall again accrue Credited Service as a participating Member of the Employees' Retirement System. The Member's Normal Retirement Benefits shall subsequently be based on his/her total Credited Service and his/her Average Annual Earnings, based on actual annual Base Pay without regard to any Rehabilitation Stipends received.

- B-4.4 Change in Amount of Retirement Benefits Due to Change in Cost-Of-Living Index. The retirement benefits payable under this Plan may be increased or decreased as of each July 1st, after the Effective Date, for any Beneficiary who had been receiving his/her retirement benefits for at least six months. The increase or decrease shall be determined by the percentage increase or decrease in the Consumer Price Index - All Items Annual Average, Urban Index for Major U.S. Cities, for the preceding 12 months, prepared by the United States Department of Labor, above or below the level of said Index on the immediately preceding December 31st. If the percentage increase or decrease in the Consumer Price Index, for any year, is 3% or less, the retirement benefits payable shall be adjusted by 100% of the increase or decrease. If the percentage increase or decrease in the Consumer Price Index, for any year, is greater than 3%, the retirement benefits payable shall be adjusted by 3% plus one-half of the percentage increase or decrease above 3%. The maximum adjustment for any year shall be 5%. No decrease shall reduce the retirement benefit below its initial amount. No decrease shall be made except to the extent that the retirement benefit is, at that time, in excess of the level it would have then

attained if it had been increased by the total percentage increase in the Index since the first July 1st on which an adjustment under this paragraph could have been made without regard to the limitation provided in this paragraph.

Notwithstanding the foregoing, (1) effective July 1, 2012, retirement benefits payable under this Plan shall not be decreased because of a decrease in the Consumer Price Index described above; (2) effective July 1, 2012, the portion of a person's retirement benefits attributable to Credited Service (other than Credited Service based on earned and unused sick leave as which shall be governed by (3) below) credited for periods on or after July 1, 2012, shall be subject to a maximum adjustment of 2.5% in any Plan year; and, (3) effective January 1, 2013, Credited Service based on earned and unused sick leave pursuant to the terms of the Plan attributable to full pay periods beginning on or after January 1, 2013, shall be subject to a maximum adjustment of 2.5% in any Plan year. For purposes of interpreting the preceding sentence, (A) Credited Service attributable to a transfer or purchase of service credit not commenced prior to July 1, 2012, pursuant to procedures established for the Plan, shall be considered attributable to a pay period beginning on or after July 1, 2012, and thus subject to the 2.5% maximum adjustment and (B) Credited Service attributable to after-tax payments within ninety (90) days after a leave of absence shall be deemed to relate to the period of the leave of absence.

**B-4.5 Payment of Retirement Benefits.** Retirement benefits under Plan B shall be payable in equal monthly installments, unless another payment schedule has been established as provided in the Plan. The first payment of Normal or Early Retirement Benefits may be made on the date a Beneficiary first becomes entitled to the retirement benefit. The first payment of Disability Retirement Benefits shall be made on the date established by the Board of Trustees, but not later than the first of the month following approval by the Board of Trustees of the application for Disability Retirement. The last payment shall be made on the first day of the calendar month in which the Beneficiary dies, unless he/she has elected an optional form of benefits. If the Beneficiary has not elected an optional form of benefits and dies before receiving benefits in an amount equal to the Member's contributions plus credited interest, the difference will be payable to the surviving Beneficiary or Beneficiaries.

**B-4.6 Optional Forms of Benefit Payments Available.** A Member may elect one of the following optional forms of payment of his/her retirement benefit payable at Normal Retirement Date, Early Retirement Date, or Disability Retirement Date, in place of the method of payment provided in Section B-4.5 of this Plan. Each of these optional methods of payment shall be the actuarial equivalent of said retirement benefit as payable under Section B-4.5. The optional methods of payment are as follows:

- (a) A Member may elect to receive a reduced retirement benefit during his /her lifetime and to have all or a specified portion of such reduced retirement benefits paid to the Contingent Annuitant. The Board of Trustees shall make uniform rules as to which portion or portions of the reduced retirement benefits may be made payable to a Contingent Annuitant, subject to the restrictions in the next paragraph hereof.
- (b) A Member may elect to receive a benefit described in Section B-4.6(a) that provides that, on the death of the Contingent Annuitant prior to the death of the Member, a Member's retirement benefit will revert to the amount that would have been payable as a single life annuity when the Member's retirement benefit originally commenced (as

adjusted for cost-of-living adjustments granted since benefit commencement). There shall be no additional right of survivorship after the death of a Contingent Annuitant.

- (c) A Member may elect any other optional method of payment of his/her monthly retirement income that is acceptable to the Board of Trustees in accordance with uniform rules adopted by the Board of Trustees, but no option may be elected that would:
  - (1) Permit the interest of a Member to be retained in the Trust Fund after the Member becomes entitled to retirement benefits under this Plan, and only the interest thereon to be paid to the Member during his/her lifetime, the balance to be paid after the death of the Member; or
  - (2) Would permit installment payments to a Contingent Annuitant to continue for a longer period than the longest of the life of the Member's spouse, the life expectancy of the Member on the commencement date of his/her retirement benefits, or the joint life and last survivor expectancy of the Member and his/her spouse on the commencement date of the Member's retirement benefit.
- (d) A fully Vested Member, whose employment with the Commission terminated on or after the date he/she was eligible for Early Retirement Benefits, may elect in writing to defer benefits until his/her Normal Retirement Date, rather than receive an actuarially reduced Early Retirement Benefit. A Member, who has made this election, may irrevocably elect any of the foregoing optional forms of payment, which shall be effective with the commencement of benefits at Normal Retirement Date. Should the Member die prior to Normal Retirement Date, his/her Contingent Annuitant shall be entitled to receive, effective with the date that would have been the Member's Normal Retirement Date, the appropriate income, as survivor, under the option selected.

**B-4.7 Exercise of Election and Designation of Contingent Annuitant.** The election of an optional method of payment and the designation of a Contingent Annuitant must be in writing. It must be filed with the Board of Trustees prior to the commencement date of the Member's retirement benefits under this Plan. With the exception of an irrevocable election under Section B-4.6(d), either the election, or the designation, or both, may be changed by the Member, from time to time, at any time prior to the commencement date of his/her retirement benefits under this Plan.

**B-4.8 Revocation of Election by Occurrence of Certain Events.** If a Member who has elected an optional form of payment dies before the commencement date of his/her retirement benefits under this Plan, no retirement annuity shall be paid to his/her Contingent Annuitant. The payment shall be made in accordance with the provisions of Section B-6: Death Benefits. If a Contingent Annuitant dies prior to the commencement date of the Member's retirement benefits under this Plan, the election and the designation shall be void, irrespective of when made, except in the case of a Vested Member who has selected an option under the provisions of Section B-4.6(d). If a Contingent Annuitant dies after the commencement date of the Member's retirement benefits under this Plan, the Annuitant shall continue to receive the appropriate retirement to which he/she is entitled under the option, which he/she selected. If a Vested Member, who has selected an option under the provisions of Section B-4.6(d), dies prior to the commencement date of his/her retirement benefits, his/her Contingent Annuitant shall receive the appropriate retirement benefit to which he/she is entitled under the option selected,

commencing with what would have been the Vested Member's Normal Retirement Date. If both the Annuitant and his/her designated primary Beneficiary die prior to completion of payments under an option providing for a guaranteed number of payments, the commuted value of the balance of the payments shall be paid in a lump sum to the next Beneficiary designated in writing by the Annuitant or, in the absence of such designation, or if a person so designated is not then living, to the estate of the last to die of the Annuitant and his/her primary Beneficiary.

- B-4.9 Incapacity of Beneficiary. If, for any reason, the Board of Trustees shall determine that it is not desirable, because of the incapacity of the person who shall be entitled to receive any payment in accordance with the provisions of this Plan, to make such payment direct to such person, the Board of Trustees shall give notice to said person of its intention to make alternate payment. Said person shall be advised of the time, date, and place of the meeting at which such action shall take place, and the basis upon which the Board proposes to alter the manner of payment. The Beneficiary shall have the right to be represented by counsel, at his/her own expense, and to present witnesses and testimony in opposition to the Board's action. In any such proceeding, the burden of proof shall be on the Board. The Board's decision shall be based upon the evidence presented at the hearing. If the Board of Trustees is presented with a certified copy of a judicial decree of a court of competent jurisdiction, determining that a Beneficiary entitled to receive benefits is incompetent and appointing a guardian, the Board of Trustees shall be entitled to act upon that court order without further inquiry. In the event the Board proposes to act on the basis of a court order, it shall give advance notice of the time, date, and place of the meeting at which such action shall take place.
- B-4.10 Missing Member or Beneficiary. If the Board of Trustees is not able to locate any person to whom a benefit is due under this Plan, after making all reasonable efforts to do so, such benefit shall not be payable to such person until he/she has been located. Reasonable efforts shall mean the use of the Social Security Administration Employer Reporting Service or any other methodology deemed appropriate by the Board of Trustees or its delegate. If, after a period of two years and eleven months from the date on which the earliest unpaid benefit was due, he/she is not located, the person's interest in the Plan and any unpaid benefits to which he/she would otherwise be entitled, shall be forfeited. If the person later makes a request for the forfeited benefit, such benefit shall be reinstated and paid to the person, but without earnings or interest thereon.
- B-4.11 Reduction of Benefits by Benefits Under Other Plans. If a Member under this Plan is entitled to benefits under any other retirement plan, for service that is also Credited Service under this Plan, the benefits under this Plan shall be actuarially reduced by the benefits under the other retirement plan attributable to said service. Social Security benefits, to which a Member is entitled, are specifically exempted from this provision.
- B-4.12 Early Retirement Window for Certain Participants. Effective January 1, 2009, 2011, 2013, and 2015, a Represented Plan B Participant with not less than twenty-nine (29) years of Credited Service and not more than thirty (30) years of Credited Service under Plan B may apply to retire any time prior to reaching thirty (30) years of Credited Service and have that date deemed the Participant's Normal Retirement Date for the purpose of his/her Plan and shall have his or her benefit determined under Section B-4.1.

**SECTION B-5 - BENEFITS UPON TERMINATION OF EMPLOYMENT OTHER THAN BY DEATH OR RETIREMENT**

B-5.1 A Member, whose employment with the Commission terminates, other than by death, or retirement on a Disability Retirement Date, an Early Retirement Date, or Normal Retirement Date, shall be entitled to one or the other of the following:

(a) Refund of Contributions. He/she may elect to receive a lump sum cash refund of his/her contributions to the Trust Fund, with interest thereon at the rate of 4-1/2% per year. Said election shall be in lieu of any other benefits under the Plan.

(b) Vested Benefits.

(1) If a Member, who has completed five (5) or more years of credited service, terminates employment on or after September 1, 2001 and does not elect to receive a refund of required Member contributions, the Member shall be entitled to receive an annual benefit, commencing with what would have been his/her Normal Retirement Date assuming continued active participation in the Plan. The benefit shall be computed as provided in Section B-4.1 of this Plan, on the basis that the first of the month coinciding with or next following his/her date of termination of employment is his/her Normal Retirement Date. Members whose employment terminated prior to September 1, 2001 shall have benefits calculated utilizing the following vesting schedule and the completed years and months of service as of the date of termination:

<u>Completed Years of Credited Service</u>	<u>Percentage</u>
5	50%
6	60%
7	70%
8	80%
9	90%
10 or More	100%

Payment of said benefits shall be made in accordance with Sections B-4.5 and B-4.6 of this Plan.

(2) A Member whose job is abolished and who is not offered a substantially equal job with the Commission shall be entitled to receive, commencing with what would have been his/her Normal Retirement Date if his/her participation in the Plan had continued, a maximum annual benefit computed, as provided in Section B-4.1 of this Plan, on the basis that the first of the month coinciding with or next following the date of his/her termination of employment had been his/her Normal Retirement Date, and payable in accordance with Sections B-4.5 and B-4.6 of this Plan. Appointed Officials and employees exempted from the Merit System who are appointed by the respective County Planning Board as provided in Land Use Article, Sections 16-102 and 20-204, respectively, of the Annotated Code of Maryland, and who has otherwise reached his or her Normal



Retirement Date with his or her eligibility for Normal Retirement intact, shall be entitled to 100% vesting regardless of years of service.

## **SECTION B-6 - DEATH BENEFITS**

### **B-6.1 Spouse's and Children's Benefits – Death During Participation.**

#### **(a) Service-Connected Death.**

- (1) If a Participant is survived by a spouse, who has not been specifically excluded by the Participant for entitlement to survivor death benefits, and the Participant dies as a result of a service-connected accident or illness, as that term is defined in Section B-4.3(a) of the Plan, the spouse shall be entitled to an annual benefit, payable until death, commencing with the first of the month coinciding with or next following the date of death of the Participant, in an amount equal to the greater of the following:
  - (A) An amount computed under Section B-4.1(a) and (b) of this Plan on the basis that the deceased had continued as a Participant to what would have been his/her Normal Retirement Date, at the same Base Pay received during his/her last completed year of employment with the Commission. If the spouse is receiving benefits on the date the Participant would have otherwise reached his/her eligibility date for full Social Security retirement benefits, the amount which the spouse is receiving shall be calculated as provided in Section B-4.1(b). Effective January 1, 1994, Final Annual Base Pay for part-time Participants will be the average base salary of the Participant for the 36 calendar month period, or for the 12 calendar month period if greater, immediately preceding his/her death; or
  - (B) 25% of the Final Annual Base Pay of the Participant. Effective January 1, 1994, Final Annual Base Pay for part-time Participants will be the average base salary of the Participant for the 36 calendar month period, or for the 12 calendar month period if greater, immediately preceding his/her death.
- (2) If the Participant does not leave a surviving spouse entitled to the benefits provided in Section B-6.1, Paragraph (a)(1) of this Plan; or, if a surviving spouse entitled to the benefits provided therein should die and there are one or more surviving children under the age of 18, under the age of 23 if a full-time student or regardless of age if totally disabled and incapable of self-support; then the benefits provided under Section B-6.1, Paragraph (a)(1) of this Plan shall be payable to the surviving children of the Participant, under the age of 18, or under age 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support.
- (3) In the event the accumulated total benefit paid under this provision is less than the benefit, which would have been paid under Section B-6.2(a), the difference shall be paid in a lump sum to the surviving children, regardless of age. In the absence of any such eligible Beneficiaries, the difference shall be paid to the estate of the Participant.

(b) Non-Service-Connected Death.

- (1) If a Participant is survived by a spouse, who has not been specifically excluded by the Participant for entitlement to survivor death benefits, and the Participant dies as a result of a non-service-connected accident or illness, the spouse shall be entitled to an annual benefit until death, commencing with the first day of the month coinciding with or next following the date of death of the Participant, in an amount equal to 25% of the Final Annual Base Pay of the Participant. Effective January 1, 1994, Final Annual Base Pay for part-time Participants will be the average base salary of the Participant for the 36 calendar month period, or for the 12 calendar month period if greater, immediately preceding his/her death.
- (2) If the Participant does not leave a surviving spouse entitled to the benefits provided in Section B-6.1, Paragraph (b)(1) of this Plan; or, if a surviving spouse entitled to the benefits provided therein should die, and there are one or more surviving children under the age of 18, under the age of 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support; then the benefits provided under Section B-6.1, Paragraph (b)(1) of this Plan shall be payable to the surviving children of the Participant under the age of 18, under the age of 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support.
- (3) In the event the accumulated total benefit paid under this provision is less than the benefit, which would have been paid under Section B-6.2(a), the difference shall be paid in a lump sum to the surviving children, regardless of age. In the absence of any such eligible Beneficiaries, the difference shall be paid to the estate of the Participant.
- (4) No Beneficiary entitled to benefits under Section B-6.1(a) shall receive any benefits on account of Non-Service-Connected Death.

B-6.2 Ordinary Death Benefits.

- (a) General Rule. If a Participant or Vested Member dies prior to retiring on a Disability Retirement Date, an Early Retirement Date, or at or after Normal Retirement Date, without an option selection made under the provisions of Section B-4.6(d), and does not leave a surviving spouse or surviving children entitled to the benefits provided in Section B-6.1 of this Plan, the Beneficiary designated by him/her, in a written instrument filed with the Administrator, shall be entitled to a lump sum cash payment in an amount equal the sum of the following:
  - (1) 50% of his/her Average Annual Earnings; plus
  - (2) His/her total contributions to the Trust Fund, with interest thereon at a rate of 4-1/2% per annum.
- (b) Special Rule for Vested Members With An Option Selection on File. If a Vested Member dies prior to retiring on a Disability Retirement Date, an Early Retirement Date

or, at or after Normal Retirement Date, with an option selection made under the provisions of Section B-4.6(d), the benefit payable shall be the survivor benefit, if any, under the option selected under Section B-4.6(d).

B-6.3 Post-Retirement Death Benefits. Upon the receipt of proper proof of the death of a retired member on or after July 9, 1986, there shall be paid to such person as the member shall have designated and filed with the Board of Trustees, otherwise to his/her estate, a lump sum benefit in the amount of \$10,000. A member may designate a trust or any other entity as the beneficiary of the lump sum benefit, so long as the trust or entity has legal status as identified by a Federal Tax ID number, and so long as the designation is otherwise properly on file with the Board of Trustees.

## SECTION B-7 - CONTRIBUTIONS

B-7.1 Employee Contributions. Each Participant of Plan B of this Retirement System shall contribute to the Trust Fund 3.5% of his/her Base Pay for each pay period in a calendar year up to the maximum Social Security Wage Base for that year, and 6.5% of his/her Base Pay in excess of the Social Security Wage Base for each calendar year. Effective July 1, 2014, each Participant of Plan B of this Retirement System shall contribute to the Trust Fund 4% of his/her Base Pay for each pay period in a calendar year up to the maximum Social Security Wage Base for that year, and 7% of his/her Base Pay in excess of the Social Security Wage Base for each calendar year.

Effective January 1, 1984, the Commission shall pick up the employee contributions required by this Section for all Base Pay earned after December 31, 1983, and the contributions so picked up shall, subject to approval by the Internal Revenue Service, be treated as employer contributions in determining Federal and State Income Tax treatment under Section 414(h) of the United States Internal Revenue Code. These contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The Commission shall pay these employee contributions from the same source of funds, which is used in paying earnings to the employee. The Commission may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up, they shall be treated for all purposes of this Section B-7 in the same manner and to the same extent as employee contributions made prior to the date picked up.

B-7.2 Employer Contributions. The Commission shall contribute to the Trust Fund, from time to time, such amounts as are actuarially determined to be required to provide for the benefits under the Plans of this Retirement System.

B-7.3 No Reversion of Employer Contributions. No contributions to the Trust Fund by the Commission shall be used for, or diverted to, purposes other than for the exclusive benefit of Members and Beneficiaries, prior to the satisfaction of all liabilities under this Retirement System.

**ARTICLE C**  
**Sections Applicable to Plan C of The M-NCPPC**  
**Employees' Retirement System – Park Police Retirement Plan**

EFFECTIVE JULY 1, 1990, PLAN C IS CLOSED TO NEW MEMBERS AND ALL PLAN C MEMBERS ARE MANDATORILY TRANSFERRED TO PLAN D OF THE M-NCPPC EMPLOYEES' RETIREMENT SYSTEM. EFFECTIVE JULY 1, 1993, A MODIFIED PLAN C WAS REOPENED FOR MANDATORY PARTICIPATION OF PARK POLICE OFFICERS HIRED AFTER JULY 1, 1993, AND PLAN D WAS CLOSED TO NEW MEMBERS.

## SECTION C-1 - DEFINITIONS

- C-1.1 Condition of Employment means mandatory participation in Plan C of this Retirement System for any Park Police officer appointed by the Commission after July 1, 1993, as a career full-time employee.
- C-1.2 Credited Service means the total period of years and months of completed service credited under this Retirement Plan, completed as provided in Section C-3 of this Plan.
- C-1.3 Disability Retirement Date means the first day of the month, prior to his/her Normal Retirement Date, coinciding with or following a determination of disability of a Plan C Participant who, prior to August 1, 1982, filed his/her application for disability retirement under Section A-4.3, B-4.3, or C-4.3 of this Plan.
- C-1.4 Early Retirement Date means the first day of any month prior to a Participant's Normal Retirement Date as of which he/she has completed 20 or more years of Credited Service, regardless of age.
- C-1.5 Employee means a career Park Police officer appointed by the Commission, or a Park Police officer exempted from the Merit System and appointed by the respective County Planning Board, as provided in Land Use Article, Sections 16-102 and 17-305, respectively, of the Annotated Code of Maryland.
- C-1.6 Normal Retirement Date means the earlier of:
- (a) The first day of the month coinciding with or immediately following the date on which a Plan C Participant has both attained the age of 55 and completed 5 years of Credited Service; or
  - (b) The first day of the month coinciding with or immediately following the date on which a Plan C Participant has completed 25 years of Credited Service.
- C-1.7 Plan C Participant means a Park Police Officer who has:
- (a) Enrolled in Plan C as a Condition of Employment; or
  - (b) Elected to transfer to Plan C from Plan A pursuant to the provisions of Article A, Section A-2.4 of this Retirement System; or
  - (c) Elected to transfer to Plan C from Plan D pursuant to the provisions of Article D, Section D-2.3 of this Retirement System.

## **SECTION C-2 - REQUIREMENTS FOR PARTICIPATION**

- C-2.1 New Employees appointed by the Commission after July 1, 1993. Every full-time Employee (Park Police Officer) who is appointed by the Commission after July 1, 1993, shall, as a Condition of Employment, become a Participant in Plan C of the Employees' Retirement System on the first day of the month following the date of his/her appointment. Participation in the Plan shall be mandatory and may not be waived under any circumstances.
- C-2.2 Method of Election to Participate. Each Employee who, as a Condition of Employment, must participate in Plan C shall fill out, sign, and file with the Administrator, an application form furnished by the Administrator, which shall include an authorization for the deduction by the Commission from the compensation of the Employee, the contributions required of Employees under Plan C, and the payment of said deducted contributions by the Commission to the Trust Fund under this Plan. This authorization includes, without limitation, an authorization for the recapture by the Commission of deficient contributions. Said application shall also contain an agreement by the Employee to be bound by the provisions of the Plan and the Employees' Retirement System, as then in effect, and as thereafter amended in the manner provided for in the Retirement System. A Member of this Plan may not withdraw his/her contributions from the Retirement System, except upon termination of employment.
- C-2.3 Transfer from Plan C to Plan D. All Members of Plan C as of June 30, 1990, were transferred to Plan D effective July 1, 1990. Each Member's Credited Service under Plan C was transferred and credited under Plan D. All benefits to which the Member and/or his/her Beneficiary may be entitled shall be calculated pursuant to the provisions and the benefit criteria as set forth in Article D applicable to Plan D of the Employees' Retirement System.
- C-2.4 Transfer from Plan D to Plan C. Each Plan D Member who elected pursuant to Section D-2.3 of this Retirement System to transfer from Plan D to this Plan C shall become a Plan C Participant as of November 1, 2002.



### **SECTION C-3 - CREDITED SERVICE**

- C-3.1 Credited Service means the total completed years and months of employment of a Member, not to exceed a maximum of thirty-years, to be used in computing Retirement Benefits under Plan C, and shall be the total of the following:
- (a) Employment by the Commission in pay status while a contributing Participant in Plan C of this Retirement System.
  - (b) Service transferred to this Retirement System pursuant to Title 37 of the State Personnel and Pensions Article of the Annotated Code of Maryland, as applicable at the time of transfer.
  - (c) Service transferred to Plan C from Plan A pursuant to Article A, Section A-2.4, and Article C, Section C-2.1(a) of the M-NCPPC Employees' Retirement System.
  - (d) Service of a Member in the uniformed services of the United States provided that the members are reemployed in accordance with federal law.
  - (e) Service transferred to Plan C from Plan D pursuant to Article D, Section D-2.3, and Article C, Section C-2.4 of the M-NCPPC Employees' Retirement System.
- C-3.2 Creditability for Accumulated Sick Leave. In computing Credited Service for Normal or Early Retirement (as may be applicable pursuant to the terms of Plan C), a Member who is entitled to a benefit under this Plan C shall be entitled to receive an additional credit for earned and unused sick leave, except that such credit shall not apply for meeting minimum retirement eligibility requirements for age, nor for the purpose of determining the highest three years of Average Annual Earnings. A maximum of 301 workdays of earned and unused sick leave may be used to qualify for length of service. To be entitled to such additional credit, a Member must have accumulated unused sick leave, which would equate to a minimum of one full month of service credit (twenty-two [22] work days). After allowing for appropriate credit on the basis of full months (twenty-two [22] work days) an additional month of credited service will be given for any remainder equating to fifteen (15) or more work days, but no credit will be given for any remainder of less than fifteen (15) work days.
- C-3.3 For Participants Members who qualify to receive benefits under the Commission's Long Term Disability Insurance Plan or Comprehensive Disability Benefits Program subsequent to August 1, 1982, Credited Service shall include the total of full months in which the Member, prior to his/her Normal Retirement Date, received or was entitled to receive disability benefits. Should a Member who has been receiving disability benefits subsequently be disqualified for further benefits, then the accrual of Credited Service under this provision shall cease simultaneously with the cessation of benefits under the Commission's Long Term Disability Insurance Plan or Comprehensive Disability Benefits Program.
- C-3.4 For Members who have attained 10 or more years of Credited Service earned by employment with the Commission as a career Park Police Officer, Credited Service shall include all periods while on approved leave of absence (after the 10 year minimum), for whatever purpose and whether with or without pay, provided that the employee returns to active service at the end of the leave period, and provided that, in cases where no employee contribution has been made,

the Employee pays to the Employees' Retirement System within ninety (90) days of return to active duty, an after-tax sum equal to the employee contributions which would have been paid had normal contributions been made. If he/she does not, then no portion of the period while on leave of absence shall be counted as Credited Service.

For Members who have attained less than 10 years of Credited Service earned by employment with the Commission as a career Park Police Officer, Credited Service shall include all periods while on approved leave of absence (before the 10 year minimum), for whatever purpose and whether with or without pay, provided that the employee returns to active service at the end of the leave period, and provided that, in cases where no employee contribution has been made, the employee pays to the Employees' Retirement System within ninety (90) days of return to active duty, an after-tax sum equal to the employer and employee contributions which would have been paid had normal contributions been made. If he/she does not, then no portion of the period while on leave of absence shall be counted as Credited Service.

This provision shall not be construed so as to remove any Credited Service that a Member had attained prior to July 1, 1990.

**SECTION C-4 - RETIREMENT BENEFITS**

C-4.1 Retirement at or After Normal Retirement Date. The annual amount of retirement benefits payable to a Plan C Annuitant who retires on or after his/her Normal Retirement Date shall be in an amount equal to 2.4% of his/her Average Annual Earnings, multiplied by his/her Credited Service up to 25 years. For a Plan C Annuitant who retires with exactly 25 years of Credited Service, the annual amount of his/her retirement benefits shall be 60% of his/her Average Annual Earnings. The annual amount of retirement benefits payable to a Plan C Annuitant who retires with more than 25 years of Credited Service shall be in an amount equal to 60% of his/her Average Annual Earnings plus 2% of his/her Average Annual Earnings multiplied by his/her Credited Service in excess of 25 years. The annual benefit payable, however, shall not be in excess of 70% of his/her Average Annual Earnings (except as may occur pursuant to the operation of Section C-3.2).

C-4.2 Retirement at Early Retirement Date. The annual amount of retirement benefits payable to a Plan C Annuitant who retires at an Early Retirement Date shall be an amount equal to an applicable percentage of the benefit he/she would have been entitled to receive under Section C-4.1 hereof if his/her Early Retirement Date had been his/her Normal Retirement Date, but based on his/her Credited Service and Average Annual Earnings at his/her Early Retirement Date adjusted by applying the following percentages to account for the number of years and months by which a Plan C Annuitant's Early Retirement Date precedes his/her Normal Retirement Date:

		Years					
		0	1	2	3	4	5
M o n t h s	0	100.00	99.00	98.00	91.00	86.00	80.00
	1	99.92	98.92	97.42	90.58	85.50	
	2	99.83	98.83	96.84	90.17	85.00	
	3	99.75	98.75	96.26	89.75	84.50	
	4	99.67	98.67	95.68	89.33	84.00	
	5	99.58	98.58	95.10	88.92	83.50	
	6	99.50	98.50	94.52	88.50	83.00	
	7	99.42	98.42	93.94	88.08	82.50	
	8	99.33	98.33	93.36	87.67	82.00	
	9	99.25	98.25	92.78	87.25	81.50	
	10	99.17	98.17	92.20	86.83	81.00	
	11	99.08	98.08	91.62	86.42	80.50	

A Plan C Annuitant who retires on an Early Retirement Date may elect to have his/her retirement benefit commence on the first day of any month thereafter, beginning with his/her

Early Retirement Date. His/her retirement benefits must commence no later than the date that would have been his/her Normal Retirement Date if he/she had continued to be a Participant.

C-4.3 Retirement at Disability Retirement Date. The annual retirement benefit payable to a Plan C Annuitant who retires at a Disability Retirement Date shall be computed, as provided in this Section C-4.3. Effective August 1, 1982, Disability Retirement Benefits are prospectively discontinued under this Retirement System in favor of a comprehensive Commission-sponsored Long-Term Disability Insurance Plan.

- (a) Service-Connected Disability. Upon approval of the application of a Plan C Participant, or of the Head of his/her Department, filed prior to August 1, 1982, any Participant who has been totally and permanently incapacitated for any duty with the Commission as a result of an accident, illness, or disease occurring or incurred while the Participant was engaged in the performance of the duties of his/her employment with the Commission, without willful negligence on his/her part, the Participant shall be entitled to an annual retirement benefit in an amount equal to the greater of the following (but not to exceed his/her Average Annual Earnings):
- (1) Two-thirds of his/her Average Annual Earnings as of his/her Disability Retirement Date, plus an annuity which shall be the actuarial equivalent of his/her accumulated contributions at the time of disability retirement;
  - (2) The retirement benefit computed under Section C-4.1 hereof on the basis that his/her Disability Retirement Date was his/her Normal Retirement Date.
- (b) Ordinary Disability. Upon approval of the application of a Participant, or of the Head of his/her Department, filed prior to August 1, 1982, if: (1) the Participant has five years or more of Credited Service, (2) is so disabled mentally or physically that he/she cannot perform the duties of his/her job, or of a substantially equivalent job with the Commission that is available for him/her, (3) the disability is not due to his/her willful act, (4) the disability is likely to be permanent, and (5) the disability is not covered by Section C-4.3(a) hereof, the Participant shall be entitled to an annual retirement benefit in an amount equal to the greater of the following:
- (1) The retirement benefit computed under Section C-4.1 hereof on the basis that his/her Disability Retirement Date was his/her Normal Retirement Date; or
  - (2) 30% of his/her Average Annual Earnings.
- (c) Benefit Limitations. If the retirement benefit payable to a member retired on a disability retirement, plus disability benefits which the member receives from Social Security and any other Commission-sponsored insurance program, exceeds 100% of final Base Pay, the Member's Disability Retirement Benefits shall be reduced to the extent that the total initial benefit from all sources equals, but does not exceed, 100% of his/her final Base Pay.
- (d) Determination of Disability. In no event shall an application for disability retirement be permitted or Disability Retirement Benefits granted, on behalf of a Participant who has attained his/her Normal Retirement Date, or who has applied for a disability retirement

on or after August 1, 1982. All determinations shall be made by the Merit System Board, with a recommendation to the Board of Trustees, whose determination shall be final. A disability determination shall be begun upon written application of a Participant or the Head of his/her Department, filed with the Administrator and referred to the Merit System Board. Before making its determination, the Merit System Board shall obtain a written opinion from the Medical Review Committee with regard to the nature, cause, degree of permanence, and effect of alleged disability. The Medical Review Committee conducts such inquiry as it deems necessary and proper under the circumstances in order to give said opinion, in addition to its medical examination of the Participant. In cases of doubt, or upon request of the Participant or the Board of Trustees, the Merit System Board shall hold a hearing for the purpose of reviewing medical and other testimony pertinent to the Participant's application for disability retirement.

- (e) Continuation of Disability Retirement. Disability Retirement Benefits shall continue so long as the Member remains disabled, as defined in this Section C-4.3. The Merit System Board may require physical re-examination from time to time to determine the continuance of disability. The Merit System Board may also require the Member to participate in a program of rehabilitation, provided at no expense to the Member, to attempt to ameliorate or remove the disability. If the Member does not participate in such a program in good faith, in the opinion of the Merit System Board, his/her disability retirement shall cease forthwith, and shall not begin again until he/she does so participate. Disability Retirement Benefits shall not be terminated after a Member has reached what would have been his/her Normal Retirement Date under this Plan if he/she had not retired on a Disability Retirement Date.
  
- (f) Reemployment of Member Receiving Disability Retirement Benefits - Payment of Rehabilitation Stipend. This provision is intended to facilitate offering of career opportunities to disability retirees. Should a Member, retired under the Disability Retirement provisions of this Retirement System, be reemployed by the Commission in a career Merit System position, the Member's Disability Retirement Benefits shall cease on the first of the month coinciding with or immediately following his/her reemployment. If the Annual Base Pay (Mid-Point Salary Level) for the position in which the Member is reemployed, should be less than the Member's Base Pay immediately preceding his/her Disability Retirement Date, a monthly Rehabilitation Stipend shall be paid to the Member until the earlier of his/her Normal Retirement Date, or the first of the month coinciding with or immediately following the date upon which the Member attains a salary level in his/her new position which, at that point in time, is equal to or greater than, the maximum salary then being paid for the position held by the Member immediately preceding his/her Disability Retirement Date. The amount of the monthly Stipend shall be calculated as one-twelfth of the difference between the Annual Base Pay of the Member immediately preceding his/her Disability Retirement Date and the initial Annual Base Pay (Mid-Point Salary Level) for the new position which the Member is assuming, but in no event shall the Rehabilitation Stipend exceed the Disability Retirement Benefit being paid to the Member immediately preceding his/her reemployment. The Member shall again become a Participant in the Plan in which he/she participated at Disability Retirement Date; he/she shall again make employee contributions as a percentage of Base Pay provided for by that Plan; and, he/she shall again accrue Credited Service as a participating Member of the Employees'

Retirement System. The Member's Normal Retirement Benefits shall subsequently be based on his/her total Credited Service and his/her Average Annual Earnings, based on actual annual Base Pay without regard to any Rehabilitation Stipends received.

C-4.4 Change in Amount of Retirement Benefits Due to Change in Cost-of-Living Index. The retirement benefits payable under this Plan may be increased or decreased as of each July 1<sup>st</sup> after the Effective Date, for any Beneficiary who had been receiving his/her retirement benefits for at least six months. The increase or decrease shall be determined by the percentage increase or decrease in the Consumer Price Index – All Items Annual Average, Urban Index for Major U.S. Cities, for the preceding twelve months, prepared by the United States Department of Labor, above or below the level of said Index on the immediately preceding December 31<sup>st</sup>. If the percentage increase or decrease in the Consumer Price Index, for any year, is 3% or less, the retirement benefits payable shall be adjusted by 100% of the increase or decrease. If the percentage increase or decrease in the Consumer Price Index, for any year, is greater than 3%, the retirement benefits payable shall be adjusted by 3% plus one-half of the percentage increase or decrease above 3%. The maximum adjustment for any year shall be 5%. No decrease shall reduce the retirement benefit below its initial amount. No decrease shall be made except to the extent that the retirement benefit is, at that time, in excess of the level it would have then obtained if it had been increased by the total percentage increase in the Index since the first July 1<sup>st</sup> on which an adjustment under this paragraph could have been made without regard to the limitation provided in this paragraph.

Notwithstanding the foregoing, (1) effective July 1, 2012, retirement benefits payable under this Plan shall not be decreased because of a decrease in the Consumer Price Index described above; (2) effective July 1, 2012, the portion of a person's retirement benefits attributable to Credited Service (other than Credited Service based on earned and unused sick leave as which shall be governed by (3) below) credited for periods on or after July 1, 2012, shall be subject to a maximum adjustment of 2.5% in any Plan year; and, (3) effective January 1, 2013, Credited Service based on earned and unused sick leave pursuant to the terms of the Plan attributable to full pay periods beginning on or after January 1, 2013, shall be subject to a maximum adjustment of 2.5% in any Plan year. For purposes of interpreting the preceding sentence, (A) Credited Service attributable to a transfer or purchase of service credit not commenced prior to July 1, 2012, pursuant to procedures established for the Plan, shall be considered attributable to a pay period beginning on or after July 1, 2012, and thus subject to the 2.5% maximum adjustment and (B) Credited Service attributable to after-tax payments within ninety (90) days after a leave of absence shall be deemed to relate to the period of the leave of absence.

C-4.5 Payment of Retirement Benefits. Retirement benefits under Plan C shall be payable in equal monthly installments, unless another payment scheduled has been established as provided in the Plan. The first payment of Normal or Early Retirement Benefits may be made on the date a Beneficiary first becomes entitled to the retirement benefit. The first payment of Disability Retirement Benefits shall be made on the date established by the Board of Trustees, but not later than the first of the month following approval by the Board of Trustees of the application for Disability Retirement. The last payment shall be made on the first day of the calendar month in which the Beneficiary dies, unless: (a) payments have been made for less than 10 years; or (b) the Member had selected an optional form of benefit payment under Section C-4.6 of the Plan. If said retirement benefits have been paid for less than 10 years, the Beneficiary designated by the Member shall receive the remaining payments that would have been made to

the Member until benefits have been paid for 10 years. If an optional form of benefit payment has been selected, payments will be made as required by the option selected.

C-4.6 Optional Forms of Benefit Payments. A Member may elect one of the following forms of payment of his/her retirement benefit payable at Normal Retirement Date, Early Retirement Date, or Disability Retirement Date, in place of the method of payment provided in Section C-4.5 of this Plan. Each of these optional methods of payment shall be the actuarial equivalent of said retirement benefit as payable under Section C-4.5. The optional methods of payment are as follows:

- (a) A Member may elect to receive a reduced retirement benefit during his/her lifetime, and to have all or a specified portion of such reduced retirement benefit paid to a Contingent Annuitant. The Board of Trustees shall make uniform rules as to what portion or portions of the reduced retirement benefits may be made payable to a Contingent Annuitant, subject to the restrictions in the next paragraph hereof.
- (b) A Member may elect to receive a benefit described in Section C-4.6(a) that provides that, on the death of the Contingent Annuitant prior to the death of the Member, a Member's retirement benefit will revert to the amount that would have been payable as a single life annuity when the Member's retirement benefit originally commenced (as adjusted for cost-of-living adjustments granted since benefit commencement). There shall be no additional right of survivorship after the death of a Contingent Annuitant.
- (c) A Member may elect any other optional method of payment of his/her monthly retirement income that is acceptable to the Board of Trustees, in accordance with uniform rules adopted by the Board of Trustees, but no option may be elected that would:
  - (1) Permit the interest of a Member to be retained in the Trust Fund after the Member becomes entitled to retirement benefits under this Plan, and only the interest thereon to be paid to the Member during his/her lifetime, the balance to be paid after the death of the Member; or
  - (2) Would permit installment payments to a Contingent Annuitant to continue for a longer period than the longest of the life of the Member's spouse, the life expectancy of the Member on the commencement date of his/her retirement benefits, or the joint life and last survivor expectancy of the Member and his/her spouse on the commencement date of the Member's retirement benefit.
  - (3) Permit installment payments in other than equal amounts, except to the extent that, in accordance with uniform rules adopted by the Board of Trustees, the Member may elect to receive a greater retirement benefit prior to the commencement of his/her Federal Social Security Act benefits and a lesser retirement benefit thereafter, in order to provide him/her with retirement benefits in the aggregate of equivalent actuarial value which will give him/her, insofar as practicable, a level total income for life under the Plan and the Social Security Act.

- (d) A fully Vested Member, whose employment with the Commission terminated on or after the date he/she was eligible for Early Retirement Benefits, may elect in writing to defer benefits until his/her Normal Retirement Date, rather than receive an actuarially reduced Early Retirement Benefit. A Member, who has made this election, may irrevocably elect any of the foregoing optional forms of payment, which shall be effective with the commencement of benefits at Normal Retirement Date. Should the Member die prior to Normal Retirement Date, his/her Contingent Annuitant shall be entitled to receive, effective with the date that would have been the Member's Normal Retirement Date, the appropriate income, as survivor, under the option selected.
- (e) Anything in the Plan to the contrary notwithstanding, if monthly payments that shall be payable to any Beneficiary under the Plan shall be less than \$25.00; then if the Board of Trustees shall so direct, the aggregate of the amounts which shall be payable to him/her hereunder in any year shall be paid in quarterly, semi-annual, or annual payments, or, with the payee's approval, the actuarial lump sum value of the amounts that shall be payable to him/her hereunder shall be paid in one sum of payments over a specified period of time.

C-4.7 Exercise of Election and Designation of Contingent Annuitant. The election of an optional method of payment and the designation of a Contingent Annuitant must be in writing. It must be filed with the Board of Trustees prior to the commencement date of the Member's retirement benefits under this Plan. With the exception of an irrevocable election under Section C-4.6(d), either the election, or the designation, or both, may be changed by the Member, from time to time, at any time prior to the commencement date of his/her retirement benefits under this Plan.

C-4.8 Revocation of Election by Occurrence of Certain Events. If a Member who has elected an optional form of payment dies before the commencement date of his/her retirement benefits under this Plan, no retirement annuity shall be paid to his/her Contingent Annuitant. The payment shall be made in accordance with the provisions of Section C-6: Death Benefits. If a Contingent Annuitant dies prior to the commencement date of the Member's retirement benefits under this Plan, the election and the designation shall be void, irrespective of when made, except in the case of a Vested Member who has selected an option under the provisions of Section C-4.6(d). If a Contingent Annuitant dies after the commencement date of the Member's retirement benefits under this Plan, the Annuitant shall continue to receive the appropriate retirement to which he/she is entitled under the option, which he/she selected. If a Vested Member, who has selected an option under the provisions of Section C-4.6(d), dies prior to the commencement date of his/her retirement benefits, his/her Contingent Annuitant shall receive the appropriate retirement benefit to which he/she is entitled under the option selected, commencing with what would have been the Vested Member's Normal Retirement Date. If both the Annuitant and his/her designated primary Beneficiary die prior to completion of payments under an option providing for a guaranteed number of payments, the commuted value of the balance of the payments shall be paid in a lump sum to the next Beneficiary designated in writing by the Annuitant; or, in the absence of such designation, or if a person so designated is not then living, to the estate of the last to die of the Annuitant and his/her primary Beneficiary.

C-4.9 Incapacity of Beneficiary. If, for any reason, the Board of Trustees shall determine that it is not desirable, because of the incapacity of the person who shall be entitled to receive any payment in accordance with the provisions of this Plan, to make such payment direct to such person, the



Board of Trustees shall give notice to said person of its intention to make alternate payment. Said person shall be advised of the time, date, and place of the meeting at which such action shall take place, and the basis upon which the Board proposes to alter the manner of payment. The Beneficiary shall have the right to be represented by counsel, at his/her own expense, and to present witnesses and testimony in opposition to the Board's action. In any such proceeding, the burden of proof shall be on the Board. The Board's decision shall be based upon the evidence presented at the hearing. If the Board of Trustees is presented with a certified copy of a judicial decree of a court of competent jurisdiction, determining that a Beneficiary entitled to receive benefits is incompetent and appointing a guardian, the Board of Trustees shall be entitled to act upon that court order without further inquiry. In the event the Board proposes to act on the basis of a court order, it shall give advance notice of the time, date, and place of the meeting at which such action shall take place.

C-4.10 Missing Member or Beneficiary. If the Board of Trustees is not able to locate any person to whom a benefit is due under this Plan, after making all reasonable efforts to do so, such benefit shall not be payable to such person until he/she has been located. Reasonable efforts shall mean the use of the Social Security Administration Employer Reporting Service or any other methodology deemed appropriate by the Board of Trustees or its delegate. If, after a period of two years and eleven months from the date on which the earliest unpaid benefit was due, he/she is not located, the person's interest in the Plan and any unpaid benefits to which he/she would otherwise be entitled, shall be forfeited. If the person later makes a request for the forfeited benefit, such benefit shall be reinstated and paid to the person, but without earnings or interest thereon.

C-4.11 Reduction of Benefits by Benefits Under Other Plans. If a Member under this Plan is entitled to benefits under any other retirement plan for service that is also Credited Service under this Plan, the benefits under this Plan shall be actuarially reduced by the benefits under the other retirement plan attributable to said service. Social Security benefits, to which a Member is entitled, are specifically exempted from this provision.

**SECTION C-5 - BENEFITS UPON TERMINATION OF EMPLOYMENT OTHER THAN BY DEATH OR RETIREMENT**

C-5.1 A Member, whose employment with the Commission terminates, other than by death, or retirement on a Disability Retirement Date, an Early Retirement Date, or Normal Retirement Date, shall be entitled to one or the other of the following:

(a) Refund of Contributions. He/she may elect to receive a lump sum cash refund of his/her contributions to the Trust Fund, with interest thereon at the rate of 4 1/2% per year. Said election shall be in lieu of any other benefits under the Plan.

(b) Vested Benefits.

(1) If a Member, who has completed five (5) or more years of credited service, terminates employment on or after September 1, 2001 and does not elect to receive a refund of required Member contributions, the Member shall be entitled to receive an annual benefit, commencing with what would have been his/her Normal Retirement Date assuming continued active participation in the Plan. The benefit shall be computed as provided in Section C-4.1 of this Plan, on the basis that the first of the month coinciding with or next following his/her date of termination of employment is his/her Normal Retirement Date. Members whose employment terminated prior to September 1, 2001 shall have benefits calculated utilizing the following vesting schedule and the completed years and months of service as of the date of termination:

<u>Completed Years of Credited Service</u>	<u>Percentage</u>
5	50%
6	60%
7	70%
8	80%
9	90%
10 or More	100%

Payment of said benefits shall be made in accordance with Sections C-4.5 and C-4.6 of this Plan.

(2) A Member whose job is abolished and who is not offered a substantially equal job with the Commission shall be entitled to receive, commencing with what would have been his/her Normal Retirement Date if his/her participation in the Plan had continued, a maximum annual benefit computed as provided in Section C-4.1 of this Plan on the basis that the first of the month coinciding with or next following the date of his/her termination of employment had been his/her Normal Retirement Date, and payable in accordance with Sections C-4.5 and C-4.6 of this Plan.

## SECTION C-6 - DEATH BENEFITS

### C-6.1 Spouse's and Children's Benefits – Death During Participation.

(a) Service-Connected Death or Death of Long-Term Participant.

- (1) If a Participant is survived by a spouse, who has not been specifically excluded by the Participant for entitlement to survivor death benefits, and the Participant died either: (a) as a result of a service-connected accident or illness; as that term is defined in Section C-4.3(a) of the Plan or (b) after the Participant had attained 10 or more years of Credited Service earned by employment with the Commission as a career Park Police Officer, the spouse shall be entitled to an annual benefit, payable until death, commencing with the first of the month coinciding with or next following the date of death of the Participant, in an amount equal to the greater of the following:
  - (A) An amount computed under Section C-4.1 of this Plan on the basis that the deceased had continued as a Participant to what would have been his/her Normal Retirement Date, at the same Base Pay received during his/her last completed year of employment with the Commission; or
  - (B) 25% of the Final Annual Base Pay of the Participant.
- (2) If the Participant does not leave a surviving spouse entitled to the benefits provided in Section C-6.1, Paragraph (a)(1) of this Plan; or, if a surviving spouse entitled to the benefits provided therein should die and there are one or more surviving children under the age of 18, under the age of 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support; then the benefits provided under Section C-6.1, Paragraph (a)(1) of this Plan shall be payable to the surviving children of the Participant, under the age of 18, or under age 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support.
- (3) In the event the accumulated total benefit paid under this provision is less than the benefit, which would have been paid under Section C-6.2(a), the difference shall be paid in a lump sum to the surviving children, regardless of age. In the absence of any such eligible Beneficiaries, the difference shall be paid to the estate of the Participant.

(b) Other Deaths.

- (1) If a Participant is survived by a spouse, who has not been specifically excluded by the Participant for entitlement to survivor death benefits, and the Participant died as a result of a non-service-connected accident or illness, and the Participant had less than 10 years of Credited Service earned by employment with the Commission as a career Park Police Officer, the spouse shall be entitled to an annual benefit until death, commencing with the first day of the month coinciding with or next following the date of death of the Participant, in an amount equal to 25% of the Final Annual Base Pay of the Participant.

- (2) If the Participant does not leave a surviving spouse entitled to the benefits provided in Section C-6.1, Paragraph (b)(1) of this Plan; or, if a surviving spouse entitled to the benefits provided therein should die and there are one or more surviving children under the age of 18, under the age of 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support; then the benefits provided under C-6.1, Paragraph (b)(1) of this Plan shall be payable to the surviving children of the Participant, under the age of 18, under age 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support.
- (3) In the event the accumulated total benefit paid under this provision is less than the benefit, which would have been paid under Section C-6.2(a), the difference shall be paid in a lump sum to the surviving children, regardless of age. In the absence of any such eligible Beneficiaries, the difference shall be paid to the estate of the Participant.
- (4) No Beneficiary entitled to benefits under Section C-6.1(a) shall receive any benefits under Section C-6.1(b).

#### C-6.2 Ordinary Death Benefits.

- (a) General Rule. If a Participant or Vested Member dies prior to retiring on a Disability Retirement Date, an Early Retirement Date, or at or after Normal Retirement Date, without an option selection made under the provisions of Section C-4.6(d), and does not leave a surviving spouse or surviving children entitled to the benefits provided in Section C-6.1 of this Plan, the Beneficiary designated by him/her, in a written instrument filed with the Administrator, shall be entitled to a lump sum cash payment in an amount equal to the sum of the following:
  - (1) 50% of his/her Average Annual Earnings; plus
  - (2) His/her total contributions to the Trust Fund, with interest thereon at the rate of 4 1/2% per annum.
- (b) Special Rule for Vested Members With An Option Selection on File. If a Vested Member dies prior to retiring on a Disability Retirement Date, an Early Retirement Date or, at or after Normal Retirement Date, with an option selection made under the provisions of Section C-4.6(d), the benefit payable shall be the survivor benefit, if any, under the option selected under Section C-4.6(d).

C-6.3 Post-Retirement Death Benefits. Upon the receipt of proper proof of the death of a retired member on or after July 9, 1986, there shall be paid to such person as the member shall have designated and filed with the Board of Trustees, otherwise to his/her estate, a lump sum benefit in the amount of \$10,000. A member may designate a trust or any other entity as the beneficiary of the lump sum benefit, so long as the trust or entity has legal status as identified by a Federal Tax ID number, and so long as the designation is otherwise properly on file with the Board of Trustees.

## SECTION C-7 - CONTRIBUTIONS

- C-7.1 Employee Contributions. Each Participant of Plan C of this Retirement System shall contribute to the Trust Fund 8% of his/her Base Pay as of the first pay period following November 1, 2002 (7% of his/her Base Pay for prior pay periods). Effective January 1, 1984, the Commission shall pick up the employee contributions required by this Section for all Base Pay earned after December 31, 1983, and the contributions so picked up shall, subject to approval by the Internal Revenue Service, be treated as employer contributions in determining Federal and State Income Tax treatment under Section 414(h) of the United States Internal Revenue Code. These contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The Commission shall pay these employee contributions from the same source of funds, which is used in paying earnings to the employee. The Commission may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up, they shall be treated for all purposes of this Section C-7 in the same manner and to the same extent as employee contributions made prior to the date picked up.
- C-7.2 Employer Contributions. The Commission shall contribute to the Trust Fund from time to time such amounts as are actuarially determined to be required to provide for the benefits under the Plans of this Retirement System.
- C-7.3 No Reversion of Employer Contributions. No contributions to the Trust Fund by the Commission shall be used for, or diverted to, purposes other than for the exclusive benefit of Members and Beneficiaries, prior to the satisfaction of all liabilities under this Retirement System.

**ARTICLE D**  
**Sections Applicable to Plan D of The M-NCPPC**  
**Employees' Retirement System – Park Police Retirement Plan**

EFFECTIVE JULY 1, 1993, PLAN D WAS CLOSED TO NEW MEMBERS.

## SECTION D-1 - DEFINITIONS

- D-1.1 Condition of Employment means mandatory participation in Plan D of this Retirement System for any Park Police Officer appointed by the Commission on or after July 1, 1990, through July 1, 1993, as a career full-time Merit System employee.
- D-1.2 Credited Service means the total period of years and months of completed service credited under this Retirement Plan, completed as provided in Section D-3 of this Plan.
- D-1.3 Disability Retirement Date means the first day of the month, prior to his/her Normal Retirement Date, coinciding with or following a determination of disability of a Plan D Participant who, prior to August 1, 1982, filed his/her application for disability retirement under Section A-4.3, B-4.3, or C-4.3 of these Plans.
- D-1.4 Early Retirement Date means the first day of any month prior to a Participant's Normal Retirement Date as of which he/she has completed 20 or more years of Credited Service, regardless of age.
- D-1.5 Employee means a career Park Police Officer appointed by the Commission, or a Park Police officer exempted from the Merit System and appointed by the respective County Planning Board, as provided in Land Use Article, Sections 16-102 and 17-305, respectively, of the Annotated Code of Maryland.
- D-1.6 Normal Retirement Date means the earlier of:
- (a) The first day of the month coinciding with or immediately following the date on which a Plan D Participant has both attained the age of 55 and completed 5 years of Credited Service; or
  - (b) The first day of the month coinciding with or immediately following the date on which a Plan D Participant has completed 22 years of Credited Service.
- D-1.7 Plan D Participant means a Park Police Officer who has:
- (a) Enrolled in Plan D as a Condition of Employment and did not elect to transfer to Plan C pursuant to Article D, Section D-2.3; or
  - (b) Elected to transfer to Plan D from Plan A pursuant to the provisions of Article A, Section A-2.4, of this Retirement System; or
  - (c) Participated in Plan C and, in accordance with a collective bargaining agreement, was mandatory transferred to Plan D, effective July 1, 1990, and did not elect to transfer to Plan C pursuant to Article D, Section D-2.3.

## SECTION D-2 - REQUIREMENTS FOR PARTICIPATION

- D-2.1(a) Park Police Officers employed on December 31, 1978, covered by The Maryland-National Capital Park and Planning Commission Employees' Retirement Plan (hereinafter designated as Plan A of the Employees' Retirement System). Beginning March 1, 1992, a Park Police Officer who is a Plan A Participant may upon written notification to the Administrator, during the month of March each year, elect to transfer from Plan A to Plan D. All benefits to which the Participant and/or his/her Beneficiary may be entitled shall be calculated pursuant to the provisions and the benefit criteria, as set forth in Article D, applicable to Plan D of the Employees' Retirement System.
- (b) Park Police Officers on June 30, 1990, not covered by Plan A or Plan C of the Employees' Retirement System. Any eligible Employee (Park Police Officer) who was not a Plan A or Plan C Participant on June 30, 1990, may elect to become a Participant in Plan D on the first day of any month on or after July 1, 1990.
- (c) All Plan C Members as of June 30, 1990. Effective July 1, 1990, all Plan C Members shall mandatorily be transferred to Plan D of the Employees' Retirement System.
- (d) New Employees appointed by the Commission on or after July 1, 1990. Every full-time Merit System Employee (Park Police Officer) who was appointed by the Commission on or after July 1, 1990, was to become, as a Condition of Employment, a Participant in Plan D of the Employees' Retirement System on the first day of the month following the date of his/her appointment. Effective July 1, 1993, Plan D was closed.
- D-2.2 Method of Election to Participate. Each Employee who, as a Condition of Employment, must participate in Plan D; and shall fill out, sign, and file with the Administrator, an application form furnished by the Administrator, which shall include an authorization for the deduction by the Commission from the compensation of the Employee, the contributions required of Employee under Plan D, and the payment of said deducted contributions by the Commission to the Trust Fund under this Plan. This authorization includes, without limitation, an authorization for the recapture by the Commission of deficient contributions. Said application shall also contain an agreement by the Employee to be bound by the provisions of the Plan and the Employees' Retirement System, as then in effect, and as thereafter amended in the manner provided for in the Retirement System. A Member of this Plan may not withdraw his/her contributions from the Retirement System, except upon termination of employment.
- D-2.3 Election to Transfer from Plan D to Plan C. Beginning February 1, 2002, and ending October 25, 2002, any Plan D Participant may, upon his/her written notification to the Administrator on a form provided by the Administrator, elect to transfer from Plan D to Plan C. Any election to transfer from Plan D to Plan C shall be final and non-reversible, and the Participant's Credited Service under Plan D shall be transferred and credited under Plan C as of November 1, 2002. All benefits to which the Member and/or his/her Beneficiary may be entitled shall be calculated pursuant to the provisions and the benefit criteria as set forth in Article C applicable to Plan C of the Employees' Retirement System. Notwithstanding the foregoing, an election pursuant to this Section D-2.3 shall not take effect unless such Member is a Participant on November 1, 2002.



### **SECTION D-3 - CREDITED SERVICE**

- D-3.1 Credited Service means the total completed years and months of employment of a Member, not to exceed a maximum of thirty-two (32) years, to be used in computing Retirement Benefits under Plan D, and shall be the total of the following:
- (a) Employment by the Commission while a contributing Participant in Plan D of this Retirement System.
  - (b) Service transferred to this Retirement System pursuant to Title 37 of the State Personnel and Pensions Article of the Annotated Code of Maryland, as applicable at the time of transfer.
  - (c) Service transferred to Plan D from Plan A or Plan C, pursuant to Article A, Section A-2.4, Article C, Section C-2.3, and Article D, Section D-2.1 of the M-NCPPC Employees' Retirement System.
  - (d) Service of a Member in the uniformed services of the United States provided that members are reemployed in accordance with federal law.
- D-3.2 Creditability for Accumulated Sick Leave. In computing Credited Service for Normal or Early Retirement (as may be applicable pursuant to the terms of Plan D), a Member who is entitled to a benefit under this Plan D shall be entitled to receive an additional credit for earned and unused sick leave, except that such credit shall not apply for meeting minimum retirement eligibility requirements for age, nor for the purpose of determining the highest three years of Average Annual Earnings. A maximum of 301 workdays of earned and unused sick leave may be used to qualify for length of service. To be entitled to such additional credit, a Member must have accumulated unused sick leave, which would equate to a minimum of one full month of service credit (twenty-two [22] work days). After allowing for appropriate credit on the basis of full months (twenty-two [22] work days) an additional month of credited service will be given for any remainder equating to fifteen (15) or more work days, but no credit will be given for any remainder of less than fifteen (15) work days.
- D-3.3 For Members who qualify to receive benefits under the Commission's Long-Term Disability Insurance Plan or Comprehensive Disability Benefits Program subsequent to August 1, 1982, Credited Service shall include the total of full months in which the Member, prior to his/her Normal Retirement Date, received or was entitled to receive disability benefits. Should a Member who has been receiving disability benefits subsequently be disqualified for further benefits, then the accrual of Credited Service under this provision shall cease simultaneously with the cessation of benefits under the Commission's Long-Term Disability Insurance Plan or Comprehensive Disability Benefits Program.
- D-3.4 For Members who have attained 10 or more years of Credited Service earned by employment with the Commission as a career Park Police Officer, Credited Service shall include all periods while on approved leave of absence (after the 10-year minimum), for whatever purpose and whether with or without pay, provided that the employee returns to active service at the end of the leave period, and provided that, in cases where no employee contribution has been made, the Employee pays to the Employees' Retirement System within ninety (90) days of return to active duty, an after-tax sum equal to the employee contributions which would have been paid

had normal contributions been made. If he/she does not, then no portion of the period while on leave of absence shall be counted as Credited Service.

For Members who have attained less than 10 years of Credited Service earned by employment with the Commission as a career Park Police Officer, Credited Service shall include all periods while on approved leave of absence (before the 10 year minimum), for whatever purpose and whether with or without pay, provided that the employee returns to active service at the end of the leave period, and provided that, in cases where no employee contribution has been made, the employee pays to the Employees' Retirement System within ninety (90) days of return to active duty, an after-tax sum equal to the employer and employee contributions which would have been paid had normal contributions been made. If he/she does not, then no portion of the period while on leave of absence shall be counted as Credited Service.

This provision shall not be construed so as to remove any Credited Service that a Participant had attained prior to July 1, 1990.

## SECTION D-4 - RETIREMENT BENEFITS

- D-4.1 Retirement at or after Normal Retirement Date. The annual amount of retirement benefits payable to a Plan D Annuitant who retires on or after his/her Normal Retirement Date shall be in an amount equal to 2.27% of his/her Average Annual Earnings, multiplied by his/her Credited Service up to 22 years. For a Plan D Annuitant who retires with exactly 22 years of Credited Service, the annual amount of his/her retirement benefits shall be 50% of his/her Average Annual Earnings. The annual amount of retirement benefits payable to a Plan D Annuitant who retires with more than 22 years of Credited Service shall be in an amount equal to 50% of his/her Average Annual Earnings plus 2% of his/her Average Annual Earnings multiplied by his/her Credited Service in excess of 22 years. The annual benefit payable, however, shall not be in excess of 100% of his/her Average Annual Earnings.
- D-4.2 Retirement at Early Retirement Date. The annual amount of retirement benefits payable to a Plan D Annuitant who retires at an Early Retirement Date shall be an amount equal to the benefit he/she would have been entitled to receive under Section D-4.1 hereof if his/her Early Retirement Date had been his/her Normal Retirement Date, but based on his/her Credited Service and Average Annual Earnings at his/her Early Retirement Date, reduced by 1/180 for each month by which the commencement date of the Early Retirement Benefit precedes the date that would have been his/her Normal Retirement Date if he/she had continued as a Participant. A Plan D Annuitant who retires on an Early Retirement Date may elect to have his/her retirement benefit commence on the first day of any month thereafter, beginning with his/her Early Retirement Date. His/her retirement benefits must commence no later than the date that would have been his/her Normal Retirement Date if he/she had continued to be a Participant.
- D-4.3 Retirement at Disability Retirement Date. The annual retirement benefit payable to a Plan D Annuitant who retires at a Disability Retirement Date shall be computed as provided in this Section D-4.3. Effective August 1, 1982, Disability Retirement Benefits were prospectively discontinued under this Retirement System in favor of a comprehensive Commission-sponsored Long-Term Disability Insurance Plan.
- (a) Service-Connected Disability. Upon approval of the application of a Plan D Participant or of the Head of his/her Department, filed prior to August 1, 1982, any Participant who has been totally and permanently incapacitated for any duty with the Commission as a result of an accident, illness, or disease occurring or incurred while the Participant was engaged in the performance of the duties of his/her employment with the Commission, without willful negligence on his/her part, the Participant shall be entitled to an annual retirement benefit in an amount equal to the greater of the following (but not to exceed his/her Average Annual Earnings):
- (1) Two-thirds of his/her Average Annual Earnings as of his/her Disability Retirement Date, plus an annuity which shall be the actuarial equivalent of his/her accumulated contributions at the time of disability retirement;
  - (2) The retirement benefit computed under Section D-4.1 hereof on the basis that his/her Disability Retirement Date was his/her Normal Retirement Date.

- (b) Ordinary Disability. Upon approval of the application of a Participant, or of the Head of his/her Department, filed prior to August 1, 1982, if: (1) the Participant has five years or more of Credited Service, (2) is so disabled mentally or physically that he/she cannot perform the duties of his/her job, or of a substantially equivalent job with the Commission that is available for him/her, (3) the disability is not due to his/her willful act, (4) the disability is likely to be permanent, and (5) the disability is not covered by Section D-4.3(a) hereof, the Participant shall be entitled to an annual retirement benefit in an amount equal to the greater of the following:
- (1) The retirement benefit computed under Section D-4.1 hereof on the basis that his/her Disability Retirement Date was his/her Normal Retirement Date; or
  - (2) 30% of his/her Average Annual Earnings.
- (c) Benefit Limitations. If the retirement benefit payable to a Member retired on a disability retirement, plus disability benefits which the Member receives from Social Security and any other Commission-sponsored insurance program, exceeds 100% of final Base Pay, the Member's Disability Retirement Benefits shall be reduced to the extent that the total initial benefit from all sources equals, but does not exceed, 100% of his/her final Base Pay.
- (d) Determination of Disability. In no event shall an application for disability retirement be permitted or Disability Retirement Benefits granted, on behalf of a Participant who has attained his/her Normal Retirement Date, or who has applied for a disability retirement on or after August 1, 1982. All determinations shall be made by the Merit System Board, with a recommendation to the Board of Trustees, whose determination shall be final. A disability determination shall be begun upon written application of a Participant or the Head of his/her Department, filed with the Administrator and referred to the Merit System Board. Before making its determination, the Merit System Board shall obtain a written opinion from the Medical Review Committee with regard to the nature, cause, degree of permanence, and effect of alleged disability. The Medical Review Committee conducts such inquiry as it deems necessary and proper under the circumstances in order to give said opinion, in addition to its medical examination of the Participant. In cases of doubt, or upon request of the Participant or the Board of Trustees, the Merit System Board shall hold a hearing for the purpose of reviewing medical and other testimony pertinent to the Participant's application for disability retirement.
- (e) Continuation of Disability Retirement. Disability Retirement Benefits shall continue so long as the Member remains disabled, as defined in this Section D-4.3. The Merit System Board may require physical re-examination from time to time to determine the continuance of disability. The Merit System Board may also require the Member to participate in a program of rehabilitation, provided at no expense to the Member, to attempt to ameliorate or remove the disability. If the Member does not participate in such a program in good faith, in the opinion of the Merit System Board, his/her disability retirement shall cease forthwith, and shall not begin again until he or she does so participate. Disability Retirement Benefits shall not be terminated after a Member has reached what would have been his or her Normal Retirement Date under this Plan if he or she had not retired on a Disability Retirement Date.

- (f) Reemployment of Member Receiving Disability Retirement Benefits - Payment of Rehabilitation Stipend. This provision is intended to facilitate offering of career opportunities to disability retirees. Should a Member, retired under the Disability Retirement provisions of this Retirement System, be reemployed by the Commission in a career Merit System position, the Member's Disability Retirement Benefits shall cease on the first of the month coinciding with or immediately following his or her reemployment. If the Annual Base Pay (Mid-Point Salary Level) for the position in which the Member is reemployed, should be less than the Member's Base Pay immediately preceding his/her Disability Retirement Date, a monthly Rehabilitation Stipend shall be paid to the Member until the earlier of his/her Normal Retirement Date, or the first of the month coinciding with or immediately following the date upon which the Member attains a salary level in his/her new position which, at that point in time, is equal to or greater than the maximum salary then being paid for the position held by the Member immediately preceding his/her Disability Retirement Date. The amount of the monthly stipend shall be calculated as one-twelfth of the difference between the Annual Base Pay of the Member immediately preceding his/her Disability Retirement Date and the initial Annual Base Pay (Mid-Point Salary Level) for the new position which the Member is assuming, but in no event shall the Rehabilitation Stipend exceed the Disability Retirement Benefit being paid to the Member immediately preceding his/her reemployment. The Member shall again become a Participant in the Plan in which he/she participated at Disability Retirement Date; he/she shall again make employee contributions as a percentage of Base Pay provided for by that Plan; and, he/she shall again accrue Credited Service as a participating Member of the Employees' Retirement System. The Member's Normal Retirement Benefits shall subsequently be based on his/her total Credited Service and his/her Average Annual Earnings, based on actual annual Base Pay without regard to any Rehabilitation Stipends received.

D-4.4 Change in Amount of Retirement Benefits Due to Change in Cost-of-Living Index. The retirement benefits payable under this Plan may be increased or decreased as of each July 1st after the Effective Date, for any Beneficiary who had been receiving his/her retirement benefits for at least six months. The increase or decrease shall be determined by the percentage increase or decrease in the Consumer Price Index - All Items Annual Average, Urban Index for Major U. S. Cities, for the preceding twelve months, prepared by the United States Department of Labor, above or below the level of said Index on the immediately preceding December 31st. If the percentage increase or decrease in the Consumer Price Index, for any year, is 3% or less, the retirement benefits payable shall be adjusted by 100% of the increase or decrease. If the percentage increase or decrease in the Consumer Price Index, for any year, is greater than 3%, the retirement benefits payable shall be adjusted by 3% plus one-half of the percentage increase or decrease above 3%. The maximum adjustment for any year shall be 5%. No decrease shall reduce the retirement benefit below its initial amount. No decrease shall be made except to the extent that the retirement benefit is, at that time, in excess of the level it would have then obtained if it had been increased by the total percentage increase in the Index since the first July 1st on which an adjustment under this paragraph could have been made without regard to the limitation provided in this paragraph.

Notwithstanding the foregoing, (1) effective July 1, 2012, retirement benefits payable under this Plan shall not be decreased because of a decrease in the Consumer Price Index described above; (2) effective July 1, 2012, the portion of a person's retirement benefits attributable to

Credited Service (other than Credited Service based on earned and unused sick leave as which shall be governed by (3) below) credited for periods on or after July 1, 2012, shall be subject to a maximum adjustment of 2.5% in any Plan year; and, (3) effective January 1, 2013, Credited Service based on earned and unused sick leave pursuant to the terms of the Plan attributable to full pay periods beginning on or after January 1, 2013, shall be subject to a maximum adjustment of 2.5% in any Plan year. For purposes of interpreting the preceding sentence, (A) Credited Service attributable to a transfer or purchase of service credit not commenced prior to July 1, 2012, pursuant to procedures established for the Plan, shall be considered attributable to a pay period beginning on or after July 1, 2012, and thus subject to the 2.5% maximum adjustment and (B) Credited Service attributable to after-tax payments within ninety (90) days after a leave of absence shall be deemed to relate to the period of the leave of absence.

**D-4.5 Payment of Retirement Benefits.** Retirement Benefits under Plan D shall be payable in equal monthly installments, unless another payment schedule has been established as provided in the Plan. The first payment of Normal or Early Retirement Benefits may be made on the date a Beneficiary first becomes entitled to the retirement benefit. The first payment of Disability Retirement Benefits shall be made on the date established by the Board of Trustees, but not later than the first of the month following approval by the Board of Trustees of the application for Disability Retirement. The last payment shall be made on the first day of the calendar month in which the Beneficiary dies, unless: (a) payments have been made for less than 10 years; or (b) the Member had selected an optional form of benefit payment under Section D-4.6 of the Plan. If said retirement benefits have been paid for less than 10 years, the Beneficiary designated by the Member shall receive the remaining payments that would have been made to the Member until benefits have been paid for 10 years. If an optional form of benefit payment has been selected, payments will be made as required by the option selected.

**D-4.6 Optional Forms of Benefit Payments Available.** A Member may elect one of the following optional forms of payment of his/her retirement benefit payable at Normal Retirement Date, Early Retirement Date, or Disability Retirement Date, in place of the method of payment provided in Section D-4.5 of this Plan. Each of these optional methods of payment shall be the actuarial equivalent of said retirement benefit as payable under Section D-4.5. The optional methods of payment are as follows:

- (a) A Member may elect to receive a reduced retirement benefit during his/her lifetime, and to have all or a specified portion of such reduced retirement benefit paid to the Contingent Annuitant. The Board of Trustees shall make uniform rules as to what portion or portions of the reduced retirement benefit may be made payable to a Contingent Annuitant, subject to the restrictions in the next paragraph hereof.
- (b) A Member may elect to receive a benefit described in Section D-4.6(a) that provides that, on the death of the Contingent Annuitant prior to the death of the Member, a Member's retirement benefit will revert to the amount that would have been payable as a single life annuity when the Member's retirement benefit originally commenced (as adjusted for cost-of-living adjustments granted since benefit commencement). There shall be no additional right of survivorship after the death of a Contingent Annuitant.
- (c) A Member may elect any other optional method of payment of his/her monthly retirement income that is acceptable to the Board of Trustees, in accordance with

uniform rules adopted by the Board of Trustees, but no option may be elected that would:

- (1) Permit the interest of a Member to be retained in the Trust Fund after the Member becomes entitled to retirement benefits under this Plan, and only the interest thereon to be paid to the Member during his/her lifetime, the balance to be paid after the death of the Member; or
  - (2) Permit installment payments to a Contingent Annuitant to continue for a longer period than the longest of the life of the Member's spouse, the life expectancy of the Member on the commencement date of his/her retirement benefits, or the joint life and last survivor expectancy of the Member and his/her spouse on the commencement date of the Member's retirement benefit; or
  - (3) Permit installment payments in other than equal amounts, except to the extent that, in accordance with uniform rules adopted by the Board of Trustees, the Member may elect to receive a greater retirement benefit prior to the commencement of his/her Federal Social Security Act benefits and a lesser retirement benefit thereafter, in order to provide him/her with retirement benefits in the aggregate of equivalent actuarial value which will give him/her, insofar as practicable, a level total income for life under the Plan and the Social Security Act.
- (d) A fully vested Member, whose employment with the Commission terminated on or after the date he/she was eligible for Early Retirement Benefits, may elect in writing to defer benefits until his/her Normal Retirement Date, rather than receive an actuarially reduced Early Retirement Benefit. A Member, who has made this election, may irrevocably elect any of the foregoing optional forms of payment, which shall be effective with the commencement of benefits at Normal Retirement Date. Should the Member die prior to Normal Retirement Date, his/her Contingent Annuitant shall be entitled to receive, effective with the date that would have been the Member's Normal Retirement Date, the appropriate income, as survivor, under the option selected.
- (e) Anything in the Plan to the contrary notwithstanding, if monthly payments that shall be payable to any Beneficiary under the Plan shall be less than \$25.00; then if the Board of Trustees shall so direct, the aggregate of the amounts which shall be payable to him/her hereunder in any year shall be paid in quarterly, semi-annual, or annual payments, or, with the payee's approval, the actuarial lump sum value of the amounts that shall be payable to him/her hereunder shall be paid in one sum of payments over a specified period of time.

D-4.7 Exercise of Election and Designation of Contingent Annuitant. The election of an optional method of payment and the designation of a Contingent Annuitant must be in writing. It must be filed with the Board of Trustees prior to the commencement date of the Member's retirement benefits under this Plan. With the exception of an irrevocable election under Section D-4.6(d), either the election, or the designation, or both, may be changed by the Member, from time to time, at any time prior to the commencement date of his/her retirement benefits under this Plan.

D-4.8 Revocation of Election by Occurrence of Certain Events. If a Member who has elected an optional form of payment dies before the commencement date of his/her retirement benefits under this Plan, no retirement annuity shall be paid to his/her Contingent Annuitant. The payment shall be made in accordance with the provisions of Section D-6: Death Benefits. If a Contingent Annuitant dies prior to the commencement date of the Member's retirement benefits under this Plan, the election and the designation shall be void, irrespective of when made, except in the case of a Vested Member who has selected an option under the provisions of Section D-4.6(d). If a Contingent Annuitant dies after the commencement date of the Member's retirement benefits under this Plan, the Annuitant shall continue to receive the appropriate retirement to which he/she is entitled under the option, which he/she selected. If a Vested Member, who has selected an option under the provisions of Section D-4.6(d), dies prior to the commencement date of his/her retirement benefits, his/her Contingent Annuitant shall receive the appropriate retirement benefit to which he/she is entitled under the option selected, commencing with what would have been the Vested Member's Normal Retirement Date. If both the annuitant and his/her designated primary Beneficiary die prior to completion of payments under an option providing for a guaranteed number of payments, the commuted value of the balance of the payments shall be paid in a lump sum to the next Beneficiary designated in writing by the Annuitant; or, in the absence of such designation, or if a person so designated is not then living, to the estate of the last to die of the Annuitant and his/her primary Beneficiary.

D-4.9 Incapacity of Beneficiary. If, for any reason, the Board of Trustees shall determine that it is not desirable, because of the incapacity of the person who shall be entitled to receive any payment in accordance with the provisions of this Plan, to make such payment direct to such person, the Board of Trustees shall give notice to said person of its intention to make alternate payment. Said person shall be advised of the time, date, and place of the meeting at which such action shall take place, and the basis upon which the Board proposes to alter the manner of payment. The Beneficiary shall have the right to be represented by counsel, at his/her own expense, and to present witnesses and testimony in opposition to the Board's action. In any such proceeding, the burden of proof shall be on the Board. The Board's decision shall be based upon the evidence presented at the hearing. If the Board of Trustees is presented with a certified copy of a judicial decree of a court of competent jurisdiction, determining that a Beneficiary entitled to receive benefits is incompetent and appointing a guardian, the Board of Trustees shall be entitled to act upon that court order without further inquiry. In the event the Board proposes to act on the basis of a court order, it shall give advance notice of the time, date, and place of the meeting at which such action shall take place.

D-4.10 Missing Member or Beneficiary. If the Board of Trustees is not able to locate any person to whom a benefit is due under this Plan, after making all reasonable efforts to do so, such benefit shall not be payable to such person until he/she has been located. Reasonable efforts shall mean the use of the Social Security Administration Employer Reporting Service or any other methodology deemed appropriate by the Board of Trustees or its delegate. If, after a period of two years and eleven months from the date on which the earliest unpaid benefit was due, he/she is not located, the person's interest in the Plan and any unpaid benefits to which he/she would otherwise be entitled, shall be forfeited. If the person later makes a request for the forfeited benefit, such benefit shall be reinstated and paid to the person, but without earnings or interest thereon.



D-4.11 Reduction of Benefits by Benefits Under Other Plans. If a Member under this Plan is entitled to benefits under any other retirement plan for service that is also Credited Service under this Plan, the benefits under this Plan shall be actuarially reduced by the benefits under the other retirement plan attributable to said service. Social Security benefits, to which a Member is entitled, are specifically exempted from this provision.

**SECTION D-5 - BENEFITS UPON TERMINATION OF EMPLOYMENT OTHER THAN BY DEATH OR RETIREMENT**

D-5.1 A Member, whose employment with the Commission terminates, other than by death, or retirement on a Disability Retirement Date, an Early Retirement Date, or Normal Retirement Date, shall be entitled to one or the other of the following:

(a) Refund of Contributions. He/she may elect to receive a lump sum cash refund of his/her contributions to the Trust Fund, with interest thereon at the rate of 4 1/2% per year. Said election shall be in lieu of any other benefits under the Plan.

(b) Vested Benefits.

(1) If a Member, who has completed five (5) or more years of credited service, terminates employment on or after September 1, 2001 and does not elect to receive a refund of required Member contributions, the Member shall be entitled to receive an annual benefit, commencing with what would have been his/her Normal Retirement Date assuming continued active participation in the Plan. The benefit shall be computed as provided in Section D-4.1 of this Plan, on the basis that the first of the month coinciding with or next following his/her date of termination of employment is his/her Normal Retirement Date. Members whose employment terminated prior to September 1, 2001 shall have benefits calculated utilizing the following vesting schedule and the completed years and months of service as of the date of termination:

<u>Completed Years of Credited Service</u>	<u>Percentage</u>
5	50%
6	60%
7	70%
8	80%
9	90%
10 or More	100%

Payment of said benefits shall be made in accordance with Sections D-4.5 and D-4.6 of this Plan.

(2) A Member whose job is abolished and who is not offered a substantially equal job with the Commission shall be entitled to receive, commencing with what would have been his/her Normal Retirement Date if his/her participation in the Plan had continued, a maximum annual benefit computed as provided in Section D-4.1 of this Plan on the basis that the first of the month coinciding with or next following the date of his/her termination of employment had been his/her Normal Retirement Date, and payable in accordance with Sections D-4.5 and D-4.6 of this Plan.

## SECTION D-6 - DEATH BENEFITS

### D-6.1 Spouse's and Children's Benefits – Death During Participation.

(a) Service-Connected Death or Death of Long-Term Participant.

- (1) If a Participant is survived by a spouse, who has not been specifically excluded by the Participant for entitlement to survivor death benefits, and the Participant died either: (a) as a result of a service-connected accident or illness; as that term is defined in Section D-4.3(a) of the Plan or (b) after the Participant had attained 10 or more years of Credited Service earned by employment with the Commission as a career Park Police Officer, the spouse shall be entitled to an annual benefit, payable until death, commencing with the first of the month coinciding with or next following the date of death of the Participant, in an amount equal to the greater of the following:
  - (A) An amount computed under Section D-4.1 of this Plan on the basis that the deceased had continued as a Participant to what would have been his/her Normal Retirement Date, at the same Base Pay received during his/her last completed year of employment with the Commission; or
  - (B) 25% of the Final Annual Base Pay of the Participant.
- (2) If the Participant does not leave a surviving spouse entitled to the benefits provided in Section D-6.1, Paragraph (a)(1) of this Plan; or, if a surviving spouse entitled to the benefits provided therein should die and there are one or more surviving children under the age of 18, under the age of 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support; then the benefits provided under Section D-6.1, Paragraph (a)(1) of this Plan shall be payable to the surviving children of the Participant, under the age of 18, or under age 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support.
- (3) In the event the accumulated total benefit paid under this provision is less than the benefit, which would have been paid under Section D-6.2(a), the difference shall be paid in a lump sum to the surviving children, regardless of age. In the absence of any such eligible Beneficiaries, the difference shall be paid to the estate of the Participant.

(b) Other Deaths.

- (1) If a Participant is survived by a spouse, who has not been specifically excluded by the Participant for entitlement to survivor death benefits, and the Participant died as a result of a non-service-connected accident or illness, and the Participant had less than 10 years of Credited Service earned by employment with the Commission as a career Park Police Officer, the spouse shall be entitled to an annual benefit until death, commencing with the first day of the month coinciding with or next following the date of death of the Participant, in an amount equal to 25% of the Final Annual Base Pay of the Participant.

- (2) If the Participant does not leave a surviving spouse entitled to the benefits provided in Section D-6.1, Paragraph (b)(1) of this Plan; or, if a surviving spouse entitled to the benefits provided therein should die and there are one or more surviving children under the age of 18, under the age of 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support; then the benefits provided under Section D-6.1, Paragraph (b)(1) of this Plan shall be payable to the surviving children of the Participant, under the age of 18, or under age 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support.
- (3) In the event the accumulated total benefit paid under this provision is less than the benefit, which would have been paid under Section D-6.2(a), the difference shall be paid in a lump sum to the surviving children, regardless of age. In the absence of any such eligible Beneficiaries, the difference shall be paid to the estate of the Participant.
- (4) No Beneficiary entitled to benefits under Section D-6.1(a) shall receive any benefits under Section D-6.1(b).

#### D-6.2 Ordinary Death Benefits.

- (a) General Rule. If a Participant or Vested Member dies prior to retiring on a Disability Retirement Date, an Early Retirement Date or, at or after Normal Retirement Date, without an option selection made under the provisions of Section D-4.6(d) and does not leave a surviving spouse or surviving children entitled to the benefits provided in Section D-6.1 of this Plan, the Beneficiary designated by him/her, in a written instrument filed with the Administrator, shall be entitled to a lump sum cash payment in an amount equal to the sum of the following:
  - (1) 50% of his/her Average Annual Earnings; plus
  - (2) His/her total contributions to the Trust Fund, with interest thereon at the rate of 4 1/2% per annum.
- (b) Special Rule for Vested Members With An Option Selection on File. If a Vested Member dies prior to retiring on a Disability Retirement Date, an Early Retirement Date or, at or after Normal Retirement Date, with an option selection made under the provisions of Section D-4.6(d), the benefit payable shall be the survivor benefit, if any, under the option selected under Section D-4.6(d).

D-6.3 Post-Retirement Death Benefits. Upon the receipt of proper proof of the death of a retired member on or after July 9, 1986, there shall be paid to such person as the Member shall have designated and filed with the Board of Trustees, otherwise to his/her estate, a lump sum benefit in the amount of \$10,000. A member may designate a trust or any other entity as the beneficiary of the lump sum benefit, so long as the trust or entity has legal status as identified by a Federal Tax ID number, and so long as the designation is otherwise properly on file with the Board of Trustees.

## SECTION D-7 - CONTRIBUTIONS

- D-7.1 Employee Contributions. Each Participant of Plan D of this Retirement System shall contribute to the Trust Fund 7% of his/her Base Pay. Effective January 1, 1984, the Commission shall pick up the employee contributions required by this Section for all Base Pay earned after December 31, 1983, and the contributions so picked up shall, subject to approval of the Internal Revenue Service, be treated as employer contributions in determining Federal and State Income Tax treatment under Section 414(h) of the United States Internal Revenue Code. These contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The Commission shall pay these employee contributions from the same source of funds, which is used in paying earnings to the employee. The Commission may pick up these contributions by a reduction in the cash salary of the employee, or by an offset against a future salary increase, or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up they shall be treated for all purposes of this Section D-7 in the same manner and to the same extent as employee contributions made prior to the date picked up.
- D-7.2 Employer Contributions. The Commission shall contribute to the Trust Fund from time to time such amounts as are actuarially determined to be required to provide for the benefits under the Plans of this Retirement System.
- D-7.3 No Reversion of Employer Contributions. No contributions to the Trust Fund by the Commission shall be used for, or diverted to, purposes other than for the exclusive benefit of Members and Beneficiaries, prior to the satisfaction of all liabilities under this Retirement System.

**ARTICLE E**  
**Sections Applicable to Plan E of The M-NCPPC**  
**Employees' Retirement System**

## SECTION E-1 - DEFINITIONS

- E-1.1 Appointed Officials means Commissioners of The Maryland-National Capital Park and Planning Commission; and, the Executive Director, the General Counsel and Secretary-Treasurer, serving at the pleasure of the Commission.
- E-1.2 Condition of Employment means mandatory participation in this Retirement Plan for any Employee, as defined in Section E-1.5 below, hired or appointed on or after January 1, 2013.
- E-1.3 Credited Service means the total period of years and months of completed service credited under this Retirement Plan, computed, as provided in Section E-3 of this Plan. Part-time employees participating in the ERS shall accrue credited service in his/her part-time capacity based on the actual number of paid hours in a calendar year divided by the normal (1950 or 2080) full-time hours for the class of work of the position that the part-time employee occupies. In no instance shall a part-time employee accrue more service (weekly, bi-weekly, or annually) than a full-time employee. For part-time employees, eligibility for receipt of benefits will be based upon calendar years and months of service; and for benefit formula purposes accumulated pro rata accrued service will be used.
- E-1.4 Early Retirement Date means the first day of any month prior to a Participant's Normal Retirement Date as of which:
- (a) He/she has both completed 15 or more years of Credited Service and has reached the age of 57; or
  - (b) He/she has completed 25 years of Credited Service regardless of age.
- For part-time employees, eligibility for receipt of benefits will be based upon calendar years and months of service; and for benefit formula purposes accumulated pro rata accrued credited service will be used as calculated in Section E-3.
- E-1.5 Employee means (a) any individual employed by the Commission as a career full-time Merit System employee, except Park Police; (b) any individual appointed by the Commission to the position of Executive Director, Secretary-Treasurer, General Counsel, or other full-time position appointed by the Commission and exempted from the Merit System; (c) any individual appointed by the respective County to serve as a Commissioner of The Maryland-National Capital Park and Planning Commission; (d) any individual exempted from the Merit System, who is appointed by the respective County Planning Board, as provided in Land Use Article, Sections 16-102 and 20-204, respectively, of the Annotated Code of Maryland; (e) any individual employed by the Commission as a career part-time Merit System employee on a year-round basis; and (f) any individual employed by the M-NCPPC Employees' Retirement System.
- E-1.6 Integrated Retirement Plan means Plan E, which provides full retirement benefits until the retired Member is eligible for full Social Security retirement benefits, and provides supplemental benefits thereafter.

- E-1.7 Normal Retirement Date means the earlier of (a) the first day of the month coinciding with or immediately following the date on which a Member of Plan E has both attained age 62 and completed ten years of Credited Service; or (b) the first day of the month coinciding with or immediately following the date on which a Member of Plan E, regardless of age, has completed 30 years of Credited Service. For part-time employees, eligibility for receipt of benefits will be based upon calendar years and months of service; and for benefit formula purposes accumulated pro rata service will be used as calculated in Section E-3. Notwithstanding the foregoing, a Commissioner or a Participant who has been appointed by the Commission to the position of Executive Director, Secretary-Treasurer, General Counsel, or another full-time position appointed by the Commission, and exempted from the Merit System reaches his or her Normal Retirement Date once he or she has attained age 62 and ten years have elapsed since he or she was first credited with Credited Service under the Plans, regardless of whether he or she has actually completed ten years of Credited Service under the Plans.
- E-1.8 Part-Time Employee means a career Merit System employee who is employed on a year-round part-time basis, but working not less than half of a normal workweek.
- E-1.9 Plan E Participant means an employee who has enrolled in Plan E as a Condition of Employment.
- E-1.10 Social Security Wage Base means the annual taxable wages under the Federal Social Security Act.
- E-1.11 Social Security Covered Compensation Level is the average (without indexing) of the taxable wage bases in effect for each calendar year during the 35-year period ending with the last day of the calendar year in which a Member attains Social Security retirement age. For purposes of this Section E-1.11, Social Security retirement age is rounded up to the next integer age.

The Social Security Covered Compensation Level is the result determined above, rounded to the next lower multiple of 12. The determination of the Covered Compensation Level as of any date shall be calculated without regard to increases in the Maximum Taxable Wage Base occurring after that date. Social Security Covered Compensation Level will be determined at the time of separation from service for any Member who, at the time of such separation, has a non-forfeitable right to benefits

- E-1.12 Represented Plan E Participant means a Plan E Participant who is represented for collective bargaining purposes by an exclusive representative elected pursuant to Land Use Article, Title 16, Subtitle 2 of the Annotated Code of Maryland, as amended from time to time, and represented as of the date upon which any Participant applicable election, action or determination prescribed under this Plan E is permitted or required with respect to a Represented Plan E Participant.



## **SECTION E-2 - REQUIREMENTS FOR PARTICIPATION**

- E-2.1 (a) New Employees Hired or Appointed on or After January 1, 2013. Except individuals described in sub-section E-2.1(b) below, every Employee, as defined in E-1.5, hired or appointed on or after January 1, 2013 shall as a Condition of Employment become a Participant in Plan E of the Employees' Retirement System on the first day of the month following the date of his/her employment. Participation in the Plan shall be mandatory and may not be waived under any circumstances.
- (b) Notwithstanding sub-section E-2.1(a) above, Employees hired or appointed on or after January 1, 2013 that, as a result of prior employment or appointment with the Commission or Employees' Retirement System, are Members of Plan B shall be required to Participate in Plan B as a Condition of Employment pursuant to Section B-2.1(d).
- E-2.2 Method of Election to Participate. Each Employee, who as a Condition of Employment must participate in Plan E shall fill out, sign, and file with the Administrator, an application form furnished by the Administrator, which shall include an authorization for the deduction by the Commission from the compensation of the Employee, the contributions required of the Employee under Plan E, and the payment of said deducted contributions by the Commission to the Trust Fund under this Plan. This authorization includes, without limitation, an authorization for the recapture by the Commission of deficient contributions. Said application shall also contain an agreement by the Employee to be bound by the provisions of the Plan, and the Employees' Retirement System, as then in effect, and as thereafter amended in the manner provided for in the Retirement System. A Member of this Plan may not withdraw his/her contributions from the Retirement System except upon termination of employment. As is set forth above, no other Employee may discontinue membership except upon termination.

### **SECTION E-3 - CREDITED SERVICE**

E-3.1 Credited Service means the total completed years and months of employment of a Member, not to exceed a maximum of 35 years, to be used in computing Retirement Benefits under Plan E, and shall be the total of the following:

- (a) Employment by the Commission in pay status while a contributing Participant in Plan E of this Retirement System.
- (b) Service transferred to this Retirement System pursuant to Title 37 of the State Personnel and Pensions Article of the Annotated Code of Maryland, as applicable at the time of transfer.
- (c) Service of a Member in the uniformed services of the United States provided that the members are reemployed in accordance with federal law.
- (d) Any Credited Service purchased, accrued and applied for a Represented Plan E Participant in accordance with Section E-3.4 of this Plan.

E-3.2 Creditability for Accumulated Sick Leave. In computing Credited Service for Normal or Early Retirement (as may be applicable pursuant to the terms of the Plan E), a Member who is entitled to a benefit under this Plan E shall be entitled to receive an additional credit for earned and unused sick leave, except that such credit shall not apply for meeting minimum retirement eligibility requirements for age, nor for the purpose of determining the highest five years of Average Annual Earnings. A maximum of 301 workdays of earned and unused sick leave may be used to qualify for length of service. To be entitled to such additional credit, a Member must have accumulated unused sick leave, which would equate to a minimum of one full month of service credit (twenty-two [22] work days). After allowing for the appropriate amount of additional credit on the basis of full months (twenty-two [22] work days), an additional month of Credited Service will be given for any remainder equating to fifteen (15) or more work days, but no credit will be given for any remainder of less than fifteen (15) work days.

E-3.3 For Members who qualify to receive benefits under the Commission's Long Term Disability Insurance Plan, Credited Service shall include the total of full months in which the Member, prior to his or her Normal Retirement Date, received or was entitled to receive disability benefits. Should a Member who has been receiving disability benefits subsequently be disqualified for further benefits, and then the accrual of Credited Service under this provision shall cease simultaneously with the cessation of benefits under the Commission's Long-Term Disability Insurance Plan.

E-3.4 Purchase of Credited Service by Represented Plan E Participants.

- (a) Service Eligible for Purchase. Effective at least 31 but not more than 60 days immediately prior to the date of a Participant's actual retirement as permitted under Sections E-4.1 and E-4.2, a Represented Plan E Participant may elect to purchase additional Credited Service not to exceed a total of five (5) years for certain time in public service and qualified as follows:

- (1) Any period of employment by the Commission prior to retirement under this Plan and during which the Participant was eligible to participate in either this Plan or the Prior Plan, but was not a Participant in this Plan or the Prior Plan, respectively.
  - (2) Except to the extent that credit for that period already is allowed under this Plan as a result of a transfer of eligible service credit or credit pursuant to Code section 414(u), any period during which the Participant was in an active duty status of a uniformed service of the United States (limited to the United States Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the National Oceanic and Atmospheric Administration, the Public Health Service of the United States, or active duty service in the National Guard of any state of the United States as set forth in applicable Department of Labor regulations) and not an active Participant in this Plan, the Prior Plan, or any other contributory retirement plan of an agency of a state, federal or local government.
  - (3) Except to the extent that credit for that period already is allowed under this Plan as a result of a transfer of eligible service credit, any period during which that Participant was a member/participant in the retirement plan of another agency of state or local government in the State of Maryland prior to retirement under this Plan, and during which period the Participant was not a participant in this Plan or the Prior Plan. The foregoing shall only be available if the Participant will no longer receive credit for service for the same period of time under the other plan referenced in this subsection.
  - (4) Notwithstanding other provisions of this Section, and except as expressly required under federal law, a Participant must not be granted or permitted to purchase credited service for any period of actual or credited service under another retirement system if that Participant is receiving retirement benefits or has retained a vested right to retirement benefits from that system and all purchases of service credit shall comply with Code section 415(n).
- (b) Irrevocable Election. An election to purchase additional Credited Service is irrevocable. When an election to purchase service is made at least 31 but not more than 60 days before the proposed retirement date, the election to retire becomes immediately irrevocable notwithstanding any other provision of this Plan.
- (c) Calculation of Service Cost.
- (1) The Participant shall contribute to the Plan the entire cost of his/her additional credit determined as the Actuarial Equivalent of additional benefits attributable to the additional Credited Service.
  - (2) For Participants who elect to purchase service at least 31 but not more than 60 days prior to their retirement, the Participant cost to purchase additional service will be the present value of the increase in the accrued benefit at the actual date of retirement due to the additional service. For the purpose of this calculation, the present value will be based on the Plan's definition of Actuarial Equivalent.

## SECTION E-4 - RETIREMENT BENEFITS

### E-4.1 Integrated Retirement Benefits at or after Normal Retirement Date.

- (a) The annual amount of retirement benefits payable to a Plan E Annuitant from date of retirement to date of attaining statutory age of eligibility for full Social Security retirement benefits shall be 2% of Average Annual Earnings multiplied by years of Credited Service up to a maximum of 35 years, plus sick leave credit. Years of Credited Service of less than a full year will be prorated. The annual benefit payable, however, shall not be in excess of 100% of his/her Average Annual Earnings.
- (b) For members who have reached the eligibility date for full Social Security retirement benefits, the amount of retirement benefits payable from the Plan shall be one and one half percent (1½%) of Average Annual Earnings up to the Social Security Covered Compensation Level, plus 2% of Average Annual Earnings in excess of the Social Security Covered Compensation Level, multiplied by years of Credited Service, up to a maximum of thirty-five (35) years, plus sick leave credit, together with any accumulated cost-of-living adjustments received from the date of retirement to the eligibility date for full Social Security retirement benefits. Years of Credited Service of less than a full year will be prorated.

E-4.2 Retirement at Early Retirement Date. The annual amount of retirement benefits payable to a Plan E Annuitant who retires on an Early Retirement Date, shall be an amount equal to the benefit he/she would have been entitled to receive under Sections E-4.1(a) and (b) if his/her Early Retirement Date had been his/her Normal Retirement Date, but based on his/her Credited Service and Average Annual Earnings at his/her Early Retirement Date, reduced by 1/180 for each month by which the commencement date of the Early Retirement Benefit precedes the date that would have been his/her Normal Retirement Date if he/she had continued as a Participant. An Annuitant who retires on an Early Retirement Date may elect to have his/her retirement benefits commence on the first day of any month thereafter, beginning with his/her Early Retirement Date. His/her retirement benefits must commence no later than the date that would have been his/her Normal Retirement Date if he/she had continued to be a Participant.

E-4.3 Change in Amount of Retirement Benefits Due to Change in Cost-Of-Living Index. The retirement benefits payable under this Plan may be increased as of each July 1st, after the Effective Date, for any Beneficiary who had been receiving his/her retirement benefits for at least six months. The increase shall be determined by the percentage increase in the Consumer Price Index - All Items Annual Average, Urban Index for Major U.S. Cities, for the preceding 12 months, prepared by the United States Department of Labor, above the level of said Index on the immediately preceding December 31st. If the percentage increase in the Consumer Price Index, for any year, is 2.5% or less, the retirement benefits payable shall be adjusted by 100% of the increase. The maximum adjustment for any year shall be 2.5%.

E-4.4 Payment of Retirement Benefits. Retirement benefits under Plan E shall be payable in equal monthly installments, unless another payment schedule has been established as provided in the Plan. The first payment of Normal or Early Retirement Benefits may be made on the date a Beneficiary first becomes entitled to the retirement benefit. The last payment shall be made on the first day of the calendar month in which the Beneficiary dies, unless he/she has elected an optional form of benefits. If the Beneficiary has not elected an optional form of benefits and

dies before receiving benefits in an amount equal to the Member's contributions plus credited interest, the difference will be payable to the surviving Beneficiary or Beneficiaries.

E-4.5 Optional Forms of Benefit Payments Available. A Member may elect one of the following optional forms of payment of his/her retirement benefit payable at Normal Retirement Date or Early Retirement Date, in place of the method of payment provided in Section E-4.4 of this Plan. Each of these optional methods of payment shall be the actuarial equivalent of said retirement benefit as payable under Section E-4.4. The optional methods of payment are as follows:

- (a) A Member may elect to receive a reduced retirement benefit during his/her lifetime, and to have all or a specified portion of such reduced retirement benefits paid to the Contingent Annuitant. The Board of Trustees shall make uniform rules as to which portion or portions of the reduced retirement benefits may be made payable to a Contingent Annuitant, subject to the restrictions in the next paragraph hereof.
- (b) A Member may elect to receive a benefit described in Section E-4.5(a) that provides that, on the death of the Contingent Annuitant prior to the death of the Member, a Member's retirement benefit will revert to the amount that would have been payable as a single life annuity when the Member's retirement benefit originally commenced (as adjusted for cost-of-living adjustments granted since benefit commencement). There shall be no additional right of survivorship after the death of a Contingent Annuitant.
- (c) A Member may elect any other optional method of payment of his/her monthly retirement income that is acceptable to the Board of Trustees in accordance with uniform rules adopted by the Board of Trustees, but no option may be elected that would:
  - (1) Permit the interest of a Member to be retained in the Trust Fund after the Member becomes entitled to retirement benefits under this Plan, and only the interest thereon to be paid to the Member during his/her lifetime, the balance to be paid after the death of the Member; or
  - (2) Would permit installment payments to a Contingent Annuitant to continue for a longer period than the longest of the life of the Member's spouse, the life expectancy of the Member on the commencement date of his/her retirement benefits, or the joint life and last survivor expectancy of the Member and his/her spouse on the commencement date of the Member's retirement benefit.
- (d) A fully Vested Member, whose employment with the Commission terminated on or after the date he/she was eligible for Early Retirement Benefits, may elect in writing to defer benefits until his/her Normal Retirement Date, rather than receive an actuarially reduced Early Retirement Benefit. A Member, who has made this election, may irrevocably elect any of the foregoing optional forms of payment, which shall be effective with the commencement of benefits at Normal Retirement Date. Should the Member die prior to Normal Retirement Date, his/her Contingent Annuitant shall be entitled to receive, effective with the date that would have been the Member's Normal Retirement Date, the appropriate income, as survivor, under the option selected.

- E-4.6 Exercise of Election and Designation of Contingent Annuitant. The election of an optional method of payment and the designation of a Contingent Annuitant must be in writing. It must be filed with the Board of Trustees prior to the commencement date of the Member's retirement benefits under this Plan. With the exception of an irrevocable election under Section E-4.5(d), either the election, or the designation, or both, may be changed by the Member, from time to time, at any time prior to the commencement date of his/her retirement benefits under this Plan.
- E-4.7 Revocation of Election by Occurrence of Certain Events. If a Member who has elected an optional form of payment dies before the commencement date of his/her retirement benefits under this Plan, no retirement annuity shall be paid to his/her Contingent Annuitant. The payment shall be made in accordance with the provisions of Section E-6: Death Benefits. If a Contingent Annuitant dies prior to the commencement date of the Member's retirement benefits under this Plan, the election and the designation shall be void, irrespective of when made, except in the case of a Vested Member who has selected an option under the provisions of Section E-4.5(d). If a Contingent Annuitant dies after the commencement date of the Member's retirement benefits under this Plan, the Annuitant shall continue to receive the appropriate retirement to which he/she is entitled under the option, which he/she selected. If a Vested Member, who has selected an option under the provisions of Section E-4.5(d), dies prior to the commencement date of his/her retirement benefits, his/her Contingent Annuitant shall receive the appropriate retirement benefit to which he/she is entitled under the option selected, commencing with what would have been the Vested Member's Normal Retirement Date. If both the Annuitant and his/her designated primary Beneficiary die prior to completion of payments under an option providing for a guaranteed number of payments, the commuted value of the balance of the payments shall be paid in a lump sum to the next Beneficiary designated in writing by the Annuitant or, in the absence of such designation, or if a person so designated is not then living, to the estate of the last to die of the Annuitant and his/her primary Beneficiary.
- E-4.8 Incapacity of Beneficiary. If, for any reason, the Board of Trustees shall determine that it is not desirable, because of the incapacity of the person who shall be entitled to receive any payment in accordance with the provisions of this Plan, to make such payment direct to such person, the Board of Trustees shall give notice to said person of its intention to make alternate payment. Said person shall be advised of the time, date, and place of the meeting at which such action shall take place, and the basis upon which the Board proposes to alter the manner of payment. The Beneficiary shall have the right to be represented by counsel, at his/her own expense, and to present witnesses and testimony in opposition to the Board's action. In any such proceeding, the burden of proof shall be on the Board. The Board's decision shall be based upon the evidence presented at the hearing. If the Board of Trustees is presented with a certified copy of a judicial decree of a court of competent jurisdiction, determining that a Beneficiary entitled to receive benefits is incompetent and appointing a guardian, the Board of Trustees shall be entitled to act upon that court order without further inquiry. In the event the Board proposes to act on the basis of a court order, it shall give advance notice of the time, date, and place of the meeting at which such action shall take place.
- E-4.9 Missing Member or Beneficiary. If the Board of Trustees is not able to locate any person to whom a benefit is due under this Plan, after making all reasonable efforts to do so, such benefit shall not be payable to such person until he/she has been located. Reasonable efforts shall mean the use of the Social Security Administration Employer Reporting Service or any other methodology deemed appropriate by the Board of Trustees or its delegate. If, after a period of

two years and eleven months from the date on which the earliest unpaid benefit was due, he/she is not located, the person's interest in the Plan and any unpaid benefits to which he/she would otherwise be entitled, shall be forfeited. If the person later makes a request for the forfeited benefit, such benefit shall be reinstated and paid to the person, but without earnings or interest thereon.

E-4.10 Reduction of Benefits by Benefits Under Other Plans. If a Member under this Plan is entitled to benefits under any other retirement plan, for service that is also Credited Service under this Plan, the benefits under this Plan shall be actuarially reduced by the benefits under the other retirement plan attributable to said service. Social Security benefits, to which a Member is entitled, are specifically exempted from this provision.

**SECTION E-5 - BENEFITS UPON TERMINATION OF EMPLOYMENT OTHER THAN BY DEATH OR RETIREMENT**

E-5.1 A Member, whose employment with the Commission terminates, other than by death, or retirement on an Early Retirement Date or Normal Retirement Date, shall be entitled to one or the other of the following:

- (a) Refund of Contributions. He/she may elect to receive a lump sum cash refund of his/her contributions to the Trust Fund, with interest thereon at the rate of 4-1/2% per year. Said election shall be in lieu of any other benefits under the Plan.
- (b) Vested Benefits.
  - (1) If a Member, who has completed ten (10) or more years of credited service, terminates employment and does not elect to receive a refund of required Member contributions, the Member shall be entitled to receive an annual benefit, commencing with what would have been his/her Normal Retirement Date assuming continued active participation in the Plan. The benefit shall be computed as provided in Section E-4.1 of this Plan, on the basis that the first of the month coinciding with or next following his/her date of termination of employment is his/her Normal Retirement Date.

Payment of said benefits shall be made in accordance with Sections E-4.4 and E-4.5 of this Plan.

- (2) A Member whose job is abolished and who is not offered a substantially equal job with the Commission shall be entitled to receive, commencing with what would have been his/her Normal Retirement Date if his/her participation in the Plan had continued, a maximum annual benefit computed, as provided in Section E-4.1 of this Plan, on the basis that the first of the month coinciding with or next following the date of his/her termination of employment had been his/her Normal Retirement Date, and payable in accordance with Sections E-4.4 and E-4.5 of this Plan. Appointed Officials and employees exempted from the Merit System who are appointed by the respective County Planning Board as provided in Land Use Article, Sections 16-102 and 20-204, respectively, of the Annotated Code of Maryland, and who has otherwise reached his or her Normal Retirement Date with his or her eligibility for Normal Retirement intact, shall be entitled to 100% vesting regardless of years of service.



## SECTION E-6 - DEATH BENEFITS

### E-6.1 Spouse's and Children's Benefits – Death During Participation.

#### (a) Service-Connected Death.

- (1) If a Participant is survived by a spouse, who has not been specifically excluded by the Participant for entitlement to survivor death benefits, and the Participant dies as a result of a service-connected accident or illness, occurring or incurred while the Participant was engaged in the performance of the duties of his/her employment with the Commission, without willful negligence on his/her part, as that term is defined in Section E-4.3(a), the spouse shall be entitled to an annual benefit, payable until death, commencing with the first of the month coinciding with or next following the date of death of the Participant, in an amount equal to the greater of the following:
  - (A) An amount computed under Section E-4.1(a) and (b) of this Plan on the basis that the deceased had continued as a Participant to what would have been his/her Normal Retirement Date, at the same Base Pay received during his/her last completed year of employment with the Commission. If the spouse is receiving benefits on the date the Participant would have otherwise reached his/her eligibility date for full Social Security retirement benefits, the amount which the spouse is receiving shall be calculated as provided in Section E-4.1(b). Final Annual Base Pay for part-time Participants will be the average base salary of the Participant for the 36 calendar month period, or for the 12 calendar month period if greater, immediately preceding his/her death; or
  - (B) 25% of the Final Annual Base Pay of the Participant. Final Annual Base Pay for part-time Participants will be the average base salary of the Participant for the 36 calendar month period, or for the 12 calendar month period if greater, immediately preceding his/her death.
- (2) If the Participant does not leave a surviving spouse entitled to the benefits provided in Section E-6.1, Paragraph (a)(1) of this Plan; or, if a surviving spouse entitled to the benefits provided therein should die and there are one or more surviving children under the age of 18, under the age of 23 if a full-time student or regardless of age if totally disabled and incapable of self-support; then the benefits provided under Section E-6.1, Paragraph (a)(1) of this Plan shall be payable to the surviving children of the Participant, under the age of 18, or under age 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support.
- (3) In the event the accumulated total benefit paid under this provision is less than the benefit, which would have been paid under Section E-6.2(a), the difference shall be paid in a lump sum to the surviving children, regardless of age. In the absence of any such eligible Beneficiaries, the difference shall be paid to the estate of the Participant.

(b) Non-Service-Connected Death.

- (1) If a Participant is survived by a spouse, who has not been specifically excluded by the Participant for entitlement to survivor death benefits, and the Participant dies as a result of a non-service-connected accident or illness, the spouse shall be entitled to an annual benefit until death, commencing with the first day of the month coinciding with or next following the date of death of the Participant, in an amount equal to 25% of the Final Annual Base Pay of the Participant. Final Annual Base Pay for part-time Participants will be the average base salary of the Participant for the 60 calendar month period, or for the 12 calendar month period if greater, immediately preceding his/her death.
- (2) If the Participant does not leave a surviving spouse entitled to the benefits provided in Section E-6.1, Paragraph (b)(1) of this Plan; or, if a surviving spouse entitled to the benefits provided therein should die, and there are one or more surviving children under the age of 18, under the age of 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support; then the benefits provided under Section E-6.1, Paragraph (b)(1) of this Plan shall be payable to the surviving children of the Participant under the age of 18, under the age of 23 if a full-time student, or regardless of age if totally disabled and incapable of self-support.
- (3) In the event the accumulated total benefit paid under this provision is less than the benefit, which would have been paid under Section E-6.2(a), the difference shall be paid in a lump sum to the surviving children, regardless of age. In the absence of any such eligible Beneficiaries, the difference shall be paid to the estate of the Participant.
- (4) No Beneficiary entitled to benefits under Section E-6.1(a) shall receive any benefits on account of Non-Service-Connected Death.

E-6.2 Ordinary Death Benefits.

- (a) General Rule. If a Participant or Vested Member dies prior to retiring on an Early Retirement Date or at or after Normal Retirement Date, without an option selection made under the provisions of Section E-4.5(d), and does not leave a surviving spouse or surviving children entitled to the benefits provided in Section E-6.1 of this Plan, the Beneficiary designated by him/her, in a written instrument filed with the Administrator, shall be entitled to a lump sum cash payment in an amount equal the sum of the following:
  - (1) 50% of his/her Average Annual Earnings; plus
  - (2) His/her total contributions to the Trust Fund, with interest thereon at a rate of 4-1/2% per annum.
- (b) Special Rule for Vested Members With An Option Selection on File. If a Vested Member dies prior to retiring on an Early Retirement Date or, at or after Normal

Retirement Date, with an option selection made under the provisions of Section E-4.5(d), the benefit payable shall be the survivor benefit, if any, under the option selected under Section E-4.5(d).

E-6.3 Post-Retirement Death Benefits. Upon the receipt of proper proof of the death of a retired member, there shall be paid to such person as the member shall have designated and filed with the Board of Trustees, otherwise to his/her estate, a lump sum benefit in the amount of \$10,000. A member may designate a trust or any other entity as the beneficiary of the lump sum benefit, so long as the trust or entity has legal status as identified by a Federal Tax ID number, and so long as the designation is otherwise properly on file with the Board of Trustees.

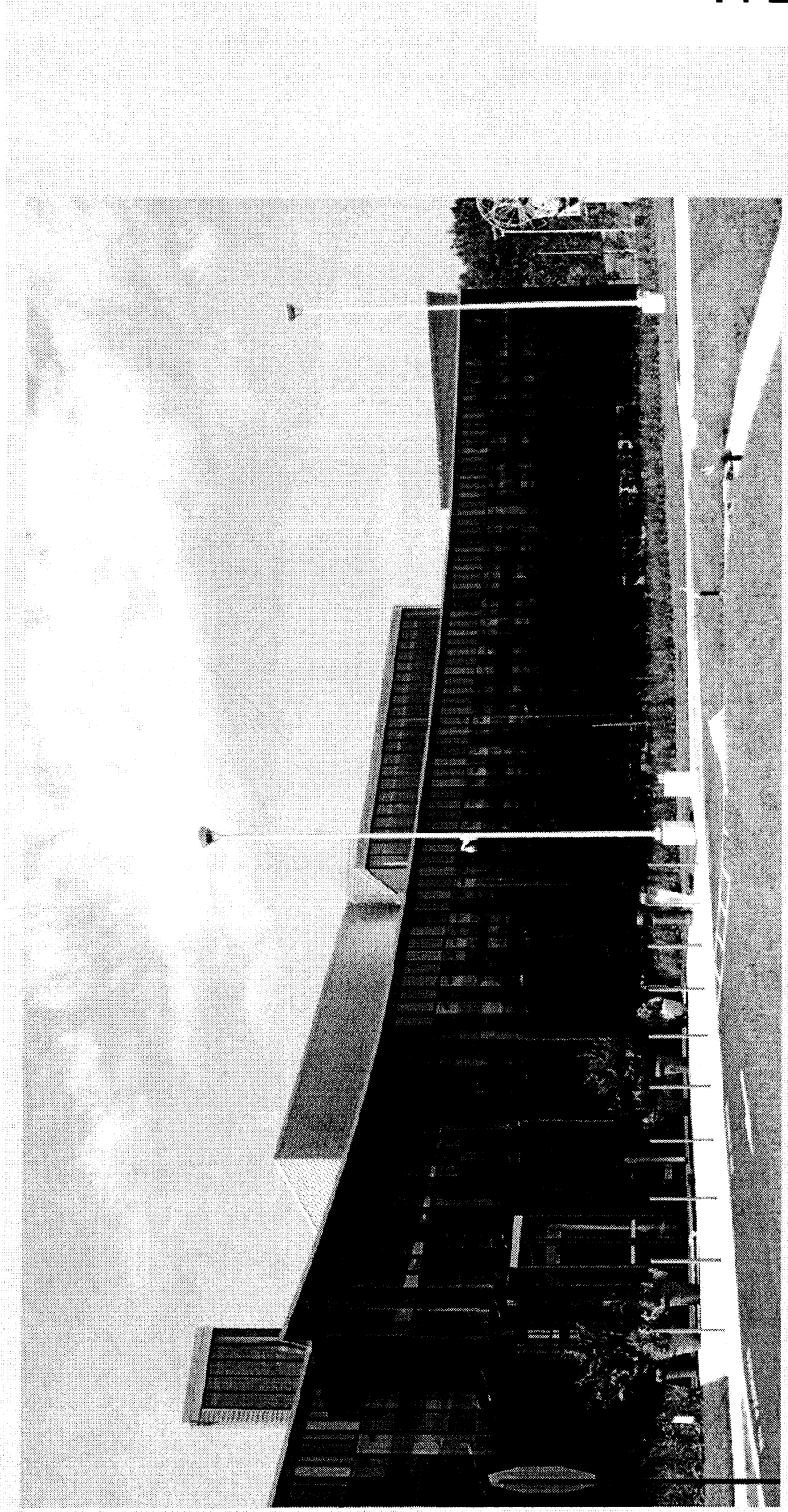
## SECTION E-7 - CONTRIBUTIONS

- E-7.1 Employee Contributions. Each Participant of Plan E of this Retirement System shall contribute to the Trust Fund 4% of his/her Base Pay for each pay period in a calendar year up to the maximum Social Security Wage Base for that year, and 8% of his/her Base Pay in excess of the Social Security Wage Base for each calendar year.

The Commission shall pick up the employee contributions required by this Section for all Base Pay earned on or after January 1, 2013, and the contributions so picked up shall, subject to approval by the Internal Revenue Service, be treated as employer contributions in determining Federal and State Income Tax treatment under Section 414(h) of the United States Internal Revenue Code. These contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The Commission shall pay these employee contributions from the same source of funds, which is used in paying earnings to the employee. The Commission may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up, they shall be treated for all purposes of this Section E-7 in the same manner and to the same extent as employee contributions made prior to the date picked up.

- E-7.2 Employer Contributions. The Commission shall contribute to the Trust Fund, from time to time, such amounts as are actuarially determined to be required to provide for the benefits under the Plans of this Retirement System.
- E-7.3 No Reversion of Employer Contributions. No contributions to the Trust Fund by the Commission shall be used for, or diverted to, purposes other than for the exclusive benefit of Members and Beneficiaries, prior to the satisfaction of all liabilities under this Retirement System.

# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



ITEM 5k

Comprehensive Annual Financial Report  
for the Fiscal Year Ended June 30, 2013

## LAND USE ARTICLE REQUIREMENTS

- **Section 15-115**
  - Commission must publish an annual financial report certified by independent certified public accountants.
- **Section 15-116**
  - Commission must publish an annual report setting forth the work of the Commission for the year.

## AUDITOR'S OPINION

- Received an unqualified (clean) opinion from Clifton Gunderson, LLP

# COMMISSION WIDE ACTIVITY (MILLIONS)

	Governmental Activities	Business- type Activities	Total
Revenues	\$381.0	\$20.0	\$401.0
Expenses	(320.6)	(29.5)	(350.1)
Transfers	(8.8)	8.8	-
Change in Net Assets	\$ 51.6	\$ (.7)	\$ 50.9



**COST OF GOVERNMENTAL SERVICES  
(THOUSANDS)**

	<u>Total cost</u>	<u>Net Cost</u>
General Government	\$ 16,859	\$ 16,859
Planning and Zoning	45,516	39,088
Park Operation	199,288	166,944
Recreation Programs	55,800	41,546
Debt Interest	<u>3,098</u>	<u>3,098</u>
Total	<u>\$320,561</u>	<u>\$267,535</u>

**MONTGOMERY COUNTY  
ADMINISTRATION ACCOUNT- GENERAL FUND (Thousands)**

	Final Budget	Actual	Variance
<b>Revenues:</b>			
Total Revenues	\$ 26,971.2	\$ 26,945.6	\$ (25.6)
<b>Expenditures/Encumbrances:</b>			
Total Expenditures/Encumbrances	26,027.3	23,398.0	2,629.3
Revenues over (under) Expenditures	943.9	3,547.6	2,603.7
Transfer to Special Revenue Fund - Dev. Review	(1,390.0)	(1,390.0)	-
Change in Fund Balance	\$ (446.1)	2,157.6	\$ 2,603.7
Fund Balance - Budget Basis, Beginning		3,521.5	
Fund Balance - Budget Basis, Ending		<u>\$ 5,679.1</u>	

Fund balance, budget basis

Assigned (Designated for FY 2014 Budget)

\$ 926.0

Unassigned (Designated for Contingencies)

834.9

Unassigned (net of Contingency Designation)

3,918.2

Total Unassigned

4,753.1

Total fund balance, budget basis

\$5,679.1

**MONTGOMERY COUNTY  
PARK ACCOUNT - GENERAL FUND (Thousands)**

	Final Budget	Actual	Variance with Variance
<b>Revenues:</b>			
Total Revenues	\$ 82,517.5	\$ 82,984.9	\$ 467.4
<b>Expenditures/Encumbrances:</b>			
Total Expenditures/Encumbrances	77,928.7	76,676.3	1,252.4
Revenues over (under) Expenditures	4,588.8	6,308.6	1,719.8
Transfers In (Out)			
Capital Project Funds	-	(4.7)	(4.7)
Debt Service	(4,442.7)	(4,433.0)	9.7
Capital Project Funds - Development	(350.0)	(350.0)	-
Special Revenue	-	(115.0)	(115.0)
Total Transfers	(4,792.7)	(4,902.7)	(110.0)
Change in Fund Balance	\$ (203.9)	1,405.9	\$ 1,609.8
Fund Balance - Budget Basis, Beginning		6,871.3	
Fund Balance - Budget Basis, Ending		<u>\$ 8,277.2</u>	

Fund balance, budget basis

Assigned (Designated for FY 2014 Budget)

\$ 3,368.2

Unassigned (Designated for Contingencies)

2,415.0

Unassigned (net of Contingency Designation)

2,494.0

Total Unassigned

4,909.0

Total fund balance, budget basis

\$8,277.2

**PRINCE GEORGE'S COUNTY  
ADMINISTRATION ACCOUNT- GENERAL FUND (Thousands)**

	<u>Final Budget</u>	<u>Actual</u>	<u>Variance with Variance</u>
Revenues:			
Total Revenues	\$ 45,293.2	\$ 44,887.0	\$ (406.2)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	47,455.4	43,035.2	4,420.2
Revenues over (under) Expenditures	<u>(2,162.2)</u>	<u>1,851.8</u>	<u>4,014.0</u>
Transfer to Special Revenue Fund	<u>(30.0)</u>	<u>(30.0)</u>	<u>-</u>
Change in Fund Balance	<u>(2,192.2)</u>	<u>1,821.8</u>	<u>\$ 4,014.0</u>
Fund Balance - Budget Basis, Beginning		20,478.3	
Fund Balance - Budget Basis, Ending		<u>\$ 22,300.1</u>	

Fund balance, budget basis

Assigned (Designated for FY 2014 Budget)

\$ 4,458.0

Unassigned (Designated for Contingencies)

2,392.8

Unassigned (net of Contingency Designation)

15,449.3

Total Unassigned

17,842.1

Total fund balance, budget basis

\$ 22,300.1

PRINCE GEORGE'S COUNTY  
PARK ACCOUNT- GENERAL FUND (Thousands)

	Final Budget	Actual	Variance with Variance
Revenues:			
Total Revenues	122,515.1	122,317.6	(197.5)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	107,551.2	102,268.2	5,283.0
Revenues over (under) Expenditures	14,963.9	20,049.4	5,085.5
Transfers In (Out)			
Capital Project Funds	375.0	129.2	(245.8)
Debt Service	(17,211.6)	(12,204.2)	5,007.4
Capital Project Funds - Development	45,412.1	45,412.1	-
Total Transfers	28,575.5	33,337.1	4,761.6
Change in Fund Balance	\$ 43,539.4	53,386.5	\$ 9,847.1
Fund Balance - Budget Basis, Beginning		85,791.7	
Fund Balance - Budget Basis, Ending		<u>\$ 139,178.2</u>	

Fund balance, budget basis

Assigned (Designated for FY 2014 Budget)

\$ 30,147.0

Unassigned (Designated for Contingencies)

5,678.8

Unassigned (net of Contingency Designation)

103,352.4

Total Unassigned

109,031.2

Total fund balance, budget basis

\$ 139,178.2

PRINCE GEORGE'S COUNTY  
RECREATION ACCOUNT- GENERAL FUND (Thousands)

	Final Budget	Actual	Variance with Variance
Revenues:			
Total Revenues	\$ 66,740.7	\$ 66,457.1	\$ (283.6)
Expenditures/Encumbrances:			
Total Expenditures/Encumbrances	59,677.4	53,905.0	5,772.4
Revenues over (under) Expenditures	7,063.3	12,552.1	5,488.8
Transfer Out - Enterprise	(8,825.9)	(8,825.9)	-
Change in Fund Balance	(1,762.6)	3,726.2	\$ 5,488.8
Fund Balance - Budget Basis, Beginning		23,388.8	
Fund Balance - Budget Basis, Ending		<u>\$ 27,115.0</u>	

Fund balance, budget basis

Assigned (Designated for FY 2014 Budget)

\$ 6,584.1

Unassigned (Designated for Contingencies)

3,565.8

Unassigned (net of Contingency Designation)

16,965.1

Total Unassigned

20,530.9

Total fund balance, budget basis

\$ 27,115.0

# ENTERPRISE FUNDS (THOUSANDS)

	Montgomery County	Prince George's County
Operating revenues	\$ 9,833	\$ 10,122
Operating expenses, excluding depreciation	8,049	18,085
Operating income (loss), excluding depreciation	1,784	(7,963)
Depreciation	1,174	2,192
Operating Income (loss)	610	(10,155)
Nonoperating revenue (expense)	(21)	6
Transfers/Contributions	--	8,826
Changes in Net Assets	\$ 589	\$ (1,323)

MONTGOMERY COUNTY  
FUND BALANCE POLICY  
GENERAL FUND ACCOUNTS

Goal: Fund Balance 3 - 5% of expenditures

Administration Fund:

Actual available Fund Balance \$4,753,067  
18.26% of FY13 budgeted expenditures

Park Fund:

Actual available Fund Balance \$4,909,003  
6.30% of FY13 budgeted expenditures



PRINCE GEORGE'S COUNTY  
FUND BALANCE POLICY  
GENERAL FUND ACCOUNTS

Goal: Fund Balance 3 - 5% of expenditures

Administration Fund:

Actual available Fund Balance \$17,842,072  
37.60% of FY13 budgeted expenditures

Park Fund:

Actual available Fund Balance \$109,031,211  
101.38% of FY13 budgeted expenditures

Recreation Fund:

Actual available Fund Balance \$20,530,876  
34.40% of FY13 budgeted expenditures

MONTGOMERY COUNTY CASH  
BALANCE POLICY  
ENTERPRISE FUND

Goal: Cash Balance equal to 10% of operating expenses, plus one year's non-golf debt service

Minimum required cash	\$ 1,395,377
Cash as of June 30, 2013	5,674,846
Cash as Percentage of operating expenses	61.53%

PRINCE GEORGE'S COUNTY CASH  
BALANCE POLICY  
ENTERPRISE FUND

Goal: Cash Balance equal to 10% of operating expenses

Minimum required cash	\$ 2,027,818
Cash as of June 30, 2013	4,488,203
Cash as Percentage of operating expenses	22.13%

MONTGOMERY COUNTY  
FUND BALANCE POLICY  
SPECIAL REVENUE FUND

Goal: Fund Balance 15% of expenditures

Actual ending Fund Balance \$6,222,763  
108.05% of budgeted expenditures

PRINCE GEORGE'S COUNTY  
FUND BALANCE POLICY  
SPECIAL REVENUE FUND

Goal: Fund Balance 10% of expenditures

Actual ending Fund Balance \$6,120,407  
72.61% of budgeted expenditures

# FUND BALANCE POLICY - RISK MANAGEMENT FUND

Goal - reserve net position equal to 2% of prior year (2012) operating expenses

Montgomery County Fund Net Position:	\$3,530,050
Percentage of 2012 Operating Expenses:	2.8%
Prince George's County Fund Net Position:	\$5,630,630
Percentage of 2012 Operating Expenses:	2.2%



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
LATE PERFORMANCE EVALUATION REPORT  
BY DEPARTMENT AS OF NOVEMBER 2013

	31 - 60 DAYS		61 - 90 DAYS		91 + DAYS		DEPARTMENT TOTALS	
	10/13	11/13	10/13	11/13	10/13	11/13	10/13	11/13
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	0	0	0	0	1	1	1	1
INTERNAL AUDIT	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	1	0	0	0	0	0	1
LEGAL DEPARTMENT	1	3	0	1	0	0	1	4
FINANCE DEPARTMENT	0	7	0	0	0	0	0	7
PRINCE GEORGE'S PLANNING	2	0	0	1	0	0	2	1
PRINCE GEORGE'S PARKS & RECREATION	0	0	0	0	0	0	0	0
MONTGOMERY COUNTY PARKS	0	0	0	0	0	0	0	0
MONTGOMERY COUNTY PLANNING	2	2	2	0	0	0	4	2
**DEPARTMENT TOTAL BY DAYS LATE**	5	13	2	2	1	1	8	16

**COMMISSION WIDE TOTAL:**

\*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.







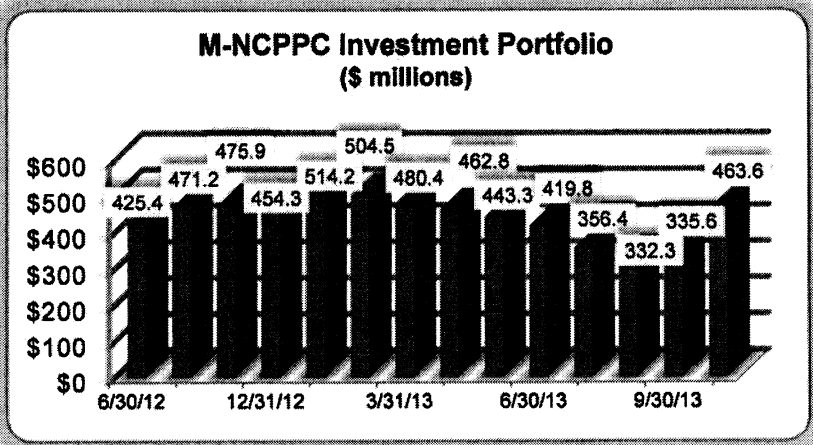


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**TREASURY OPERATIONS, FINANCE DEPARTMENT**  
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737  
 Telephone (301) 454-1541 / Fax (301) 209-0413

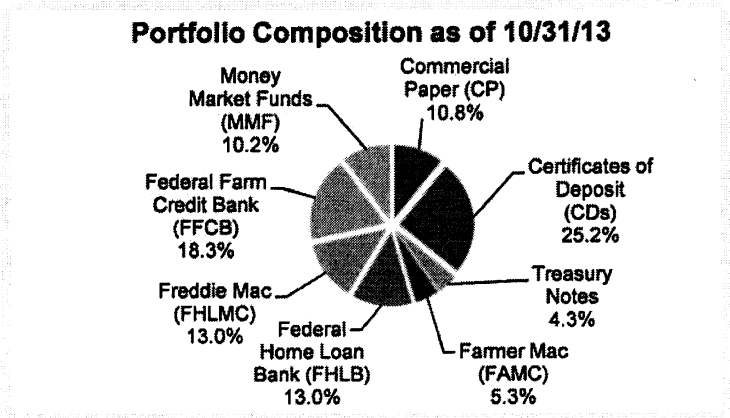
**MEMO**

**TO:** Commissioners  
**VIA:** Joseph Zimmerman, Secretary-Treasurer  
**FROM:** Abbey Rodman, Investment & Treasury Operations Manager *AR*  
**DATE:** 11/14/2013  
**SUBJECT:** Investment Report – October 2013

The Commission’s pooled cash investment portfolio totaled \$463.6 million as of October 31, 2013, with a 38.1 % increase from September 30, 2013. Details are as follows:

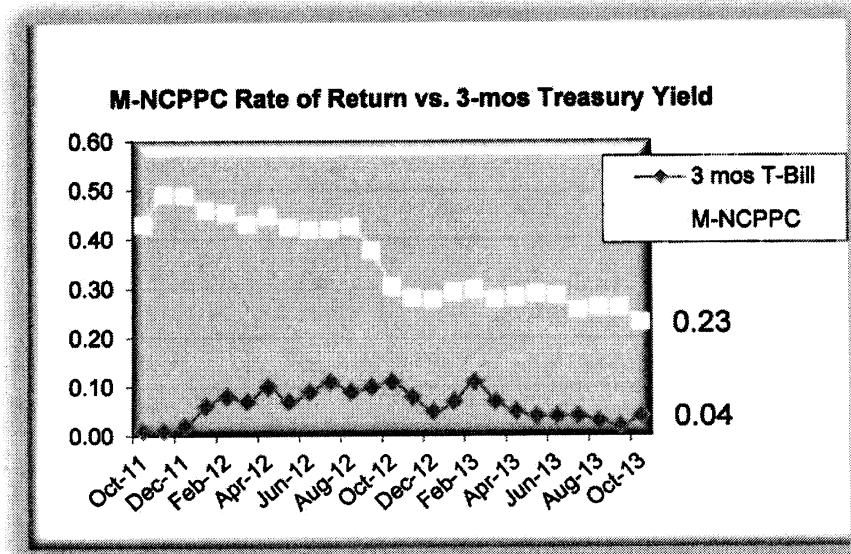


The composition of the pooled cash portfolio as of October 31, 2013 is summarized below:

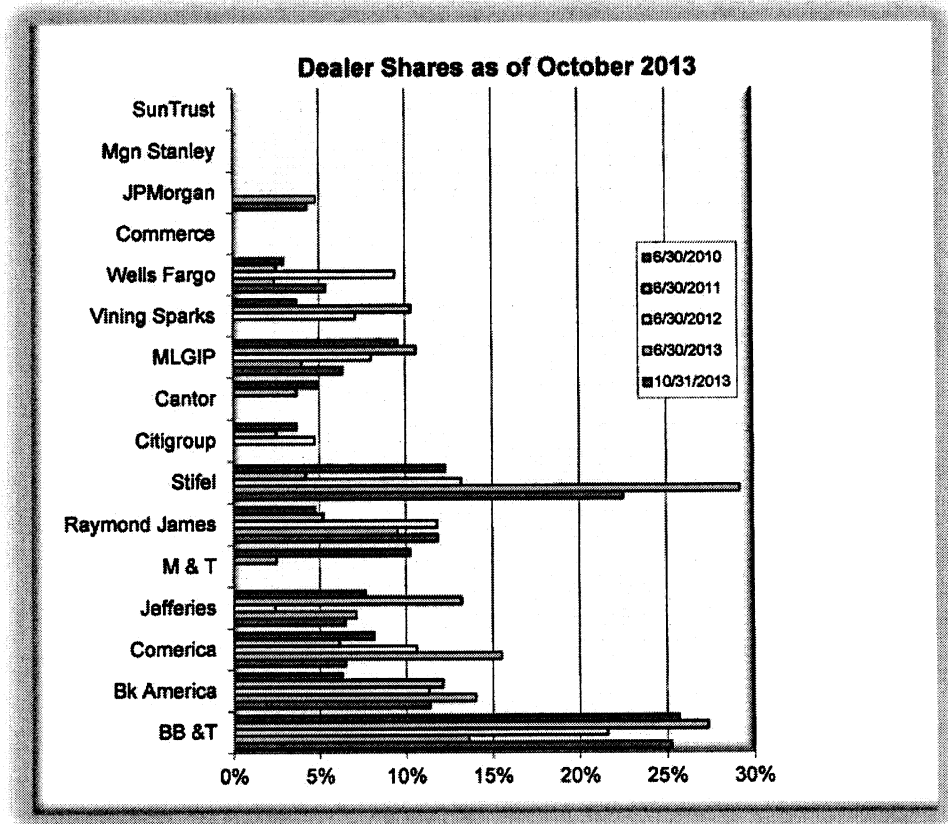


Current Investment Portfolio - October 2013				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Certificates of Deposit	50%	25%	\$ 117,000,000	0.25%
Federal Farm Credit Bureau	20%	18%	85,000,000	0.25%
Federal Home Loan Banks	20%	13%	60,000,000	0.26%
Freddie Mac	20%	13%	60,000,000	0.26%
Commercial Paper	10%	11%	50,000,000	0.49%
Money Funds	25%	10%	47,093,668	n/a
Farmer Mac	20%	5%	24,500,000	0.26%
Treasury Notes	100%	4%	20,000,000	0.25%
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			<b>\$ 463,593,668</b>	<b>0.23%</b>

The pooled cash portfolio complied with all policy limits with regard to product types and proportions throughout the month.



In addition to the product limits, portfolio purchases also adhered to the 30% limit per dealer. Dealer participation is shown below:



The market values of unspent debt balances (invested by T. Rowe Price) were as follows:

<b>Market Value- 10/31/13</b>	
Montgomery County (MC-2012A)	\$ 2,113,081
Montgomery County (MC-2012B)	882,304
	<b>\$ 2,995,385</b>

The Commission had debt service payments in interest of \$70,731 during the month.

Details by issue of debt outstanding as of October 31, 2013 appear below:

<b>Debt Balances - October 2013</b>					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
<b>Bi-County</b>					
<b>Total Bi-County</b>	\$ -	\$ -	0%		
<b>Prince George's County</b>					
KK-2 (Refunded AA-2)	17,300,000	8,993,123	52%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	10,505,000	75%	Mar-10	May-21
EE-2	37,525,000	9,855,000	26%	Mar-04	Jan-24
PG-2012A	11,420,000	11,380,000	100%	Jun-12	Jun-24
JJ-2	8,900,000	6,770,000	76%	May-07	May-27
<b>Total Prince George's County</b>	\$ 89,225,000	\$ 47,503,123	53%		
<b>Montgomery County</b>					
Cabin John Ice	6,000,000	222,228	4%	Apr-99	Nov-13
HH-2	5,445,000	335,000	6%	Jul-05	Jul-14
DD-2(ALA)	1,550,000	305,000	20%	Dec-02	Dec-14
CC-2	12,155,000	555,000	5%	Dec-02	Dec-14
LL-2	8,405,000	6,190,000	74%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,360,000	68%	Nov-04	Dec-24
FF-2	4,000,000	1,040,000	26%	Nov-04	Dec-24
II-2	4,700,000	3,590,000	76%	Mar-07	Apr-27
MM-2	5,250,000	4,410,000	84%	May-09	Nov-28
MC-2012A	12,505,000	12,505,000	100%	Apr-12	Dec-32
MC-2012B	3,000,000	3,000,000	100%	Apr-12	Dec-32
<b>Total Montgomery County</b>	\$ 65,010,000	\$ 33,512,228	52%		
<b>Total</b>	\$ 154,235,000	\$ 81,015,351	53%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012  
 FISCAL YEAR 2014 - October 31, 2013

OBJECTIVES			Met Objective	Within Limits	Comments
<b>Protection of principal</b>			<b>Yes</b>		
<b>Limiting types and amounts of securities</b>	Limit			<b>Yes</b>	
US Government		100%			All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined		60%			
US Federal Agencies - each		20%			
Repurchase Agreements		60%			
CD's and Time Deposits		50%			
Commercial Paper		10%			
Money Market Mutual Funds		25%			
MD Local Gov't Investment Pool		25%			
Investing Bond Proceeds:					
State and local agency securities		100%			
Money Market Mutual Funds		10%			
Bond Proceeds:				<b>Yes</b>	T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities					
Highly-rated money market mutual funds					
(Max. 10% in lower-rated funds)					
<b>Pre-qualify financial institutions, broker/dealers, intermediaries and advisers</b>				<b>Yes</b>	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
<b>Ensure competition among participants</b>		30%		<b>Yes</b>	No dealer share exceeded 30%
<b>Competitive Bidding</b>				<b>Yes</b>	All purchases awarded competitively.
<b>Diversification of Maturities</b>				<b>Yes</b>	All maturities within limits
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.					
<b>Require third-party collateral and safekeeping, and delivery-versus-payment settlement</b>				<b>Yes</b>	M&T Investments serves as custodian, monitoring compliance daily
<b>Maintain sufficient liquidity</b>			<b>Yes</b>		Sufficient funds available for all cash requirements during period
<b>Attain a market rate of return</b>			<b>Yes</b>		Exceeded by 19 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.23% and 0.04%, respectively.					







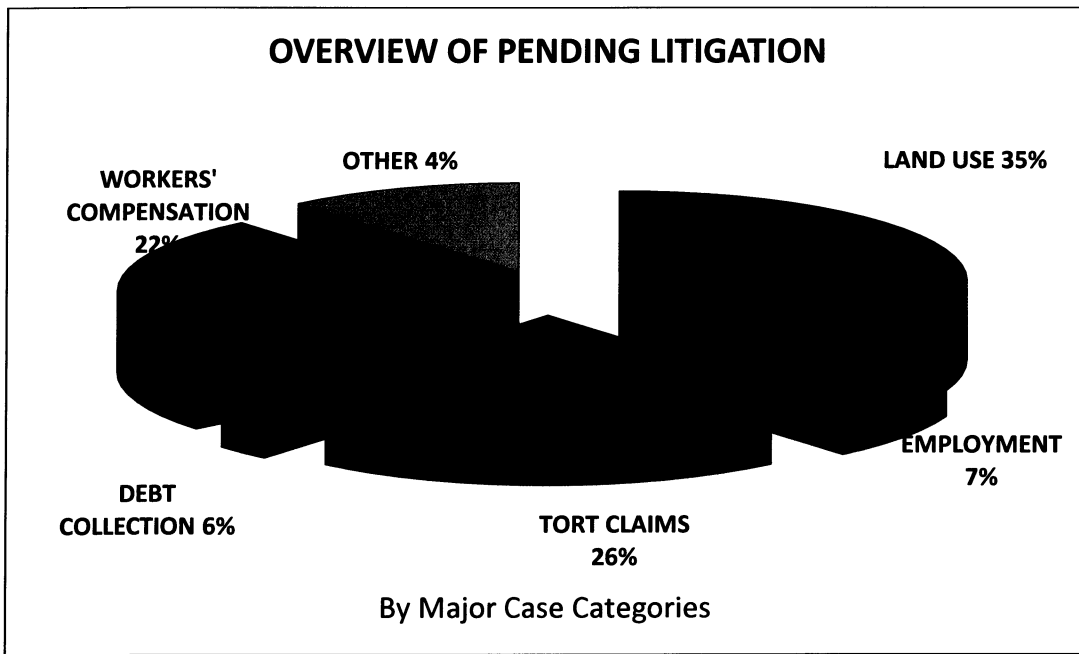
**November 2014**  
**Litigation Report**



## October 2013 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	8		3				11
Admin Appeal: Other							0
Land Use Dispute							0
Tort Claims	8						8
Employment Dispute		3					3
Contract Dispute	2						2
Property Dispute	1						1
Civil Enforcement	1						1
Workers' Compensation	5		4				9
Debt Collection	1						1
Bankruptcy							0
Miscellaneous	3		1				4
<b>Per Forum Totals</b>	<b>29</b>	<b>3</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>40</b>



## October 2013 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2014			
	Pending Last Month	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD	Resolved Cases F/YTD	Pending Current Month
<b>Admin Appeal: Land Use</b>	14	3	6	16	10	15	11
<b>Admin Appeal: Other</b>	0			0	0	0	0
<b>Land Use Disputes</b>	0			1	0	1	0
<b>Tort Claims</b>	15		7	5	13	10	8
<b>Employment Disputes</b>	4		1	4	1	2	3
<b>Contract Disputes</b>	2			1	2	1	2
<b>Property Disputes</b>	2		1	2	0	1	1
<b>Civil Enforcement</b>	1			1	0	0	1
<b>Workers' Compensation</b>	8	1		14	9	14	9
<b>Debt Collection</b>	1			3	0	2	1
<b>Bankruptcy</b>	0			0	0	0	0
<b>Miscellaneous</b>	5		1	1	5	2	4
<b>Totals</b>	52	4	16	48	40	48	40

### Index of New and Resolved Cases

<b>A. <u>New Trial Court Cases.</u></b>	<b><u>Unit</u></b>	<b><u>Subject Matter</u></b>
Commission v. Murray		Workers' Comp
<b>B. <u>New Appellate Court Cases.</u></b>		
McClure v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use
Sahady v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use
Smith v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use
<b>C. <u>Trial Court Cases Resolved.</u></b>		
Commission v. Mereos	MCPB	Property Dispute
Felhauer, Jacob v. Commission	PG Parks	Tort Claim
Felhauer, James v. Commission	PG Parks	Tort Claim
Felhauer, Justin v. Commission	PG Parks	Tort Claim
Felhauer, Nicholas v. Commission	PG Parks	Tort Claim
Freeman v. Commission	PG Parks	Employment Dispute
Harper v. Commission	PG Parks	Tort Claim
Hume v. Maryland National Park Police	MC Park Police	Miscellaneous

Jenkins, Jennifer v. Commision	PG Parks	Tort Claim
Mafinsky et. al.v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use
McClure v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use
Sahady v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use
Smith v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use
Town of Washington Grove v. MNCPPC	MCPB	Admin Appeal: Land Use
Witherspoon v. Commission	PG Parks	Tort Claim

**D. Appellate Court Cases Resolved.**

Rounds v. Commission	MCPB	Admin Appeal: Land Use
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## Disposition of FY14 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Commission v. Martinez	Commission appealing the Workers' Compensation Commission's decision	Case Remanded to WCC 03/04/13.
Commission v. Rivera	Commission appealing the Workers' Compensation Commission's decision.	Case Remanded to WCC 07/15/13.
Pollard v. Commission	The Workers' Compensation Commission awarded Claimant 15% permanent partial disability to his right lower extremity (knee), and 5% was found to be due to a pre-existing condition. Claimant appealed award.	Case Remanded to WCC 01/08/13.
Pollard v. Commission	The Workers' Compensation Commission awarded Claimant 37% permanent partial disability reasonably attributable to the accidental injury, and 24% was found to be due to pre-existing conditions. Claimant appealed award.	Case Remanded to WCC 01/08/13.
Rivera v. Commission	WCC found claimant did not sustain an occupational disease, claimant appealed	Case remanded to WCC 08/06/13
White v. Commission	Petitioner is appealing the Worker's Compensation Commission's order.	Case remanded to WCC 04/23/13
Commission v. Hoffmaster	Commission appealing the Workers' Compensation Commission's decision.	Claimant prevailed at jury trial. WCC Order affirmed. 02/05/13.



Hume v. Maryland Park Police	Defense of claim for reimbursement for personal items allegedly taken during eviction from Commission property located in the Twinbrook section of Rock Creek Park.	Commission's Motion to Dismiss granted on 10/15/13.
Commission v. Johnson	Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.	Judgment granted in favor of the Commission 10/19/12.
Commission v. Mereos	Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.	Case dismissed without prejudice per Rule 2-507 on 07/11/13 for inability to serve and prosecute the case
McClure v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21611 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-38.	Order of Court reversing penalties ordered by the Planning Board, filed: 07/03/13; Notice of Appeal filed 08/01/13.
Pringle v. Montgomery County Planning Board	Gregory Pringle filed a petition of judicial review of the decision of the Montgomery County Planning Board in the case of Seneca Meadows Preliminary Plan 11998004A and Site Plan 820100140.	Order denying Writ of Certiorari filed: 10/21/13
Sahady v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21533 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-50.	
Sandler, et al. v. Montgomery County Planning Board	Petition for Judicial Review filed for Decision of the Montgomery County Planning Board regarding enforcement action: Violation of category I conservation easement in connection with forest conservation plan 120020730.	Final Order entered on 10/18/12 affirming the Planning Board's decision.
Smith v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21627 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 10-180.	Court order reversing order and opinion of Planning Board, filed: 05/23/13; Notice of Appeal filed: 06/21/13.

South-East Rural Civic Assn v. Montgomery County Planning Board	Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Preliminary Plan 120100250 and Site Plan 820100080 First Baptist Church of Wheaton.	Final Order reversing the Planning Board's decision issued and remand to the Board to deny preliminary and site plans.
South-East Rural Olney Civic Assn et al. v. Montgomery County Planning Board	Civil Compliant for Declaratory Judgment and Injunctive Relief filed in connection with Preliminary Plan 120100250 and Site Plan 820100080.	Complaint voluntarily dismissed by Plaintiffs on 10/17/12.
Town of Washington Grove v. M-NCPPC	Petition for Judicial Review of Forest Conservation Plan	Order of court affirming decision of the Planning Board, filed: 06/07/13
<b>Prince George's County Department of Parks and Recreation</b>		
Commission v. Batson	Commission is appealing the Workers' Compensation Commission decision.	Case Dismissed 09/21/12.
Commission v. Hill	Commission is appealing the Workers' Compensation Commission's decision.	Case Remanded to WCC 10/29/12.
Commission v. Kohlheim	Commission won Summary Judgment in suit to collect money owed for unpaid rental fees for boarding horses at the Prince George's Equestrian Center.	Case closed. Judgment uncollectable 05/11/12.
Commission v. Nyagbona	Commission filed suit to recover funds paid to repair a Commission vehicle that was struck by Defendant's uninsured automobile.	Defendant is in active military service and can't be served.
Commission v. Pinkney	Commission appealing the Worker's Compensation Commission's decision.	Case closed by stipulation of dismissal 03/28/13.
Corsetti v. Commission	Petitioner appealing the Worker's Compensation Commission's award of compensation to her right shoulder.	Case remanded to WCC 04/09/13.
Donaldson v. Commission	Claimant is appealing the Workers' Compensation Commission's Order denying compensability of his claim.	Case remanded to WCC 06/13/13.
Felhauer, Jacob v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case dismissed for purposes of settlement 10/16/13
Felhauer, James v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case dismissed for purposes of settlement 10/16/13

Felhauer, Justin v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case dismissed for purposes of settlement 10/16/13
Felhauer, Nicolas v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case dismissed for purposes of settlement 10/16/13
Galloway v. Commission	The Workers' Compensation Commission awarded Claimant 22% permanent partial disability to his left leg (knee). Claimant is appealing this award.	Claimant Dismissed Appeal 02/22/13.
Harper v. Commission	Defense of a \$250 tort claim for property damage allegedly caused by golf ball that escaped from the Commission's Enterprise Golf Course	Verdict in favor of the Commission on 08/20/13
Freeman v. Commission	Defense of claim alleging discrimination and retaliatory termination.	Jury verdict in Commission's favor: 10/3/13
Japones v. Montgomery	Defense of Commission employee against suit for personal injury resulting from automobile accident.	Case Dismissed 01/14/13.
Jenkins, Jennifer v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case dismissed for purposes of settlement 10/16/13
Lawson v. Commission	Defense of claim arising from injury to minor child playing game at playground camp held at Carrollton Elementary School.	Case Settled 09/14/12.
Quick v. Gathers	Defense of claim for alleged violations of the Americans with Disabilities Act.	Commission's Motion to Dismiss granted on 12/17/12.
Quick v. Legal Department	Defense of claim for injuries arising from alleged defective exercise bike.	Commission's Motion to Dismiss granted on 12/17/12.
Wilson v. Commission	Appeal of dismissal of claim alleging discriminatory termination.	Dismissal upheld 04/10/13.
<b>Prince George's County Planning Department</b>		
<b>Prince George's County Planning Board</b>		
Accokeek, Mattawoman, Piscataway Creeks, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Special Exception 4669 in Robin Dale Property.	Court granted Commission's Rule 7-204(b) Motion to Dismiss on 10/26/12.

Keller Brothers Inc. v. Commission	Defense of claim for Judicial Review of construction change order request for Glen Arden Community Center and Theresa Banks Pool.	Order of Court reversing the Commission's purchase order decisions – appeal recommended. Commission has appealed to the Court of Special Appeals. Case closed by verdict for Plaintiff 01/07/13.
Keller Brothers Inc. v. Commission	Defense of claim for Judicial Review of construction change order request for Glen Arden Community Center and Theresa Banks Pool.	Judgment in favor of Commission 02/19/13.
Kelly Canavan & Randy Pheobus, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-07076 in Estate of Pleasant Valley.	Case Dismissed by Clerk of Circuit Court 09/08/12.
Lake Marlton Limited Partnership, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11003 in Heathermore.	Opinion and Order for Circuit Court affirming Planning Board decision 11/30/12.
Tipton, et al. v. Commission	Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-11028 in Salubria Center.	Order affirming Circuit court decision: 09/23/13.
Prince George's County v. Mazzei et al.	Order from Workers' Compensation Commission which found that he did not sustain an occupational disease arising out of and in the course of his employment from either Prince George's County or the Commission. Prince George's County is appealing decision from court in favor of Claimant, Mazzei.	



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**DISTRICT COURT OF MARYLAND FOR PRINCE GEORGE'S COUNTY**

**Commission v. Burke**

Case No. 0502-0008216-2009

Lead Counsel: Harvin  
Other Counsel:

Abstract: Commission filed confessed judgment against Defendant for failure to pay rental fee for park property. Currently attempting to locate defendant in order to enforce judgment.

Status: Confessed Judgment Filed

Docket:

03/10/09	Confessed Judgment filed
05/14/12	Notice of Lien filed

**Commission v. Eludoyin**

Case No. 0502-0006727-2012

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Commission filed suit to recover funds paid to employee under Workers' Compensation Act due to a vehicle accident caused by Defendant.

Status: Currently attempting to locate Defendant to serve summons and complaint

Docket:

03/28/12	Complaint filed
04/02/12	Summons issued for Defendant

**Government Employees Ins. Co. v. Allison Claire Poirier et al. and Commission**

Case No. 0502-0024591-2013

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of subrogation claim asserted by an insurance company arising out of motor vehicle accident involving a Commission employee and the company's insured.

Status: Pending Trial

Docket:

09/10/13	Complaint filed
12/02/13	Trial Scheduled



**CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**Boblits Enterprises v. Commission**

Case No. CAL13-09692

Lead Counsel: Chagrin  
Other Counsel: Dickerson

Abstract: Defense of construction dispute concerning the Fairwoods Park project in Bowie where the contractor seeks over \$300,000 and release of \$73,000 currently retained by the Commission as liquidated damages.

Status: Pretrial Hearing Scheduled.

Docket:

04/05/13	Complaint filed
07/30/13	Answer filed
08/08/13	Scheduling Order filed
01/14/14	Pretrial Hearing Scheduled

**City of College Park v. Commission**

Case No. CAL 13-21085

Lead Counsel: Borden  
Other Counsel: Johnson, Mills

Abstract: Petition for judicial review of the Prince George's County Planning Board development approval for the Cafritz Property, Special Permit SP-130002. (Consolidated with Case No. CAL 13-21086).

Status: Pending Trial

Docket:

07/25/13	Petition filed
08/06/13	Response to Petition filed
09/13/13	Motion to Consolidate Cases filed
10/07/13	Order consolidating cases entered
01/07/14	Trial scheduled

**Commission v. Brown**

Case No. CAL03-24561

Lead Counsel: Harvin  
Other Counsel:

Abstract: Commission won Summary Judgment in suit to collect money owed for unpaid rental fees for boarding horses at the Prince George's Equestrian Center.

Status: Post-judgment Collection Activity

Docket:

11/21/03	Complaint filed
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07/02/04	Summary judgment granted
09/13/04	Hearing on damages – Award: \$11,680.00
05/14/12	Renewal of Judgment filed

**Commission v. Devore**  
Case No. CAL13-21820

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Petition for Judicial Review of worker's compensation case initiated by Commission.

Status: Pretrial Hearing Scheduled.

Docket:

08/05/13	Petition filed
08/05/13	Motion for Extension of Time filed
08/09/13	Order Permitting Omission of Record from WCC filed
09/09/13	Scheduling Order filed
09/30/13	Certificate Regarding Discovery filed
02/04/14	Pretrial Hearing Scheduled

**Commission v. Murray**  
CAL13-14810

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Commission is appealing the decision held by the WCC that claimant suffered from an occupational disease.

Status: Pending Trial

Docket:

05/10/13	Petition Filed
11/12/13	Pretrial Hearing Held
05/22/14	Trial Scheduled

**Jackson v. Commission**  
Case No. CAL12-32723

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claims arising from injury sustained by patron while playing tennis.

Status: Pending Trial

Docket:

11/01/12	Complaint filed
12/18/12	Answer filed

05/30/13	Pre-trial conference scheduled
05/31/13	Pre-Trial Statement filed
08/02/13	Motion to for Summary Judgment / Memorandum of Law filed
09/20/13	Order of Court denying Motion for summary Judgment entered
02/18/14	Trial scheduled

**Lewis, et al., v. The Peterson Companies, L.C., et al.**

Case No. CAL13-12414

Lead Counsel: Dickerson  
Other Counsel:

Abstract: Defense of tort claim alleging that Park Police failed to prevent certain third-parties from assaulting the plaintiffs during a visit to the National Harbor area.

Status: Motion to Dismiss Pending

Docket:

05/01/13	Complaint filed
09/26/13	Motion to Dismiss filed or in the Alternative for Summary Judgment filed
10/17/13	Amended Complaint filed
11/01/13	Commission's motion to Dismiss or in the Alternative for Summary Judgment filed

**Litrenta v. Commission**

Case No. CAL13-15566

Lead Counsel: Aleman  
Other Counsel: Dickerson

Abstract: Defense of tort claim for personal injuries allegedly sustained when the plaintiff was the passenger on a Commission golf cart and fell out while his acquaintance was driving. (The driver is also named as a defendant.)

Status: Pending Co-Defendant's Motion to Dismiss

Docket:

06/04/13	Complaint filed
07/24/13	Motion to Dismiss filed
09/20/13	Answer to Plaintiff's Amended Complaint filed
10/03/13	Cross-claim against Co-Defendant filed
11/05/13	Cross-Defendant/Co-Defendant filed a Motion to Dismiss Plaintiff's original complaint for insufficient service of process.
11/22/13	Plaintiff's Affidavit of Service certifying that Co-Defendant's counsel accepted service of Complaint filed
12/03/13	Commission's Affidavit of Service certifying re-service of Cross Claim on Co-Defendant filed

**Presensky v. Commission**

Case No. CAL12-37360

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim alleging employment discrimination

Status: Pending Alternative Dispute Resolution conference

Docket:

11/27/12	Complaint filed
02/12/13	Answer filed
04/16/13	Certificate of Service Regarding Discovery filed
08/08/13	Joint Motion to Amend Scheduling Order filed
09/23/13	Served responses to Pla's 3 <sup>rd</sup> Document Request
12/10/13	Alternative Dispute Resolution Conference Scheduled
03/31/14	Trial Scheduled

**Reijerson v. Commission**  
Case No. CAL13-11339

Lead Counsel: Chagrin  
Other Counsel:

Abstract: WCC found claimant sustained 10% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

04/13/13	Petition filed
04/29/13	Response to Petition filed
10/22/13	Pre-Trial Conference Scheduled
05/06/14	Trial Scheduled

**Rogers v. Commission**  
Case No. CAE08-17670

Lead Counsel: Dickerson  
Other Counsel:

Abstract: Plaintiff filed complaint for declaratory judgment and injunctive relief claiming easement rights concerning Commission property in Prince George's County.

Status: Awaiting further action

Docket:

07/10/08	Complaint filed
08/19/08	Complaint served
09/17/08	Commission Answer filed
11/05/08	Amended Complaint served
11/24/08	Commission Answer to Amended Complaint filed
03/04/09	Second Amended Complaint served
03/20/09	Commission Answer to Second Amended Complaint filed
08/28/09	Commission Motion for Partial Summary Judgment filed
08/31/09	Plaintiff's Motion for Partial Summary Judgment filed

09/28/09	Plaintiff's Motion for Leave to file Third Amended Complaint filed
09/29/09	Pretrial Conference
12/10/09	Pretrial Conference
02/22/10	Pretrial Conference
09/17/10	Motion Hearing held
01/19/11	Pretrial Conference held
05/3-5/11	Trial continued

**Rollins v. Commission**  
Case No. CAL-11-17871

Lead Counsel: Johnson  
Other Counsel: Borden

Abstract: Defense against Administrative Appeal of decision by the Planning Board to approve Preliminary Plan 4-10026 in Middleton Lane

Status: Awaiting Court's Decision

Docket:

08/01/11	Petition for Judicial Review filed
12/06/12	Petitioner's Filed Motion to Compel Filing of the Administrative Record and to Reschedule Oral Argument Hearing
12/10/12	Commission Filed Opposition to Motion to Compel Filing of the Administrative Record and to Reschedule Oral Argument Hearing
12/10/12	Commission Filed Response to Petition
12/10/12	Commission Filed Notice of Appeal
12/10/12	Commission filed Certificate of Compliance
12/10/12	Commission filed Record & Transcript
12/13/12	Oral Argument Scheduled
01/10/13	Petitioners' filed a Joint Stipulation to Extend Time to File Memoranda of Law
01/22/13	Petitioners' filed their Memorandum of Law in Circuit Court
02/25/13	Commission filed its Memoranda of Law in Circuit Court
04/03/13	Oral Argument was rescheduled to June 5, 2013 with Judge Michael J. Stamm. Judge Nichols is recusing himself from the case because his secretary is related to the applicant.
06/05/13	Oral Argument Scheduled
07/12/13	Oral Arguments heard by St. Mary's County Judge Michael J. Stamm due to Judge Nichols' recusal.
08/02/13	Commission filed Memorandum of Law Regarding Standing
10/29/13	Petitioners' filed a Notice of Withdrawal of Appearance and Substitution of Counsel

**Schwartz v. Dobbins**  
Case No. CAL12-25208

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim arising from motor vehicle accident.

Status:  
Docket:

Pending Trial

08/13/12	Complaint filed
09/24/12	Answer filed
03/04/13	Pre-trial conference scheduled
02/03/14	Trial scheduled

**Short v. Commission**  
Case No. CAL12-37360

Lead Counsel: Chagrin  
Other Counsel:

Abstract: WCC found claimant did not sustain an occupational disease. Claimant appealed.

Status: Pending Trial

Docket:

04/29/13	Petition filed
05/10/13	Response to Petition filed
11/07/13	Pretrial Hearing Held
05/14/14	Trial Scheduled

**Smithey v. Commission**  
Case No. CAL 13-07220

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Former employee appealing administrative decision concerning unemployment benefits.

Status: Response to Petition Filed

Docket:

03/28/13	Petition Filed
04/03/13	Response to Petition filed by AG
04/15/13	Commission's response to Petition Filed

**Town of University Park v. Commission**  
Case No. CAL 13-21086

Lead Counsel: Borden  
Other Counsel: Johnson, Mills

Abstract: Petition for judicial review of the Prince George's County Planning Board development approval for the Cafritz Property, Special Permit SP-130002. (Consolidated with Case No. CAL 13-21085).

Status: Pending Trial

Docket:

07/25/13	Petition filed
08/06/13	Response to Petition filed
08/27/13	Notice of Oral Arguments
09/13/13	Motion to Consolidate Cases filed
10/07/13	Order Consolidating Cases filed
01/07/14	Trial scheduled

**Willoner, et al. v. Commission**

Case No. CAL 13-18682

Lead Counsel: Borden  
Other Counsel: Mills, Johnson

Abstract: Petition for judicial review of the Prince George's County Planning Board development approval for the Cafritz Property, Preliminary Plan 4-13002.

Status: Scheduling Conference Pending

Docket:

07/02/13	Petition filed
07/12/13	Response filed
07/23/13	Motion to consolidate filed
08/12/13	Order of Court Consolidating Cases filed



**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

**8045 Newell Street Condominium Association, et al. v Commission et al.,**

Case No. 378604-V

Lead Counsel: Lieb  
Other Counsel:

Abstract: Petition for judicial review of the Montgomery County Planning Board approval of development at 8001 Newell Street, Project Plan No. 920130020.

Status: Commission's Answering Memorandum filed on November 8, 2013.

Docket:

06/28/13	Petition filed
07/29/13	Response filed
09/10/13	Line and Administrative Record
10/10/13	Petitioner's Rule 7-207 Memorandum
10/11/13	Supplemental Record
11/08/13	Commissioner's Answering Memorandum
11/12/13	Comstock Response to Petitioner's Memorandum

**Armstrong, et al. v. Montgomery County Planning Board**

Case No. 379139-V

Lead Counsel: Sorrento  
Other Counsel:

Abstract: Petition for judicial review of the Montgomery County Planning Board approval of Chelsea Court, Preliminary Site Plan No. 120130000 and Site Plan No. 820130040.

Status: Commission filed a supplement to the Administrative Record on November 18, 2013. Parties filed Request for Extension of Time to submit Memoranda.

Docket:

7/17/13	Petition filed
07/30/13	Commission's Response, Certificate of Compliance and Notices
08/20/13	Response of Chelsea Residential Associates
09/13/13	Line and Administrative Record
09/26/13	Notice of Hearing Date filed
10/02/13	Appellants Motion to Extend Time to Submit Memorandum
10/04/13	Order granting Extension
11/06/13	Second Motion to Extend Time to Submit Memorandum
11/08/13	Commission's Request to Extend Time to submit Memorandum
11/18/13	Supplement to Administrative Record Filed

**Beth Torah Congregation Inc. v. Prince George's Metro Center, Inc., Commission, et al**

Case No. 376756-V

Lead Counsel: Aleman  
Other Counsel: Dickerson

Abstract: Declaratory judgment action seeking relief from deed covenants and restrictions.

Status: Pending Trial

Docket:

04/30/13	Complaint Filed
06/12/13	Motion for Additional Time to Respond filed
07/18/13	Answer filed
11/08/13	Status Conference held
02/27/14	Trial Scheduled

**Commission v. Fashina**

Case No. 384412-V

Lead Counsel: Aleman  
Other Counsel: Dickerson

Abstract: Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Pending service on Defendants

Docket:

11/22/13	Petition Filed
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**Commission v. Johnson**

Case No. 366677-V

Lead Counsel: Aleman  
Other Counsel: Dickerson

Abstract: Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Pending service on Defendants

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
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**Commission v. Tessier**

Case No. 374430-V

Lead Counsel: Chagrin  
Other Counsel:

Abstract: Appeal of causal connection of claimant's back problems to her employment.

Status: Pending Trial

Docket:

03/05/13	Petition Filed
03/22/13	Discovery to Claimant
08/09/13	Pretrial Hearing Scheduled
08/13/13	Answer filed
08/13/13	Pre-Trial Statement filed
08/13/13	Designation of Expert Witness filed
10/29/13	Joint Motion to postpone trial date
01/22/14	Trial scheduled

**Fort Myer Construction Corporation v. Commission**

Case No. 369478-V

**Commission v. URS Corporation (Third-party claim by Commission)**

Lead Counsel: Saul Ewing (Garry Boehlert)  
Other Counsel: Dixon, Dickerson

Abstract: Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County.

Commission filed third party complaint for alleged breach of contract and is seeking contribution and indemnity.

Status: In Discovery.

Docket:

10/12/12	Complaint filed
01/10/13	Motion to Dismiss for Failure to Exhaust Administrative Remedies
01/10/13	Motion to Dismiss for Insufficient Service
01/11/13	Scheduling Hearing
01/11/13	Plaintiff's Designation of Experts
01/28/13	Commission's Notice of Service of Discovery
01/28/13	Plaintiff's Opposition to Motions to Dismiss
01/30/13	Plaintiff's First Amended Response to Motions to Dismiss
02/04/13	Commission's Reply in Further Support of Motion to Dismiss
02/04/13	Commission's Reply to Plaintiff's Response to Motion to Dismiss
02/11/13	Orders Denying Commission's Motion to Dismiss
02/26/13	Commission's Answer
03/12/13	Commission's Designation of Experts
03/27/13	Commission's Third Party Complaint
05/09/13	Third Party's Answer to Third Party Complaint

**Kambiz Kazemi v. Commission**

Case No. 351430-V

Lead Counsel: Lieb  
Other Counsel: Sorrento

Abstract: Request for Judicial Review filed by Kambiz Kazemi in the case of Alvermar Woods, Lot 17, Preliminary Plan 11999034A.

Status: Stayed until December 31, 2012. Parties agreed on Motion to Extend to Stay to be filed with Court.

Docket:

08/25/11	Petition for Judicial Review filed
09/07/11	Petitioner's Motion for Stay of Proceedings filed
09/23/11	Order Staying Proceedings
03/05/12	Petitioner's Motion for Extension of Stay of Proceedings filed
04/04/12	Order – Proceedings shall be stayed until July 1, 2012
07/27/12	Petitioner's Motion to Extend Stay of Proceedings until December 31, 2012 filed
10/19/12	Order Staying Proceedings

**Makfinsky, et al. v. Montgomery County Planning Board**

Case No. 360249-V

Lead Counsel: Rubin  
Other Counsel: Sorrento

Abstract: Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Rolling Stone Preliminary Plan 120110430.

Status: Affirmed. Order filed September 4, 2013 affirming the approval of Preliminary Plan 120110430 by the Montgomery County Planning Board.

Docket:

01/04/13	Petition for Judicial Review filed
01/23/13	Commission's Response, Certificate of Compliance and Notice to Parties of Record filed
03/04/13	Administrative Record Filed
03/14/13	Notice of Hearing
03/20/13	Supplement to Administrative Record Filed
05/07/13	Joint Motion to Dismiss filed
05/10/13	Plaintiff's Motion to Proceed filed
07/08/13	Hearing Scheduled
07/08/13	Order
07/15/13	Rule 7-207a Memorandum from Makfinsky
08/16/13	Commission's Answering Memorandum
08/15/13	Respondent's (Bonifant Road Joint Venture) Memorandum
08/20/13	Notice of Hearing – August 28, 2013
09/05/13	Order

**Shady Grove Technical Center Associates v. Montgomery County Planning Board**  
Case No. 359937-V

Lead Counsel: Rubin  
Other Counsel: Lieb

Abstract: Petition for Judicial Review of Resolution by Montgomery County Planning Board in Case MCPB NO. 11-108.

Status: Stipulation of Dismissal with Prejudice filed.

Docket:

03/02/12	Petition filed
03/08/12	Response, Certificate of Compliance/Notice
03/15/12	Line of Appearance
03/19/12	Notice of Withdrawal of Appearance
03/21/12	Response – Notice of Intention to Participate in Petition for Judicial Review filed by Woodfield/Meridian Shady Grove, LLC
04/30/12	Line and Administrative Record filed
05/29/12	Order granting Motion of Petitioners for Extension of Time to File Memorandum of Law
07/17/12	Order granting extension of time to file Memorandum of Law
07/31/12	Consent Motion to Stay Proceedings filed
08/01/12	Order granting 30-day stay of proceedings
08/31/12	Request to Extend Stay on Consent Motion of all Parties filed by joint letter granted by Court
11/30/12	Scheduling Order
03/12/13	Stipulation of Dismissal with Prejudice filed
04/03/13	Oral Argument Scheduled

**MARYLAND COURT OF SPECIAL APPEALS**

**Albert Arking, et al. v. Montgomery County Planning Board**

September Term 2011, No. 02346

Lead Counsel: Rubin  
Other Counsel:

Abstract: Petitioner filed an Appeal in the Circuit Court for Montgomery County of the Order dated December 12, 2011, denying the Petition for Judicial Review and affirming the Planning Board's decision.

Status: Decision Pending

Docket:

01/10/12	Notice of Appeal and Civil Information Report filed
01/23/12	Civil Information Report filed by Commission to clarify information filed by Petitioner
05/17/12	Scheduling Order
06/15/12	Appellants Request for Extension of Time for Filing of Appellant's Brief
06/20/12	Commission's Opposition to Appellant's Request for Extension to Time to File Brief
07/03/12	Scheduling Order from Hon. Peter B. Krauser
07/23/12	Appellant's Brief due
09/14/12	Commission's Brief filed
10/04/12	Appellant's Reply Brief
10/25/12	Notice to Parties from Court – Case to be decided without oral argument

**Beatty v. Montgomery County, et al.**

TBA

Lead Counsel: Chagrin  
Other Counsel: Mills

Abstract: Claimant is suing for torts arising from slip and fall.

Status: Pending Trial

Docket:

12/19/12	Summary Judgment in Favor of Commission Granted
12/27/12	Pretrial Conference scheduled.
01/17/13	Plaintiff filed a Notice of Appeal
12/05/13	Oral Argument

**Hall, et al. v. Commission**

September Term 2009, No. 01247

Lead Counsel: Johnson  
Other Counsel:

Abstract: Defense against Administrative Appeal of Planning Board's decision to approve Bundy's Subdivision of Birdlawn Preliminary Plan 4-06158.

Status: Decision Pending  
Docket:

01/10/08	Petition for Judicial Review filed
02/04/08	Commission filed Response to Petition; Certificate of Compliance and Notice of Appeal
03/12/08	Commission filed Record and Transcript
06/09/08	Petitioner filed Memorandum
07/14/08	Commission filed Memorandum
09/26/08	Oral Argument
07/15/09	Circuit Court Opinion affirming Planning Board decision issued
07/24/09	Petitioners Aimee Gray and the Estate of Affie Gray filed Notice of Appeal
11/04/09	Commission received Appellants' Brief
11/23/09	Commission filed a Stipulation For Extension of Time for Filing Memoranda (Commission's Brief)
12/18/09	Commission's Brief filed

**Jones v. McNeal**  
September Term 2011, No. 01928

Lead Counsel: Calcote-Heatley  
Other Counsel:

Abstract: Defense of suit under Maryland Public Information Act against Alvin McNeal. Plaintiff appeals decision of Circuit Court.

Status: Pending Trial

Docket:

10/31/11	Plaintiff Appeals to Court of Special Appeals
12/27/11	Mr. Jones' Brief due
01/03/12	Appellant's brief and request for waiver of 15 copies of brief filed
01/26/12	A. McNeal Brief due
03/12/12	Appellant's Motion to Waive Fees and Affidavit filed
04/04/12	Order – Appellant's obligation to deposit court fees waived
04/20/12	Five additional copies Appellant's 01/03/12 Brief filed
06/1-12/12	Oral Argument scheduled
09/12/12	A. McNeal Motion to Dismiss Appeal filed
10/15/12	Order – appeal may be dismissed on Court's motion unless Appellant files corrected brief
11/09/12	A. McNeal line withdrawing appearance of Jared M. McCarthy and entering appearance of Donna Y. Calcote-Heatley
11/10/12	Motion to Extend Time for filing Appellant's Briefs filed
12/31/12	Appellant's Corrected Brief due
01/04/13	Order – Appellant's Motion to Extend Time for filing brief granted
01/10/13	Order – Appellee's Motion to Dismiss denied
02/07/13	Appellant's Motion for Extension of Time Filed
02/12/13	Appellant's brief and record due
02/20/13	A. McNeal's Response to Appellant's Motion for Extension of

	Time Filed
05/2013	Oral Argument Scheduled

**Kelly Canavan & Randy Pheobus, et al. v. Commission**

September Term 2013. No. 00048

Lead Counsel: Johnson  
Other Counsel: Mills

Abstract: Plaintiff's appeal of Prince George's County Circuit Courts decision on 02/19/2013 to uphold the Planning Board's approval of Saddle Creek's Preliminary Plan of Subdivision.

Status: Appeal Filed

Docket:

03/15/13	Received Notice of appeal and Civil Appeal Information Report on 3/28/2013
04/25/13	Order from Court of Special Appeals stating that the case will proceed without a Prehearing Conference.
10/28/13	Appellants' filed Brief and Appendix; Joint Record Extract

**McClure v. Montgomery County Planning Board**

September Term 2013, No. 01031

Lead Counsel: Lieb  
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Order that matter proceed without a pre-hearing conference.

Docket:

07/08/13	Civil Information Report
10/25/13	Order

Abstract:

Abstract:

**Rounds v. Commission**

Case No. TBA

Lead Counsel: Gardner  
Other Counsel:

Abstract: Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Closed. Court issued decision to affirming dismissal by the Circuit Court for Montgomery County.



Docket:

07/06/12	Notice of Appeal filed
01/07/13	Appellant's Brief filed
04/01/13	Appellee's Brief filed
09/09/13	Court issued decision to affirm earlier dismissal by the Circuit Court for Montgomery County
10/24/13	Petition for <i>Cert</i> filed
11/12/13	Opposition to <i>Cert</i> filed

**Sahady v. Montgomery County Planning Board**  
September Term 2013, No. 01032

Lead Counsel: Lieb  
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Order that matter proceed without a pre-hearing conference.

Docket:

07/08/13	Civil Information Report
10/25/13	Order

**Slover et al. v. Montgomery County Planning Board**  
September Term 2011, No. 01460

Lead Counsel: Lieb  
Other Counsel: Rubin

Abstract: Petition for Judicial review of the Planning Board decision to approve two-lot subdivision located at 9490 River Road in Potomac filed by project opponents. Circuit Court issued Order affirming Preliminary Plan. Plaintiff appeals Order.

Status: Decision Pending

Docket:

09/09/11	Plaintiff's Notice of Appeal filed
11/08/11	Order to proceed without pre-hearing conference
01/25/12	Appellants' Memorandum of Law in Support of Notice of Judicial Review and Record Extract
03/01/12	Scheduling Order from the Court
03/08/12	Brief of Appellee, Montgomery County Planning Board
03/08/12	Brief of Appellees, Louis Donatelli and Ann Donatelli
03/28/12	Reply Brief of Appellants
10/10/12	Oral argument held

**Smith v. Montgomery County Planning Board**  
September Term 2013, No. 00774

Lead Counsel: Lieb  
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Order that matter proceed without a pre-hearing conference.

Docket:

07/08/13	Civil Information Report
11/07/13	Order

**U.S. DISTRICT COURT OF MARYLAND**

**Streeter v. Commission**

Case No. RWT 12-CV-0976

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim alleging discrimination and retaliatory termination.

Status: Awaiting Final Order

Docket:

01/17/12	Complaint filed in Circuit Court for Prince George's County
04/03/12	Case removed to U.S. District Court
04/10/12	Commission's Preliminary Motion to Dismiss filed
01/07/13	Motion granted with conditions

**Neal v. Commission**

Case No. RWT 12-CV-1186

Lead Counsel: Harvin  
Other Counsel:

Abstract: Defense of claim alleging discrimination.

Status: In Discovery

Docket:

04/23/12	Complaint filed
04/25/12	Waiver of Summons filed
06/25/12	Motion for Summary Judgment filed
09/12/12	Reply to Defendant's Opposition filed
1/7/13	Motion denied

**U.S. DISTRICT COURT NORTHERN DISTRICT OF WEST VIRGINIA (MARTINSBURG)**

**Glessner v. Surrat House Museum, et al.**

Case No. 3:13-cv-00070-GMG-DJJ

Lead Counsel: Harvin, Stephen G. Skinner (outside counsel)  
Other Counsel: Dickerson

Abstract: Defense of a tort claim against a Commission employee and facility based on the alleged slander of authenticity regarding a photograph the plaintiff purports to be of Abraham Lincoln.

Status: Motion to Dismiss Pending

Docket:

06/17/13	Complaint filed
	Motion to Dismiss filed
	Opposition filed
09/20/13	Reply filed
09/24/13	Additional Response by Plaintiff filed





## **2014 Legislative Session**

### Proposed Bill:

**PG/MC 110-14** – Maryland-National Capital Park and Planning Commission Park Police – Worker’s Compensation – Lyme Disease Presumption – Repeal of Termination Date.



Bill No.: \_\_\_\_\_  
Requested: \_\_\_\_\_  
Committee: \_\_\_\_\_

Drafted by: Chilson  
Typed by: Carol  
Stored – 10/21/13  
Proofread by \_\_\_\_\_  
Checked by \_\_\_\_\_

**By: Prince George’s County Delegation and Montgomery County Delegation**

**A BILL ENTITLED**

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission Park Police –**  
3 **Workers’ Compensation – Lyme Disease Presumption – Repeal of**  
4 **Termination Date**

5 **PG/MC 110–14**

6 FOR the purpose of repealing the termination date of certain provisions of law relating  
7 to an occupational disease presumption under the workers’ compensation law  
8 for Maryland–National Capital Park and Planning Commission park police  
9 officers who contract Lyme disease under certain circumstances; and generally  
10 relating to the occupational disease presumption for Lyme disease under the  
11 workers’ compensation law.

12 BY repealing and reenacting, with amendments,  
13 Chapter 98 of the Acts of the General Assembly of 2008  
14 Section 2

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

17 **Chapter 98 of the Acts of 2008**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.





4lr0614

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2008. [It shall remain effective for a period of 7 years and, at the end of  
3   September 30, 2015, with no further action required by the General Assembly, this Act  
4   shall be abrogated and of no further force and effect.]

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6   October 1, 2014.

# **2014 Legislative Session**

**Draft Fiscal Note for proposed bill:**

**PG/MC 110-14 – Maryland-National Capital Park and Planning Commission Park Police – Worker’s Compensation – Lyme Disease Presumption – Repeal of Termination Date.**



# DRAFT

PG/MC 110-14

## Department of Legislative Services

Maryland General Assembly

2014 Session

### FISCAL AND POLICY NOTE

#### Preliminary

PG/MC 110-14

(Prince George's County Delegation and Montgomery County Delegation)

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### Maryland-National Capital Park and Planning Commission Park Police - Workers' Compensation - Lyme Disease Presumption - Repeal of Termination Date

PG/MC 110-14

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This proposed bill makes permanent a workers' compensation occupational disease presumption for park police officers of the Maryland-National Capital Park and Planning Commission (M-NCPPC) who suffer from Lyme disease. The presumption applies only during the time that the officer is regularly stationed in an outdoor wooded environment (and for three years after the last date that the officer was regularly assigned to an outdoor wooded environment) and if the condition was not pre-existing before the regular assignment.

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### Fiscal Summary

**State Effect:** Potential minimal increase in hearings before the Workers' Compensation Commission due to making the presumption permanent. Any additional workload can be handled with existing resources.

**Local Effect:** Expenditures of the self-insured M-NCPPC increase minimally beginning in FY 2016 due to medical expenses, lost wages, and treatment associated with Lyme disease exposure by officers. Long-term disability payments may increase expenditures significantly in future years. Commission revenues are not affected. **This proposed bill imposes a mandate on a unit of local government.**

**Small Business Effect:** None.

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DRAFT

## Analysis

**Current Law:** Workers' compensation law establishes a presumption of compensable occupational disease to certain public employees who are exposed to unusual hazards in the course of their employment. It is assumed that these injuries or diseases are due to the employee's work and, therefore, require no additional evidence in the filing of a claim for workers' compensation. As shown below, generally presumptions are based on particular occupations and their associated health risks.

<u>Type of Personnel/Occupation</u>	<u>Type of Disease</u>
Volunteer and career firefighters; fire fighting instructors; fire marshals employed by an airport authority, a county, a fire control district, a municipality, or the State; rescue squad members; and advanced life support unit members	Heart disease, hypertension, or lung disease that results in partial or total disability or death  Specified cancers under specified conditions
Deputy sheriffs, police officers, and correctional officers in specified jurisdictions	Heart disease or hypertension that results in partial or total disability or death
Department of Natural Resources (DNR) paid law enforcement employees, park police officers of M-NCPPC, and certain other employees of M-NCPPC	Lyme disease under specified conditions

Under these circumstances, a covered employee is entitled to workers' compensation benefits in addition to any benefits that the individual is entitled to receive under the retirement system. The weekly total of workers' compensation and retirement benefits may not exceed the weekly salary paid to the individual. The presumptions are rebuttable.

The Lyme disease presumption for a DNR law enforcement officer applies if the employee did not have the disease prior to assignment to a position that regularly places him or her in an outdoor wooded environment. Chapter 98 of 2008 (HB 933) established a similar occupational disease presumption for a M-NCPPC park police officer who suffers from Lyme disease; however, it only applies while the officer is assigned to a position that regularly places him or her in an outdoor wooded environment and for

three years after the last date of such an assignment. Moreover, this M-NCPPC presumption is in place for only seven years, with a scheduled termination date of September 30, 2015.

Chapter 709 of 2009 (HB 1135) further extended the occupational disease presumption for Lyme disease to other employees of M-NCPPC who are not park police officers; however, more stringent requirements apply to these other employees. Specifically, such an employee has to (1) have worked for M-NCPPC on a full-time basis (not on a seasonal or intermittent basis) for at least one year prior to filing a claim for workers' compensation; (2) have been assigned to a position that regularly stationed the employee in an outdoor wooded environment for at least one year; and (3) file the claim by the third anniversary of the last date the employee was in that assignment. This presumption is also temporary, remaining in place for six years and terminating on September 30, 2015.

**Background:** Workers' compensation law has long recognized Lyme disease as a compensable occupational disease if the claimant is able to prove that a tick bite causing the disease occurred while he or she was on duty.

Lyme disease is a bacterial disease that is transmitted by the bite of an infected blacklegged tick. Symptoms include fever, headache, fatigue, and skin rash. Left untreated, Lyme disease may spread to the joints, heart, and nervous system. Most cases, particularly those cases diagnosed soon after transmission of the disease, can be effectively treated with antibiotics. Some patients, including those who are not treated in the early stages of the disease, can have persistent or recurrent symptoms and lingering health concerns long after initial treatment.

According to the federal Centers for Disease Control and Prevention, there were 1,113 confirmed cases of Lyme disease in Maryland in 2012. Maryland has the tenth highest rate of infection in the nation with 18.9 cases per 100,000 individuals.

**Local Fiscal Effect:** Generally in Maryland, counties and local agencies are self-insured for workers' compensation, meaning that all claims are paid directly by the county rather than through an outside insurer. Additional costs related to claims and coverage are paid directly by M-NCPPC, and expenditures increase because the agency can no longer deny claims related to Lyme disease for park police officers if the specified conditions are met.

M-NCPPC reports an increase in cases and claims related to tick bites and Lyme disease after the occupational disease presumption for park police officers went into effect on October 1, 2008. As illustrated in **Exhibit 1** below, in the five-year period prior to this presumption, there were only four claims related to tick bites and two claims for Lyme disease, one of which was accepted. After the presumption, accepted Lyme disease claims increased to an average of one per year because M-NCPPC could no longer deny

claims. Additionally, M-NCPPC reports that the single case of Lyme disease accepted prior to the presumption is a particularly severe case compared to those accepted after the presumption was established, explaining why the costs are nearly equal in each period despite the different amount of total cases.

The costs below represent only those cases that began in each five-year period. Due to the long-term nature of the effects of the disease, expenditures for individual cases may continue to rise as follow-up and additional treatments become necessary for long-term disability benefits and payments. The expenditure increase due to making the presumption permanent is unpredictable and depends on the number and severity of future cases of Lyme disease.

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**Exhibit 1**  
**Park Police Workers' Compensation Claims for Tick Bites and Lyme Disease**  
**Comparison of Claims Experience**  
**Before and After Effective Date of Presumption**  
**(October 1, 2008)**

	<b>Before Presumption Effective <u>2003-2008</u></b>	<b>After Presumption Effective <u>2008-2013</u></b>	<b><u>Change</u></b>	<b><u>10-year Totals</u></b>
Tick Bite Claims (First Reports of Injury)	4	49	1,125%	53
Lyme Claims Denied	1	0	-100%	1
Lyme Claims Accepted	1	5	400%	6
Average Lyme Claims Per Year	0.4	1.0	150%	0.7
<b>Payouts to Date</b>				
For All Tick Bite Claims	\$29,322	\$30,050	2.5%	\$59,372
For Lyme Claims	\$29,315	\$26,417	-9.9%	\$55,732

Notes: "Claims Experience" reflects date of first report of injury filed by claimant, regardless of payment dates. "Payouts to Date" cannot capture future claims activity based on an initial occurrence; thus, they do not reflect additional payments for claims that remain open or claims that are re-opened for further treatment. Actual payouts for these existing claims are likely to grow over time. Lyme Claims are a subset of Tick Bite Claims.

Source: Maryland-National Capital Park and Planning Commission

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**Additional Comments:** The proposed bill makes permanent only the occupational disease presumption for park police officers. The presumption for other employees of M-NCPPC under Chapter 709 of 2009 still expires on September 30, 2015.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** Unavailable at this time.

**Information Source(s):** Montgomery and Prince George's counties, Maryland-National Capital Park and Planning Commission, U.S. Centers for Disease Control and Prevention, Department of Legislative Services

**Fiscal Note History:**  
ns/ljm

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