

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 6/11/2002

Reference No.: CB-30-2002

Proposer: County Executive

Draft No.: 2

Sponsors: Shapiro, Bailey, Hendershot

Item Title: An Act amending the County Code to revise the
Chesapeake Bay Critical Area Program

Drafter: Sherry Conway Appel
DER

Resource Rick Thompson
Personnel: DER

LEGISLATIVE HISTORY:

Date Presented: 4/23/2002

Executive Action: ___/___/___

Committee Referral: 4/23/2002 C.O.W.

Effective Date: ___/___/___

Committee Action: 4/30/2002 FAV(A)

Date Introduced: 4/30/2002

Public Hearing: 6/11/2002 10:15 A.M.

Council Action: 6/11/2002 RECOMMIT

Council Votes: PS:A, DB:A, TD:A, JE:A, TH:A, TK:A; RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: See Also CB-31-2002 and CB-32-2002

COMMITTEE-OF-THE-WHOLE REPORT

DATE: 5/1/02

Committee Vote: Favorable as Amended, 5-1-2 (In favor: Council Members Shapiro, Wilson, Russell, Hendershot and Bailey; Opposed: Council Member Scott Abstained: Council Members Dernoga and Estepp)

The Director and the Department of Environmental Resources (DER) staff summarized the proposed amendments for CB-30, 31 and 32, 2002, all pertaining to the Chesapeake Bay Critical Area (CBCA). The amendments include revisions to the County Code, Zoning, and Subdivision Ordinances. DER has updated the County's Conservation Manual to comply with State regulations, and under CB-30, 31, and 32 the various Chesapeake Bay regulations are all transferred to the Conservation Manual, which will have the force of law.

The DER staff indicates that the state requires review of the County's CBCA every four years. The County CBCA plan was last reviewed in 1993. A Task Force was established and a consultant hired to review and modify the County's CBCA plan to comply with the State Model Ordinance.

The significant changes includes consolidating the County Code references now found in four different subtitles into a new updated Conservation Manual. The DER staff indicates that this offers greater flexibility for the County. Other amendments include: increasing the amount of impervious surface within the CBCA, establishing physical disability accommodations and procedures to accommodate physical disabilities and allow buffer exemptions to accommodate the limited use of shore line areas in certain situations while protecting water quality and wildlife habitat. Fees-in-lieu are paid when reforestation mitigation is required. Fees will be increased from 40 cents to 60 cents per square foot. It was indicated that these changes were to meet existing and new state legal requirements. Another amendment noted was the deletion of the Conservation Agreement, which applicants have been required to sign. The Task Force decided it was not necessary and didn't provide added protection.

On page 41 of the Conservation Manual, Section (d)(B)(i) New Intense Development Overlay Zones, the word "shall" is replaced with the word "should". DER explained that this change was proposed to allow flexibility in application of the requirements to individual projects.

The Maryland-National Capital Park and Planning Commission (M-NCPPC) has not taken a position on the County Executive's recommendations. It was indicated that the M-NCPPC staff will have proposed amendments prior to adoption of the legislation.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The Annotated Code of Maryland, Natural Resources Article (Annotated Code), Title 8, Subtitle 18, Section 8-1808(a)(1), grants local jurisdictions the primary responsibility for developing and implementing a Chesapeake Bay Critical Area program. It further requires that local jurisdictions review their program every four years and propose any necessary amendments. Three bills are proposed to reflect changes as a result of this review. This Bill amends Subtitles 4 and 5B of the County Code to reflect this review of the Chesapeake Bay Critical Area Program.

CODE INDEX TOPICS: