

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 7/19/2011  
**Reference No.:** CB-015-2011  
**Draft No.:** 3  
**Proposer(s):** County Executive  
**Sponsor(s):** Turner  
**Item Title:** An Act establishing Subtitle 32, the Water Quality Resources and Grading Code, concerning grading, drainage and pollution control; erosion and sediment control; stormwater management, and accessibility for the disabled; and repealing certain provisions of Subtitle 4 to be added to Subtitle 32

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**Drafter:** Dawit Abraham & Susan Hubbard, DPW&T  
**Resource Personnel:** Haitham A. Hijazi, Director DPW&T

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	5/17/2011	<b>Executive Action:</b>	7/21/2011 S
<b>Committee Referral:</b>	5/17/2011 - THE	<b>Effective Date:</b>	9/6/2011

**Committee Action:** 6/20/2011 - FAV(A)

**Date Introduced:** 6/21/2011  
**Public Hearing:** 7/19/2011 - 10:00 AM

**Council Action (1)** 7/19/2011 - ENACTED  
**Council Votes:** WC:-, MRF:A, AH:-, LJ:A, ML:A, EO:A, OP:A, IT:A, KT:A  
**Pass/Fail:** P  
**Remarks:**

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### AFFECTED CODE SECTIONS:

04-111, 04-256, 04-257, 04-258, 04-259, 04-260, 04-261, 04-262, 04-263, 04-264, 04-265, 04-266, 04-270, 04-271, 04-272, 04-273, 04-274, 04-275, 04-276, 04-277, 04-278, 04-279, 04-280, 04-281, 04-282, 04-283, 04-284, 04-285, 04-286, 04-287, 04-288, 04-289, 04-290, 04-291, 04-292, 04-293, 04-294, 04-295, 04-296, 04-297, 04-298, 04-299, 04-300, 04-301, 04-302, 04-303, 04-304, 04-305, 04-306, 04-307, 04-308, 04-309, 04-310, 04-311, 04-312, 04-316, 04-317, 04-318, 04-319, 04-320, 04-321, 04-321.01, 04-322, 04-323, 04-324, 04-325, 04-326, 04-327, 04-328, 04-329, 04-329.01, 04-329.02, 04-330, 04-331, 04-332, 04-333, 04-334, 04-335, 04-336, 04-337, 04-338, 04-339, 04-340, 04-341, 04-352, 04-356, 04-357, 04-358, 04-359, 04-360, 04-361, 04-362, 04-363, 04-364, 04-365, 04-366, 04-367, 04-368, 04-369, 04-370, 04-371, 04-372, 04-373, 04-374, 04-375, 04-376, 04-377, 04-378, 04-379, 28-261, 32-101, 32-102, 32-103, 32-104, 32-105, 32-106, 32-107, 32-108, 32-109, 32-110, 32-111, 32-112, 32-113, 32-114, 32-115, 32-116, 32-117, 32-118, 32-119, 32-120, 32-121, 32-124, 32-125, 32-126, 32-127, 32-128, 32-129, 32-130, 32-131, 32-132, 32-133, 32-134, 32-135, 32-136, 32-137, 32-138, 32-139, 32-140, 32-141, 32-142, 32-143, 32-144, 32-145, 32-146, 32-147, 32-148, 32-149, 32-150, 32-151, 32-152, 32-153, 32-154, 32-155, 32-156, 32-157, 32-158, 32-159, 32-160, 32-161, 32-162, 32-163, 32-164, 32-165, 32-166, 32-167, 32-170, 32-171, 32-172, 32-173, 32-174, 32-175, 32-176, 32-177, 32-178, 32-179, 32-180, 32-181, 32-182, 32-183, 32-184, 32-185, 32-186, 32-187, 32-188, 32-189, 32-190, 32-191, 32-192, 32-193, 32-194, 32-195, 32-196, 32-197, 32-198, 32-199, 32-200, 32-201, 32-202, 32-203, 32-204, 32-205, 32-206, 32-207, 32-208, 32-209, 32-210, 32-211, 32-212, 32-213, 32-216, 32-217, 32-218, 32-219, 32-220, 32-221., 32-222, 32-223, 32-224, 32-225, 32-226, 32-227, 32-228, 32-229, 32-230, 32-231, 32-232, 32-233, 32-234, 32-235, 32-236, 32-237, 32-238, 32-239

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**COMMITTEE REPORTS:****THE Committee Report****Date 6/20/2011**

June 20, 2011

## Committee Vote:

Favorable 4-0-1 with amendments (In favor: Council Members Olson, Lehman, Patterson and Turner/Abstain: Toles)

The Legislative Officer provided a summary of the Proposed Amendments (reflected in THE Committee Amendments #1 sheet) of the bill and comments that were received. Dr. Hijazi, DPWT Director and staff provided additional information to the Committee in response to questions by members.

Ms. Lehman made a motion, seconded by Mr. Patterson to adopt Amendment #1.

Committee Vote: Favorable 4-0-1 (In favor: Council Members Olson, Lehman, Patterson and Turner/Absent: Toles).

Ms. Toles made a motion, seconded by Mr. Patterson, to amend Section 32-175 (c) to add "The Director may consider a variance under Section 32-176 of this Division."

Committee Vote: Failed 2-3 (In favor: Council Members Toles and Patterson/Against: Olson, Lehman and Turner).

The Committee adopted CB-15-2011 with amendments as reflected in Draft 2.

June 14, 2011

## Committee Action: Held

The Committee reviewed a list of issues and discussion points from the June 9th THE Committee meeting with Dr. Hijazi and Mr. Jerry Maldonado from Department of Environmental Resources (DER).

Mr. Brad Frome, Deputy Chief of Staff, offered comments on the need for additional discussion on the possible incentives for meeting the 75% redevelopment requirement starting in 2016.

The Committee received written comment, dated June 13th, from Ms. Fern Piret, M-NCPPC Prince George's Planning Director, on concerns with the impact of the redevelopment incentives on the Zoning Code (Subtitle 27).

The Office of Law offered several technical amendments requested by the Prince George's Soil Conservation District on the Grading Code and fee requirements.

The Office of Audits & Investigations provided a fiscal impact statement that all potential revenue will impact the Stormwater Management Enterprise Fund and have no impact of the General Fund. The amount of impact could not be determined as it was dependent on the number of permit applications received.

The Committee held CB-15-2011 for additional discussion.

June 9, 2011

## Committee Action: Held

The Legislative Officer provided a summary and history of the bill. CB-15-2011 amends provisions of the County Code enacting a new Subtitle 32, the Water Quality Resources and Grading Code, concerning grading, drainage and pollution control; erosion and sediment control; stormwater management; and accessibility for the disabled; and for the purpose of repealing certain provisions of Subtitle 4, the Building Code, and codifying them within Subtitle 32.

The Committee heard from Dr. Haitham Hijazi, Director of Department of Public Works & Transportation (DPWT), and staff on the provisions of CB-15-2011 and responded to committee member questions. In addition, the Committee entertained written and oral comments from approximately twenty-two (22) members of the public, representing individuals from the development, environmental, municipal government and the public.

The Committee held CB-15-2011 for additional discussion.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This bill adopts a new Subtitle 32, Water Quality Resources and Grading Code, as mandated by legislative changes of the Maryland General Assembly regarding stormwater management and grading and it transfers authority over those areas from the Department of Environmental Resources (DER) to the Department of Public Works and Transportation (DPW&T).

DPW&T staff has worked with staff from DER, Maryland-National Capital Park and Planning Commission, the local Soil Conservation District and stakeholders to produce a comprehensive ordinance. Subtitle 32 includes Divisions that are being removed from Subtitle 4 (Building Code); namely, Grading, Drainage and Pollution Control; Stormwater Management; Inspection, Maintenance and Enforcement; Floodplain Ordinance; and Nontidal Wetland Protection Ordinance.

7/19/2011: CB-15-2011 (DR-2) was amended on the floor as follows:

1. On page 66, line 3, strike "15%" and insert "25%" in lieu thereof.
2. On page 66, line 4, strike "patterns" and insert "basin or watershed" in lieu thereof.
3. On page 66, strike line 5

CB-15-2011 (DR-3) was enacted.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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