

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2020 Legislative Session

Reference No.: CB-038-2020

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 09/17/2020

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 9-0-1 (In favor: Council Members: Turner, Anderson-Walker, Davis, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras. Abstain: Council Member Dernoga)

The Committee of the Whole met on June 16 to consider CB-38-2020. The legislation was held in committee at the bill sponsor's request so that Council staff could prepare amendments to address referral comments received.

During the September 17 Committee of the Whole, the PHED Committee Director provided an overview of amendments contained in a Proposed Draft-2 (DR-2) indicating that Footnote 135 was substantially revised from Draft-1. Council Member Davis, the bill sponsor, informed the Committee that revisions were included in the legislation in consultation with Council and M-NCPPC legal counsel to ensure Department of Permitting, Inspections, and Enforcement oversight of the immediate Class II Fill use as well as additional insurance that the ultimate intended athletic fields use will be built as anticipated.

The Planning Board submitted a letter dated June 18, 2020 to the Council Chair in opposition to CB-38-2020 as drafted. The Board had numerous comments and concerns as detailed in their letter and encouraged the Council to defer action on the bill so that the bill's objective can be discussed with Planning Board staff and a more appropriate approach to achieving that objective is identified. The Chief Zoning Hearing Examiner (ZHE) submitted a June 17, 2020 memorandum to the Council's Zoning and Legislative Counsel offering comments and suggested amendments. The Planning Board and ZHE comments were addressed in Proposed DR-2.

The Office of Law reviewed Draft-1 and by memorandum dated June 7, 2020 indicated a potential legal impediment exists within the bill as drafted. The Office of Law recommended that the "For the purpose" clause mention both the R-R Zone and the R-T Zone.

During the September 17 Committee of the Whole, Rana Hightower, representing the Planning Board, indicated that the only additional recommended revision to Proposed DR-2 was to include the R-R Zone in the purpose clause. Maurene McNeil, Chief ZHE, indicated that she had no additional comments concerning the revised draft. Representing the Office of Law, Amanda

Denison indicated she did not have a comment on the revisions, and requested additional time to submit full written comments on Proposed DR-2.

Mr. Samuel Dean and Mr. Arthur Horne testified in support of the legislation. On a motion by Council Member Davis, and second by Council Member Harrison, the Committee of the Whole voted 9-0-1 on CB-38-2020 as amended in Proposed DR-2 as well as the recommended amendment to include the R-R Zone in the purpose clause.