



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Office of the Planning Director

(301) 952-3588
www.mncppc.org

October 5, 2020

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Andree Green Checkley, Esq., Planning Director, Planning Department
Derick Berlage, Acting Deputy Planning Director, Planning Department

FROM: Rana Hightower, Intergovernmental Affairs Coordinator *REH*

SUBJECT: **CB-83-2020**

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Date: 2020.10.05 15:01:50 -0400

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Purpose: A bill to prohibit “fly ash landfills” in Prince George’s County.

Policy Analysis: This bill defines and adds “fly ash landfills” to the list of prohibited uses. CB-83-2020 appears to be a bill of general application impacting the entire county. It is a District Council policy decision and within its purview to permit or prohibit uses which may be an environmental hazard to the health, safety, and welfare of the citizens of this county. This legislation will impact a property located at 11700 North Keys Road, Brandywine, Maryland. After the enactment of this legislation, the existing use would become a nonconforming use, thus requiring the use to apply to become a certified nonconforming use.

Staff recommends the proposed language under Section 2, on page 2, lines 9 through 11, be deleted. It is not clear why the language was added to the bill; it adds unnecessary confusion. The language appears to amend the adopted Zoning Ordinance through a proposed amendment to the current Zoning Ordinance. Rather than pursuing this alternative, any future prohibition of “fly ash landfills” in the adopted Zoning Ordinance should be done through a separate legislative amendment to the adopted Zoning Ordinance. This will avoid scenarios that may be caused by Section 2 which could include imposing a legislative mandate through a bill that could be later repealed or inadvertently left out of revisions to the adopted Zoning Ordinance.

A legislative amendment package, including revisions to the adopted Zoning Ordinance, has been discussed and is expected to be presented by the District Council in early 2021. If CB-83-2020 is enacted without Section 2, the proposed prohibition on “fly ash landfills” could easily be added as part of comprehensive legislative amendments to the adopted Zoning Ordinance.

Impacted Property: The bill will impact properties countywide by prohibiting “fly ash landfills” in any zone. It will also impact an existing fly ash landfill located at 11700 North Keys Road, Brandywine, Maryland.

Recommendation: Support with an Amendment.

Staff recommends the Planning Board vote to support CB-83-2020 with the above-mentioned amendment.