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**A G E N D A   I T E M   S U M M A R Y****Reference No:** CB-42-1990**Draft No:** 1**P r i n c e   G e o r g e ' s****Meeting Date:****C o u n t y   C o u n c i l****Requestor:** M

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**Item Title:** An Act to prohibit the issuance of grading permits for sites which require the importation of soils except Class 1 or Class 2 fills for building pads and topsoil

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**Sponsors** M

<b>Date Presented</b>	4/24/90	<b>Executive Action</b>	___/___/___	—
<b>Committee Referral</b>	(1) 4/24/90	F&P	<b>Effective Date</b>	___/___/___
<b>Committee Action</b>	(1) 5/23/90	HELD		
<b>Date Introduced</b>	___/___/___			
<b>Pub. Hearing Date</b>	( ) ___/___/___			
<b>Council Action</b>	( ) ___/___/___			
<b>Council Votes</b>	___: ___' ___: ___' ___: ___' ___: ___' ___: ___' ___: ___'			
<b>Pass/Fail</b>	___			

**Remarks**  
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**Drafter:** Ralph E. Grutzmacher  
Legislative Officer**Resource  
Personnel:**

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**LEGISLATIVE HISTORY****FISCAL AND PLANNING REPORT**

Date: 5/23/90

Committee Vote: Held in Committee, 5-0-0 (In favor: Council Members Wineland, Casula, Castaldi, Wilson and Mills)

Council staff reviewed the legislation and presented the position of the Department of Public Works and Transportation and the Department of Environmental Resources. The DPW&T recommended that a provision to allow "ancillary facilities" be added to Section 4-198(e). This change is necessary to ensure that parking lots may be constructed without being subjected to the Special Exception process. The Committee discussed this recommendation, and there was concern that the term "ancillary facilities" may be too broad. Committee members did not reach consensus on this issue.

DER's position on CB-42-1990 was summarized as follows. The bill will have a significant impact on the solid waste program, since precious landfill space will be used for construction waste that is environmentally benign. Landfill and rubble fills take years to permit, and it is quite costly. The County's landfill space may be exhausted as a result of this legislation. CB-42 will also increase the cost of construction because of the time and expense involved in the approval of a Special Exception, as well as the consequence of hauling material longer distances or to a landfill or rubble fill where charges to dump are much higher. The legislation does not provide an exemption for approved development plans, recreational areas, or common areas.

DER recommends that if this bill is enacted, there should be a significant revision in the amount of cubic yards per acre allowed without a Special Exception, and that Class II & III fills that are not part of a development plan be separately permitted by Special Exception. Willie Furr, of DER, was available to answer questions regarding the Department's position.

The Office of Law found the bill to be in proper legislative form, and the M-NCPPC took no position. The Prince George's County Association of Realtors opposes the legislation.

Stan Fetter, Nina Spruill, and Julian Holmes spoke for the Citizens' Association of Friendly, and expressed the full support of their organization. They discussed the need for this legislation, based on the adverse impact of these operations on the Friendly community. In response to DER's concerns, it was stated that the intent of their organization is to restrict these operations when they are not pursuant to legitimate, approved development plans, not to impact all grading activities. An alternative proposal was presented to address this issue. Debra Newman, of the Lynnalán Acres Civic Association and Karen Maughn also expressed their support for the legislation.

Wayne Curry spoke in opposition. He noted that CB-94-1989 was a reasonable compromise accepted by the industry last year that the Council failed to enact. He also discussed the effect this legislation would have on the livelihood of independent truckers, on the cost of the government projects served by these fill operations, and on the objective of affordable housing.

A number of representatives from trucking and excavating companies also expressed their opposition to the legislation, citing the adverse impact it would have on their companies and employees, particularly small companies.

The Committee requested all involved parties to meet prior to the next Fiscal and Planning Committee meeting to discuss the modifications proposed by the Friendly Citizens' Association. Since the County Executive's position on this matter was the subject of some confusion, the Committee requested that a memorandum be provided at the next worksession stating his position. Karyn Lynch, representing the County Executive, agreed to provide this information.

#### **BACKGROUND INFORMATION/FISCAL IMPACT**

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

This legislation amends Subtitle 4, Division 3 of the County Code, which concerns the issuance of grading permits.

The legislation provides that no permit shall be issued for any grading operation which requires the importation of soil to a site, except for a Class 1 or Class 2 fill to be used for a building pad and topsoil nor for any grading operation for Class 2 or Class 3 fills which require the importation of more than 1000 cubic yards of soil per acre, unless the site has been approved for use as a landfill, surface mine, open pit mine, borrow pit, refuse disposal area or rubblefill pursuant to Subtitle 27.