



Office of the Chairman
Prince George's County Planning Board

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March 18, 2021

The Honorable Calvin S. Hawkins, II
Chairman
Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: CB-18-2021

Dear Chairman Hawkins:

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the March 18, 2021 Planning Board meeting, the following positions were adopted in accordance with the planning staff's recommendations on the proposed legislation. **A Planning Board Analysis of the bill is attached for your consideration and a brief excerpt is provided below:**

***CB-18-2021.** CB-18-2021 amends the Special Exception Additional Requirements for Specific Special Exceptions to require an Environmental Justice Analysis for Class 3 fills, and Sanitary landfills; rubble fills.*

Planning Board Recommendation: Support in concept with recommended changes.
(See Attachment 1 for full analysis)

CB-18-2021 appears to be a bill of general application impacting the entire county. It is a District Council policy decision and within its purview to require an Environmental Justice Analysis on uses that may be an environmental hazard to the health, safety, and welfare of the citizens of this County. The proposed legislation requires the Environmental Justice Analysis to include descriptions of demographics, environmental impacts, actual or potential human health impacts, economic impacts, and cumulative impacts to the environment and health of the community.

It is not clear if the proposed legislation as drafted will accomplish the intended goal. The standards appear to be very subjective and open to broad interpretation. What criteria will Planning Board staff use to evaluate requirements in the analysis? How will Planning Board staff determine if the analysis is sufficient? Will Planning Board staff be responsible for reviewing and making recommendations on the analysis? What will be the outcome if the applicant prepared analysis is unfavorable?

The field of environmental justice includes socioeconomic and human health related issues. These issues are not strictly based on environmental development impacts. Planning Board staff does not have the expertise to review this type of analysis. Clear specific measurable findings should be added to the bill.

Also, would it be more beneficial to have the Prince George's County Health Department and the Prince George's County Department of the Environment review the analysis? The Environmental Justice Analysis could be referred to the Health Department for review like the required review for the Health Impact Assessment.

The adopted Zoning Ordinance retains the current requirements for Class 3 and Sanitary landfills/rubble fills. Both uses are permitted with Special Exception approval subject to additional requirements for specific Special Exceptions. If this legislation is enacted, this change would have to be incorporated into the omnibus clean-up legislation for it to be reflected in the adopted Zoning Ordinance.

As always, Planning Department staff members are available to work with the Council and your legislative staff on any pertinent legislative matters. Please let us know if we may be of further assistance.

Should you have questions, please do not hesitate to contact the Office of the Planning Director at 301-952-3595. Thank you, again, for your consideration.

Sincerely,

A handwritten signature in blue ink that appears to read "Betty".

Elizabeth M. Hewlett
Chairman

Attachments

CB-18-2021 – Planning Board Analysis (Attachment 1)

CB-18-2021 amends the Special Exception Additional Requirements for Specific Special Exceptions to require an Environmental Justice Analysis for Class 3 fills, and Sanitary landfills; rubble fills.

The Planning Board has the following comments, questions, and amendments for consideration by the District Council:

Policy Analysis:

CB-18-2021 appears to be a bill of general application impacting the entire county. It is a District Council policy decision and within its purview to require an Environmental Justice Analysis on uses that may be an environmental hazard to the health, safety, and welfare of the citizens of this County. The proposed legislation requires the Environmental Justice Analysis to include descriptions of demographics, environmental impacts, actual or potential human health impacts, economic impacts, and cumulative impacts to the environment and health of the community.

The Planning Board has several comments and questions for District Council consideration. It is not clear if the proposed legislation as drafted will accomplish the intended goal. The standards appear to be very subjective and open to broad interpretation. What criteria will Planning Board staff use to evaluate requirements in the analysis? How will Planning Board staff determine if the analysis is sufficient? Will Planning Board staff be responsible for reviewing and making recommendations on the analysis? What will be the outcome if the applicant prepared analysis is unfavorable?

The field of environmental justice includes socioeconomic and human health related issues. These issues are not strictly based on environmental development impacts. Planning Board staff does not have the expertise to review this type of analysis. Clear specific measurable findings should be added to the bill.

Also, would it be more beneficial to have the Prince George's County Health Department and the Prince George's County Department of the Environment review the analysis? The Environmental Justice Analysis could be referred to the Health Department for review like the required review for the Health Impact Assessment.

Impacted Property:

The legislation will impact the approximately 6 Sanitary landfills/rubble fills and 18 Class 3 fills in the County.

Adopted Zoning Ordinance:

The adopted Zoning Ordinance retains the current requirements for Class 3 and Sanitary landfills/rubble fills. Both uses are permitted with Special Exception approval subject to additional requirements for specific Special Exceptions. If this legislation is enacted, this change would have to be incorporated into the omnibus clean-up legislation for it to be reflected in the adopted Zoning Ordinance.

Following discussion, the Planning Board voted to support CB-18-2021 in concept with recommended changes.