

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

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**Meeting Date:** 9/28/99

**Reference No.:** CR-40-1999

**Proposer:** Maloney

**Draft No.:** 1

**Sponsors:** Maloney

**Item Title:** A Resolution amending the Guidelines for  
Mitigation Actions

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**Drafter:** Jackie Brown  
PZED Committee Director

**Resource** Andy Eppelmann  
**Personnel:** Legislative Aide

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**LEGISLATIVE HISTORY:**

**Date Presented:** \_\_/\_\_/\_\_

**Executive Action:** \_\_/\_\_/\_\_

**Committee Referral:** 7/27/99 PZED

**Effective Date:** \_\_/\_\_/\_\_

**Committee Action:** 9/15/99 UNFAV

**Date Introduced:** 7/27/99

**Public Hearing:** \_\_/\_\_/\_\_ :\_\_ \_\_

**Council Action:**

**Council Votes:** JE:\_\_, DB:\_\_, IG:\_\_, TH:\_\_, WM:\_\_, RVR:\_\_, AS:\_\_, PS:\_\_, MW:\_\_

**Pass/Fail:** \_\_

**Remarks:** \_\_\_\_\_

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**9/28/99:** Motion to adopt CR-40-1999 failed for lack of second.

**PLANNING, ZONING AND ECON. DEV. COM. REPORT**

**DATE:** 9/15/99

Committee Vote: Unfavorable, 3-2 (In favor: Council Members Russell, Bailey and Hendershot. Opposed: Council Members Gourdine and Maloney)

Staff gave an overview of the legislation and a brief description of mitigation. Council Member Maloney, the bill's sponsor, also described the history of mitigation and requested that Steven Gilbert, Principal Counsel to the District Council, comment on certain District Council decisions and subsequent court cases involving mitigation.

The resolution proposes to amend the “Guidelines for Mitigation Actions” by deleting one of the five locational criteria allowing the utilization of mitigation. CR-40-1999 also lists twenty-one intersections (that have been identified as operating below acceptable level(s)-of-service in one or both peak hours) that would be ineligible for mitigation if the resolution were adopted. Council Member Russell expressed concern that nearly all of the intersections identified in the resolution include a State road and they continue to fail without the State taking responsibility and making needed improvements. Mr. Russell requested that Eric Foster, M-NCPPC Transportation Planning Supervisor, comment on this issue. Mr. Foster informed the Committee of the State’s formula and methods for providing improvements. The Committee also discussed the difference between failing and unsafe intersections. Council Member Bailey commented that it is important to ensure that improvements may be made to intersections to improve safety even if the failing status is not significantly improved.

Karl Brendle, Director of Development Management, City of Laurel, addressed the Committee expressing concern about two of the intersections listed in the resolution, Cherry Lane/Van Dusen Road and US1/Contee Road, and possible impact to development in the City if these intersections were ineligible for mitigation. The following individuals spoke in support of the resolution: Joe Meinert, representing the City of Bowie; Aurelio Nepa, representing the Crestview Area Citizens Association; Carmen Anderson, representing the Prince George’s Civic Federation and Thomas Dernoga, representing the West Laurel Civic Association.

The following individuals representing the development and building communities presented their concerns regarding CR-40-1999: Vernell Arrington, Thomas Haller, Norman Rivera, Paul Rodbell and Hamer Campbell.

The Legislative Officer has determined that the resolution is in proper legal form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County if CR-40-1999 is adopted. By letter dated September 15, 1999, the Maryland-National Capital Building Industry Association requested the Committee to give the resolution an unfavorable recommendation. The County Executive opposes CR-40-1999. The Planning Board opposes the resolution in favor of allowing Commission 2000 to complete its recommendations. The Board stated: “The County Council is leading a substantial effort through Commission 2000 to address growth management and adequate public facilities requirements in Prince George’s County. As Commission 2000 proceeds toward formulating recommendations, it is important that the process which the Council has set forth not be circumvented by piecemeal legislation. At the same time, the staff understands that once there is a consensus on an element of a growth policy, it is vital to implement any associated changes quickly. We agree that the Guidelines for Mitigation Action, as well as the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, will need to be redrafted to address the concerns which are the subject of CR-40 as well as other changes that have occurred or will occur with the approval of the Biennial Growth Plan legislation.”

A motion made by Council Member Maloney failed due to the lack of a second. On a motion by Council Member Hendershot and seconded by Council Member Bailey, the Committee voted an unfavorable recommendation.

**BACKGROUND INFORMATION/FISCAL IMPACT**

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

In May 1994, the County Council adopted CR-29-1994 approving the "Guidelines for Mitigation Actions." These "Guidelines" implemented mitigation procedures for developments in certain areas of the County allowing the provision of roadway improvements (or funding for transportation improvements) which would improve traffic operations at nearby intersections. This resolution amends the "Guidelines for Mitigation Actions" to indicate that certain intersections are not eligible for mitigation procedures.

**CODE INDEX TOPICS:**