

INTER-OFFICE MEMORANDUM PRINCE GEORGE'S COUNTY, MARYLAND

TO: Jackie Brown, Director - Planning, Housing, and Economic Development
Committee

FROM: Maurene Epps McNeil, Chief Zoning Hearing Examiner

DATE: March 26, 2021

RE: CB-18-2021

This legislation requires special exception applications for Class III Fills, Sanitary Landfills and Rubble Fills to provide an Environmental Justice Analysis ("EJA") with the application. The bill requires the EJA to include a "description and demographic profile of the surrounding neighborhood". Neighborhood is a term of art in numerous zoning decisions and introducing "surrounding" on Page 2, line 27 and Page 4, Line 29 may lead to interpretative confusion. I recommend its deletion.

The EJA shall also include a "description of the actual or potential adverse environmental impacts to land, air and water resources" and the "potential economic impacts" to those "who live or work within a two-mile radius." I believe the language concerning effect on potential economic impact is too broad, and in any event, may not be possible for an applicant to ascertain. Moreover, the bill does not change the test for special exceptions. That is regardless of the information gathered in the EJA, a special exception, as a use that by its nature may cause an adverse impact to the surrounding uses/residents/workers, cannot be denied unless its adverse nature at a particular location is greater than it would be at other locations in the same zone.

Finally, the EJA must include "an assessment of the cumulative impact to the environment and health of the surrounding community that will result ... when added to the effects of other past, present, and reasonably foreseeable land uses." The last term is unwieldy. The best way to "reasonably foresee" a land use is to discuss recently approved applications or permits issued, and I recommend that the language be revised. (Again, this information will not change the test to be applied in the review of a special exception, noted above.)

Thank you for the opportunity to comment.