

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

**Meeting Date:** 9/22/98

**Reference No.:** CB-68-1998

**Proposer:** Maloney

**Draft No.:** 2

**Sponsors:** Maloney

**Item Title:** An Act modifying the requirements for issuance of a  
grading permit

**Drafter:** Jackie Brown  
PZ&ED Committee Director

**Resource Personnel:** Andy Eppelmann  
Legislative Aide

**LEGISLATIVE HISTORY:**

**Date Presented:** 4/28/98

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

**Committee Referral:**(1) 4/28/98 THE

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

**Committee Action:** 7/9/98 FAV(A)

**Committee Referral:**(2) 9/22/98 THE

**Committee Action:** 9/29/98 HELD

**Committee Action:** 10/14/98 HELD

**Date Introduced:** 7/28/98

**Pub. Hearing Date:** 9/22/98 1:30 PM

**Council Action:**(1) 9/22/98 RECOMMIT

**Council Votes:** RVR:A, DB:A, SD:-, JE:-, IG:A, TH:-, WM:A, AS:A, MW:A

**Pass/Fail:** P

**Council Action:**(2) \_\_/\_\_/\_\_ \_\_\_\_\_

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

**Pass/Fail:** \_

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**TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE**      DATE: 7/9/98

Committee Vote: Favorable as amended, 5-0, (In favor: Council Members Wilson, Scott, Estepp, Gourdine and Maloney).

CB-68-1998 legislation modifies the section of the Building Code pertaining to grading permits to require issuance of an infrastructure permit prior to grading permit issuance.

Staff gave an overview of the legislation, which was proposed by Council Member Maloney, and informed the Committee of comments which were received. The Executive Branch is in opposition to the bill. The Office of Law finds the bill to be in proper legislative form and recommends technical amendments. The Office of Audits and Investigation has determined there should be no negative fiscal impact on the County as a result of enacting CB-68-1998. The City of Bowie is in opposition to this bill.

M-NCPPC recommends not approving unless areas where exemptions should be made are identified.

A representative from the Department of Environmental Resources indicated that "infrastructure" permit needs to be defined and that grading permits may include work associated with other county agencies.

CB-68-1998 was held in committee on June 11 allowing the sponsor an opportunity to meet with agencies to address their concerns. The meeting was held on June 18 with representatives from: Department of Public Works and Transportation, Department of Environmental Resources, M-NCPPC, Health Department, Office of Law, and the City of Bowie.

A proposed draft 2 was prepared incorporating suggestions made at the June 18 meeting. Copies of the proposed Draft 2 were forwarded to participants at the meeting soliciting their input.

Concern was raised regarding the individual property owner's right to grade their land without having to obtain an infrastructure permit when no infrastructure is required.

CB-68-1998 is a companion piece to CB-32-1998. Council Member Maloney informed the Committee that CB-68 attempts to close a loophole which exists in the grading ordinance that permits issuance of grading permits apart from Park and Planning approvals of site plans. CB-32-1998 establishes a procedure for Specific Design Plans for grading.

A representative from the M-NCPPC indicated that the applicable sections of the Zoning Ordinance previously amended by CB-32-1998 will have to be amended in accordance with the language contained in CB-68-1998, if enacted.

On page 1 lines 27 - 30 language was added to draft 1 indicating that no grading permit may be issued by the Director "unless approvals have been obtained from the Department of Environmental Resources, the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the State Highway Administration or the Health Department."

On Page 2 lines 7 - 11 language was added to draft 1 adding "An infrastructure permit shall not be required for a grading permit applied for in conjunction with any building permit, or for a single family dwelling on a private lot constructed for or by the owner, a sanitary landfill pursuant to an approved Special Exception site plan, grading necessary for reforestation, resurfacing or expansion of an existing parking lot, the construction of sidewalks, driveways, trails, recreation facilities, individual well and septic systems, or the placement of signs."

**BACKGROUND INFORMATION/FISCAL IMPACT**

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

This legislation modifies the section of the Building Code pertaining to grading permits to require issuance of an infrastructure permit prior to grading permit issuance.

**CODE INDEX TOPICS:**