



Office of the Chairman
Prince George's County Planning Board

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

(301) 952-3561

April 1, 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

Dear Chairman Hawkins:

Re: CB-25-2021, CB-26-2021 and CR-29-2021

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the April 1, 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 each bill is attached for your consideration and a brief excerpt from each report is provided below:**

***CB-25-2021** A bill to amend the Floodplain Ordinance to require an independent third party to conduct studies for development in the floodplain.*

Planning Board Recommendation: Support in Concept.
(See Attachment 1 for full analysis)

The bill requires a floodplain study to be conducted by an independent third party as a prerequisite for development in a FEMA Floodplain. The Planning Board defers to the Department of Permitting, Inspections, and Enforcement (DPIE) for the administration of Subtitle 32. DPIE is responsible for reviewing permit applications to determine if proposed development activities will impact flood hazard areas and if the development will be reasonably safe from flooding. The agency advises applicants on the necessary permits required from federal, state, and local agencies.

The Planning Board would like to note that the proposed legislation seems to be duplicative of existing regulations. It is not clear why an additional study would be needed by an independent third party if an applicant is already required to prepare a floodplain study.

As noted in previous Planning Board comments there is a process to determine if a floodplain is present on a site. The applicant must first submit a Floodplain Information Request form to DPIE. Next, DPIE will determine if there is an approved floodplain study for the property. DPIE will assess the property to determine whether a County-approved watershed study, an approved private floodplain study, or the effective Flood Insurance Study (FIS) prepared by FEMA are available and determine which one governs the property.

If there is an approved floodplain study, a letter from DPIE must be provided before it can be used to delineate the 1-percent annual chance (100-year) floodplain on a floodplain delineation plan which is also approved by DPIE.

If there is no approved floodplain study for a site, a floodplain study must be completed by an engineer or the Prince George's County Department of Environment (DoE) and be approved by DPIE.

If a floodplain easement has been established on the property, verification from DPIE that the boundaries of the easement are still valid for the area may be required.

DPIE currently offers a third-party reviewer option within their current program. The Planning Board believes there are sufficient regulations within the code.

CB-26-2021 A bill to require universal design in new dwelling units to provide safe, sustainable, and inclusive housing options for all county residents regardless of ability, functionality, stature, age, or stability.

Planning Board Recommendation: Support in Concept.
(See Attachment 2 for full analysis)

CB-26-2021 was presented last year as CB-51-2020. The Planning Board appreciates the revisions made to the bill. The Planning Board supports the concept to create Universal Design and Visitability Design regulations. Plan 2035 recommends developing a variety of high-quality housing options, such as co-housing and eco-communities, which allow seniors to age in place and all residents to explore alternative housing arrangements.

The Planning Board will defer to the Department of Permitting, Inspections and Enforcement (DPIE) on the operational specifics of the bill. DPIE is the agency charged with providing oversight of construction and development under Subtitle 4 (Building).

The Planning Board encourages a careful review of the bill's specific requirements, as some of the requirements could impede the development of multifamily and townhouse dwellings in the County. Multifamily and townhouse dwellings are more affordable than detached single-family homes and are therefore an important part of the county's future housing stock. The requirement that all dwelling units have step-free access from the exterior would challenge traditional garden apartment design. The same requirement applied to townhouses would challenge the design of townhouse communities that are built on land with a grade. The requirement that any dwelling with multiple floors include space for a present or future elevator may also be challenging from a design and fiscal perspective. The Planning Board anticipates numerous requests for waivers under the proposed Section 4-364 (Waiver Provision) in the bill.

CR-29-2021 A resolution to commence a County-wide flooding assessment and mapping study to be performed by the United States Army Corps of Engineers to assist the County in updating existing flooding and mapping studies, guide future planning, and provide a comprehensive assessment on the impact of bioretention, sprawl and new development.

Planning Board Recommendation: Support.
(See Attachment 3 for full analysis)

CR-29-2021 was introduced last year as CR-56-2020. The Planning Board appreciates that the current resolution has been amended to require a County-wide study as recommended by the Planning Board.

The Planning Board realizes that floodplain review is primarily the responsibility of the Department of Permitting, Inspections and Enforcement. The Planning Board is also supportive of the concept to request an Army Corps of Engineers study to identify Best Management Practices for mitigation and a plan of action for flood risk management that identifies causes of flooding, and mapping of stormwater management systems to treat existing problems and mitigate the issues in the future.

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,



Elizabeth M. Hewlett
Chairman

Attachments

CB-25-2021 – Planning Board Analysis (Attachment 1)

A bill to amend the Floodplain Ordinance to require an independent third party to conduct studies for development in the floodplain.

The Planning Board has the following comments for consideration by the District Council:

Policy Analysis:

The bill requires a floodplain study to be conducted by an independent third party as a prerequisite for development in a FEMA Floodplain. The Planning Board defers to the Department of Permitting, Inspections, and Enforcement (DPIE) for the administration of Subtitle 32. DPIE is responsible for reviewing permit applications to determine if proposed development activities will impact flood hazard areas and if the development will be reasonably safe from flooding. The agency advises applicants on the necessary permits required from federal, state, and local agencies.

The Planning Board would like to note that the proposed legislation seems to be duplicative of existing regulations. It is not clear why an additional study would be needed by an independent third party if an applicant is already required to prepare a floodplain study.

As noted in previous Planning Board comments there is a process to determine if a floodplain is present on a site. The applicant must first submit a Floodplain Information Request form to DPIE. Next, DPIE will determine if there is an approved floodplain study for the property. DPIE will assess the property to determine whether a County-approved watershed study, an approved private floodplain study, or the effective Flood Insurance Study (FIS) prepared by FEMA are available and determine which one governs the property.

If there is an approved floodplain study, a letter from DPIE must be provided before it can be used to delineate the 1-percent annual chance (100-year) floodplain on a floodplain delineation plan which is also approved by DPIE.

If there is no approved floodplain study for a site, a floodplain study must be completed by an engineer or the Prince George's County Department of Environment (DoE) and be approved by DPIE.

If a floodplain easement has been established on the property, verification from DPIE that the boundaries of the easement are still valid for the area may be required.

DPIE currently offers a third-party reviewer option within their current program. The Planning Board believes there are sufficient regulations within the code.

Impacted Property:

The bill would impact all properties in the County that are in the floodplain.

Following discussion, the Planning Board voted to support CB-25-2021 in concept.

CB-26-2021 – Planning Board Analysis (Attachment 2)

A bill to require universal design in new dwelling units to provide safe, sustainable, and inclusive housing options for all county residents regardless of ability, functionality, stature, age, or stability.

The Planning Board has the following comments for consideration by the District Council:

Policy Analysis:

CB-26-2021 was presented last year as CB-51-2020. The Planning Board appreciates the revisions made to the bill. The Planning Board supports the concept to create Universal Design and Visitability Design regulations. Plan 2035 recommends developing a variety of high-quality housing options, such as co-housing and eco-communities, which allow seniors to age in place and all residents to explore alternative housing arrangements.

The Planning Board will defer to the Department of Permitting, Inspections and Enforcement (DPIE) on the operational specifics of the bill. DPIE is the agency charged with providing oversight of construction and development under Subtitle 4 (Building).

The Planning Board encourages a careful review of the bill's specific requirements, as some of the requirements could impede the development of multifamily and townhouse dwellings in the County. Multifamily and townhouse dwellings are more affordable than detached single-family homes and are therefore an important part of the county's future housing stock. The requirement that all dwelling units have step-free access from the exterior would challenge traditional garden apartment design. The same requirement applied to townhouses would challenge the design of townhouse communities that are built on land with a grade. The requirement that any dwelling with multiple floors include space for a present or future elevator may also be challenging from a design and fiscal perspective. The Planning Board anticipates numerous requests for waivers under the proposed Section 4-364 (Waiver Provision) in the bill.

Impacted Property:

The bill would impact all dwelling units constructed in the County after July 1, 2022 unless the dwelling unit's plan was certified prior to July 1, 2022.

Following discussion, the Planning Board voted to support CB-26-2021 in concept.

CR-29-2021 – Planning Board Analysis (Attachment 3)

A resolution to commence a County-wide flooding assessment and mapping study to be performed by the United States Army Corps of Engineers to assist the County in updating existing flooding and mapping studies, guide future planning, and provide a comprehensive assessment on the impact of bioretention, sprawl and new development.

The Planning Board has the following comments for consideration by the District Council:

Policy Analysis:

CR-29-2021 was introduced last year as CR-56-2020. The Planning Board appreciates that the current resolution has been amended to require a County-wide study as recommended by the Planning Board.

The Planning Board realizes that floodplain review is primarily the responsibility of the Department of Permitting, Inspections and Enforcement. The Planning Board is also supportive of the concept to request an Army Corps of Engineers study to identify Best Management Practices for mitigation and a plan of action for flood risk management that identifies causes of flooding, and mapping of stormwater management systems to treat existing problems and mitigate the issues in the future.

Impacted Property:

The resolution would access all areas in Prince George's County.

Following discussion, the Planning Board voted to support CR-29-2021.