

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/20/2012
Reference No.: CR-083-2012
Draft No.: 2
Proposer(s): Park & Planning
Sponsor(s): Harrison, Franklin
Item Title: A Resolution concerning the Implementation in Prince George's County of Senate Bill 236, Sustainable Growth and Agricultural Preservation Act of 2012 for the purpose of adopting the Prince George's County Sustainable Growth Act Tier Map.

Drafter: M-NCPPC
Resource Personnel:

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:	
Committee Referral:	10/23/2012 - PZED	Effective Date:	11/20/2012
Committee Action:	11/7/2012 - FAV(A)		
Date Introduced:	10/23/2012		
Public Hearing:	11/20/2012 - 10:00 AM		
Council Action (1)	11/20/2012 - ADOPTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 11/7/2012

Committee Vote: Favorable with amendment, 5-0 (In favor: Council Members Franklin, Harrison, Olson, Patterson and Toles)

CR-83-2012 was discussed in conjunction with CB-104-2012, a Subdivision Bill incorporating Section 9-206 of the Environment Article of the Annotated Code of Maryland and making changes to the Subdivision Regulations. CR-83-2012 concerns the implementation of Senate Bill 236, Sustainable Growth and Agricultural Preservation Act of 2012, in Prince George's County and approves the Growth Act Tier Map. Both items were transmitted by the M-NCPPC Planning Board for the County Council's consideration.

Derick Berlage and CJ Lammers, representing the Planning Board, provided a PowerPoint summarizing the purposes and provisions of SB 236, consequences of not adopting Tiers, effect on development in Tiers I-IV, decisions which must be made by the Council, and the Planning Board's recommendations. The two decisions which must be made by the Council are 1) mapping Sustainable Growth Act Tiers, and 2) number of lots allowed in a minor subdivision (CB-104-2012). CR-83-2012 contains a map attachment with the Planning Board's recommendation based on a vote

taken by the Board on October 4, 2012. The Planning Board also recommends that the definition of minor subdivision as currently provided in the Subdivision Regulations be revised from four to seven lots (CB-104-2012).

Chris Hatcher, representing the owner of property located at Route 450 and Route 301 testified regarding his client's property being within water and sewer category 5, and therefore the property should not be located in Tier IV as shown on the proposed map included with CR-83-2012. Thomas Haller testified indicating that the implementation of SB 236 should be done as a deliberative process and with the update to the General Plan. Mr. Haller requested that the committee recommend adoption of the least restrictive Tier Map.

The Office of Law reviewed the resolution and found it to be in proper legislative form with no legal impediments to its adoption. The Office of Audits and Investigations reviewed CR-83-2012 and determined adoption of the resolution should not have a negative or adverse fiscal impact on the County.

The committee voted favorable on the resolution with direction to amend the attached tier map to place the property at Route 450 and Route 301, as addressed by Mr. Hatcher, in Tier III.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

During its 2012 Regular Session, the Maryland General Assembly enacted SB 236, the Sustainable Growth and Agricultural Preservation Act of 2012. Among other things, this new law authorizes the adoption of certain growth tiers by local jurisdictions and sets forth certain mandatory and discretionary regulations that proceed from these growth tiers, as well as certain consequences for jurisdictions that do not adopt certain growth tiers prior to December 31, 2012.

In accordance with the provisions of State Law (SB 236), the Council's adoption of this Resolution approves the Prince George's County Sustainable Growth Act Tier Map.

CODE INDEX TOPICS:

INCLUSION FILES:

I-CR-83-2012 Attachment A.pdf
