

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2013 Legislative Session

Resolution No. CR-80-2013
Proposed by Council Member Patterson (by request – Planning Board)
Introduced by Council Members Franklin and Davis
Co-Sponsors _____
Date of Introduction July 24, 2013

RESOLUTION

1 A RESOLUTION concerning

2 The Subregion 5 Master Plan

3 For the purpose of approving, with amendments and revisions, as an Act of the County
4 Council of Prince George's County, Maryland, sitting as the District Council, the Subregion 5
5 Master Plan, thereby defining long-range land use and development policies in Planning Areas
6 81A, 81B, 83, 84, and 85A for the area generally comprised of the properties bounded by
7 Andrews Air Force Base (to the north) and Charles County (to the south), and between these
8 boundaries, the Potomac River, Gallahan Road, Old Fort Road, Steed Road, Allentown Road and
9 Tinkers Creek (to the west), and Piscataway Creek, a PEPCO electric utility right-of-way and the
10 Pope's Creek CONRAIL railroad (to the east).

11 WHEREAS, upon approval by the District Council, this Master Plan will amend the 1993
12 *Subregion V Approved Master Plan and Sectional Map Amendment (Planning Areas 81A, 81B,*
13 *83, 84, 85A,(excluding 85B); the 2002 Prince George's County Approved General Plan, the*
14 *2005 Countywide Green Infrastructure Functional Master Plan, the 2008 Approved Public*
15 *Safety Facilities Master Plan, the 2009 Master Plan of Transportation, the 2010 Approved*
16 *Historic Sites and Districts Plan, and the 2010 Approved Water Resources Functional Master*
17 *Plan; and*

18 WHEREAS, on November 20, 2007, in Council Resolution CR-88-2007, the County
19 Council of Prince George's County, Maryland, sitting as the District Council, directed The
20 Maryland-National Capital Park and Planning Commission (M-NCPPC) to prepare a new
21 Subregion 5 Master Plan and Sectional Map Amendment in order to develop a comprehensive

1 approach to implementing the recommendations of the 2002 General Plan and to ensure that
2 future development is consistent with County policies; and

3 WHEREAS, on November 20, 2007, the District Council endorsed the Goals, Concepts,
4 Guidelines and the Public Participation Program prepared by the Planning Board and established
5 the Plan boundaries (81A, 81B, 83, 84 and 85A) and excluded Planning Area 85B which was
6 included in the Subregion 6 Master Plan pursuant to Section 27-643 of the Zoning Ordinance;
7 and

8 WHEREAS, the Planning Board hosted a series of listening sessions to gather community
9 guidance and inform the public of the planning process and solicit issues and concerns, and the
10 Planning Board staff further conducted nine planning workshops as the major component of the
11 Public Participation Program to involve the community in the preparation of the plan; and

12 WHEREAS on September 9, 2009, the District Council approved the 2009 Subregion 5
13 Master Plan and Sectional Map Amendment in CR-61-2009; and

14 WHEREAS, pursuant to an action filed in the Circuit Court for Prince George's County, on
15 October 26, 2012, in consolidated cases CAL09-31402/CAL09-32017, the Circuit Court for
16 Prince George's County declared void the adoption of CR-61-2009 by the District Council for
17 failure to meet the affidavit requirement pursuant to Md. Ann. Code, State Gov't § 15-831
18 (2012), and returned the matter to the District Council for review of the recommendations of The
19 Maryland-National Capital Park and Planning Commission ("M-NCPPC"); and

20 WHEREAS, on November 5, 2012, the District Council, on its own motion, and pursuant to
21 the October 26, 2012, Order of Court and § 27-227 of the Zoning Ordinance, voted to reconsider
22 CR-61-2009 concerning the Subregion 5 Master Plan and Sectional Map Amendment; and

23 WHEREAS, by Order dated November 13, 2012, the District Council remanded the
24 Subregion 5 Master Plan and Sectional Map Amendment to the Planning Board for the purposes
25 of compliance with affidavit requirements pursuant to Md. Ann. Code § 15-831 and resubmittal
26 of its February 2009 Preliminary Subregion 5 Master Plan and Proposed Sectional Map
27 Amendment to the District Council; and

28 WHEREAS, in order to reapprove the Subregion 5 Master Plan, the District Council for
29 Prince George's County, in conjunction with the Prince George's County Planning Board, held a
30 joint public hearing on April 11, 2013; and

1 WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, the plan proposals for
 2 public facilities were referred to the County Executive and the District Council for review, and
 3 on June 11, 2013, the District Council adopted CR-53-2013, finding no inconsistencies between
 4 the proposed public facilities in the Master Plan proposal; and

5 WHEREAS, on June 13, 2013, the Planning Board held a work session to consider the plan
 6 recommendations and public hearing testimony; and

7 WHEREAS, on June 27, 2013, the Planning Board adopted the Master Plan with revisions
 8 as described in Prince George's County Planning Board Resolution PGCPB No. 13-75 and
 9 transmitted the adopted Master Plan and supporting documents to the District Council on July 2,
 10 2013; and

11 WHEREAS, on July 8, 2013, the District Council held a work session to review the adopted
 12 Subregion 5 Master Plan and, after discussion concerning the record of testimony and exhibits
 13 relevant to the Subregion 5 Master Plan and SMA, the Council directed Technical Staff to
 14 prepare a resolution of approval with revisions.

15 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
 16 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
 17 Regional District in Prince George's County, Maryland, that the Subregion 5 Master Plan, as
 18 adopted on June 27, 2013, by PGCPB No. 13-75, be and the same is hereby approved, with the
 19 following revisions:

20 **REVISION 1:**

21 A. Chapter V, Environment, C. Mattawoman Creek Watershed, page 81, revise as
 22 follows:

23 • While large areas of the watershed in Prince George's County are wooded, valuable
 24 sand and gravel resources underlie many parcels and mining activity [is expected to] may
 25 continue for many years in the Rural Tier.

26 B. Chapter V, Environment, C. Mattawoman Creek Watershed, page 84, revise as follows:

27 • [Work with] Require mining companies to achieve post mining reclamation that meets
 28 environmental needs, with a strong emphasis on reforestation, and consideration for grassland
 29 creation.
 30

REVISION 2:

• Chapter VI, Transportation Systems, Table VI-7, page 127-127, change the Functional Class of roadway as follows: 1) Windbrook Drive between Floral Park Road and Thrift Road from a Collector to a Local road; 2) Thrift Road between Tippet Road and Brandywine Road from a Collector to a Local road; and 3) Floral Park Road between MD 223 and Brandywine Road from a collector to a Local Road.

REVISION 3:

A. Chapter VIII, Economic Development, A. Industrial, Office, and Retail, Strategies, Clinton, page 155, revise to omit the following strategy:

• [Designate land west of the intersection of MD 223 and Steed Road for limited mixed-use development.]

B. Chapter VIII, Economic Development, D. Sand and Gravel, pages 160-161, revise as follows:

- Sand and gravel is an essential element of new construction in the Washington, D.C., region. Major sand and gravel deposits associated with the Brandywine geological formation (see Map IV-4, page 46) are located in Subregion 5. There is significant potential for sand and gravel mining due to the existence of large un-mined reserves. [It is a diminishing resource because of depletion from ongoing mining and because new development on top of sand and gravel reserves eliminates potential future extraction.]

Goal

• The county balances the need for [capitalizes on] the extraction of sand and gravel resources (and related activities) with the potential negative impact and nuisance to nearby properties and the environment, including restricting sand and gravel mining to the rural tier. [prior to the land being pre-empted by other land uses.]

- As of August 2008, Subregion 5 supported seven active mines comprising approximately 1,580 acres, and there were approximately 2,130 acres of closed and reclaimed mines. There is a sand and gravel washing and processing plant on Accokeek Road in Brandywine. Additionally, the mining industry may support[s] other independent businesses in the region, predominately in the trucking industry, thus generating potential additional economic spin offs in the local economy, though the specific amount of positive impact to the county has not been quantified in this plan.

Because of its high weight-to-size ratio, sand and gravel from the Brandywine Formation is most cost effective to extract, process and transport near its local end use. [The aggregate industry's contribution to the local economy is likely to increase as neighboring counties, particularly Anne Arundel County, reduce sand and gravel output due to mine closures. Furthermore, as transportation costs continue to rise, sand and gravel operations located within the Washington, D.C., metropolitan marketplace will have a competitive advantage over outlying sources of aggregates in Virginia and the Eastern Shore.] However, the region's sand and gravel industry faces several issues and challenges:

- Access to new mining capacity is becoming limited as land is subdivided for development or broken up into uneconomical units of production.
- Mining places a traffic burden on a rural and suburban road system that is also increasingly used by commuters, creating traffic conflicts.
- Public opinion on the effectiveness of mine reclamation often puts the community at odds with the industry, although many mine reclamation issues cited by the public as poor practice are, in fact, related to mining activities that predated current reclamation practices. Over time, costs associated with these issues could lead to disinvestment in the industry and its eventual relocation. Improving the public's understanding and acceptance of the industry and protecting long-term access to the resource is the focus of the following policies and strategies.

Policies

- Restrict sand and gravel mining to the rural tier, with enhanced buffering between sand and gravel mining and communities in the Developing Tier. [Provide commercially viable access to sand and gravel resources to accommodate current and future demand. Ensure that entrances meet applicable county regulations.]
- Encourage the mining industry to provide specific evidence of the positive economic benefit of this activity to Prince George's County, including documentation of the positive impact of proposed mining for employment of truckers who are Prince George's County residents.
- Improve access to financial and work force development incentives to support economic development of mining regulations.
- Foster dialogue between community residents and members of the sand and gravel community to address concerns. [Discuss the benefits of mining and the mining

application approval process.]

- [Prevent the preemption of mineral resource extraction by other land uses (see Chapter IV).]

Strategies

- Explore the feasibility of developing a mineral overlay zone to protect mineral resources.

Issues to be evaluated include:

- Real estate notices
- Dispute resolutions
- Expand easement language in programs such as those run by the Maryland Agricultural Land Preservation Foundation (MALPF) to integrate sand and gravel operations within easement contracts.
- Integrate the sand and gravel industry within traditional economic development programming such as tax credits and abatements, workforce assistance, and assistance with state and federal small business financing.
- Conduct community outreach to improve understanding of the sand and gravel industry and to improve industry integration within the rural communities.
- Ensure that sand and gravel mine applications address all impacts on surrounding communities, including requiring applicants to mitigate on and off-site transportation impacts from mining activities and potentially limiting the daily hours of mining activities and duration of sand and gravel approvals to mitigate the nuisance to nearby communities.

See additional mineral related recommendations in Chapter IV (Land Use—Development Pattern), including guidelines for the review of new and expanding projects including post extraction uses.

BE IT FURTHER RESOLVED that the planning staff is hereby authorized to make appropriate textual and graphical revisions to the master plan to correct identified errors, reflect updated information and revisions, and otherwise incorporate the changes reflected in this Resolution.

1 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If any
2 provision, sentence, clause, section, or part thereof is held illegal, invalid, unconstitutional, or
3 unenforceable, such illegality, invalidity, unconstitutionality, or unenforceability shall not affect
4 or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof or their
5 application to persons, or circumstances. It is hereby declared to be the legislative intent that this
6 Resolution would have been adopted as if such illegal, invalid, unconstitutional, or
7 unenforceable provision, sentence, clause, section, or part had not been included therein.

Adopted this 24th day of July, 2013.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Obie Patterson
Vice Chair

ATTEST:

Redis C. Floyd
Clerk of the Council