



Angela D. Alsobrooks
County Executive

PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

September 17, 2020

The Honorable Todd M. Turner
Council Chair
Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Dear Council Chair Turner:

I am writing regarding CB-49-2020 – An Ordinance Concerning Development in Mixed Use Zones located in Floodplains. As you know, the bill addresses development in mixed use zones located in floodplains and would require a FEMA “Floodplain Study” for retail businesses, office research and industrial uses, and hotels or motels.

The County Planning Board reviewed CB-49-2020 and concluded that the bill is unnecessary because it duplicates existing regulations, and therefore opposes its enactment. For any development in a county floodplain, an applicant must obtain a waiver supported by a floodplain study. The standards for the study are set out in the County Stormwater Design Manual which is adopted by the County Council by resolution. The floodplain study that the bill would require is already part of county law. A floodplain study is required in the conceptual stage of land development projects. Pertinent excerpts from the County Stormwater Design Manual (section 4.2) are as follows:

The County requires floodplain delineation for any stream with a drainage area greater than 50 acres...The County has many streams with floodplain limits identified by FEMA ... In addition, the County has other resources used to identify floodplain areas... These include County prepared and approved floodplain studies for most major streams...The County also has an inventory of floodplain studies prepared by consultants . . . for individual properties. ALL OF THE COUNTY RESOURCE INFORMATION MUST BE RESEARCHED TO ENSURE FLOODPLAIN LAND IS PROPERLY IDENTIFIED AND DELINEATED ON THE PROPERTY. THIS STEP MUST BE FOLLOWED PRIOR TO SUBMISSION OF ANY FLOODPLAIN DELINEATION.

The County Stormwater Design Manual includes stormwater management requirements to mitigate the impacts of development on downstream areas. Pertinent excerpts from the manual:

5.2.4.3 100-Year Storm Attenuation Sizing

Attenuation may be necessary to control flooding downstream. This is generally required when existing homes or buildings downstream of the site are affected by the 100-year floodplain and/or known flooding problems exist. In these instances, a BMP must be proposed to attenuate the increase in the 100-year storm.

The County Code restricts development in the floodplain. Pertinent excerpts from the Floodplain Code Section 32-205 are as follows:

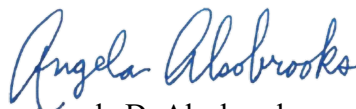
- (a) Within the County floodplain, no development shall be permitted except as provided in Subsection (b) unless a waiver is obtained from the Department which permits such development.
- (b) Permitted Development. The following development shall be permitted:
 - (1) The modification, alteration, repair, reconstruction, or improvement of a structure which does not constitute substantial improvement to the structure . . .
 - (2) Private and public utilities and facilities . . .
 - (3) Private or public streets crossing the floodplain . . .
 - (4) Stormwater management facilities.
 - (5) Small projections . . . enclosed by storm drainage pipes.

The County Code includes numerous requirements pertaining to floodplain waivers and construction in the floodplain. Key excerpts from County Code are as follows:

- 32-205 (e) Minimize Floodplain Disturbance: All development shall be designed to minimize floodplain disturbance . . .
- (f) Lowest Floor and Setback Requirements: Any new . . . structures . . . shall be located outside the floodplain and have the lowest floor and the surrounding ground elevated, by fill, to or above the flood protection elevation. Basements are not permitted.
- (g) Cut and Fill: If floodplain storage is reduced because of the project, an equal amount of compensatory storage within the floodplain shall be provided. . .
- (h) Changes in Base Flood Elevation: A detailed floodplain analysis shall be conducted to indicate that the new floodplain can carry the discharge of the 1-percent annual chance (100-year) flood without increasing the water surface elevation . . .

We join with the Planning Board in opposing CB-49-2020 as unnecessary and duplicative.

Sincerely,



Angela D. Alsobrooks
County Executive

cc: Council Members, Prince George's County Council
Major F. Riddick, Jr., Chief Administrative Officer
Joy A. Russell, Chief of Staff
Robert Williams, County Council Administrator
William Hunt, Deputy County Council Administrator

Relevant Authorities:

- County Code 32-205, 206, 207, 208 and 209
- Stormwater Design Manual, Chapter 4 (most recent version: September 2014)
- Prince George's County Planning Board July 9, 2020 Letter to Council Chair Todd M. Turner