



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations

June 16, 2021

MEMORANDUM

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin 
Senior Legislative Budget and Policy Analyst

FROM: Alex Hirtle 
Legislative Budget and Policy Analyst

Policy Analysis and Fiscal Impact Statement
CB-038-2021 Water Resources Protection and Grading Code of Prince George's
County

CB-038-2021 (*proposed and presented by*: Council Chair Hawkins at the request of the County Executive)

Assigned to Committee of the Whole (COW)

AN ACT CONCERNING WATER RESOURCES PROTECTION AND GRADING CODE OF PRINCE GEORGE'S COUNTY for the purpose of adopting additional permit fees for Site Road permit applications; specifically, two new fees: (1) fees for multiple plan reviews and (2) fees for multiple plan reviews for failure to include public roads and clarifies extension fees for grading, storm drain, and stormwater management outside the public right of way.

Fiscal Summary

Direct Impact:

Expenditures: None likely.

14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772
VOICE (301) 952-3431; FAX (301) 780-2097; TDD (301) 925-5167

Revenues: Potentially positive.

Indirect Impact:

Potentially positive.

Legislative Summary:

CB-038-2021 is by the request of the County Executive via a letter sent to Council Chair Hawkins dated May 12, 2021. The Bill was presented to the County Council on June 2, 2021 and referred to the Committee of the Whole (COW). The Bill's purpose is to adopt additional permit fees for Site Road permit applications. Specifically, the Department of Permitting, Inspections and Enforcement (DPIE) is proposing the following two new fees: (1) fees for multiple plan reviews and (2) fees for multiple plan reviews for failure to include public roads. DPIE is also clarifying extension fees for grading, storm drain, and stormwater management outside the public right of way.

Current Law/Background:

The proposed legislation modifies the Water Resources Protection Code of Prince George's County and adopts additional fees for Site Road permit applications. The specific sections of the Code involved include:

- SUBTITLE 23. ROADS AND SIDEWALKS
Sections 23-115
- SUBTITLE 32. WATER RESOURCES PROTECTION AND GRADING CODE
Sections 32-120 and 32-143
- SUBTITLE 2. ADMINISTRATION
Sections 2-253.63

The Prince George's County Code (2019 Edition, 2020 Supplement).

The Code currently does not provide for an additional fee if the applicant has not addressed all the County review comments in the first three (3) plan review cycles. The proposed legislation calls for the permittee to pay an extra review cycle fee as identified in the table of Fees, Subtitle 2-253.63 for each extra review cycle prior to approval and issuance of the permit.

The legislation also calls for fees for multiple plan reviews for failure to include public roads. Permittee Site Road Permits shall include specific information on frontage and other improvements. If the required information is missing, the permit submission will be returned; correction and resubmission will be required, along with payment of a Road Plan Deficiency fee.

Additionally, the proposed legislation provides for adjusted extension fees for grading, storm drains and stormwater management outside of the public right of way, to be calculated at a percentage of the permit fee itself.

Resource Personnel:

Melinda Bolling, Director, DPIE
Avis Thomas Lester, Public Information Officer, DPIE

Discussion/Policy Analysis:

The proposed legislation provides for an accountability piece for permittees of site plans who fail to address requirements of County's Water Resource Protection and Grading Code. The additional fees would only be implemented under the conditions of failure to address all the County review comments in the first three (3) plan review cycles, and failure to include public roads and the required information on frontage and other improvements. The imposition of these fees will at least partially offset the additional administrative burden borne by DPIE as a result of the repeat inspections.

The proposed fees are as follows:

- Extra Review Cycle Fee for Site Roads Applications (1 Residential lot)- \$150
- Extra Review Cycle Fee for Site Roads Applications (Other than 1 Residential lot)- \$2,000
- Road Plan Deficiency Fee (1 Residential lot)- \$150
- Road Plan Deficiency Fee (Other than 1 Residential lot)- \$1,500

Fees are exponentially increased for applications other than a one (1) residential lot. The fee amounts would incentivize applicants to avoid an Extra Review Cycle Fee by providing the necessary information per County requirements. As the legislation states, the fee is imposed for each extra review cycle after the first three (3) plan review cycles.

The other component of the legislation serves to clarify extension fees for grading, storm drains and stormwater management, to provide for improved permitting process for the Department and permittee. Under the proposed legislation, if an extension is granted by the Department Director, which is granted in one (1) year increments, the fees for storm drain, and stormwater management (out of the public right-of-way) will be calculated at twenty five percent (25%) of the same rate as the permit fee. This differs from the previous process whereas fees were based on the site area that had not received final inspection approval. The change can be seen as an incentive for the permittee to have all storm drain and stormwater management work complete prior to permit expiration, which would lessen the inspection workload on DPIE staff.

Fiscal Impact:

- *Direct Impact*

Enactment of CB-038-2021 will have a potentially positive fiscal impact on the County through increased permitting fees and an improved permitting process within DPIE.

- *Indirect Impact*

Enactment of CB-038-2021 could have a positive indirect impact by increasing the efficiency of the Department with staff workload through incentivizing permittees to include and address required information and comments by staff in the approval of their permits.

- *Appropriated in the Current Fiscal Year Budget*

No.

Effective Date of Proposed Legislation:

This Bill goes into effect forty-five (45) days after the date of its enactment.

If you require additional information, or have questions about this fiscal impact statement, please reach me via phone or email.