COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2012 Legislative Session

Resolution No. CR-83-2012

Proposed by The Chair (by request – Planning Board)

Introduced by Council Members Harrison and Franklin

Co-Sponsors

Date of Introduction October 23, 2012

RESOLUTION

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.

WHEREAS, the Maryland General Assembly enacted Chapter 149, 2012 Laws of
Maryland, the Sustainable Growth and Agricultural Preservation Act of 2012 ("SB 236"), during
its 2012 Regular Session, thereby amending Section 9-206 of the Environmental Article,
Annotated Code of Maryland, and effective from July 1, 2012; and

WHEREAS, in pertinent part, SB 236 authorizes a local jurisdiction to adopt certain growth
tier designations, establishes certain mandatory and discretionary provisions relating to the
adoption of certain tiers by certain local jurisdictions, and prohibits approval by a local
jurisdiction for certain residential subdivisions until the local jurisdiction adopts certain growth
tiers; and

WHEREAS, while the adoption of the Sustainable Growth Act Tier Map is considered
discretionary, approval authority for a certain residential subdivision applications will be
restricted if the local jurisdiction has not timely adopted a tier map by operation of law; and

WHEREAS, the Planning Department of The Maryland-National Capital Park and Planning
Commission held several public meetings to gather input on a proposed Sustainable Growth Act
Tier Map; and

...
WHEREAS, the Prince George’s County Planning Board received written and verbal testimony concerning the Sustainable Growth Act Tier Map through the course of two public hearings, and the Planning Board transmitted the record for these public hearings and its recommendation concerning a proposed Sustainable Growth Act Tier Map to the County Council for consideration and appropriate further action; and

WHEREAS, the County Council conducted several public briefings, work sessions, and held a duly advertised public hearing concerning the proposed Sustainable Growth Act Tier Map, attached hereto and made a part hereof as “Attachment A,” on November 20, 2012; and

WHEREAS, it is the desire of the County Council to continue the orderly development of land in Prince George’s County in conformance with the approved 2002 General Plan; and

WHEREAS, a Resolution has the force and effect of law but of a temporary or administrative character.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George’s County, Maryland, that the Prince George’s County Sustainable Growth Act Tier Map, as set forth in Attachment A, be and the same is hereby approved.

BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its adoption.

BE IT FURTHER RESOLVED that The Maryland-National Capital Park and Planning Commission is hereby authorized to transmit a certified copy of this Resolution, including the Approved Prince George’s County Sustainable Growth Act Tier Map, to the Maryland Department of Planning.
BE IT FURTHER RESOLVED that The Maryland-National Capital Park and Planning Commission is further authorized and requested to expeditiously make available copies of the Approved Prince George's County Sustainable Growth Act Tier Map for public use and information, and to promptly post electronic copies of same on the Planning Department's website.

Adopted this 20th day of November, 2012.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____________________________

Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

Note: Attachment A is available in hard copy and as an Inclusion File in LIS
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:  
Committee Referral: 10/23/2012 - PZED  
Executive Action:  
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  
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