

**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**

1 A RESOLUTION concerning

2           The Implementation in Prince George’s County of Senate Bill 236,  
3           Sustainable Growth and Agricultural Preservation Act of 2012

4 For the purpose of adopting the Prince George’s County Sustainable Growth Act Tier Map.

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

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

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

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

20

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

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

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

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

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

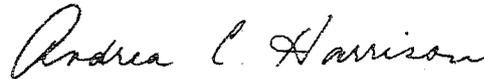
16       BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its  
17 adoption.

18       BE IT FURTHER RESOLVED that The Maryland-National Capital Park and Planning  
19 Commission is hereby authorized to transmit a certified copy of this Resolution, including the  
20 Approved Prince George's County Sustainable Growth Act Tier Map, to the Maryland  
21 Department of Planning.  
22

1 BE IT FURTHER RESOLVED that The Maryland-National Capital Park and Planning  
2 Commission is further authorized and requested to expeditiously make available copies of the  
3 Approved Prince George's County Sustainable Growth Act Tier Map for public use and  
4 information, and to promptly post electronic copies of same on the Planning Department's  
5 website.

Adopted this 20th day of November, 2012.

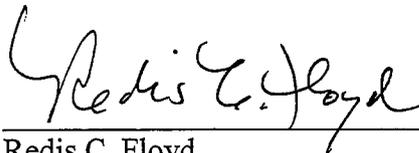
COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND



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

# The Sustainable Growth and Agricultural Preservation Act of 2012, SB-236

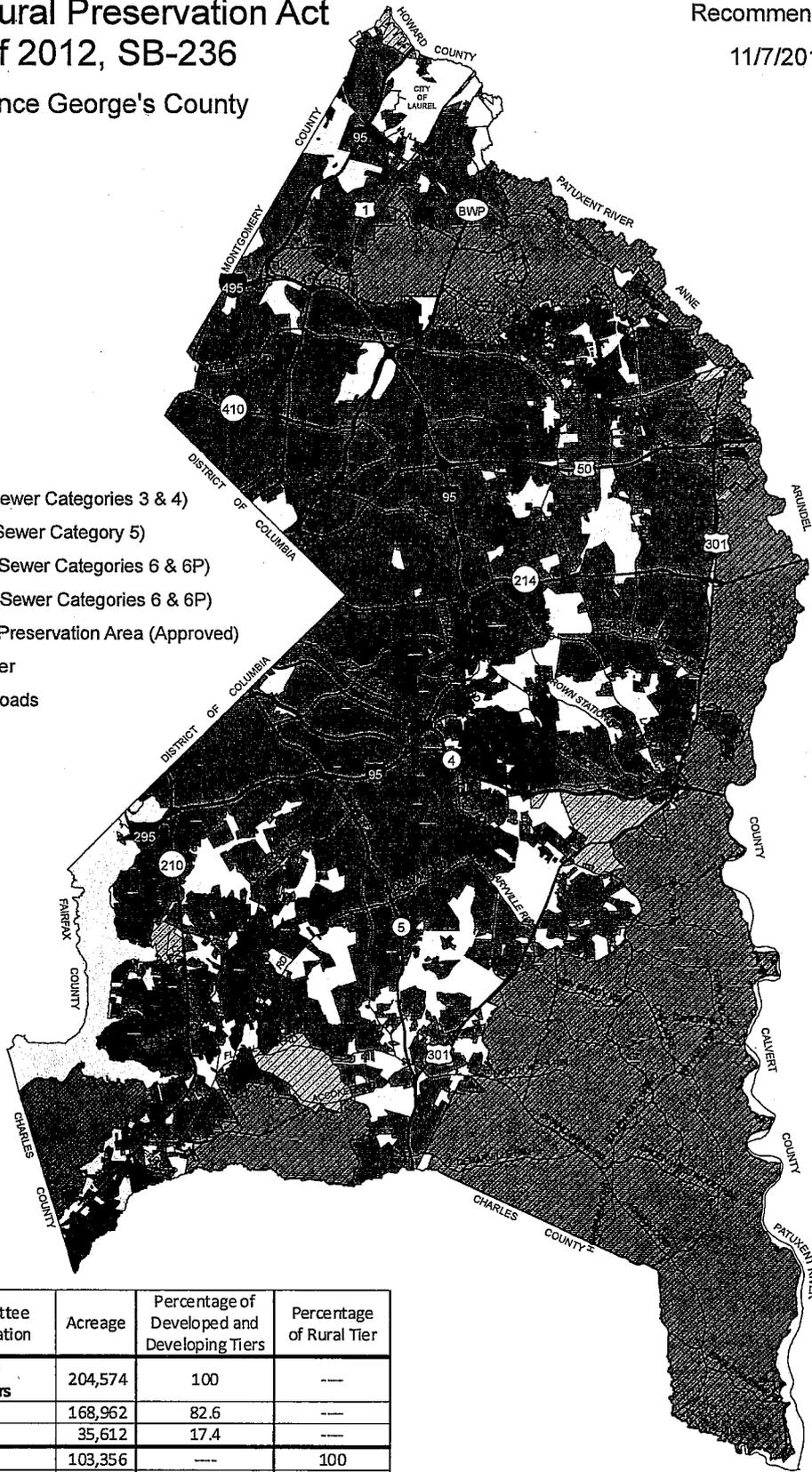
Prince George's County

PZED Committee Recommendation

11/7/2012

## Legend

-  Tier I (Sewer Categories 3 & 4)
-  Tier II (Sewer Category 5)
-  Tier III (Sewer Categories 6 & 6P)
-  Tier IV (Sewer Categories 6 & 6P)
-  Priority Preservation Area (Approved)
-  Rural Tier
-  Major Roads



PZED Committee Recommendation	Acreage	Percentage of Developed and Developing Tiers	Percentage of Rural Tier
<b>Developed and Developing Tiers</b>	204,574	100	---
Tier I	168,962	82.6	---
Tier II	35,612	17.4	---
<b>Rural Tier</b>	103,356	---	100
Tier III	5,243	---	5.1
Tier IV	98,113	---	94.9



The Maryland-National Capital Park & Planning Commission  
 Prince George's County Planning Department  
 Geographic Information System



0 1 2 3  
 Miles  
 1:190,590

11/7/2012

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## Prince George's County Council Agenda Item Summary

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**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.

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**Drafter:** M-NCPPC  
**Resource Personnel:**

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### LEGISLATIVE HISTORY:

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

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### AFFECTED CODE SECTIONS:

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### 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.

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**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.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

I-CR-83-2012 Attachment A.pdf

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