

Case No.: S.E. 4479

Applicant: Bardon, Inc.

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

ZONING ORDINANCE NO. 10 - 2006

AN ORDINANCE to approve a special exception.

WHEREAS, an application has been filed for property described as approximately 275.67 acres of land, in the R-A Zone, located on the east side of Gardner Road, approximately one (1) mile south of Accokeek Road (MD 373) and approximately 1.5 miles west of MD 301, Brandywine, for approval of a special exception for a Surface Mining; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff, who has filed recommendations with the District Council; and

WHEREAS, a public hearing on the application was held before the Zoning Hearing Examiner; and

WHEREAS, the Zoning Hearing Examiner's recommendations were duly filed with and considered by the District Council; and

WHEREAS, having reviewed the record, the District Council has determined that the application should be approved; and

WHEREAS, to protect adjacent properties and the surrounding neighborhood, this special exception is granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the decision and recommendations of the Zoning Hearing Examiner as its findings of fact and conclusions of law in this case.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

Section 1. The Zoning Map of the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended to show an approved special exception for Surface Mining on the property which is the subject of Application No. S.E. 4479. All development and use of the subject property under this special exception shall conform to the site plan filed in accordance with this decision.

Section 2. The special exception approval herein is subject to the following conditions:

1. This Special Exception shall be valid for a period not to exceed five (5) years from the date of the approval.
2. Truck speed on interior haul roads shall be controlled to 15 MPH or less.
3. Only the equipment listed on the approved plan shall be used on the site and it shall be equipped with a Donaldson TCU05 muffler or one that provides at least 30 dBA in sound reduction. Similar heavy equipment may be substituted, as replacements are required.

4. All equipment used on the site, including trucks, shall be fitted with working mufflers at all times.
5. Stockpiled overburden material must be seeded with quick-growing grasses to minimize the wash-off of silt into streams within the site.
6. Reclamation and stabilization efforts shall be staged as diligently as possible and the direction of mining shall be closely followed. The disturbed area shall not exceed 25 acres at any one time.
7. Application of sludge during reclamation, when used under this Special Exception, shall be performed in accordance with criteria and standards of the Maryland Department of Environment (MDE) and other best management practices and in compliance with the Prince George's County code, Subtitle 21, Section 21-108. Use of sludge shall be limited and controlled to prevent any surface or subsurface contamination of water entering the Mattawoman Creek and its tributaries.
8. All sediment/erosion control traps and basins shall be enclosed with a minimum 42-inch-high safety fence. Safety signs, described in the Official Surface Mining Workbook (April, 1990) of the State Safety Committee, and, safety benches and protective berming shall be used in order to increase the level of safety at the site.
9. Close monitoring of these measures shall be done by the Department of Natural Resources to assure that they continue to perform satisfactorily. The sediment control measures shall be approved by the Soil Conservation District.
10. The following note shall be added to the Special Exception Site Plan and the Type II Tree Conservation Plan:

The expanded stream buffer shown on this Plan describes an area where the installation of structures and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.

11. Interior roads shall be watered or otherwise treated as necessary to minimize dust.
12. Street sweepers or water trucks shall be available during all hours of mining operation. These should be used as needed to keep McKendree Road in the vicinity of entrances clear of loose extracted materials from the proposed mining operation.
13. Truck traffic associated with the proposed mining activity shall be limited to the hours between 8:00 a.m. and 4:00 p.m. Monday through Friday.
14. Trucks shall enter and leave the site by way of McKendree Road between the site entrance and US 301/MD 5, and continue up US 301/MD 5 to the north.
15. Mining activity shall be restricted to 150 truckloads of material daily.
16. The tree preservation lines shall be staked on the ground and reviewed by M-NCPPC, Environmental Planning Section, prior to the installation of sediment/erosion control measures and tree protective devices.
17. A Reforestation Bond shall be posted with the Prince George's County Department of Environmental Resources prior to the issuance of any permits for this mining operation. All reforestation shown on TCPII/6/96/01 shall be completed during the first spring planting season following completion of the mining operation or upon final stabilization of the mining site. Prior to the approval of Special Exception 4479, the Applicant shall provide evidence that the Reforestation Bond has been posted with the Prince George's County Department of Environmental Resources.
18. Prior to issuance of the Use and Occupancy Permit, the Applicant shall obtain all the permits and licenses that are required by the Federal, State and local governments. Such permits include, but are not limited to, permits for disturbance of wetlands and wetland buffers and stream crossings.
19. The gate at the McKendree Road entrance shall be locked when the site is not in operation.

20. The mining at the site (SE-4479) will not commence until the mining approved by Special Exception 4218 is completed.
21. The sediment traps numbered 13 and 14 in Phase III and the sediment basins numbered 1 and 2 in Phase IV will be sized to have storage capacity for three (3) inches of rainfall in a 24-hour period. The sediment traps numbered 15 and 16 in Phase IV will be sized to have storage capacity for two (2) inches of rainfall in a 24-hour period.
22. The Applicant shall conduct periodic reviews of the performance of all sediment and erosion controls, correcting any found to be inadequate to meet the standards set for them. Evidence of overflow of sediment-laden runoff from ponds or anywhere on the site is an indication of inadequate control.
23. There shall be no sewage sludge application from Thanksgiving through March 1 of each year.

Section 3. This Ordinance shall take effect on the date of its enactment.

Enacted this 10th day of April, 2006, by the following vote:

In Favor: Council Members Dernoga, Campos, Dean, Exum, Harrington, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent: Council Member Bland

Vote: 8-0

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: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council