



## Special Exception Type 2 Tree Conservation Plan GAS LIGHT III SURFACE MINE

**SE-22007**  
**TCP2-033-2024**

REQUEST	STAFF RECOMMENDATION
SE-22007: Expansion of an existing surface mining operation.  Variance: for the removal of four specimen trees	With the conditions recommended herein: <ul style="list-style-type: none"><li>• Approval of Special Exception SE-22007</li><li>• Approval of Type 2 Tree Conservation Plan TCP2-033-2024</li><li>• Approval of a Variance to Section 25-122(b)(1)(G)</li></ul>

**Location:** On the south side of MD 373 (Accokeek Road), approximately 6,600 feet west of the intersection of MD 373 and McKendree Road

Gross Acreage: 328.02

Zone: AR

Zone Prior: R-A

Reviewed per prior Zoning Ordinance: Section 27-1903

Dwelling Units: 0

Gross Floor Area: 0

Lots: 0

Parcels: 3

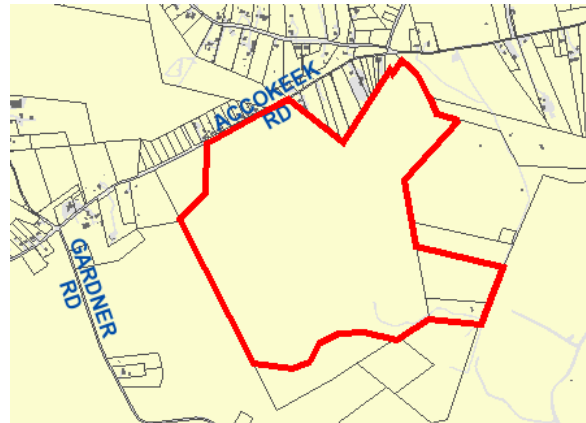
Planning Area: 85A

Council District: 09

Municipality: N/A

**Applicant/Address:**  
Holcim-MAR, INC.  
6401 Golden Triangle Drive, Suite 400  
Greenbelt, MD 20770

**Staff Reviewer:** Evan King  
**Phone Number:** 301-952-3554  
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Planning Board Date:	02/20/2025
Planning Board Action Limit:	N/A
Staff Report Date:	02/12/2025
Date Accepted:	06/28/2024
Informational Mailing:	02/19/2024
Acceptance Mailing:	06/17/2024
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301 952 3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board  
The Prince George's County District Council

VIA: Jeremy Hurlbutt, Supervisor, Zoning Section,  
Development Review Division

FROM: Evan King, Planner II, Zoning Section,  
Development Review Division

SUBJECT: Special Exception SE-22007  
Type 2 Tree Conservation Plan TCP2-033-2024  
Gas Light III Surface Mine

REQUEST: **SE-22007:** Special exception for the expansion of an existing surface mining  
operation.

**Variance:** for the removal of four specimen trees

RECOMMENDATION: **APPROVAL, with conditions**

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**NOTE:**

The Prince George's County Planning Board has scheduled this application on the consent agenda, for transmittal to the Zoning Hearing Examiner, on the agenda date of February 20, 2025.

You are encouraged to become a person of record in this application. Requests to become Persons of Record should be submitted electronically, by email to: ZHE@co.pg.md.us. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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The Zoning staff has reviewed the subject application and presents the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

## **I. EVALUATION CRITERIA**

- A. Prince George's County Zoning Ordinance.** This property is located within the Agriculture-Residential (AR) Zone. It was previously located within the Residential-Agricultural (R-A) Zone. Pursuant to Section 27-1903 of the Prince George's County Zoning Ordinance, development applications of any type for properties not in the Legacy Comprehensive Design (LCD), Legacy Mixed-Use Community (LMXC), and Legacy Mixed-Use Town Center (LMUTC) Zones may utilize the prior Prince George's County Zoning Ordinance for development of the subject property. The subject property is an expansion of a project that received prior development approval for surface mining operation under Special Exception SE-4651, which was approved on April 15, 2010, under the prior Zoning Ordinance. Accordingly, this application is being reviewed pursuant to the prior Zoning Ordinance. Staff considered the following criteria in reviewing this application:

A Special Exception (SE) is reviewed and decided by the Prince George's County Zoning Hearing Examiner. Pursuant to Section 27-317(a) of the prior Prince George's County Zoning Ordinance, an SE may only be approved upon a finding that all of the following standards are met:

1. The proposed use and site plan are in harmony with the purpose of this Subtitle;
2. The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;
3. The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;
4. The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;
5. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
6. The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and
7. The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5).

- B. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.** Pursuant to Section 25-119(a)(2)(B) of the Prince George's County Code, SE applications shall include a Type 2 tree conservation plan (TCP2) or a standard letter of exemption.

- C. **Prince George's County Tree Canopy Coverage Ordinance.** The subject site is exempt from the requirements of the Prince George's County Tree Canopy Coverage Ordinance as it is located in the AR Zone, formerly the R-A Zone.

## II. BACKGROUND

- A. **Summary and Request:** Special exception for the expansion of an existing surface mining operation.
- B. **Development Data Summary:**

	EXISTING	EVALUATED
Zone(s)	AR (prior R-A)	R-A
Use	Surface Mining	Surface Mining
Lot(s)	0	0
Parcel(s)	3	3
Total Gross Acreage	328.02	328.02
Gross Floor Area	N/A	N/A

- C. **Location and Site Description:** The subject property is located on the south side of MD 373 (Accokeek Road), approximately 6,600 feet west of the intersection of MD 373 and McKendree Road. The 328.02-acre property consists of three parcels known as Parcel 19, Parcel 21, and Parcel 124. It is adjacent to a 683.26-acre tract of land owned by the applicant and previously approved for surface mining operations under Special Exception SE-4651. This application requests to expand the overall surface mining operations to the subject property.
- D. **Proposed Use(s):** The subject application is for the expansion of an existing surface mining operation. The subject property is adjacent to an existing approved surface mining operation. The proposed expansion will be for material extraction only. All material extracted from the subject property will be washed at the existing wet processing facility located on the adjoining property. Under this proposal, the material extracted from the subject property will be mechanically transported across the property line to the processing facility by means of a conveyor system; thus, negating any need for the raw material to be transported off-site by truck for processing.
- E. **Neighborhood and Surrounding Uses:** The general neighborhood is residential and agricultural in character. The neighborhood is bordered by Floral Park Road to the north, MD 5 (Branch Avenue) to the east, Gardiner Road to the south, and MD 210 to the west. MD 373 will be the primary access to the operation. The immediate uses surrounding the subject property are as follows:

**North—** MD 373, and beyond by single-family detached dwellings and vacant land in the AR Zone (previous R-A Zone).

**East—** An existing surface mining wash plant and vacant property in the AR Zone (previous R-A Zone).

**South—** Vacant property in the AR Zone (previous R-A Zone).

**West—** Vacant property in the AR Zone (previous R-A Zone).

- F. History and Previous Approvals:** The subject property has no prior approvals, preliminary plan of subdivision (PPS) or final plat for the subject property. However, for context, prior approvals for the adjacent surface mining operations, for which this case is requesting an expansion of, are listed below:

SE-4402 was approved, with conditions, by the Prince George's County District Council in 2002 and was final after the Court of Special Appeals' confirmation of the District Council's approval, in 2004. The SE allowed for surface mining on approximately 683.26 acres in the R-A and R-E Zones adjacent to the subject application.

SE-4403 was approved, with conditions, by the District Council on June 17, 2002, for a sand and gravel wet processing facility, for a period of 15 years in the R-A and R-E Zones adjacent to the subject application.

SE-4651 was approved, with conditions, by the Zoning Hearing Examiner on April 15, 2010, to continue the surface mining use for a period of five years in the R-A and R-E Zones adjacent to the subject property.

SE-4790 was approved, with conditions, by the Zoning Hearing Examiner on June 6, 2017, to continue the sand and gravel wet processing operation adjacent to the subject property.

### **III. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ZONING ORDINANCE**

This application, for the expansion of a surface mining operation through an SE, is being reviewed in accordance with the prior Zoning Ordinance. The analysis of all required findings for approval are provided below.

**Required Findings—**Section 27-317 of the prior Prince George's County Zoning Ordinance provides the following applicable findings:

**(a) A Special Exception may be approved if:**

**(1) The proposed use and site plan are in harmony with the purpose of this Subtitle.**

The purposes of Subtitle 27 of the Prince George's County Code, as set forth in Section 27-1300 of the Zoning Ordinance, are to protect the health, safety, and welfare of the public; to promote compatible relationships between various land uses; to guide orderly development; and to ensure adequate public facilities and services.

Staff find that the proposed use is in harmony with these purposes and will not negatively impact the health, safety, and welfare of the public. The proposed surface mining operation will be adequately buffered from any residential uses. It will provide ongoing employment opportunities to the public and provide much needed materials for development activity to the surrounding areas.

**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**

The proposed use is in conformance with the requirements and regulations set forth in Subtitle 27.

The proposed use is being evaluated according to the general required findings of approval for all SEs contained in Sections 27-317, 27-410, 27-445.02 and 27-625 of the prior Zoning Ordinance, as discussed below.

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) places this application in the rural and agricultural areas (Map 11: Growth Policy Map, page 107). The vision for rural and agricultural areas is to serve as locations for low-density residential units or to support park and open space land uses and focus new investment on maintaining existing infrastructure and stabilizing small-scale neighborhood-oriented commercial activities that support the areas rural lifestyle and character. Plan 2035 recommends continuing to protect these areas in order to preserve the agricultural sector and the land base on which it depends.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan) recommends rural land use on the subject property (Map IV-1: Future Land Use, page 32). The proposed use conforms with the recommended land use because the master plan recognizes the importance of sand and gravel mining to the County and to the greater Washington, D.C. region (page 153), while also restricting sand and gravel mining to the rural and agricultural areas (page 154), especially within the priority preservation area (page 58).

Mineral extraction is a historically important industry in Subregion V, based on the presence of large sand and gravel deposits affiliated with the Brandywine geological formation. The mining industry supports other independent businesses in the region, predominately in the trucking industry, generating spin-offs to the local economy, though the specific amount of positive impact to the County has not been quantified in the master plan. This proposal is an expansion of an existing mining operation within a rural area. The master plan specifically restricts sand and gravel mining to rural areas, with the long-term goal of reclaiming mining sites and turning them into land that can support productive agriculture and forestry. Following the conclusion of the mining of this site, it will be reclaimed for residential development purposes, thereby encouraging the retention of valuable land resources for the future single-family detached residential subdivision lots.

The 2017 Countywide Green Infrastructure Plan (Green Infrastructure Plan) was approved with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the Green Infrastructure Plan, this site does contain regulated and evaluation areas.

The application area is not located within a sensitive species project review area or special conservation area. The nearest special conservation area is the Mattawoman stream valley system, located to the south. There are designated evaluation and regulated areas as defined in the Green Infrastructure Plan on the subject property. On-site regulated environmental features (REF) such as three unnamed tributaries to North Branch Mattawoman Creek, associated stream buffers, nontidal wetlands, wetland buffer and 100-year floodplain were identified on the approved natural resources inventory (NRI). The site is mostly wooded with open canopy areas within floodplain areas.

This mining application is required to restore the areas that are proposed for mining activities. The restoration measures include the filling, regrading, and replanting of the mining area once all mining activities have ceased. The on-site reforestation planting and preserved woodlands will be further protected when placed in a woodland and wildlife habitat conservation easement.

To further protect the existing REF during the proposed mining, stormwater management (SWM) facilities will be reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPPE); the sediment and erosion control measures will be reviewed by the Prince George's County's Soil Conservation District; and, the mining activities by the Maryland Department of the Environment – Division of Minerals, Oils, and Gas.

Staff find that the proposed expansion of the surface mining operation is consistent with the Green Infrastructure Plan, Plan 2035 and master plan goals, policies, and strategies for the subject property.

**(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

As previously discussed, this application is an expansion of an existing surface mining operation. Mined materials will be transported, via mechanical conveyor, across the shared property line with the adjacent existing wash plant. No trucking of material from the subject property is proposed. The proposed mining operations will be sufficiently buffered from surrounding uses.

The proposed use is subject to County and state regulations related to environmental management and safety that will protect the



health, safety, and welfare of residents nearby and workers on-site. A detailed analysis of the potential impacts is provided in the Environmental Impact Report (EIR-22007). Recommended conditions are proposed herein to address potential impacts.

Staff find that the proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

**(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

The general neighborhood is residential and agricultural. As previously noted, the properties to the south and west are currently vacant. The property to the east is the existing surface mining wash facility. To the north there are single-family residential dwellings, but the proposed surface mining operation will be sufficiently buffered from these uses, as will be further discussed below.

**(6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

Type 2 Tree Conservation Plan TCP2-033-2024 was submitted with this SE application. Minor revisions to the TCP2 are required for conformance and are included in the Recommendation section of this staff report.

**(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5).**

The TCP2 shows an encroachment into the REF for one impact, for the construction of an elevated conveyor system and access road to cross an intermittent stream system. A statement of justification (SOJ) was included in the SE, which was received on June 28, 2024. The primary management area (PMA) impacts, for the construction of a conveyor and access road, total 0.80 acre (185 linear feet of stream bed and 0.72 acre of 100-year floodplain). These impacts are considered necessary for the orderly development of the subject property as a surface mine, and staff find the REF have been preserved and/or restored to the fullest extent possible.

**Additional Requirements for Specific Special Exceptions**—Section 27-410 Surface mining, of the prior Zoning Ordinance provides the following applicable requirements:

**(a) The surface mining of natural materials or deposits (including sand, gravel, or clay pits; rock or stone quarries; and the removal of earth or topsoil) may be permitted, subject to the following:**

**(1) Heavy machinery may be used for the extraction of natural material or deposits from the site. Except in the I-2 Zone, heavy**

**machinery may not be used for washing, refining, or other processing, unless a Special Exception is granted for sand and gravel wet-processing under the provisions of Section 27-405;**

The subject SE will only use heavy machinery for the extraction of sand and gravel from the subject property on-site. Extracted material will be transported via an on-site conveyor system to the existing wash plant located on an adjacent site. No heavy machinery will be used on-site for the washing, refining, or other processing of mined materials.

**(2) The use shall not be noxious, offensive, or otherwise objectionable by reason of dust, smoke, noise or vibration;**

Measures have been taken to assure the use will not be noxious, offensive, or otherwise objectionable by reason of dust, smoke, noise or vibration. Measures include a 50-foot setback along the northern and western boundaries and additional 15-foot-high berms. Further evaluation has been addressed in the associated environmental impact report.

**(3) The land areas exposed by the extraction and removal of natural materials or deposits shall be left suitable for development. A grading plan shall be submitted (along with the site plan) showing the existing and proposed ground elevations of the site, adjacent land, and all abutting streets. The exposed land area shall have a slope not greater than three-to-one (3:1), except where any portion of the site is developed for port or harbor facilities;**

The submitted SE, landscape plan, and TCP2 show the proposed reclamation final grades. None of the proposed grades have a slope greater than 3:1.

**(4) The Special Exception shall be valid for not longer than five (5) years, except where the use is located:**

**(A) In an R-R Zone which is predominantly undeveloped for a radius of one (1) mile from the operation; or**

**(B) In an I-2 Zone;**

The Appellate Court of Maryland held in *East Star, LLC v. Cnty. Comm'rs of Queen Anne's Cnty.*, 203 Md. App. 477, 38 A.3d 524 (2012) that local regulations that place time periods on the operation of a sand and gravel mine are preempted by state law and, therefore, illegal. The Zoning Hearing Examiner has previously acknowledged this decision and did not place a time limit on SE-4647 or SE-4651.

- (5) In addition to the requirements of Section 27-296(c), the site plan shall show an estimate of the time required for the removal of the material;**

Notwithstanding the local jurisdiction's inability to limit the time period for such uses, as the same is preempted by state law, the applicant anticipates that the extraction and removal of material from the site will be approximately eight years.

- (6) At least sixty (60) calendar days prior to the hearing before the Zoning Hearing Examiner, the applicant shall file a traffic analysis with the Zoning Hearing Examiner for inclusion in the record, and shall send a copy to the Planning Board. The traffic analysis shall include the volume of traffic expected to be generated by the operation, and shall identify the streets to be used between the site and the nearest street (to be used) that has a minimum paved width of twenty-four (24) feet for the predominant length of the street;**

A traffic analysis prepared by Lenhart Traffic, in accordance with the standards of this section, was submitted with this application. The Transportation Planning Section found that the proposed sand and gravel wet processing plant use would meet the requirements of Subtitle 27, for the approval of an SE from the standpoint of transportation. Recommended conditions were included in this report.

- (7) Driveways or access points shall be identified on the site plan, and shall be located so as not to endanger pedestrians or create traffic hazards. The surface material to be used on the driveways shall be identified on the site plan. Any access driveway shall be at least twenty-two (22) feet wide, and shall be paved for a distance of at least two hundred (200) feet from the boundary line of the Special Exception.**

Two proposed access points are clearly identified on the site plan. Signs will be posted 500 feet in advance of the driveway entrance, so that they will not create traffic hazards. One proposed point of entrance, along the south side of MD 373 (Accokeek Road), is located approximately 6,260 feet to the west of McKendree Road. The sight distance at the entrance point is over 500± feet in both the easterly and westerly directions on MD 373; and is, therefore, in accordance with established highway safety guidelines. The entrance from MD 373 will be paved to a width of 22 feet, and it will have a paved length of approximately 200 feet, as shown on the accompanying site plan. A second point of entrance proposes to connect to an existing access road on the adjoining property owned by Bardon, Inc. This property is also a surface mining operation (SE-4403) and, therefore, will not endanger pedestrians.

- (8) The Technical Staff Report prepared in response to the application shall include a current, Countywide inventory of the**

**locations, dates of approval, and conditions of approval concerning haul routes and estimated loads per day for all approved and pending Special Exceptions for sand and gravel wet-processing, sanitary landfills and rubble fills, and surface mining, as indicated by the record in the case. The inventory shall also include the locations of all nonconforming sand and gravel wet-processing, sanitary landfills and rubble fills, and surface mining operations throughout the County that were certified after September 6, 1974.**

This information has been provided in the environmental impact report.

**Additional Requirements for Specific Uses**—Section 27-445.02 Surface mining; sand and gravel wet-processing, of the prior Zoning Ordinance provides the following applicable requirements:

- (a) In order for any surface mining or sand and gravel wet-processing operation to continue, the requirements of this Section shall be met.**

The requirements of this section have been met, as discussed above and below.

- (b) The purposes of this Section are to prevent or control the detrimental effects of surface mining and sand and gravel wet-processing operations upon neighboring properties, and existing and proposed land uses in the general area.**

The purposes of this section have been met, as discussed above and below.

- (c) All surface mining and sand and gravel wet-processing operations shall meet the following requirements:**

- (1) The uses shall be operated in full compliance with applicable extraction and surface mining or sand and gravel wet-processing regulations;**

The proposed mining operation shall be operated in full compliance, to meet or exceed all applicable laws and safety regulations of the federal, state, and County governments, via the permit review process which enforces said regulations.

- (2) For the safety of residents and property, the operator of the facility shall take effective measures to control the speed of trucks utilizing his facility and neighboring streets;**

As previously stated, this operation will convey materials to the adjacent, existing wash plant. Traffic to the subject property will be limited to employees and visitors. Material shall be transported off-site by truck from the existing wash plant on the adjacent site. This existing wash plant has been in use for several years under SE-4651 and SE-4402 approvals. Staff find this application meets the

transportation requirements with the conditions provided in this report.

- (3) The operator shall avoid depositing any debris upon any existing streets; and**

As previously stated, this operation will convey materials to the adjacent, existing wash plant. These measures are currently in place and operational for the existing use and have proven to be successful in ensuring that debris is not deposited upon any existing streets.

- (4) The owner of the subject property shall be required to post and maintain a permanent, durable sign identifying the use as a surface mining or sand and gravel wet-processing operation, in accordance with the requirements of Section 27-629.**

As previously stated, this operation will convey materials to the adjacent, existing wash plant. The applicant has previously posted and maintained a sign at the main entrance to the adjacent property, which identifies the use of the subject property as a surface mining operation. In addition, the application does include a sign for the entrance to the subject property. This is discussed below.

**Signs for Specific Uses—**Section 27-625 Surface mining; sand and gravel wet-processing identification, of the prior Zoning Ordinance provides the following applicable requirements:

**(a) Area.**

- (1) Not less than 9, nor more than 16, square feet.**

The 5-foot by 3-foot sign submitted with this application is 15 square feet.

**(b) Location.**

- (1) All signs shall be conspicuous and legible.**

The proposed signage submitted with this application is conspicuous and legible.

**(c) Quantity.**

- (1) If the property has frontage on one (1) or more improved public streets, there shall be one sign posted for each one thousand (1,000) feet (or fraction) of street frontage on each street.**
- (2) If the property does not have frontage on an improved public street, there shall be one (1) sign posted within the right-of-way or easement which provides vehicular access to the property.**

The subject property has approximately 2,313± feet of street frontage on MD 373. The SE shows one sign adjacent to the proposed entrance onto the subject property.

**(d) Height.**

- (1) Not less than four (4), nor more than eight (8), feet above the finished grade of the improved street if it is to be viewed from a public street.**

The signage detail submitted with this application has a maximum height of 8 feet above finished grade.

**(e) Contents.**

- (1) Each sign shall contain the following information:**

- (A) Identification of the use as a surface mining or sand and gravel wet-processing operation;**
- (B) Size of the property (in acres);**
- (C) Name of the owner of the property and operator of the facility;**
- (D) A legal description of the property, including the subdivision name, lot and block numbers, or liber and folio numbers; and**
- (E) Instructions for obtaining additional information about the operation.**

The signage detail submitted with this application is in accordance with this criterion.

**IV. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE 2010 PRINCE GEORGE'S COUNTY LANDSCAPE MANUAL**

The proposed development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, conformance is required for Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscaping Requirements. Staff find that the proposed landscape plan meets these requirements.

**V. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE 2010 PRINCE GEORGE'S COUNTY WOODLAND AND WILDLIFE HABITAT CONSERVATION ORDINANCE**

This property is subject to the grandfathering provisions of the 2024 Woodland Conservation Ordinance because the TCP2 provided with this application was accepted for review on or before June 30, 2024. This application shall conform to the environmental regulations of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). TCP2-033-2024 was submitted with the SE application.

Based on the TCP2, the site's gross tract area is 351.29 acres, with 66.84 acres of 100-year floodplain, resulting in a net tract area of 284.45 acres. The site contains 284.45 acres of woodland on the net tract and 65.33 acres of wooded floodplain. The woodland conservation threshold is 50 percent, and the requirement is 142.23 acres.

The woodland conservation worksheet proposes the removal of 226.86 acres in the net tract area, and 0.58 acre within the floodplain, for a woodland conservation requirement of 263.00 acres. The woodland conservation requirement is proposed to be met with 57.59 acres of woodland preservation on-site and 205.41 acres of reforestation on-site. The entire woodland conservation requirement will be met on-site through preservation and reforestation plantings. The NRI has identified 17 specimen trees on-site and the applicant requests that four specimen trees be removed as part of this application.

Technical revisions are required to the TCP2, which are included in the Recommendation section of this report.

### **Specimen Trees**

Section 25-122(b)(1)(G) of the County Code requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the [Environmental] Technical Manual." The code, however, is not inflexible.

The authorizing legislation of Prince George's County's WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George's County's WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A Subtitle 25 variance application and an SOJ in support of the variance was received for review with this application and is dated April 24, 2024. The application area contains 17 on-site specimen trees with good condition ratings (Specimen Trees ST-3, ST-5, ST-6, ST-7, ST-8, ST-9, ST-10, ST-11, ST-13, and ST-15), fair condition ratings (Specimen Trees ST-2, ST-12, ST-14, and ST-16), and poor condition ratings (Specimen Trees ST-1, ST-4, and ST-17). The mining limits of disturbance proposes the removal of four specimen trees, specifically ST-1, ST-3, ST-6, and ST-17.

### **Statement of Justification Request:**

A variance from Section 25-122(b)(1)(G) is requested for the removal of four specimen trees. This variance is requested to the Woodland and Wildlife Habitat Conservation Ordinance, which requires, under Section 25-122(a)(1) of the County Code, that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." Section 25-122(b)(1)(G) requires the preservation of specimen trees. The applicant provided a Subtitle 25 variance application and SOJ to demonstrate how the findings of Section 25-119(d)(1) are being met.

The text in **bold**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides staff responses to the criteria.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

Specimen Trees ST-1, ST-3, ST -6, and ST-17 are located outside of the REF. These trees are requested for removal to achieve mining extraction areas outside of the on-site REF areas. Special conditions peculiar to the property would cause an unwarranted hardship if the applicant were required to retain the four specimen trees identified as ST-1, ST-3, ST-6, and ST-17. The condition rating of the trees is two in good condition and two in poor condition; the construction tolerance of the White oak is medium, and the American beech has a poor tolerance; and the four trees are located within the proposed mining area. The mining application area is mostly wooded, with identified sand and gravel deposits below the surface. As shown on the TCP2, ST-3 and ST-6 are located within the clearing area that will be reforested as WRA-1; ST-1 and ST-17 are located in the clearing area that will be reforested as WRA-2. Requiring the applicant to retain the four specimen trees on-site would prevent the applicant from obtaining all available sand and gravel below the surface, to the extent that it would cause the applicant an unwarranted hardship. In addition, preserving the REF areas is important due to the proximity to the Mattawoman Creek stream valley, which is identified as a County special conservation area within the Green Infrastructure Plan. To minimize impacts to REF and their woodland buffers, the mining is limited where possible to outside of the REF.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.**

Enforcement of the requirement that all specimen trees be preserved would deprive the applicant of rights commonly enjoyed by other properties in similar areas. The overall site contains 17 specimen trees, and the applicant is proposing to remove four of these trees. If the applicant were required to save these four specimen trees, the applicant would not be able to remove the underlying mineral deposits. As a result, it would deprive the applicant of rights commonly enjoyed by other properties in similar areas.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

This is not a special privilege that would be denied to other applicants. If other similar mining developments contained specimen trees within mineral deposit areas, it would be given the same consideration during the review of the required variance application.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant.**

The applicant has taken no actions leading to the conditions or circumstances that are the subject of the variance request. The removal of specimen trees identified as ST-1, ST-3, ST-6, and ST-17 is the result of the location of the subsurface mineral deposits and the result of the mining extraction process.



- (E) **The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

There are no existing conditions, existing land, or building uses on-site or on neighboring properties that have any impact on the location or size of the four specimen trees. Specimen Trees ST-1, ST-3, ST-6, and ST-17 have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

- (F) **Granting of the variance will not adversely affect water quality.**

The removal of four specimen trees will not adversely affect water quality. The project will be subject to the requirements and protections of waterways by the Maryland Department of the Environment, Prince George's County Soil Conservation District, and the approval of a stormwater concept plan by DPIE. They will meet their total woodland conservation requirements with on-site preservation and reforestation plantings.

## **VI. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE PRINCE GEORGE'S COUNTY TREE CANOPY COVERAGE ORDINANCE**

The subject site is exempt from the requirements of the Prince George's County Tree Canopy Coverage Ordinance in accordance with Section 25-127(b)(1)(D) of the County Code, which exempts properties located in the AR Zone.

## **VII. REFERRAL COMMENTS**

The subject application was referred to the concerned agencies and divisions. The referral comments are incorporated herein by reference, and major findings are summarized as follows:

- a. **Community Planning**—In a memorandum dated August 21, 2024 (Calomese to Price), the Community Planning Division found that, pursuant to Section 27-317(a)(3) of the prior Zoning Ordinance, this SE application will not impair the integrity of the master plan.
- b. **Transportation Planning**—In a memorandum dated January 16, 2025 (Patrick to Price), the Transportation Planning Section determined that the proposed plan is acceptable, with conditions.
- c. **Environmental Planning**—In a memorandum dated January 7, 2025 (Schneider to Price), the Environmental Planning Section provided an analysis of the subject application.

## **ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS**

### **Plan Prince George's 2035 Approved General Plan (2014)**

The site is located within the Environmental Strategy Area 3 of the Regulated Environmental Protection Areas Map and is in the rural and agricultural area of the General Plan Growth Policy Map, as designated by Plan 2035. The property is located within a priority preservation area. This area contains subsurface minerals that need to be extracted to be used for building materials. The General Plan states

that priority preservation areas include areas that contain productive agricultural or forest soils; or are capable of supporting profitable agricultural and forestry enterprises where productive soils are lacking. This application area plans on harvesting the on-site woodlands within the mining area, extracting the valuable materials, restoring and replanting the mining areas, and placing the existing and proposed woodlands within a protective woodland conservation easement.

#### **Subregion 5 Master Plan and Sectional Map Amendment – Section V: Environment**

The site is located within the *Approved Subregion 5 Master Plan and Sectional Map Amendment* (July 2013). In the master plan, the section on Environment contains eight sections (A–H), each of which contain policies and strategies. The text in **bold** is the policy text from the master plan, and the plain text provides staff comments on plan conformance.

##### **A. Green Infrastructure**

- **Implement the master plan’s desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.**
- **Protect, preserve, and enhance the identified green infrastructure network.**

The application area is not within a master plan special conservation area; however, the on-site stream systems are part of the North Branch of the Mattawoman Creek which eventually flows into the Mattawoman Creek. The main branch of the Mattawoman Creek is identified as a special conservation area. The site contains mapped regulated area within the Green Infrastructure Plan along the stream systems. The woodland adjacent to the regulated areas is mapped as evaluation areas within the Green Infrastructure Plan. These areas are the highest priority for preservation of REF and woodland.

The 2010 WCO requires priority be placed on the preservation and planting of floodplain, wetlands, and stream corridors, and emphasizes the preservation of large contiguous woodland within the green infrastructure network. The site contains mapped forest interior dwelling species habitat, which is an additional high priority for preservation and enhancement of on-site woodland.

The mining application proposes to remove all on-site woodland areas except for the woodlands within the PMA and along MD 373. There is identified mineral product (sand and gravel) below the surface of the application area. One PMA impact area, for the construction of an elevated conveyor system and access road, is proposed in the southeast corner of the site. At the end of the mining extraction process, the applicant is required to reclaim, regrade, and replant the site to the former natural conditions. The woodland conservation worksheet on the TCP2 shows the removal of

226.86 acres of woodland in the net tract area, and the removal of 0.58 acre of woodland within the floodplain, resulting in a woodland conservation requirement of 263.00 acres. According to the worksheet, the requirement is proposed to be met with 57.59 acres of woodland preservation on-site and 205.41 acres of reforestation on-site. All of the woodland conservation requirements will be met on-site with on-site preservation and reforestation plantings. The NRI has identified 17 specimen trees on-site, and this application requests the removal of four specimen trees.

Impacts to REF are limited to those required or only necessary for development, such as one elevated conveyor system and access road impact.

#### **B. Water Quality, Stormwater Management, and Groundwater**

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams.**

The SE application is for new surface mining area which is reviewed by several state and local government agencies for SWM. All mining activities are reviewed by MDE – Minerals, Oils, and Gas Division. The areas outside the mining activity are reviewed by DPIE.

The submitted TCP2 and plat of special exception site and landscape plan show the proposed sediment basins and traps for the on-site reclamation efforts. Active surface mining controls stormwater within the actual mining excavation pit. Stormwater is directed towards the pit, where sediment can be filtered through the existing mineral deposits. The stormwater outside the excavation area will flow towards the existing drainage pattern.

The applicant has submitted an unapproved DPIE 55642-2024-SDC Site Development Concept Plan with this application that is in review with DPIE. The submitted plan is for the construction of the employee and visitor entrance road off of MD 373. No wetlands or stream impacts are associated with the proposed access road.

The application proposes one temporary elevated conveyor and access road crossing, which will impact an intermittent stream system, stream buffer, and PMA. This proposed impact area was approved by the MDE–Nontidal Wetland Division. The remaining on-site streams, wetland, associated buffer, and 100-year floodplain are proposed for preservation with this application.

#### **C. Watersheds**

- **Ensure that, to the fullest extent possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.**

- **Conserve as much land as possible, in the Rural Tier portion of the watershed, as natural resource land (forest, mineral, and agriculture).**
- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

The subject property is located within the Environmental Strategy Area 3, which was formerly the Rural Tier. This proposal is for a new sand and gravel surface mining operation with woodland preservation of the on-site PMA. A conservation subdivision is not proposed, nor is the property within the Brandywine Town Center. The three on-site stream systems are unnamed tributaries to the North Branch of Mattawoman Creek. There are identified deposits of minerals (sand and gravel) on-site that are part of a larger mineral deposit area. The adjacent property is actively mined by the same owner and is identified as Gaslight I Wash Plant facility. The on-site woodlands that are not within the PMA are proposed to be removed to extract the mineral resources. All of the proposed development impacts will be outside of the environmentally sensitive areas except for one combined impact, to construct an elevated conveyor system and access road across an intermittent stream system. The remaining wooded REF will be preserved. The use of environmentally sensitive designs (sediment traps and basins) is proposed with the stormwater concept plan.

#### **D. Chesapeake Bay Critical Area**

- **Enhance the County's Critical Area protection program in response to local, regional, and statewide initiatives and legislative changes.**

The subject property is not located within the Chesapeake Bay Critical Area.

#### **E. Air Quality and Greenhouse Gas Emissions**

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote "climate-friendly" development patterns through planning processes and land use decisions.**
- **Increase awareness of the sources of air pollution and greenhouse gas emissions.**

Air quality is a regional issue that is currently being addressed by the Council of Governments.

## **GREEN INFRASTRUCTURE PLAN**

The 2017 Countywide Green Infrastructure Plan was approved with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the Green Infrastructure Plan this site does contain regulated and evaluation areas.

The following policies and strategies are applicable to the subject application. The text in **bold** is the text from the master plan and the plain text provides staff findings on plan conformance:

**POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.**

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, re-stored, and/or established by:**
  - a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.
  - b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.
  - c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.
  - d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.
- 1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
  - a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.

The application area is not located within a sensitive species project review area or special conservation area. The nearest special conservation area is the Mattawoman stream valley system, located to the south. There are designated evaluation and regulated areas as defined in the Green Infrastructure Plan on the subject property. On-site REF such as three unnamed tributaries to North Branch Mattawoman Creek, associated stream buffers, nontidal wetlands, wetland buffer and 100-year floodplain were

identified on the approved NRI. The site is mostly wooded with open canopy areas within floodplain areas.

This mining application is required to restore the areas that are proposed for mining activities. The restoration measures include the filling, regrading, and replanting of the mining area once all mining activities have ceased. The on-site reforestation planting and preserved woodlands will be further protected when placed in a woodland and wildlife habitat conservation easement.

To further protect the existing REF during the proposed mining, SWM facilities will be reviewed by DPIE, the sediment and erosion control measures will be reviewed by the Prince George's County's Soil Conservation District, and the mining activities by MDE – Division of Minerals, Oils, and Gas.

**POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.**

**2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**

The application area does not contain network gap areas as the site is almost entirely wooded. The site will be restored upon conclusion of the mining operations.

**2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**

This mining application is required to restore the areas that are proposed for mining activities. These restoration effort areas include the proposed REF impact area. The applicant proposes to fully meet their woodland and reclamation requirement on-site with woodland preservation and reforestation plantings.

**POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.**

**3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**

- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No fragmentation of REF by transportation systems is proposed with this SE. The proposed elevated conveyor system and access road will impact 0.80 acre of REF. Wildlife will still be able to move from woodland area to woodland area, across the proposed impact area. Woodland within the impact area will be replaced once the reclamation work is completed.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

No trail systems are proposed with this application.

**POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.**

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

The proposed on-site preservation and reforestation areas will be placed in a woodland and wildlife habitat conservation easement at the conclusion of the mining activities. As part of the site's reclamation plan, the TCP2 proposes the entire site be reforested and, as a result the development, will meet their entire woodland conservation requirement all on-site. The property does not contain special conservation areas. The nearest special conservation area is located to the south and that is the Mattawoman stream valley system.

**POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.**

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The submitted plat of special exception site, landscape plan, and tree conservation plan shows sediment traps and basins as part of the reclamation efforts to control stormwater. The active mining of the application will be in four mining phases. Stormwater will be controlled during the active mining phase with several basins within the mining pit. No SWM structures during or after the mining activities will be within, or draining into, the on-site REF areas. All on-site REF areas will remain undisturbed other than the impacts proposed for the elevated conveyor and access road.

**POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.**

***General Strategies for Increasing Forest and Tree Canopy Coverage***

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

The proposed on-site preservation and reforestation area will be placed in a woodland and wildlife habitat conservation easement. As part of the site's reclamation plan, the TCP2 shows the entire mining limits reforested. With the addition of the woodland preservation, the development will meet their woodland conservation requirement entirely on-site. The landscaping materials and specifications and the tree canopy requirement details will be addressed at the time of permit review.

***Forest Canopy Strategies***

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**

The application proposes woodland clearing for a subsurface mining operation. The mining area will be fully restored with reforestation plantings after the mining operations have ceased. No new forest edges will be created.

**Natural Resource Inventory Plan/Existing Features**

A Natural Resources Inventory NRI-133-2022 was approved on August 18, 2022, and provided with this application. The site contains 100-year floodplain, steep slopes, wetlands, streams, and their associated buffers, which comprise the PMA. There are 17 specimen trees scattered throughout the property. The TCP2 and the SE show all required information correctly, in conformance with the NRI. No revisions are required for conformance with the NRI.

**Preservation of Regulated Environmental Features (REF)/Primary Management Area (PMA)**

Section 27-317(a)(7) of the prior Zoning Ordinance states that the Prince George's County Planning Board may approve a special exception if it finds that the REF have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirement of Section 24-130(b)(5) of the prior Subdivision Regulations. The on-site REF includes streams, 100-year floodplain, wetlands and associated buffers, and steep slopes.



Section 24-130(b)(5) of the prior Subdivision Regulations states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

Impacts to REF should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, orderly, and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities.

Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to REF. SWM outfalls may also be considered necessary if the site has been designed to place the outfall at the point of least impact. The types of impacts that should be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings, where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

In this application, the proposed impact to PMA is for an elevated conveyor belt to transport mining product and for an access road to the mine. An SOJ was submitted with the application, dated August 21, 2024, and was updated on January 7, 2025 (still dated August 21, 2024), for the proposed impacts to the PMA.

<b>PMA Impact Area</b>	<b>PMA (SF)</b>	<b>Stream Buffer (SF)</b>	<b>100-year Floodplain (SF)</b>	<b>Stream Bed (LF)</b>	<b>Steep slopes, Wetland, And Wetland Buffer (SF)</b>
Conveyor and access road crossing	34,802	28,595.44	31,172	185	0
Total	34,802	28,595.44	31,172	185	0
	(0.80 Acres)	(0.66 Acres)	(0.72 Acres)	185	0

#### **Statement of Justification**

The SOJ includes a request to impact 0.80 acre (34,802 square feet) of on-site PMA, for construction of an elevated conveyor belt structure, to transport mining product. The proposed application is for a surface mining project which will not have any SWM outfall impacts. The proposed mining pit will be graded in a way that the pit will act as a stormwater pond. The requested PMA impact will be replanted as part of its reclamation plan and tree conservation plan.

The applicant has applied for a Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland with the MDE and Corps of Engineers (COE) for the wetland, and wetland buffer impacts. This application (24-NT-0188/202461254) was approved on October 9, 2024, and expires October 9, 2029. The approval allows for a temporary access road and an aggregate material conveyor for a sand and gravel mine.

- d. **Subdivision**—In a memorandum dated December 9, 2024 (Bartlett to Price), the Subdivision Section noted that there are no prior PPS or final plats approved for the subject property. In accordance with Section 24-107(c)(7)(B) of the prior Subdivision Regulations, and because the applicant is not proposing more than 5,000 square feet of gross floor area (GFA) with this SE application, this development is exempt from the requirement of filing a PPS or a final plat.
- e. **Historic Preservation**—In a memorandum dated October 15, 2024 (Stabler, Chisholm, Smith to Price), the Historic Preservation Section noted that there are six precontact indigenous sites but found that no additional archeological investigations are necessary.
- f. **Permit Review**—In a memorandum dated August 30, 2024 (Jacobs to Price), the Permit Review Section offered no comment.
- g. **Prince George's County Fire/EMS Department**—As of the writing of this technical staff report, the Fire/EMS Department did not offer any comments on this subject application.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated October 1, 2024 (Guzman to Price), DPIE offered no objections to SE-22007.
- i. **Washington Suburban Sanitary Commission (WSSC)**—As of the writing of this technical staff report, WSSC did not offer any comments on this subject application.

## VIII. COMMUNITY FEEDBACK

As of the writing of this technical staff report, no correspondence has been received from the surrounding community.

## IX. RECOMMENDATION

Based on the applicant's statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in the prior Prince George's County Zoning Ordinance. Staff find that the proposed application satisfies the requirements for approval, and that the application will be in conformance with the prior Zoning Ordinance requirements.

Therefore, staff recommend APPROVAL of Special Exception SE-22007, APPROVAL of a Variance from Section 25-122(b)(1)(G), and APPROVAL of Type 2 Tree Conservation Plan TCP2-033-2024, for Gas Light III Surface Mine, subject to the following conditions:

1. Prior to certification of the special exception site plan, the following revisions shall be made, or information shall be provided:
  - a. On Sheet 14, correct the Buffering Development from Special Roadways Schedule to 4.6-2.
  - b. Add a note to the coversheet stating that traffic to and from the site will be limited to employees and visitors to the site.
  - c. Provide shared lane markings and bicycle signage along the frontage of MD 373 (Accokeek Road) unless modified by the road operating agency with written correspondence in accordance with an applicable standard, code, or regulation.
  - d. On the coversheet, correct overlapping text (“PROP. PROTABLE CONVEYOR”) obscuring the label for Parcel 21.
2. Prior to signature approval of the special exception plan the Type 2 tree conservation plan shall be revised as follows:
  - a. Add TCP2-033-2024 to the approval block, woodland conservation worksheet, and title block.
  - b. On Sheet 2 show the proposed woodland clearing width and distance of the proposed private entrance off MD 373 (Accokeek Road).
  - c. On all sheets label the proposed berms along MD 373 (Accokeek Road), and the proposed stormwater structures (riprap, inlet, and outfall structures).
  - d. Revise the primary management area conveyor crossing impact to match the area approved with Maryland Department of the Environment permit showing the access road in the same location.
  - e. On Sheet 11 of 17 add the missing word “conveyor” to the “exist. portable...” wording on Gaslight I property.
  - f. On Sheet 16 of 17 add a note below the planting schedule stating that reclamation planting will occur after all mining extraction and fine grading of mining area has been completed.
  - g. Have the revised plan signed and dated by the qualified professional preparing the plan.
3. Prior to signature approval of the special exception plan, a conservation easement shall be recorded in the Prince George’s County Land Records in accordance with Section 25-122(d)(1)(B) of the County Code. The conservation easement shall be described by bearings, distances, and an exhibit. The conservation easement shall contain the delineated primary management area, except for approved impacts, and shall be reviewed by the Environmental Planning Section of the Development Review Division of the Prince George’s County Planning Department prior to approval of the special exception plan. The following note shall be placed on the woodland conservation easement exhibit:

“Conservation easements described on this exhibit are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

4. Prior to certification of the special exception plan, a woodland conservation easement shall be recorded in the Prince George’s County Land Records in accordance with Section 25-122(d)(1)(B). The woodland conservation easement shall be described by bearings, distances, and an exhibit. The woodland conservation easement shall contain the delineated woodland conservation threshold and shall be reviewed by the Environmental Planning Section of the Development Review Division of the Prince George’s County Planning Department, prior to certification of the special exception plan. The following notes shall be placed on the woodland conservation easement exhibit:

“Conservation easements described on this exhibit are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

“This development is subject to restrictions shown on the approved Type 2 Tree Conservation Plan (TCP2-033-2024), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

5. Prior to the certification of the Type 2 tree conservation plan(TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section of the Development Review Division of the Prince George’s County Planning Department for review by the Office of Law, and submission to the Prince George’s County Land Records office for recordation, in accordance with Section 25-122(d)(1)(B). The following note shall be added to the standard Type 2 tree conservation plan notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber \_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”

6. Prior to certification of the special exception, the Site Development Concept Plan (DPIE 55642-2024-SDC) shall be revised to include a detail for the material to be used on the restricted access road beyond the MD 373 (Accokeek Road) apron as required in Section 27-5402(jjj)(1)(H) of the Prince George’s County Zoning Ordinance.
7. The hydrologic impact evaluation does not anticipate impacts to wells in the area; however, if the operation of the subject sand and gravel mine does impact the water

level in any wells within 0.25 mile of the subject mining site, as verified by Maryland Department of the Environment, corrective action shall be immediately taken by the applicant including, but not limited to, the drilling of a new well to replace the adversely affected well.

8. Mitigation of particulate matter emissions shall be accomplished by implementation of the following, in accordance with COMAR26.11.06.03(D):
  - a. The interior mining haul roads shall be maintained with a water truck or other approved dust control methods. No truck hauling is proposed on MD 373 (Accokeek Road).
  - b. Asphalt, oil, water, or suitable chemicals shall be applied on dirt roads, materials stockpiles, and other surfaces which can create airborne dust.
  - c. Open-bodied vehicles transporting materials shall be covered at all times when in motion.
9. In accordance with the air quality report provided with this application, and in compliance with Environmental Protection Agency requirements, all mobile equipment to be used on-site shall use ultra-low sulfur diesel fuel. The fuel supplier certification of the sulfur content of each fuel delivery shall be kept on-site for the duration of the special exception approval period.
10. Equipment fueling on-site shall be done in accordance with National Fire Protection Association NFPA 30 (NFPA 30), Flammable and Combustible Liquids Code, Chapter 2, and Chapter 3. The mobile fueling trucks shall be operated by trained personnel holding valid oil vehicle operator's certificates as required by COMAR 26.10.01.17. Care shall be taken to minimize spillage. Refueling shall take place as far from streams and wetlands as possible.
11. The following typical restrictions on mining operations, as provided in the applicant's statement of justification and as applied to previous mining approvals, shall be employed to reduce non-point/traffic generated noise impacts in the surrounding area:
  - a. Mining operations on-site are restricted to the hours allowed from 7:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 4:00 p.m. on Saturdays, excluding federal holidays. There are no operations on Sundays.
  - b. The noise mitigation berms shall be located as shown on the plans submitted, to protect nearby residential buildings and properties. All berms shall be a minimum of 15 feet in height.
  - c. Trucks shall not use compression or "Jake" brakes both on-site and on the haul road.
  - d. Speeds on-site shall be restricted to 15 mph for all heavy vehicles.
  - e. All machinery shall be kept in good working order, especially mufflers, to ensure quiet operation.

- f. The volume of backup warning devices shall be minimized while still meeting Occupational Safety and Health Administration (OSHA) standards. OSHA standards require that the backup warning device must “be clearly audible in its operating environment.” This allows the warning device to be turned down as long as it can be clearly heard in its environment.
- 12. The applicant shall notify The Maryland-National Capital Park and Planning Commission (M-NCPPC), Environmental Planning Section, and Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), prior to the start of reforestation for this mining operation and schedule a meeting with M-NCPPC and DPIE to address reforestation and woodland conservation issues, as required in the Environmental Technical Manual, Section 7.5.1A.
- 13. Prior to the start of work in any phase or portion thereof, the limits of disturbance for that phase or portion shall be staked on the ground or flagged on the existing trees. The applicant or their representative shall walk the limits of disturbance with an inspector of the Prince George’s County Department of Permitting, Inspections, and Enforcement (DPIE), prior to the installation of sediment/erosion control measures and tree protective devices, as required in the Environmental Technical Manual Section 7.5.1C.
- 14. Prior to certification of the special exception, a copy of the approved sediment and erosion control plan shall be submitted, as required by Section 27-6805 of the Prince George’s County Zoning Ordinance.
- 15. Prior to commencement of the mining operation, a special permit shall be obtained from Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) to ensure compliance with the grading plan approved under Section 27-5402(jjj)(1)(C) of the Prince George’s County Zoning Ordinance. The permit shall require the applicant to post a bond acceptable to the County Attorney, to secure its obligations pertaining to reforestation and landscaping, as required by this special exception.
- 16. The area to be mined shall be reclaimed in accordance with the Reclamation Plan by filling it with acceptable materials as required in the County’s Zoning Code, Sections 32-156 and 32-157.