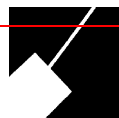


Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530



Comment [COMMENT1]: WHEN INSERTING  
 INFORMATION AT THE @ SIGN  
 REMEMBER TO USE INDENT FOR SECOND  
 LINE - NOT TAB. ALSO, IT WILL LOOK  
 LIKE THE TEXT IS GOING WACKO, BUT  
 DON'T WORRY - IT IS FINE.

## Special Exception Applications 4402 & 4403

Application	General Data
Project Name: Accokeek Road Surface Mining Site  Location: Southwest corner of Accokeek Road and McKendree Road.  Applicant/Address: Aggregate Industries 6401 Golden Triangle Drive, Suite 400 Greenbelt, Maryland 20770	Date Accepted: 1-16-01
	Planning Board Action Limit: N/A
	ZHE Hearing Date: Not Scheduled
	Plan Acreage: 684.5 Acres Amended 4/3/01
	Zone: R-A & R-E
	Dwelling Units: None
	Square Feet: N/A
	Planning Area: 85A
	Council District: 09
	Municipality: None
	200-Scale Base Map: 220SE5/6

Purpose of Application	Notice Dates
Surface Mining and Wet Processing Facility	Adjoining Property Owners: 1-29-01 (CB-15-1998)
	Previous Parties of Record: None (CB-13-1997)
	Sign(s) Posted on Site: N/A
	Variance(s): Adjoining Property Owners: N/A

Staff Recommendation			Staff Reviewer: Jimi Jones
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

NEW DATA.FRM

July 18, 2001

**TECHNICAL STAFF REPORT:**

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

VIA: Arie Stouten, Zoning Supervisor

FROM: Jimi Jones, Planning Coordinator

SUBJECT: **Special Exception Application No. 4402 & 4403**

REQUEST: Surface Mining and Wet Processing Plant

RECOMMENDATION: **APPROVAL, with conditions**

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NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. 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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## FINDINGS:

- A. **Location and Field Inspection:** The subject property is located at the southwest corner of the intersection of Accokeek and McKendree Roads. It is 684.5 acres in size and extends southward to within 250 feet of Gardner Road. There is one single-family detached dwelling on approximately two acres of land on the property. The balance of the property is forest and agricultural uses. The property is relatively flat and has an extensive stream system with associated floodplains and wetlands. Access to the property is via a dirt driveway on Accokeek Road.
- B. **Master Plan Recommendation:** The 1993 Approved Master Plan for Subregion V contains two land use recommendations for the property, which is generally divided by a tributary of Mattawoman Creek. The eastern portion of the property is recommended for residential ■Suburban Estate/Low Density Planned Development■ (1.0-1.5 dwelling units per acre). The western portion of the property is recommended for rural land use (0.5-0.9 dwelling units per acre).
- C. **Request:** The applicant has submitted two related applications. Special Exception 4402 proposes mining approximately 479.7 acres of the 684.5-acre property for sand and gravel extraction in five phases, as summarized below. There is a five-year time limit on sand and gravel mining operations. At the end of the five-year period, the applicant will request additional time through the special exception process. The proposed mining will require the installation and maintenance of 14 sediment control devices to minimize stream sedimentation and soil erosion.

PHASING PLAN	
Phase	Total Acreage of Phase
1	110.5
2	63.1
3	34.2
4	193.7
5	78.2
Total	479.7

Special Exception 4403 is a request for the construction and operation of a sand and gravel wash plant to process the mineral resources mined from this and other sites in the vicinity. The wash plant would be located in the central part of this site within a portion of proposed Phase 1. The wash plant Special Exception site plans include several sediment ponds, stockpile areas, wash plant equipment and machinery, a scale house, and a maintenance facility. The applicant has requested that the wash plant be permitted to operate for 20 years if approved. With the operation of the wash plant on this site, essentially all the raw material mined on this site will be processed prior to transport to other locations. Trucks are to haul the extracted material on internal roads to the wash plant, and the processed materials would be transported off-site.

D. Neighborhood and Surrounding Uses: The property is surrounded by the following uses:

North Across Accokeek Road is undeveloped land in the R-A Zone and the historic McKendree Church cemetery, also in the R-A Zone.

East Large tracts of wooded land and scattered single-family detached homes in the R-A and R-E Zones. Farther east, across McKendree Road, are single-family detached homes and light farming in the R-A Zone.

South Undeveloped land, scattered single-family detached homes, and an active sand and gravel mine (Queen Property) in the R-A Zone, and the Robin Dale Golf Course to the southeast in the R-E Zone.

West Undeveloped land, single-family homes and agricultural uses in the R-A Zone.

The neighborhood is defined by the following boundaries:

North Accokeek Road

East McKendree Road and Crain Highway (US 301)

South Mattawoman Creek (Prince Georges/Charles County Line)

West Gardner Road

The neighborhood is generally characterized by low- to medium-density residential development which is rural in character. Robin Dale Country Club is located to the southeast of the property. Special Exceptions SE-4218 and SE-4334 were approved for sand and gravel mining on properties located to the west and south of the property. Both of these properties are being actively mined under valid Maryland Department of Environment Mining Permits.

E. Specific Special Exception Requirements: SE-4402

Section 27-410 of the Zoning Ordinance sets forth the specific requirements applicable to a sand and gravel mining operation:

1. **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:**
  - (a) **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;**

Heavy machinery will be used for the extraction of sand and gravel from the subject site. The wet processing facility which is proposed under companion application SE-4403 will also use heavy machinery.

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

Based on a review of the proposed mining operation by the Environmental Planning Section, conditions are recommended to address air quality and noise. These conditions will ensure that the use shall not be noxious, offensive, or otherwise objectionable by reason of dust, smoke, or vibration. The Environmental Impact Report (EIR) prepared by the Environmental Planning Section points out that air quality in this rural area is currently affected by farming operations. Particulate matter (dust) is the most common by-product of sand and gravel mining. It is generated primarily during the vegetation clearing process and during truck transport of mined materials. The actual mining operation does not generate a substantial amount of particulate matter as the materials are coarse and tend to have a high moisture content.

Noise impacts were evaluated with respect to how the predicted noise levels compare with state noise standards and regulations. Because the subject property is zoned residential, the maximum allowable level for receiving land use categories is 65 decibels (dBA). However, the permitted noise level for a construction site should not exceed 90 dBA. There are two types of noise generators identified in the noise study performed by the Environmental Planning Section (see EIR page 65-75):

- **Point source**• noise which emanates from equipment on-site such as excavators, off-road haulers, wheel loaders, track dozers and track loaders.
- **Non-point source**• noise that emanates from the flow of vehicular traffic along a roadway.

The noise study found that the overall impacts of noise generated from the subject property are limited, due to the short amount of time work will be conducted around the perimeter of the site. The primary contributors to an increase in noise is truck traffic that will result from the subject use, as well as the overall increase in traffic over time on Accokeek Road from development of properties in the area. There are, however, no state regulations concerning noise generated by vehicles on public roads.

- (a) **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 applicant agrees to restore the property subsequent to mining so that it will be suitable for development. A grading plan has been submitted in accordance with the above regulations. No exposed land area will have a slope greater than three to one.

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

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

(2) **In an I-2 Zone.**

The subject property is in the R-A and R-E Zones. A five-year special exception is requested. Any request for additional time will require the approval of a new special exception.

(c) **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;**

The site plan indicates that the estimated time required for the proposed mining is five years.

(d) **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 has been submitted by the applicant as required. The traffic study proposes a maximum of 560 truck trips per day. It is further proposed that trucks entering and exiting the site will use Accokeek Road, an arterial street with a paved width of 24 feet, and will proceed to MD 5 (Branch Avenue). The traffic study is included in the EIR (pages 84-87).

Evaluation of the impacted transportation facilities with the total projected traffic indicates that certain measures should be taken by the applicant to ensure the smooth and safe flow of traffic and to mitigate the impacts of the proposed mining and wet processing operations. While the proposed mining application contributes to the adverse impact on the MD373/MD5 intersection, the existing and future level of service for this intersection will continue to be less than acceptable regardless of the presence of the proposed application. While the negative impact associated with the proposed mining is projected to be temporary in nature because the Special Exception permit for mining is valid only for five years, the proposed wet processing plant would have a long-term impact. Toward this end, a cash contribution should be provided toward the construction of the required improvements. Furthermore, to ensure the safe flow of traffic on MD373, a left turn by-pass lane should be constructed on westbound approach of MD373 at its intersection with the entrance road to the subject property. Finally, none of the trucks used for transport of site-extracted or processed material should be allowed to enter from the west on MD373, exit the site westbound on MD373, or use McKendree Road.

- (e) **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.**

The site plan demonstrates compliance with this requirement.

- (f) **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.**

The required countywide inventory is attached to this report.

- (3) **In the I-3 Zone, the use shall be staged in conformance with the required Conceptual Site Plan. The District Council may require (as a condition of approval) that this use be terminated prior to a Detailed Site Plan being approved for another use included on the Conceptual Site Plan.**

The subject property is in the R-A and R-E Zones.

- (4) **In the M-A-C, L-A-C, E-I-A, R-U, R-M, and R-S Zones, no surface mining operation may be permitted after a Specific Design Plan for the subject property has been approved. An application for this Special Exception may only be accepted, and the Special Exception granted, if no Specific Design Plan has yet been filed for the subject property.**

The subject property is not in any of the above-mentioned zones.

- (5) **In reviewing the application, the District Council shall consider the use of techniques which provide for noise attenuation.**

The Environmental Planning Section points out (in the EIR) that significant noise attenuation can be accomplished within short distances by shielding. This occurs when the noise source is obstructed from the observer by an object that significantly interferes with the sound waves. Shielding can be accomplished by providing dense woods, hills, walls, berms, etc. The subject application does provide noise attenuation through the use of berms. The following methods are also recommended to reduce noise impacts:

- (a) Only the equipment listed on the site plan and/or in the EIR shall be used on the site. Similar heavy equipment may be substituted as replacements as required, if the noise generated by these vehicles is not significantly greater.



- (b) All equipment used on the site, including trucks, should be fitted with working mufflers at all times.
- (c) Eighteen-wheel trucks should not haul mined material from the site.
- (d) The hours of operation should be limited to reduce impacts on adjacent properties.
- (e) Truck trips could be reduced to below the maximum 560 trips proposed by the applicant.

**6. On land which is located within a Chesapeake Bay Critical Area Overlay Zone, no surface mining shall be located within:**

- (a) Designated habitat protection areas as described in the Conservation Manual;
- (b) The Buffer area, as defined in the Conservation Manual;
- (c) Any area where the use would result in the substantial loss of long-range (twenty-five (25) years or more) productivity of forest and agriculture, or result in a degrading of water quality; or
- (d) An area containing highly erodible soils.

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

**7. In reviewing the application for compliance with the required findings set forth in Sections 27-317(a)(4) and 27-317(a)(5), the District Council shall consider the inventory required in Section 27-410(a)(8).**

The inventory is attached to this report for consideration by the District Council. Figure 1-3 in the EIR, which is attached to this report, indicates that there are three mines that are in close proximity to the subject property. The mine located on the Queen property (to the southwest) is less than a mile from the subject property.

**F. Specific Special Exception Requirements: SE-4403**

Section 27-405 of the Zoning Ordinance sets forth the specific requirements applicable to a sand and gravel wet processing facility:

**1. Wet-processing of sand and gravel (including only washing, screening, classifying, crushing, and stockpiling of natural materials), may be permitted, subject to the criteria below:**

- (a) The subject property shall contain at least fifty (50) contiguous acres. This minimum acreage requirement may be waived by the District Council, provided the property has direct vehicular access to an existing four (4) lane highway.

The area proposed for the wet processing facility encompasses approximately 82.8 acres.

- (b) **Initially, the Special Exception shall be valid for twenty (20) years, unless the District Council grants some lesser time period. Extensions of specific periods may be granted if a new Special Exception application is filed and no substantial adverse impact is found in the continuation of the use. When the subject property is in a Residential Zone, extensions of time may be granted only where the area surrounding the property is not substantially developed with incompatible uses;**

The applicant is requesting a period of 20 years for the operation of this facility.

- (c) **Fixed installations that involve washing, screening, classifying, and crushing facilities, and parking and storage areas for trucks and heavy equipment, shall be located at least four hundred (400) feet from all boundary lines of the subject property; fixed installations that involve automobile parking, and settling ponds shall be located at least two hundred (200) feet from all boundary lines of the subject property; and nonstructural installations that involve stockpiles of natural material shall be located at least three hundred (300) feet from all boundary lines of the subject property. The District Council may waive the three hundred (300) foot setback for stockpiles of natural material when it determines that adequate screening and buffering are being provided.**

The site plan indicates that all fixed installations that involve washing, screening, classifying and crushing facilities will be located within an envelope that is no less than 400 feet from the interior processing boundary and at least 1,200 feet from the subject property boundary. All fixed installations that involve automobile parking and settling ponds are proposed to be located at least 220 feet from the interior processing boundary and at least 550 feet from the subject property boundary. All nonstructural installations that involve stockpiles of natural material are proposed to be located within an envelope that is no less than 300 feet from the interior processing boundary and at least 1,020 feet from the subject property boundary.

- (d) **The site plan and information accompanying the application for Special Exception shall be reproducible, or twelve (12) copies shall be submitted. In addition to the requirements of Section 27-296(c), the site plan shall show:**
  - (1) **The location of all washing, screening, classifying, and crushing facilities;**
  - (2) **The location of all natural material stockpiles;**
  - (3) **The internal traffic circulation system;**
  - (4) **The parking and storage areas for all vehicles and equipment;**
  - (5) **The settling ponds and water bodies;**

- (6) **The source of water to be used in the operation; and**
- (7) **The identification of the trucks and heavy equipment to be used in the plant operation.**

The applicant has submitted this information as required. The plan indicates that a deep well will be drilled to provide for some of the water necessary for the operation of the proposed processing facility. The primary water source will be the pond system which will not only capture stormwater, but will also recycle the water used to process the sand and gravel. A water withdrawal permit from the State of Maryland is required in order to drill a deep well, and the issuance of such a permit requires a determination by the state that the well will not adversely affect other wells in the area. The applicant intends to initiate the water withdrawal permit process concurrently with the processing of this special exception application.

(e) **All applications for Special Exception shall be accompanied by the following:**

- (1) **A stormwater concept plan approved pursuant to Section 4-322 of this Code;**
- (2) **A preliminary noise assessment;**
- (3) **A horizontal profile illustrating all structures and stockpiles; and**
- (4) **A grading plan that illustrates existing and proposed topography.**

The applicant submitted this information to the Environment Planning Section as required and was considered during the preparation of the EIR.

(f) **At least thirty (30) 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 with the original application, and 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 other 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 that meets this requirement was reviewed by the Transportation Planning Section. In a memo dated July 19, 2001, the Transportation Planning Section makes the following comments:

■The Transportation Planning Section has reviewed the Special Exception applications referenced above. The proposed application for mining and wet processing plant involves extraction of materials from the proposed site and processing them onsite and transporting them to various destinations within the county and region. The 684.5 acres of R-A zoned land which is the subject of

proposed sand and gravel mining activity and the companion wet processing plant, is located on the south side of MD 373 (Accokeek Road) and on the west side of McKendree Road. The Special exception would permit sand and gravel mining on the subject property, with a maximum of 280 truck loads per day (each truck load generates two truck trips, one trip in and one trip out), or a total of 560 truck trips per day. It should be noted that even if the mining operation is approved and the wet processing plant is not approved, the total number of truck trips will be limited to 560 per day. It should be noted that the same number of truck trips will be generated even if the wet processing plant is not approved. By combining these two activities in one site as proposed, no reduction in total site-generated truck trips is expected. However, this action could result in minimizing the adverse effects on the transportation network serving the county and the region, because it would not be necessary to use trucks to ship the site-extracted material to other wet processing plants throughout the region.

\*The full transportation staff analysis is contained in an Environmental Impact Report (EIR) which is prepared by the Countywide Planning Division.

#### **■BACKGROUND**

■The applicant prepared a traffic impact study in support of this two applications dated January 2001, and prepared in accordance with the methodologies in the Guidelines for the Analysis of the Traffic Impact of development Proposals (January 1997). The findings and recommendations developed in the EIR and summarized below are based upon a review of these and other relevant materials and analyses conducted by the staff. The State Highway Administration (SHA) and the Prince George's County Department of Public Works and Transportation (DPW&T) have also reviewed the prepared traffic study and their comments have are provided as attachments. The DPW&T has no comments. The SHA offered two comments which have been addressed and/or incorporated in the staff recommendations.

#### **■EVALUATION OF EXISTING CONDITION**

■It is proposed that trucks entering and exiting the proposed sand and gravel mining activity, or the wet processing plant will share the same point of access. The proposed access point will be along the south side of MD373 (Accokeek Road), and will be located approximately 660 feet to the west of McKendree Road. From the access point on MD373, the applicant is proposing to construct a 22-foot wide interior haul road, with the first 750 feet paved. The proposed haul road will create a stop-controlled ■T• intersection with MD373. The available sight distance at this location is more than 1000 feet to the east and the west. This meets the established safety guidelines, considering MD373 has a posted speed limit of 40 miles per hour (MPH). The applicant has also indicated that the site-generated truck traffic will enter or exit the site only to the east via MD373 to MD 5 (Branch Avenue), and will not make any additional turns along MD373 and will not use McKendree Road.

From this point, the trucks will proceed to various destinations within the county or region where the products will be utilized.

■ There are several major roadways in the vicinity of the subject property. MD373 is a two-lane state-maintained highway which traverses in an east-west direction. MD373 has lane widths ranging from 11 feet to 12 feet and shoulders ranging from 2 feet to 6 feet. According to the Maryland State Highway Administration Traffic Volume Map, current average daily traffic counts are 5,325 vehicles near MD210 (Indian Head highway) and 2,775 vehicles near MD5. Between McKendree Road and MD5, MD373 has a rural cross section, with a well-maintained centerline and pavement edge markings, and passing is not permitted. This section of MD373 currently operates at acceptable Level-of-Service (LOS) during both A.M. and P.M. peak hours. A vehicle classification count taken in November 2000 for this special exception application shows that during the morning peak hour approximately 3% of the total traffic along this segment of MD373 is represented by larger trucks (usually six-wheel or larger type), while during the evening peak hour, that percentage is reduced to approximately 1%. For purposes of analysis, the traffic study indicates that these truck percentages will increase to approximately 25% and 5% of the total traffic during the morning and evening peak hours, respectively.

■ The MD373/McKendree Road intersection is a stop-controlled ■ T • intersection. Both the eastbound and westbound approaches to the intersection have one lane which provides for the through/left and through/right movements respectively. The northbound approach is also served by one lane for both left and right turns. Based on a traffic count taken in November 2000, the intersection was found to be operating at acceptable LOS B, during both peak hours, according to the unsignalized intersection analysis procedure contained in the Guidelines for the Analysis of the Traffic Impact of Development Proposals (April 1989), as amended by CB-60-1993 and CR-29-1994, and analyses shown in the traffic study.

■ The intersection of MD373 and MD5 is a four-way intersection controlled by a traffic signal. The northbound MD5 approach includes two through lanes, an exclusive left-turn lane, and a free right-turn lane. The southbound MD 5 approach includes two through lanes, an exclusive right-turn lane, and left turns are prohibited. Both the eastbound and westbound approaches of MD373 include three lanes: an exclusive through lane, left-turn lane, and a right-turn lane. Based on the traffic count taken in November 2000, the intersection was found to be operating at LOS E, with a Critical Lane Volume (CLV) of 1,493 during the A.M. peak hour. During the P.M. peak hour the intersection is operating at LOS F, with a CLV of 1,731. It is important to note that according to the procedures outlined in the Guidelines, any signalized intersection with CLV values greater than 1,450 is considered to have unacceptable operations. Therefore, this intersection is considered to operate unacceptably under existing conditions.

■ The portion of MD5 which includes the intersection of MD373 is handling and will continue to handle greater through traffic volumes especially during peak hours. Much of this growth to the through traffic is attributable to the existing and planned development along this section of MD5. But much of growth is and will be

generated by continued development in the Waldorf, St. Charles, and LaPlata communities along with growth in eastern Charles County and in St. Mary's County. Recognizing this fact, the Prince George's County Council, and the Prince George's County Planning Board took a number of actions including formulation of a Road Club known as the Brandywine Road Club to address localized level-of-service deficiencies and to provide for the needed actions. The specific policy, technical, and financial aspects of the Brandywine Road Club are set forth in a December 1990 memo.

■Existing traffic conditions in the area of the subject property are summarized in Table 6.1.

**TABLE 6.1.**  
**Existing Traffic Conditions**

Intersection	Level of Service	
	A.M.	P.M.
MD373 / Site Entrance	B	B
MD373 / McKendree Road	B	B
MD373 / MD5	E	F

#### **EVALUATION OF FUTURE CONDITION**

■The traffic study submitted with the applicant included a review of all approved development within the impact area, which was defined at the traffic analysis scoping meeting. The list of background development included two other developments: The Meinhardt sand and gravel operation, and Brandywine Village. Meinhardt sand and gravel operation is located along Gardner Road and is approved to operate with a total of 200 material loads per day. This is projected to generate 200 inbound and 200 outbound truck trips each day, of which approximately 10% and 2% are projected to occur during the morning and afternoon peak hours, respectively. Brandywine Village is located along McKendree Road and is approved for 252 townhouse units and 64 single family-detached units, which collectively are projected to add 214 (45 inbound and 169 outbound), and 270 (179 inbound and 91 outbound) vehicle trips to the surrounding transportation network during the A.M. and P.M. peak hours, respectively.

■The subject application is proposed to be in operation by the year 2003. To fully evaluate background traffic conditions (the future without the proposed mining activity), in addition to including traffic from all approved developments within the study area, the existing traffic was increased by 6%. This represents an annual growth rate of 2% for each year to the year 2003, which is comparable to the Maryland State Highway Administration (MDSHA) projected annual growth rate used in the preparation of the MDSHA recent Average Daily Traffic Map.

■The site access point with MD373 and the unsignalized intersection of MD373 and McKendree Road, which currently operate at acceptable levels of service, will continue to operate acceptably in year 2003 even with the addition traffic that would be generated by the approved developments within the study area. At the signalized intersection of MD373 and MD5, however, the growth in through traffic which would be generated by approved developments is sufficient to result in a LOS F during both peak hours. The CLV at this intersection is projected to increase to 1,664 during the A.M. peak hour and 1,886 during the P.M. peak hour. Background traffic conditions in the area of the subject property are summarized in Table 5.1.

**TABLE 5.1.**  
**Projected Future Traffic Conditions without the Subject Application**

Intersection	Level of Service	
	A.M.	P.M.
MD373 / Site Entrance	B	B
MD373 / McKendree Road	C	B
MD373 / MD5	F	F

**EVALUATION OF THE FUTURE TRANSPORTATION CONDITIONS WITH THE SUBJECT APPLICATION**

■The proposed application for mining and wet processing plant involves extraction of materials from the proposed site and processing them onsite and transporting them to various destinations within the county and region. By combining these two activities in one site as proposed, no reduction in total site-generated truck trips is expected. In the submitted traffic study, it is stated that the same number of truck trips will be generated even if the wet processing plant is not approved. However, this action could result in minimizing the adverse effects on the transportation network serving the county and the region, because it would not be necessary to use trucks to ship the site-extracted material to other wet processing plants throughout the region.

■With regards to the direct impact the proposed activities will have on the community, in the traffic study provided by the applicant it is assumed a maximum of 280 truck loads per day (each truck load generates two truck trips, one trip in and one trip out), or a total of 560 truck trips per day. It should be noted that even if the mining operation is approved and the wet processing plant is not approved, the total number of truck trips will be limited to 560 per day. Based on the assumed daily hours of operation, it is estimated that approximately 10% (56) of the truck trips would be generated during the A.M. peak commuting hour while only 2% (13) of the truck trips would occur during the P.M. peak commuting hour.

■The total projected traffic volumes were obtained by combining the factored site-generated truck trips with the projected background traffic volumes for year 2003, which includes reasonable growth in existing through traffic and traffic that would be generated by approved background development. The resulting projected future traffic conditions for the impacted intersections are summarized in Table 6.2.

**TABLE 6.2.**  
**Projected Future Traffic Conditions**

Intersection	Level of Service	
	A.M.	P.M.
MD373 / Site Entrance	C	C
MD373 / McKendree Road	C	C
MD373 / MD5	F	F

■The addition of site-generated truck trips would not bring the resulting LOS below the minimum acceptable standard (LOS D or better) for any of the impacted intersections except for the intersection of MD373 with MD5. This intersection was found to be operating at unacceptable LOS E during the A.M. peak hour and LOS F during the P.M. peak hour with the existing traffic volumes. With the total traffic volumes from approved developments and the subject application, the resulting LOS would deteriorate to LOS F during both peak hours, with a CLV of 1,692 in the A.M. peak hour and a CLV 1,891 in the P.M. peak hour. A comparison of the resulting peak hour CLV values for the projected 2003 background traffic and 2003 projected total traffic for this intersection, indicates that the site-generated traffic will result in a net increase of 28 and 5 in the estimated CLV values during the A.M. and P.M. peak commuting hours, respectively.

■It is worth noting that externally-generated traffic (traffic generated from outside of Prince George's County) is a significant element of existing, background and total future traffic volume at the intersection of MD373 with MD5. For this reason, the approval of several developments in the area of this intersection have required contributions to a road club which would fund major improvements needed over the long term. Based on the payments made to the road club by the approved Brandywine Village project in 1993, the required fee for each generated peak hour trip that impacts the area of the intersection of MD373 with MD5 was calculated to be equal to \$1,669. Using the average published Federal Highway Administration Construction Index, the equivalent fee for each peak hour trip in 2001 is equal to \$2,270.

#### **SUMMARY OF IMPACTS AND RECOMMENDATIONS**



■ Evaluation of the impacted transportation facilities with the total projected traffic, indicates that certain measures should be taken by the applicant to ensure the smooth and safe flow of traffic and to mitigate the impacts of the proposed mining and wet processing operations. While the proposed mining application contributes to the adverse impact on the MD373/MD5 intersection, the existing and future level of service for this intersection will continue to be less than acceptable regardless of the presence of the proposed application. While the negative impact associated with the proposed mining is projected to be temporary in nature because the special exception permit for mining is valid only for five years, the proposed wet processing plant would have a long-term impact. Toward this end, the applicant has proffered to make the required cash contributions toward the construction of the required improvements. Furthermore, to ensure the safe flow of traffic on MD373, a left turn by-pass lane should be constructed on westbound approach of MD373 at its intersection with the site-access road. Finally, none of the trucks used for shipment of site-extracted or processed material should be allowed to enter from the west on MD373, exit the site westbound on MD373, or use McKendree Road.

■ Based on the proceeding evaluation, the Transportation Planning section finds that there are no significant impacts which would result from the proposed Special Exception if the application is approved with the following transportation-related conditions:

- 1. The applicant, his heirs, successors, or assigns shall limit the level of mining and/or wet processing activities on the site to a maximum of 560 truck trips per day. No more than 56 truck trips shall be allowed to enter and/or exiting the site during any hour of operation.
- 2. Prior to the issuance of any Use and Occupancy Permit, the applicant, his heirs, successors, or assigns shall provide the Transportation Planning Section of the Maryland-National Capital Park and Planning Section with written evidence that the required payment of \$127,120 has been made to the Prince George's County Department of Public Works and Transportation-Brandywine Road Club Escrow Account, for the required off-site transportation improvements identified in the 1990 Brandywine Road Club document.
- 3. Right turns from MD373 eastbound to the site or left-turns from the site to MD373 westbound are prohibited for all vehicles over 3/4 ton.
- 4. Trucks connected to this application are prohibited from using any part of the McKendree Road.
- 5. In accordance with the recommendations of the MDSHA and prior to the issuance of any Use and Occupancy Permit, the applicant, his heirs, successors, or assigns shall construct per the MDSHA standards, a left-turn by-pass lane and an acceleration lane on MD373 at the site entrance.

- 6. Signs indicating ■Truck Entrance● shall be installed along MD373 and per MDSHA standards approximately 500 feet east and west of the site entrance.●
- (g) **Driveways for ingress and egress shall be identified on the site plan, and shall be located so as to not endanger pedestrians or create traffic hazards. The applicant shall identify the dust-control measures to be used on the driveways and the interior traffic circulation system. Any ingress or egress driveway shall have a minimum width of twenty-two (22) feet, and shall be paved for a distance of at least two hundred (200) feet from the boundary line of the Special Exception.**

The site plans for both special exceptions reflect the same entrance point. The proposed driveway provides access to Accokeek Road and is approximately 660 feet to the west of McKendree Road. The entrance will be paved to a width of 22 feet and will have a paved length of about 750 feet. As discussed in the Transportation Planning Section memo dated July 19, 2001, the available sight distance for this entrance is over 1,000 feet to the east and west. This meets the established safety guidelines for a posted speed limit of 40 MPH. The applicant will be required to spray water and calcium chloride on interior haul roads to control dust.

- (h) **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.**

A countywide inventory of approved and pending Special Exceptions for sand and gravel wet processing, sanitary landfills and rubble fills, and surface mining operations is attached to this report.

- 2. **In reviewing the application, the District Council shall consider the use of techniques which provide for noise attenuation.**
- 3. **All information required as part of the Special Exception application shall be referred to the Prince George's County Department of Public Works and Transportation, Prince George's County Soil Conservation District, Washington Suburban Sanitary Commission, Prince George's County Department of Environmental Resources, Maryland State Highway Administration, and Maryland State Water Resources Administration for comment. These agencies shall be given forty-five (45) days to reply. A copy of the same information shall also be submitted to the Sand and Gravel Advisory Committee.**

The subject application has been referred to the above-mentioned agencies. The responses to the referrals are attached to this report.

4. **Wash plants, including ponds, spoil sites, and equipment, are prohibited within the Buffer, as defined in the Conservation Manual, in any of the Chesapeake Bay Critical Area Overlay Zones.**

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

5. **In reviewing the application for compliance with the required findings set forth in Sections 27-317(a)(4) and 27-317(a)(5), the District Council shall consider the inventory required in Section 27-405(a)(8).**

The countywide inventory is attached to this report for consideration by the District Council. See Section M of this report for a discussion of these findings.

G. Additional Requirements: SE 4402 and SE 4403.

Section 27-445.02 contains the following additional requirements pertaining to the subject surface mining and wet processing facilities:

1. **In order for any surface mining or sand and gravel wet-processing operation to continue, the requirements of this section shall be met.**
2. **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.**
3. **All surface mining and sand and gravel wet-processing operations shall meet the following requirements:**
  - (a) **The uses shall be operated in full compliance with applicable extraction and surface mining or sand and gravel wet-processing regulations;**

The applicant submits that the proposed uses will be operated in full compliance with all applicable regulations for surface mining or sand and gravel wet-processing facilities. The site plans for both SE-4402 and 4403 will be revised to include notes pertaining to compliance with Section 27-445.02(c)(1). The plan will also include a list of applicable permits, plans and approvals that will be maintained throughout the operation of the subject uses.

- (b) **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;**

The operator of the facility shall take effective measures to control the speed of trucks utilizing his facility and neighboring streets. The applicant submits that independent haulers providing services to the proposed facility will receive a proper orientation for compliance

with the rules and procedures for this site. The orientation will include site specific rules and procedures, as well as company rules and expectations. Emphasis will be placed on the use of proper haul routes and being courteous to the motoring public. Truck speeds on internal haul routes will be limited to 15 MPH, in order to minimize the generation of dust and noise.

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

The applicant will avoid depositing any debris upon any existing streets by providing a 750-foot-long paved haul road from the property line on Accokeek Road. This additional distance will allow debris to be dislodged from trucks exiting the site. The facility will also use both a water truck and a sweeper truck to keep the interior haul road free of debris.

**(d) 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.**

The applicant will post the required sign in accordance with these regulations.

- H. Parking Regulations: The site plan must be revised to include a parking schedule, and a parking lot must be shown on the plan.
- I. Landscape Manual Requirements: The applicant has submitted a revised landscape plan generally showing compliance with the *Landscape Manual*. The applicant has not, however, provided a landscape schedule showing compliance with Section 4.2 (Commercial and Industrial Landscape Strip). The applicant will be using existing woodland to substitute for the required planting. If this application is approved, the applicant will be required to revise the landscape plan by providing the appropriate landscape schedules for Section 4.2 of the *Landscape Manual*.
- J. Zone Standards: The proposed use meets the general height, bulk and setback requirements for the R-A and R-E Zones.
- K. Sign Regulations: The site plan indicates that permanent, durable signs will be located along Accokeek Road and McKendree Road identifying the subject use as a surface mine. No commercial business signs are proposed.
- L. Environmental Impact Report:

The Environmental Planning Section performed an Environmental Impact Report (EIR) to provide an evaluation of the potential environmental impacts of the proposed mining activity. The EIR points to the following impacts and recommends mitigation measures (shown in bold type) to address these impacts:

Land

- Change in the site's landscape from the mining operation
- Loss of some topsoil

**Prior to mining any portion of the site, the topsoil and overburden will be removed and stockpiled separately for future use during the reclamation phase of the operation. Erosion of stockpiles should be minimized by establishing quick-growing grasses on the piles.**

#### Water

- Increase in surface runoff rates and volumes during mining
- Potential decrease in groundwater recharge and volumes
- Increased sedimentation from haul road and mining activity
- Possible siltation of streams
- Slight potential of adverse impacts upon water wells in the area

**Mitigation of the adverse impacts on water resources should be provided directly by properly designed sediment control measures and indirectly by the phasing of mining activities. The primary function of the sediment control plan is to remove sediment from surface runoff before it reaches a stream or permanent pond. Indirect mitigative effects provided by sediment control measures include:**

- 1. Detention of storm water runoff thus reducing peak runoff rates to downstream streams and ponds;**
- 2. Providing significant opportunity for additional recharge of groundwater from ponds; and**
- 3. Providing additional base flow from both groundwater recharge and timed release of retained storm water.**

#### Climatology and Air Quality

- Increase of dust and particulate matter in the vicinity

**Air quality impacts due to dust from mining operations can be mitigated by reducing emissions at the source, by increasing the distance from the source to the receiver, or by providing wooded or topographic barriers between the source and the receiver. In addition, a packed gravel haul road would create less dust than packed dirt, and a paved haul road would create much less dust. Other source controls include surface treatments such as watering and treatment with chemical dust suppressants. The following methods could be used to reduce the impacts of the proposed mining on air quality:**

- 1. Water and calcium chloride could be sprayed onto interior haul road, as necessary to control dust.**
- 2. Truck speed on interior haul roads could be controlled to 15 MPH or less.**

**3. Public roads should be kept free of dirt, gravel and mud.**

Biological Resources

Forest Resources

- Destruction of natural vegetation and associated wildlife habitat
- Permanent reduction in size of the large contiguous forest areas

**The principal impact to the loss of forest land will be partially mitigated by woodland conservation on the site. The Prince George's Woodland Conservation and Tree Preservation Ordinance establishes requirements for woodland conservation through preservation of woodlands and replacement of woodlands cleared for development or grading activities.**

Wetlands

- Some permanent and some temporary impacts to nontidal wetlands

**The plan submitted with the special exception application proposes three permanent and four temporary impacts to wetlands, all nontidal. The plan shows the sequential use of avoidance and minimization of impacts in the layout of the proposed mining operation. Mitigation for the loss of the two isolated wetlands should be done on-site. All stream crossing should be designed and installed with care to disturb the least amount of area necessary.**

Flora and Fauna

- Destruction of natural vegetation and associated wildlife habitat

**The only mitigation measure that could reduce the above noted impacts while allowing the use to be approved would be to increase the amount of contiguous forested area around the subject property to reduce forest fragmentation. A specific area of concern is the McKendree Road frontage where the existing forested area is proposed to be reduced to 50 feet in width. Because the other side of the road contains agricultural fields, the woodland connection to the north of Accokeek Road would be severely reduced if the area is cleared as proposed. The woodland corridor along McKendree Road should be increased to provide a wildlife connection to the woodlands to the north of Accokeek Road.**

Rare, Threatened, Endangered Species

- No anticipated impacts

Human Resources and Aesthetics

Visual Impacts

- Reduction in the quality of the viewshed

Widen the bufferyard along McKendree Road to a minimum of 75 feet with additional reforestation and berms. While 100 percent opacity is desired, no such requirement exists in the Zoning Ordinance. The recommendation of an expanded bufferyard, reforestation and berms will adequately protect views along this scenic and historic road.

#### Noise

- Marginal increase in noise levels, in some cases above the state standard

The following methods could be used to reduce noise impacts:

- Only the equipment listed on the submitted plan and/or in this report shall be used on the site. Similar heavy equipment may be substituted as replacements are required, if the noise generated by these vehicles is not significantly greater.
- All equipment used on the site, including trucks, should be fitted with working mufflers at all times.
- Eighteen-wheel trucks should not haul mined or processed material from site.
- The hours of operation should be limited to reduce impacts on adjacent properties.
- The truck trips could be reduced to below that stated in the application.

To determine potential adverse noise impacts associated with the operation of the wash plant proposed by SE-4403, a noise study dated January 5, 2001, was submitted with the application. The noise study measured noise levels generated by a similar facility in Brandywine. Based on that analysis it was assumed that the proposed wash plant would generate 81 dBA as measured 50 feet from the source. The study then projected noise levels at 11 noise receptors around the perimeter of the property within which this Special Exception is located. In each instance the projected noise levels at the receptors was less than 65 dBA. The highest projected level will occur at the property line with Robin Dale Country Club where the projected noise level is 63 dBA. The Noise Study has been reviewed and found to address the adverse noise impacts associated with the proposed wash plant.

#### Scenic and Historic Roads

- Impacts to the historic rural character of two designated historic roads

Along Accokeek Road a 250-foot-wide buffer of existing woods is proposed to be preserved behind the ultimate right-of-way line. If this width is maintained, excluding the public utility rights-of-way, the rural historic landscape appearance of an extensive woodland from the designated historic road and from the historic resource would be retained.

Along McKendree Road, screening which consists of a 50-foot-wide buffer of existing woods to be preserved located directly behind the ultimate right-of-way supplemented with a

25-foot-wide reforested strip and a 15-foot-high berm adjacent to the active mining area of the site.

Historic Resources

- No anticipated impacts; the proposed buffer will preserve the historic character of the setting of the historic resource

Transportation

- Minor impacts to the already failing level of service at a major nearby intersection

**Evaluation of the impacted transportation facilities with the total projected traffic indicates that certain measures should be taken by the applicant to ensure the smooth and safe flow of traffic and to mitigate the impacts of the proposed mining and wet processing operations. While the proposed mining application contributes to the adverse impact on the MD 373/MD 5 intersection, the existing and future level of service for this intersection will continue to be less than acceptable regardless of the presence of the proposed application. While the negative impact associated with the proposed mining is projected to be temporary in nature because the Special Exception permit for mining is valid only for five years, the proposed wet processing plant would have a long-term impact. Toward this end, a cash contribution should be provided toward the construction of the required improvements. Furthermore, to ensure the safe flow of traffic on MD 373, a left turn by-pass lane should be constructed on westbound approach of MD 373 at its intersection with the entrance road to the subject property. Finally, none of the trucks used for transport of site-extracted or processed material should be allowed to enter from the west on MD 373, exit the site westbound on MD 373, or use McKendree Road.**

M. Required Findings: SE-4402:

**Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

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

With the conditions of approval recommended below, the proposed uses and site plan will be in harmony with the purposes of the Zoning Ordinance. The purposes of the Zoning Ordinance, which are provided in Section 27-102, seek generally to protect and promote the health, safety, morals, comfort, convenience and welfare of present and future inhabitants of the county. The subject property is within a portion of the county that is rich in aggregate material that is necessary for certain types of construction and land development. The applicant has submitted the required studies and analyses which indicate that the proposed mining operation and wet processing facility will be conducted in accordance with state and local requirements. Staff therefore believes that the proposed uses will be operated in a safe manner and will provide aggregate materials necessary to serve the growth of the county and surrounding jurisdictions.

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



With the recommended conditions of approval, the proposed uses will be in conformance with all the applicable requirements and regulations of the Zoning Ordinance. The applicant has submitted a revised site plan dated 4-3-01 that addresses issues raised by the Permit Review Section (memo dated February 8 and April 13, 2001). Additional conditions are recommended to address some minor deficiencies on the plan. The site plan will also provide a buffer that exceeds the required 50-foot bufferyard requirement by including an additional 25-foot-wide reforested strip.

**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 Map Plan, the General Plan.**

The proposed uses will not substantially impair the integrity of the 1993 Approved Master Plan for Subregion V. There are two land use recommendations for this large tract which is generally divided by a tributary of Mattawoman Creek:

- (a) The eastern portion of the property is recommended for ~~■Suburban Estate■~~ or ~~■Low Density Planned Neighborhood■~~ residential land use.
- (b) The western portion of the property is recommended for ~~■Rural■~~ land use as part of the Piscataway-Danville Rural Living Area. ~~■Rural■~~ land use areas are recommended for agricultural, woodland and other rural uses or residential development at a density of one dwelling unit per two acres. Utilization of public sewer service for residential development is discouraged by Master Plan policies in this Rural Living area.

The Master Plan also recognizes that Subregion V is an important source of sand and gravel for the metropolitan area. The plan provides goals and objectives for the extraction of mineral resources:

Goal:

- ~~■To provide for the efficient and sequential extraction of significant mineral deposits and the reclamation and development of the extraction areas, while minimizing impacts on the environment.■~~

Objectives:

- ~~■To identify those properties containing significant sand and gravel deposits.~~
- ~~■To ensure an adequate supply of sand and gravel for future development of the metropolitan area.■~~
- ~~■To phase future development in a manner providing for the orderly extraction of sand and gravel resources and discouraging the premature commitment of these areas to permanent development.■~~

- To plan development so that the rehabilitation of previously extracted areas may be accomplished in an orderly manner.●
- To continue to develop and refine guidelines and criteria for evaluating resource extraction proposals that preclude adverse effects on the natural and human environment and reduce conflicts with the surrounding land uses.●

Community Planning Division staff, in a memo dated April 24, 2001 concur with the assessment of the applicant that this proposal is designed in accordance with the Master Plan's goals, objectives, concepts and recommendations.

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

The proposed uses will not adversely affect the health, safety or welfare of residents or workers in the area. The applicant has provided the required information for review of adverse impacts. The Environment Planning Section has prepared an Environmental Impact Report that recommends conditions that can be imposed on this application to address these adverse impacts. There does not appear to be any impacts that cannot be mitigated.

**5. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**



Staff notes that these uses will add additional truck traffic to the road network. The applicant will be required to make road improvements to address some of these impacts.

**(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The proposed site plan is in conformance with an approved Tree Conservation Plan. Type II Tree Conservation Plan TCPII/9/01 has been reviewed and found to generally satisfy the requirements of the Prince George's County Woodland Conservation Ordinance. TCPII/9/01 has a Woodland Conservation Threshold (WCT) of 43.09 percent, or 257.43 acres, due to the split zoning which includes 432.3 net tract acres in the R-A Zone and 165.1 net tract acres in the R-E Zone. In addition, all woodland clearing is subject to replacement requirements at a rate of 4:1 for clearing above the WCT, 2:1 for clearing below the WCT, and 1:1 for clearing in the 100-year floodplain. Based on the proposed clearing of 451.73 acres of woodland, including 0.82 acre in the 100-year floodplain, the total replacement requirement for this site is 251.12 acres and the total requirement is 508.55 acres upon completion of the mining in Phase 5. The TCP has been prepared to address each phase of the mining and to keep a cumulative tally of the clearing, the requirements, and how the requirements are being satisfied.

All woodland clearing associated with SE-4403 is proposed to occur within the limits of Phase 1 of SE-4402 but would not include the entire area of that phase. The clearing associated with this application is subject to a 4:1 replacement requirement for woodland clearing on the net tract and 1:1 replacement requirement for woodland clearing in the 100-year floodplain. SE-4403 proposes clearing 54.45 acres of woodland on the net tract and 0.68 acre in the floodplain. The replacement requirement for the woodland clearing on the subject property is 14.29 acres. The total Woodland Conservation requirement for the entire site is 271.72 acres. This requirement is being satisfied by 470.45 acres of on-site preservation in priority retention areas.

## CONCLUSION:

Special exceptions are required for specific land uses. To minimize the impact of such uses, certain conditions must be met before such uses are permitted. The appropriate standard to be used in determining whether a requested special exception use would have an adverse effect, and therefore should be denied, is whether there are facts and circumstances that show that the particular use proposed at the particular location would have any adverse impacts above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

The subject special exceptions, if approved, are governed by substantial regulation in the Prince Georges County Zoning Ordinance, including Sections 27-317, 27-405, 27-410, the *Landscape Manual* and Woodland Conservation Ordinance, and the Prince Georges County Soil Conservation Regulations. Other agencies that will review these uses during the permit process include the State of Maryland, Department of the Environment (MDE) Surface Mining Program, Nontidal Wetlands Permit Review, Water Quality Certification, Water Appropriations Program and the U.S. Army Corps of Engineers. Failure to operate in accordance with the regulations carries penalties as severe as revocation of the special exception and other licenses to operate.

This application has been reviewed by numerous county and state agencies. The comments received from this review suggest that with certain additional conditions imposed, the proposed uses would not have any adverse impacts above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Staff therefore recommends APPROVAL of SE-4402 and SE-4403, subject to the following conditions:

### Conditions for SE-4402 and SE-4403:

1. The hours of operation shall be 6:00 a.m. to 5:00 p.m., Monday through Friday, for hauling of material; 7:00 a.m. to 7:00 p.m., Monday through Friday, for mining of material; 7:00 a.m. to 3:00 p.m. on Saturday for hauling of material; and no mining is permitted on Saturdays. Trucks are not permitted to arrive at the site or wait in the vicinity prior to 7:00 a.m.
2. The applicant, his heirs, successors, or assigns shall limit the level of mining and/or wet processing activities on the site to a maximum of 560 truck trips per day. No more than 56 truck trips shall be allowed to enter and/or exit the site during any hour of operation.

3. Prior to the issuance of any Use and Occupancy Permit, the applicant, his heirs, successors, or assigns shall provide the Transportation Planning Section of the Maryland-National Capital Park and Planning Commission with written evidence that the required payment of \$127,120 has been made to the Prince George's County Department of Public Works and Transportation-Brandywine Road Club Escrow Account, for the required off-site transportation improvements identified in the 1990 Brandywine Road Club document.
4. Right turns from MD 373 eastbound to the site or left-turns from the site to MD 373 westbound are prohibited for all vehicles over 3/4 ton.
5. Trucks connected to the application are prohibited from using any part of the McKendree Road.
6. In accordance with the recommendations of the MD SHA and prior to the issuance of any Use and Occupancy Permit, the applicant, his heirs, successors, or assigns shall construct per the MD SHA standards, a left-turn by-pass lane and an acceleration lane on MD 373 at the site entrance.
7. Signs indicated ■truck entrance■ shall be installed along MD 373 and per MD SHA standards approximately 500 feet east and west of the site entrance.

Conditions of Approval for SE-4402:

1. The Special Exception shall be valid for a period not to exceed five years from the date of approval by the Prince George's County District Council. No mining shall be performed at the site without a valid Special Exception.
2. The applicant shall provide the Environmental Planning Section with copies of all reports submitted to the Maryland Department of the Environment, at the time of their submission.
3. Prior to issuance of a Use and Occupancy Permit, all permits that are required by federal, state and local governments shall be obtained. Such permits shall include, but are not limited to, permits for disturbances to wetlands and wetland buffers and stream crossings.
4. Prior to the start of work in any phase or portion thereof, the limits of disturbance for that phase or portion thereof shall be staked on the ground. The applicants or their representative shall walk the limits of disturbance with a representative of the M-NCPPC Environmental Planning Section prior to the installation of the sediment/erosion control measures and tree protective devices.
5. Limits of disturbance lines and vegetative buffers shown on all the submitted and approved plans shall be maintained at all times during the mining operation.
6. Topsoil shall be stockpiled within the limits of disturbance for SE-4402 for use during the reclamation period for each phase.
7. Stockpiled topsoil and overburden material shall be seeded with quick-growing grasses to minimize the wash-off of silt into streams within the site.

8. The disturbed area shall not exceed 25 acres at any one time.
9. Close monitoring of the sediment control measures shall be done by the Maryland Department of Environment to assure that they continue to perform satisfactorily and as designed.
10. The applicant shall notify the M-NCPPC Environmental Planning Section prior to the start of work on each phase of this mining operation and schedule a meeting to address reforestation and Woodland Conservation issues. These issues shall include timing for reforestation activities associated with the most recently completed phase, timing for reforestation for the upcoming phase, changes in the species to be planted, decreases in the quantity of trees planted in the event that some natural regeneration has occurred, the need for additional or less site preparation, and other pertinent woodland conservation or reforestation issues.
11. Equipment fueling on-site shall be done in accordance with NFPA 30, Flammable and Combustible Liquids Code, Chapters 2 and 3. The mobile fueling trucks shall be operated by trained personnel holding valid Oil Vehicle Operators 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.
12. All sediment/erosion control basins shall be enclosed with a minimum forty-two (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.
13. If mining-related impacts upon water levels in any of the wells near the site are observed, corrective actions shall be immediately taken by the applicant to include but not be limited to drilling of deep water wells to replace the adversely affected wells.
14. The perimeter berms shall be constructed of clean soils, free of organic materials or construction materials. Immediately upon completion of the construction, the berms shall be stabilized and maintained.
15. Truck speed on interior haul roads shall be controlled to 15 MPH or less.
16. Interior roads shall be watered or otherwise treated as necessary to minimize dust.
17. Evidence in the form of signed and dated copies of all appropriate forms shall be provided to the Environmental Planning Section regarding the posting of appropriate reforestation bonds for Phases 4 and 5 prior to any woodland clearing in those phases. A reforestation bond need not be posted for any phase until work is to be initiated for that phase. The reforestation bond for Phase 4 may be waived by the Environmental Planning Section if the reforestation required due to the clearing of Phase 4 is completed in an earlier phase at least two (2) growing seasons prior to the start of work on Phase 4, and a survival check, prepared by the applicant and verified by the Environmental Planning Section, indicates a survival rate of no less than 75 percent. All reforestation required due to the clearing in Phase 4 will

be done in earlier phases and shall be completed no later than the first planting season after work has begun on Phase 4. Reforestation for Phase 5 shall be completed no later than one year after work in Phase 5 has been completed.

18. Should the invasive plant Phragmites be introduced to this site, Phragmites control procedures shall be implemented on an annual basis and a report shall be filed with the Environmental Planning Section. Staff of the Environmental Planning Section may inspect the site for compliance with the control plan.
19. All equipment used on the site, including trucks, shall be fitted with working mufflers at all times.
20. Reclamation and stabilization efforts shall be staged as diligently as possible and the direction of mining shown on the SE plan shall be closely followed. Reclamation shall be substantially completed in each mined phase before the mining of a new phase shall commence.
21. Following completion of the mining operation, the site shall be reclaimed to approximate the pre-mining drainage areas and to approximate the topography found in this region of the county.

Conditions of Approval for SE-4403:

1. TCPH/9/01 shall be revised as follows:
  - (a) Although there is a worksheet that addresses Phase 1 of SE-4402, which includes SE-4403 and some additional land, there is not a separate worksheet that addresses SE-4403 only. Add a worksheet that is specific for SE-4403 only. Also label that worksheet as being for SE-4403.
  - (b) Label the other worksheets as being for SE-4402.
  - (c) The worksheet for SE-4402 includes some misplaced numbers in the ■Total Woodland Conservation Provided■ and ■Shortage■ rows. These two rows should be flipped.
  - (d) The sequencing of the reforestation for SE-4402 currently indicates that Phase 1 will be the first area to be reforested. Since the assumption is that SE-4403 would be approved in conjunction with SE-4402, the reforestation of Phase 1 would not be able to be done until operation of the wash plant has ceased. The application states that the wash plant has a life span of 20 years. Revise the sequence of the reforestation to reforest other phases and portions of Phase 1 outside the limits of SE-4403 first.
  - (e) The plans do not reflect any clearing for the construction of the acceleration, deceleration, and taper lanes for the entrance road. This work will involve woodland clearing on the subject property and must be reflected on the plans.

2. Provide information on the Special Exception site plan to reflect the location of the proposed well and septic system to serve this site.
3. The use is approved for a period not to exceed 20 years.