



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

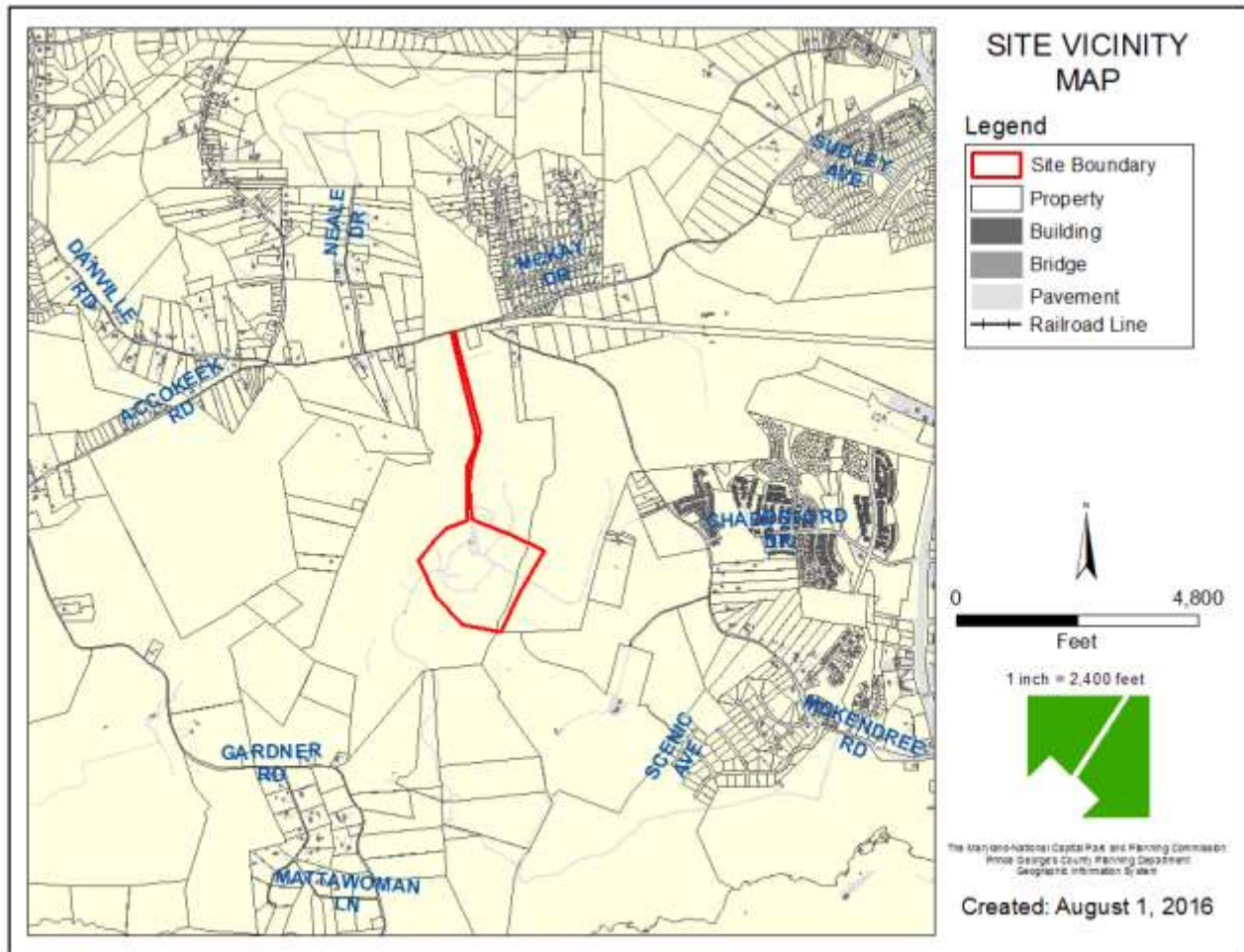
Special Exception

SE-4790

Application	General Data	
Project Name: Aggregate Industries Sand and Gravel Wet Processing Facility Location: The subject property is located on the south side of Accokeek Road approximately 660 feet west of the intersection of Accokeek Road and McKendree Road. Applicant/Address: Aggregate Industries 6401 Golden Triangle Drive, Suite 400 Greenbelt, MD 20770 Property Owner: Bardon, Inc. 6401 Golden Triangle Drive, Suite 400 Greenbelt, MD 20770	Planning Board Hearing Date:	03/16/17
	Staff Report Date:	02/28/17
	Date Accepted:	11/18/16
	Planning Board Action Limit:	N/A
	Plan Acreage:	82.84
	Zone:	R-A and R-E
	Gross Floor Area:	2,799
	Lots:	N/A
	Parcels:	2
	Planning Area:	85A
	Council District:	09
	Election District	11
	Municipality:	N/A
	200-Scale Base Map:	220SE05

Purpose of Application	Notice Dates	
Extend validity period for an additional 20 years for an existing sand and gravel wet processing facility in accordance with Sections 27-405, 27-445.02, and 27-625 of the Zoning Ordinance.	Informational Mailing	08/12/16
	Acceptance Mailing:	11/14/16
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Christina Pompa Phone Number: 301-780-2222 E-mail: christina.Pompa@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



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

FROM: Christina Pompa, Interim Zoning Supervisor, Zoning Review Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4790**

REQUEST: **Special Exception to extend the validity period for a Sand and Gravel Wet Processing Plant for 20 years pursuant to Section 27-405 of the Prince George's County Code.**

RECOMMENDATION: **APPROVAL with Conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of March 16, 2017. 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 addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. 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.

FINDINGS

- A. **Location and Field Inspection:** The special exception boundary includes 82.84 acres of land situated within a larger property of approximately 684 acres (known as Gaslight I). The special exception property (herein “subject property”) is located on the south side of Accokeek Road between Neal Drive to the west and McKendree Road to the east.

Staff toured the site and operation with Tim Bevard, Land Advisor for Aggregate Industries, on Wednesday, February 15, 2017. The site entrance is well marked, well maintained, and free of dust and debris. The sign required per Section 27-625 of the Zoning Ordinance is present for surface mining, but not for sand and gravel wet processing. The internal site road is paved for a length of approximately 3,600 linear feet from Accokeek Road into the wet processing facility and is 22 feet wide. The internal road is maintained in very good condition with little to no debris or dust. Mr. Bevard indicated that the plant has remained operational through the mild winter and therefore stockpiles of raw and finished materials were large. The use is water intensive and water is withdrawn from settling pond 4 through the use of a pump on a barge. Well water is utilized during dry and drought times if surface water supplies are inadequate. The well is located along the edge of settling pond 4. Currently raw materials are being trucked though an internal haul road from the Robin Dale Surface Mine (SE-4669). Soon, materials will be available from Aggregate Industries Gaslight II site (SE-4647) across McKendree Road and will be transported by conveyor over McKendree Road to the 684-acre Gaslight I site (SE-4402 and SE-4651) where they will be trucked via the internal site road to the raw materials stockpile area.

The sand and gravel wet processing plant operates from south to north and includes a control tower, multiple conveyors including a radial stacker conveyor, screening equipment, two rock crushers, a sand classifier and sand screw, two logwashers, a fines recovery/sediment tank, and a filtration and piping system that returns water to the settling pond system for reuse. The first part of the process is the two, 8-foot by 20-foot screen decks, which separate the fine material (sand) from the coarse material (gravel). The fine material is directed to the back portion of the plant on the north side to the sand tank; the gravel is directed to the log washers for washing prior to additional screening before being conveyed to the respective gravel stockpiles. The sand screws dewater the sand prior to conveyance to the product stock piles. Wash fines are collected in the fines recovery/sediment tank and transported by mud trucks to drying beds on Gaslight I. The clean wash water recovered from the fines recovery system is delivered back into the closed loop system to settling pond 2. All other effluent water from the washing process is directed by dedicated piping and channels to settling pond 1 for proper sedimentation.

While on site, the processing plant was operational, trucks were observed going back and forth from the wash plant to the Robin Dale Surface Mine, the mud truck was active on site, and trucks were observed queuing for finished materials and driving over the scales. Truck traffic entering and exiting the site were observed maintaining the 15 miles per hour speed limit.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-A and R-E	R-A and R-E
Use(s)	Sand and Gravel Wet Processing	Sand and Gravel Wet Processing
Acreage	82.84	82.84
Parcels	Parcels 14 and 41 on Map 154	Parcels 14 and 41 on Map 154

C. **History:**

1. Special Exception Application No. SE-4402 was approved with conditions by the District Council in 2002 and was final after the Court of Special Appeal's confirmation of the District Council's approval in 2004. The special exception allowed for surface mining on approximately 683.26 acres in the R-A and R-E Zoning Districts surrounding the 82.84-acre boundary of SE-4790.
2. Special Exception Application No. SE-4403 was approved with conditions by the District Council on June 17, 2002, for a sand and gravel wet processing facility for period of 15 years on 82.84 acres in the R-A and R-E Zoning Districts.
3. Special Exception Application No. 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 on approximately 683.26 acres in the R-A and R-E Zoning Districts surrounding the 82.84-acre boundary of SE-4790.

- D. **Master Plan Recommendation:** The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) classifies this application in a Rural and Agricultural Area. Surface mining and related activity is an interim use of land that is not specifically addressed by goals and policies of the General Plan.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, future land use for the property is Rural, which is described in the plan as agricultural land, forest, and very low density residential. The County's intent is for these areas to remain rural and to conserve these areas' natural resources, primarily forest and forest resources, for future generations. New residential development is permitted at a maximum density of one dwelling unit per five acres.

- E. **Request:** The applicant requests approval of a special exception to extend the validity period of an existing special exception for a sand and gravel wet processing facility for a period of 20 years. The request is pursuant to Sections 27-317, 27-405, 27-445.02, and 27-625 of the Zoning Ordinance.

- F. **Neighborhood and Surrounding Uses:** The site is surrounded by the following uses:

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

East— Undeveloped land, agricultural fields, wooded parcels, scattered single-family detached homes, and an active sand and gravel mine (Millville Quarry SE-4647) in the R-R Zoning District. Towards US 301 there are several residential subdivisions containing single family detached and attached units in the R-M Zoning District.

South— Undeveloped land, wooded parcels, scattered single-family detached homes, and an active sand and gravel mine (Robin Dale Surface Mining, SE-4669) in the R-A Zoning District.

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

The neighborhood is defined by the following boundaries:

- North—** Accokeek Road
- East—** McKendree Road and Crain Highway (US 301)
- South—** Mattawoman Creek (Prince George's/Charles County Line)
- West—** Gardner Road

The neighborhood is rural in character and comprised of undeveloped land, agricultural fields, wooded parcels, and low- to medium-density residential development. There are active sand and gravel mining uses to the east (Gaslight II, SE-4647) and south (Robin Dale Surface Mining, SE-4669) of the subject property. The Gardners property sand and gravel mining operation (SE-4218) to the south of the subject property is under reclamation. Also to the south of the subject property, the application for sand and gravel mining on the Queens Property (SE-4700) was withdrawn by the applicant in 2016.

G. Specific Special Exception Requirements: Section 27-405. - Sand and gravel wet-processing.

- (a) 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:**

- (1) 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.**

Comment: The subject property contains approximately 82.84 acres.

- (2) 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;**

Comment: The original special exception was approved in 2002 with a validity period of 15 years and this application is requesting that the validity period be extended for an additional 20 years.

- (3) 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;

Staff's comment: Sheet 4 of the Special Exception Plan shows that all:

1. fixed installations that involve washing, screening, classifying, and crushing facilities, and parking and storage areas for trucks and heavy equipment are located at least 400 feet from all boundary lines of the special exception;
2. fixed installations that involve automobile parking and settling ponds are located at least 200 feet from all boundary lines of the special exception; and
3. nonstructural installations that involve stockpiles of natural material are located at least 300 feet from all boundary lines of the special exception.

During the site visit, staff had concerns that the employee and heavy equipment parking outside the special exception boundary did not meet setback requirements. In a letter from Dan Lynch to staff dated February 20, 2017, Mr. Lynch states:

“During our telephone conversation you indicated that you observed employee vehicles and my client’s trucks and equipment being parked or stored outside the special exception area of this application, but within the special exception area of the associated sand and gravel mine (SE-4651). I am attaching for your review and reference a copy of the MDE permit associated with that sand and gravel mine. Currently, my client is not mining that property, but is actively reclaiming that property under the attached permit and it is MDE’s intention to keep that mining permit and associated bonds active as long as the wash plant is being operated by my client (See attached email from MDE). That being said, the employees parking in this area are involved, in part, with the reclamation process and the trucks and equipment are also utilized by my client in the reclamation process. In addition, there are no restrictions contained in Section 27-410 of the Zoning Ordinance (a copy is attached) or conditions or approval contained in SE-4651 (a copy of the Resolution is attached) that prohibit employee parking or truck and equipment storage in this area.”

Attachments noted in Mr. Lynch’s letter are included as backup to this technical staff report. Staff concurs with the additional explanation provided. In the opinion of staff, the location of the off-site parking improves site safety in that it separates employee vehicles and pedestrians from the dump truck loading and scales area, because the applicant has provided a marked pedestrian path from the off-site parking to the office. The entrance to the pedestrian path from the off-site parking area is physically delineated by a small berm, which serves to route pedestrians on a single path. The result is that dump truck operators picking up product and heavy equipment operators know exactly where to expect pedestrians. This improves site safety.

(4) 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:

(A) The location of all washing, screening, classifying, and crushing facilities;

Comment: Sheet 4 of the Special Exception Plan shows the location of all washing, screening, classifying, and crushing facilities.

(B) The location of all natural material stockpiles;

Comment: Sheet 4 of the Special Exception Plan shows the location of all raw and finished material stockpiles. While the exact location of these stockpiles may change, there is a note on Sheet 4 of the plan indicating that stockpiles will be contained in envelopes shown on the plan.

(C) The internal traffic circulation system;

Comment: Arrows are provided on Sheet 4 of the Special Exception Plan to indicate the internal circulation pattern. The identified parking areas meet the setback requirement of 200 feet from the Special Exception Boundary.

(D) The parking and storage areas for all vehicles and equipment;

Comment: Employee parking is provided on the south side of the office. Heavy equipment and additional employee parking is provided off-site on the larger 684-acre site owned by Aggregate Industries. That site is currently under reclamation. In the opinion of staff, the location of the off-site parking improves site safety in that it separates employee vehicles and pedestrians from the dump truck loading and scales area, because the applicant has provided a marked pedestrian path from the off-site parking to the office. The entrance to the pedestrian path from the off-site parking area is physically delineated by a small berm, which serves to route pedestrians on a single path. The result is that dump truck operators picking up product and heavy equipment operators know exactly where to expect pedestrians. This improves site safety.

(E) The settling ponds and water bodies;

Comment: Sheets 3 and 4 of the Special Exception Plan show the four settling ponds, which are all shown to meet the 200-foot setback from the Special Exception Boundary. The series of ponds are used to settle the sediment out of the wash water so water can be reused. A barge and pump are contained in settling pond 4 to pump clean surface water back to the wash plant.

(F) The source of water to be used in the operation; and

Comment: The applicant has maintained a surface water appropriation permit (PG2002S014(01)) and a groundwater appropriation permit (PG2002G014(01)) from the Maryland Department of Environment. The current permits expired February 1, 2017, but the applicant has submitted renewal permits to MDE for processing.

The main source of water used in the wash plant is recycled surface water. The applicant maintains a series of settling ponds on the site to recycle the wash plant water back to the plant. The surface water appropriation permit allows for a daily average use of 2,900,000 gallons on a yearly basis with a maximum daily withdrawal of 3,700,000 gallons. The applicant maintains a barge with a pump in settling pond 4 for the surface appropriation (see photos). The applicant should identify the general barge and pump location on the Special Exception Plan.

The well location is shown on Sheet 4 of the Special Exception Plan. The groundwater appropriations permit allows for water withdrawal from the Upper Patapsco aquifer with a daily average withdrawal of 58,000 gallons and a daily average of 130,000 gallons for the month of maximum use. According to the applicant, the groundwater source is used as “make-up” water during dry or drought conditions when the surface water source may be inadequate.

(G) The identification of the trucks and heavy equipment to be used in the plant operation.

Comment: Sheet 4 of the Special Exception Plan provides for a list of equipment used on the site.

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

(A) A stormwater concept plan approved pursuant to Section 4-322 of this Code;

Comment: Per an e-mail from DPIE dated February 3, 2017, because the application is a request for the extension of validity period, involves no new construction, and the stormwater ponds have already been constructed, the applicant is not required to renew the Site Development Concept Plan.

(B) A preliminary noise assessment;

Comment: A preliminary noise assessment was prepared by Staiano Engineering. The primary element of the Special Exception Application that allows the proposal to achieve State and County noise abatement standards involves the use of a combination of vegetated buffer yards and the construction of sound abating berms. As such, the noise assessment stated that the sound levels at the receptor locations are expected to be 39-47 dBA and that these noise exposures are well below both the COMAR 65-dBA daytime limit and the 55 dBA nighttime limit. Total site sounds levels are expected to be within all applicable Maryland State noise limits as well as within widely accepted criteria for land use compatibility with noise exposure.

(C) A horizontal profile illustrating all structures and stockpiles; and

Comment: Horizontal profiles have been provided on Sheets 5-7 of the Special Exception Plan that extend beyond the Special Exception Boundaries.

(D) A grading plan that illustrates existing and proposed topography.

Comment: Existing topography has been shown on Sheet 4 of the Special Exception Plan. As an application for extension of validity period, the topography is already established on site.

(6) 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.

Comment: A traffic analysis was included in the original submittal package and has been reviewed by the Transportation Planning Section.

- (7) **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.**

Comment: The existing site access from Accokeek Road is located approximately 660 feet west of McKendree Road. The sight distance at the entrance point is over 1,000 feet to the east and the west and is in accordance with established highway safety guidelines. The entrance has both an acceleration and deceleration lane, which was a requirement of SE-4402 and SE-4403. The entrance from Accokeek Road has been paved to a width of 22 feet, and it has a paved length of approximately 3,600 feet. The applicant uses sweeper trucks, on an as needed basis to keep the entrance on Accokeek Road free of dust and debris. A water truck is also maintained on site to keep the asphalt access road clean and to control dust at the plant site.

- (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.**

Comment: The Environmental Planning Section in the Countywide Planning Division has provided a matrix of the necessary information related to surface mining, sand and gravel wet processing facilities, sanitary landfills, and rubble landfills. The matrix has been made a part of this Technical Staff Report.

H. **Additional Requirements for Specific Residential Uses. Section 27-445.02. - Surface mining; sand and gravel wet-processing.**

- (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;**

Comment: The applicant has stated in their statement of justification that the operation of the plant meets all applicable safety, stormwater management, and sediment and erosion control regulations of the County, State, and Federal governments. The use has not introduced hazardous or noxious materials, impounded water above existing elevations, or included structures that represent a special hazard for fire and flood or

would otherwise pose a catastrophic threat to adjacent properties or inhabitants of the County.

- (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;**

Comment: The internal site road has a posted speed limit of 15 miles per hour. Trucks are prohibited from turning left on MD 373 out of the site and they are prohibited from using McKendree Road. Recommend adding a condition requiring the installation of signs on the internal site road within 100 to 200 feet of the site exit that indicates left-turns from the site are prohibited for vehicles over three-quarter tons, vehicles over three-quarter tons are prohibited from using McKendree Road, and posting the speed limit on Accokeek Road.

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

Comment: The entrance from Accokeek Road has been paved to a width of 22 feet, and it has a paved length of approximately 3,600 feet. The length of the paving helps ensure that trucks can run off debris from their tires before reaching the main road. The site visit revealed that the internal site road is well maintained and virtually free of debris. The applicant uses sweeper trucks, on an as needed basis to keep the entrance on Accokeek Road free of dust and debris. A water truck is also maintained on site to keep the asphalt access road clean and to control dust at the plant site.

- (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 27-625.**

Comment: The applicant has a sign at the front of the site on Accokeek Road that meets the requirements of Section 27-625 of the Zoning Ordinance for surface mining. Recommend a condition be added to require applicant install a sign for the Sand and Gravel Wet Processing Plant that meets the requirements of Section 27-625.

- (d) **On land which is located within a Chesapeake Bay Critical Area Overlay Zone, surface mining, sand and gravel wet-processing, or wash plants, including ponds, spoil sites, and equipment, are prohibited within the Buffer, as defined in the Conservation Manual. In addition, no surface mining or sand and gravel wet-processing shall be located within:**

- (1) **Designated habitat protection areas, as described in the Conservation Manual;**
- (2) **The Buffer area, as defined in the Conservation Manual;**
- (3) **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

- (4) An area containing highly erodible soils.**

Comment: The subject property is not located within a Chesapeake Bay Critical Area Overlay Zone, therefore, this requirement is not applicable.

I. Signs for Specific Uses. Section 27-625. - Surface mining; sand and gravel wet-processing, identification.

(a) Area.

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

(b) Location.

- (1) All signs shall be 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.**

(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.**

(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.**

(f) **Applicability.**

- (1) **The requirements of this Section apply to both nonconforming operations and those which are in conformance with the existing provisions of this Subtitle.**

Comment: The current sign that is posted at the front of the site along Accokeek Road addresses the surface mining operation and not the sand and gravel wet processing facility. Recommend a condition be added to require applicant install a sign for the sand and gravel wet processing plant the meets the requirements of Section 27-625 of the Zoning Ordinance.

- J. **Parking Regulations:** The applicant is required to provide two parking spaces for every 1,000 gross square feet of industrial plant use. Based on 2,799 square feet of gross floor area, a total of six parking spaces are required. The applicant has provided 11 regular parking spaces and 1 van handicapped space for a total of 12 parking spaces on-site, which exceeds the minimum parking required. Additional parking space is provided outside the special exception boundary on the 684-acre Gaslight I property.

- K. **2010 Prince George's County Landscape Manual Requirements:** Section 27-328-02(a) of the Zoning Ordinance generally requires that Special Exception applications conform to the buffering and screening requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). However, Section 1.1(b) of the Landscape Manual states:

Existing conditions on developed sites not in conformance with the requirements of this manual that were otherwise lawful on December 13, 2010, and not the subject of any building or grading permit, may continue as of right.

Special Exception SE-4403, which was approved for the subject property in 2002, was subject to requirements of the Section 4.2, Commercial and Industrial Landscaped Strip Requirements and 4.7, Buffering Incompatible Uses of the previous Prince George's County Landscape Manual, adopted in 1990. The Urban Design Section would suggest that the applicant provide a Certificate of Landscape Maintenance as outlined in Section 1.7 of the current Landscape Manual to ensure that the landscaping installed in 2002 still exists and has been maintained in a healthy fashion. If any plant materials are found to be in a dead or dying condition, it should be replaced.

Comment: Condition B(10) for approval of SE-4402 and SE-4403 required the applicant to maintain a 58-foot buffer of existing woodland and a 15-foot-high earthen berm behind the woodland along the site frontage on McKendree Road. Per the February 15, 2017 site visit the berm and wooded buffer exist along McKendree Road except where the Gaslight II conveyor bridge crosses McKendree Road into the 684-acre Gaslight I site.

- L. **Zone Standards:** Per the Residential Table of Uses contained in Section 27-441(b) of the Zoning Ordinance, a sand and gravel wet processing facility requires a special exception and must be in accordance with Section 27-445.02 of the Code. Specific Special Exception Requirements are contained in Section 27-405 and additional sign requirements are contained in Section 27-625 of the Code. Based on the analysis of information provided by the applicant and information gathered during the site visit, and contained in this technical staff report, the applicant's existing sand and gravel wet processing facility is operating in accordance with the requirements of Section 27-445.02 and 27-405 of the Zoning Ordinance. In reference to compliance with Section 27-625 of the Zoning Ordinance, the applicant has a sign at the front of the site on Accokeek

Road that meets the requirements of Section 27-625 of the Zoning Ordinance for surface mining, but not for the sand and gravel wet processing facility. Recommend a condition be added to require applicant install a sign for the sand and gravel wet processing facility the meets Section 27-625.

- M. **Sign Regulations:** No new signage is proposed. Any proposed signage must meet all area, height, and setback requirements. The applicant has a sign at the front of the site on Accokeek Road that meets the requirements of Section 27-625 of the Zoning Ordinance for surface mining. Recommend a condition be added to require applicant install a sign for the sand and gravel wet processing plant the meets Section 27-625.
- N. **Referrals:** No major issues were identified in the referrals that were received for the subject application. Any necessary revisions that were requested have been addressed through the submission of revised plans and a revised Statement of Justification. The applicant has submitted a landscape plan as required and has submitted supplemental information as requested by staff. Comments from the Prince George's County Health Department and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), Site/Road Plan Review Division will be addressed by the applicant at the time of permit submittal.

The following comments were received for the special exception application:

1. **Community Planning Division:** In a referral dated February 23, 2017, the Community Planning Division (M-NCPPC) staff offered the following:

The Generalized Future Land Use Map in the *Plan Prince George's 2035 Approved General Plan* classifies the subject property in a Rural and Agricultural Area. This area is described as low-density residential uses with areas of agricultural and forestry production or agricultural land, forest, and very low-density residential. Surface mining and related activity is an interim use of land that is not specifically addressed by goals and policies of the General Plan.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, future land use for the property is Rural, which is described in the plan as agricultural land, forest, and very low density residential. The County's intent is for these areas to remain rural and to conserve these areas' natural resources, primarily forest and forest resources, for future generations. New residential development is permitted at a maximum density of one dwelling unit per five acres.

The applicant indicates that, consistent with the previous special exception approval, sand and gravel mining on the subject property is in accordance with master plan goals for the utilization of a valuable natural resource. Upon the completion of mining activities, reclamation of this site should be suitable for agricultural use (Statement of Justification, page 23) which is consistent with Development Pattern goals and policies stated in the Subregion 5 master plan. There are no new master plan issues pertaining to continuation of mining on this site, as previously approved.

Master plan goals, policies, and strategies pertaining to sand and gravel mining are addressed in the plan in the following areas:

- Chapter IV, Land Use and Development Pattern, pages 44-47;
- Chapter V, Environment, pages 82 and 88; and

- Chapter VIII, Economic Development, pages 160-161.

Chapter IV, Land Use and Development Pattern, page 58: Sand and Gravel Resources.

Subregion 5 contains extensive mineral resources based on the presence of large sand and gravel deposits associated with the Brandywine formation (Map V-4: Sand and Gravel Resources, Southern Prince George's County). This resource provides an economic base for jobs, value-added services, and economic benefits (Chapter VIII: Economic Development). However, mining projects can have significant impacts on nearby communities and property owners, particularly with respect to noise, dust, and truck traffic. New and expanding projects go through an extensive review and approval process at the state and County level. At the County level, a special exception is required. As part of the special exception process, the County reviews the effects of the project on the environment as well as potential impacts of noise, dust, and truck traffic on the adjacent communities.

Identifying the location of remaining sand and gravel deposits and planning for the land to transition from a temporary mining use to its ultimate land use should be part of a strategic plan for mineral resources. Regulatory tools, such as an overlay zoning district, would help preserve access to the resource and prevent the preemption of sand and gravel mining by other uses until the resource has been extracted.

Chapter V, Environment, pages 82 and 88:

Require mining companies to achieve post mining reclamation that meets environmental needs, with a strong emphasis on reforestation, and consideration for grassland creation.

Under state law, a comprehensive plan must incorporate land use policies and recommendations to balance mineral resource extraction with other land uses, and to prevent the preemption of mineral resource extraction by other uses. The resource provides an economic base for jobs, value-added services, and economic benefits. However, mining projects can have significant impacts on nearby communities and property owners, particularly with respect to noise, dust, and truck traffic.

Strategies

- Continue to review proposed mining projects for impacts on the integrity of the master plan, using the following guidelines:
 - Mining operations should minimize impacts on scenic, historic, cultural, or recreational assets.
 - Post-extraction uses should support the plan's preservation goals with mined land reclaimed for agricultural and forest uses.
 - Additional considerations for post-extraction uses should be community uses such as parks and trails.
 - Educate the community on the special exception review process for mining operations.
 - Increase monitoring and enforcement of the special exception conditions of approval for ongoing mining operations.

- Evaluate the utilization of a mineral overlay zoning district that corresponds to the unexploited sand and gravel deposits, avoiding already developed lands, to protect mineral resources. The boundaries of the district could be limited to the PPA. Within the overlay district, require the following:
 - Surveys of mineral resources prior to development for other uses.
 - Offering access to mineral resources, if present, prior to development.
 - Mitigation requirements for development projects that proceed without exploiting the resource. Mitigation could consist of placing a protective easement on other land in need of protection, or payment of a fee-in-lieu to support the County's land preservation programs.
 - Increase setback and buffering requirements on potential mining sites adjacent to residential properties to minimize the potential effects of noise and dust from future mining.
 - Post-mining reclamation requirements that match preservation, community recreation, and environmental needs. Within the [Priority Preservation Area] PPA, these should encourage reclamation for agriculture or woodland.

Chapter VIII, Economic Development, pages 153-154. Sand and Gravel Mining.

Sand and gravel is an essential element of new construction in the Washington, D.C., region. Major sand and gravel deposits associated with the Brandywine geological formation (Map V-4: Sand and Gravel Resources, Southern Prince George's County) are located in Subregion 5. There is significant potential for future sand and gravel mining due to the existence of large unmined reserves.

Goal

The County balances the need for the extraction of sand and gravel resources, and related activities, with the potential negative impact and nuisance to nearby properties and the environment, including restricting sand and gravel mining to the Rural Tier.

Policies

- Restrict sand and gravel mining to the Rural Tier, with enhanced buffering between sand and gravel mining and communities in the Developing Tier.
- Encourage the mining industry to provide specific evidence of the positive economic benefit of this activity to Prince George's County, including documentation of the positive impact of proposed mining for employment of truckers who are Prince George's County residents.
- Improve access to financial and work force development incentives to support economic development of mining regulations.

- Foster dialogue between community residents and members of the sand and gravel community to address concerns.

Strategies

- Explore the feasibility of developing a mineral overlay zone to protect mineral resources. Issues to be evaluated include:
 - Real estate notices
 - Dispute resolutions
- Expand easement language in programs such as those run by the Maryland Agricultural Land Preservation Foundation (MALPF) to integrate sand and gravel operations within easement contracts.
- Integrate the sand and gravel industry within traditional economic development programming such as tax credits and abatements, workforce assistance, and assistance with state and federal small business financing.
- Conduct community outreach to improve understanding of the sand and gravel industry and to improve industry integration within the rural communities.
- Ensure that sand and gravel mine applications address all impacts on surrounding communities, including requiring applicants to mitigate on and off-site transportation impacts from mining activities and potentially limiting the daily hours of mining activities and duration of sand and gravel approvals to mitigate the nuisance to nearby communities.

The subject property is not located in Military Installation Overlay Zone.

2. **Subdivision:** In a referral dated December 1, 2016, the Subdivision Section offered the following:

The property is composed of Parcels 12, 14 and 41 on Tax Map 154 in Grids A-3, B-1 and C-3 and consists of a total of 684.5 acres but the area of the special exception is limited to 82.84 acres. The parcels are legal acreage parcels and have never been the subject of a Preliminary Plan of Subdivision. The property, which is zoned R-E and R-A, is located on the south side of Accokeek Road, west of McKendree Road. The site has an existing sand and gravel mining operation in accordance with SE-4402. The applicant is requesting a Special Exception to extend the validity period for an additional 20 years. No new development is proposed with this application.

Section 24-107 of the Subdivision Regulations provides for exemptions from the requirement of filing a preliminary plan of subdivision. Specifically, in this instance Section 24-107(c)(7)(B) provides the following:

- (c) **The following shall be exempt from the requirement of filing a subdivision plat, except for any portion of land within a Chesapeake Bay Critical Area Overlay Zone unless otherwise noted below:**

- (7) **Any subdivision of land by deed of a lot prior to January 1, 1982, provided:**

(B) The total development proposed for the subdivision does not exceed five thousand (5,000) square feet of gross floor area.

Any development on the site which exceeds five thousand (5,000) square feet of gross floor area will require a preliminary plan of subdivision. There are no other subdivision issues at this time.

3. **Transportation Planning Section:** The Transportation Planning Section (M-NCPPC) has reviewed the Special Exception application and provided a memorandum dated December 29, 2016.

Review Comments–Traffic

The applicant requests approval of a special exception for a sand and gravel wet processing plant. A special exception for this use was first approved by the District Council in 2002 for a period of 15 years by means of Special Exception SE-4403. The purpose of this application is to extend the validity period of the special exception for an additional 20 years. The applicant is not proposing any changes to the plant or the operation that was previously approved under SE-4403. This includes the following parameters:

- Access is proposed from MD 373 via a 22-foot haul road, as approved under SE-4403.
- The plant would process 280 loads of material per day (560 truck trips per day), as approved under SE-4403.
- Ten percent of site trips would occur during each of the AM and PM peak hours with a 50/50 enter/exit ratio, as approved under SE-4403.
- Trucks associated with the operation are prohibited, by condition, from accessing the use from the west via MD 373, and are prohibited from exiting the site via westbound MD 373.

Neither the “Transportation Review Guidelines, Part 1, 2012 (Guidelines)” nor *Trip Generation* (Institute of Transportation Engineers) contain trip generation rates for mining operations. These are very specialized uses that are extremely truck-oriented, and the practice has been to rely upon the applicant to indicate the proposed level of mining activity and estimate the appropriate amount of truck traffic. It is estimated that the site would continue to generate 56 AM and 56 PM peak-hour vehicle trips, or daily truck traffic of 560 trucks (280 in, 280 out) per day, which is consistent with the current approval under SE-4403.

Access to the site is proposed via a haul road from the site to MD 373 just west of McKendree Road. The traffic generated by the proposed use would impact the following intersections, interchanges, and links in the transportation system:

- The link of MD 373 from MD 5 to McKendree Road
- US 301 and Brandywine Road
- MD 5 and MD 373
- MD 373 and McKendree Road
- MD 373 and site access

The required traffic analysis dated September 2016, has been submitted with the application and it has been reviewed. The findings and recommendations summarized below are based upon a review of these and other relevant materials and analyses conducted by the staff. The study has been referred to the Maryland State Highway Administration (SHA) and the County (the Department of Public Works and Transportation (DPW&T) and the Department of Permitting, Inspections and Enforcement (DPIE)). Neither agency have offered comments to date; any comments received will be addressed and added to the record by the transportation planning staff when received.

The subject property is located within Transportation Service Area (TSA) 3, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated per the following standards:

Links and signalized intersections: Level of Service (LOS) C, with signalized intersections operating at a critical lane volume (CLV) of 1,300 or better.

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. Once the CLV exceeds 1,150, this is deemed to be an unacceptable operating condition at unsignalized intersections.

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic using counts taken in May 2016 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Brandywine Road	1,387	2,192	D	F
MD 5 and MD 373	1,091	1,209	B	C
MD 373 and McKendree Road	16.6*	73.3*	--	--
MD 373 and site access	11.7*	12.0*	--	--
Link of MD 373 from MD 5 to McKendree Road	0.19**	0.45**	A	B
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. Per the <i>Guidelines</i>, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</p> <p>**Links are analyzed to determine a volume-to-capacity ratio, or V/C, with the appropriate LOS given per the <i>Guidelines</i>.</p>				

It shall be noted that the link levels of service in all tables in this memorandum are determined using the table on page 40 of the *Guidelines*.

The MD 5 and MD 373 intersection is programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation “Consolidated Transportation Program.” The improvements would provide a grade-separated interchange just north of this location, with ramps to and from MD 5, an overpass for local traffic over MD 5, and connector roads to Brandywine and Accokeek Roads. Background traffic has been analyzed for the study area, and several background developments were identified. The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follow:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Brandywine Road	1,387	2,007	D	F
MD 5 and MD 373	1,091	1,309	B	D
MD 373 and McKendree Road	18.6*	102.0*	--	--
MD 373 and site access	12.3*	12.3*	--	--
Link of MD 373 from MD 5 to McKendree Road	0.22**	0.49**	A	C
<p>* In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. Per the <i>Guidelines</i>, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</p> <p>** Links are analyzed to determine a volume-to-capacity ratio, or V/C, with the appropriate LOS given per the <i>Guidelines</i>.</p>				

Given that the use exists and is proposed to be extended, there are no trips to be added to represent Total Traffic; the trips associated with the use are already on the road. Therefore, Background Traffic and Total Traffic are identical:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Brandywine Road	1,387	2,007	D	F
MD 5 and MD 373	1,091	1,309	B	D
MD 373 and McKendree Road				
Maximum Vehicle Delay (seconds)	18.6*	102.0*	--	--
Critical Lane Volume	522	1,149	--	--
MD 373 and site access	12.3*	12.3*	--	--
Link of MD 373 from MD 5 to McKendree Road	0.22**	0.49**	A	C
<p>* In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. Per the <i>Guidelines</i>, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.</p> <p>** Links are analyzed to determine a volume-to-capacity ratio, or V/C, with the appropriate LOS given per the <i>Guidelines</i>.</p>				

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 intersections of MD 373 with MD 5, and US 301 and Brandywine Road. For this reason, the approval of several developments near this intersection have required contributions to a road club which would fund major improvements needed over the long term. It should be further noted that this use was required to pay a road club fee by condition of the approval of SE-4403. This fee was paid when this use was constructed; the payment has been verified during review of this application. Given that the fee was paid for this use, it will not be recommended that further road club fees be paid.

While the analysis indicates that no physical improvements to the surrounding roadway network are warranted by this use, SE-4403 was approved with transportation-related conditions. Given that site access improvements have been made, signage has been installed, and road club fees associated with the use have been paid, the continuation of related conditions is not necessary. However, a condition which limits the truck activity on the site and conditions which effectively establish the haul route for the site along MD 373 between the site and MD 5 should be continued and imposed on the re-approval of this use. In reviewing materials associated with SE-4403, the SHA was very concerned about the haul route, and the associated conditions were imposed at their request in part.

MD 373 is a two-lane state-maintained highway which traverses in an east-west direction. MD 373 has lane widths ranging from 11 feet to 12 feet and shoulders ranging from 2 feet to 6 feet. In reference to the Maryland State Highway Administration Traffic Volume Map for 2014 (the most recent available), current average daily traffic counts are 7,570 vehicles near MD 210 and 6,481 vehicles near MD 5. Between McKendree Road and MD 5, MD 373 has a rural cross section, with a well-maintained centerline and pavement edge markings; passing is not permitted along this section. MD 373 adjacent to the site is a master plan arterial; the designation changes to a master plan collector east of McKendree Road. The submitted plan adequately shows the ultimate right-of-way; this ultimate right-of-way has not been dedicated to date, and all structures are located outside of the ultimate right-of-way.

Review Comments–Active Transportation

The special exception site plan was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* regarding master plan trails and bikeways. The site is not subject to Section 24-124.01 of the Subdivision Regulations for the evaluation of the adequacy of bicycle and pedestrian facilities.

The master plans indicate that MD 373 is a shared roadway; in this instance, it is anticipated that bicycles will share the roadway with vehicular traffic. Any more significant improvements would be implemented as part of any future road improvements along MD 373. Now, there are no capital projects planned along the adjacent portion of MD 373.

Conclusion

The Transportation Planning Section finds that the proposed sand and gravel wet processing plant use would meet the requirements of Subtitle 27 for the approval of a Special Exception from the standpoint of transportation. Approval should be subject to the following conditions:

- a. The applicant, his heirs, successors, or assigns shall limit the level of wet processing activities on the site to a maximum of 560 truck trips per day (280 truckloads).
 - b. 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 three-quarter tons.
 - c. Trucks associated with the application are prohibited from using any part of McKendree Road.
5. **Environmental Section:** The Environmental Section (M-NCPPC) has reviewed the Special Exception application and provided a memorandum dated February 28, 2017.

The Environmental Planning Section has reviewed the Special Exception Site Plan for Aggregate Industries Sand and Gravel Wet Processing, SE-4790, stamped as received by the Environmental Planning Section on November 18, 2016. The Environmental Planning Section has provided the conditions listed at the end of this memorandum for your consideration as part of any approval of SE-4790 and TCPII-009-02-01.

Background

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Dev. Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
SE-4402	TCPII-009-01	District Council	Approved	6/17/2002	Z.O. No. 13-2002
SE-4403	TCPII-009-01	District Council	Approved	6/17/2002	Z.O. No. 14-2002
SE-4651	TCPII-009-01-01	Zoning Hearing Examiner	Approved	4/15/2010	N.A.
SE-4790	N/A	Planning Board	Pending	Pending	Pending

Grandfathering

The site is grandfathered from the requirements of Subtitles 25 and 27 that became effective on September 10, 2010, because this is a revision to a previously approved special exception that was approved under prior regulations, and no new impacts or significant changes are proposed.

Proposed Activity

The current application is asking for a 20-year time extension to continue the wet processing activities. This site has been in operation since 2002 and still currently in operation. No expansion of the operation is proposed with this application.

Site Description

This 82.84-acre Special Exception application is part of a larger site that is approximately 1,150 acres in size owned by Bardon, Inc. The subject property is located in southern Prince George's County at the southwest corner of the intersection of Accokeek Road

and McKendree Road. The property which is zoned R-A and R-E, is in a neighborhood typified by properties in the R-A, R-E, R-M, and R-R zones. The area is generally characterized by low to medium density residential development resulting in a rural character in the area. There is an extensive stream system and wetlands on the property associated with Mattawoman Creek in the Potomac River watershed. According to the Sensitive Species Project Review Area (SSSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on, or in the immediate vicinity of, this property. The predominant soils found to occur according to the USDA NRCS Web Soil Survey are Aquasco silt loam, Beltsville silt loam, Croom-Marr complex, Fallsington sandy loam, Grosstown-Woodstown-Beltsville complex, and Potobac-Issue complex soils series. According to available information, Marlboro clay does not occur on or in the vicinity of this site. This site was actively mined and in the mining areas the soils have been severely disturb. According to PGAtlas.com, this site contains Regulated, and Evaluation areas within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*. The site has frontage on Accokeek Road which is identified as an arterial master plan roadways.

Plan Prince George's 2035 Approved General Plan (2014): Before the current application was submitted, a new General Plan was adopted by the District Council. The site is now located within the Established Communities area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

Master Plan Conformance of the Subregion_5 Master Plan and Sectional Map Amendment

Policy 1: 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 within Subregion 5.

The project site does contain regulated environmental features and woodland areas. The entire site is within elements of the Countywide Green Infrastructure Plan (Regulated and Evaluation Areas). These have been reviewed and approved for impact by mining.

With regards to Environmental Site Design; the site is required to provide retention and 2-10-year attenuation for water quality and quantity per the approved stormwater management concept letter. Open Space will be addressed by the Urban Design Section.

Policy 2: 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 headwater areas of streams.

The proposed application proposes to extend the special exception validity period of the on-site mining operations. The stormwater management design is required to be reviewed and approved by the Department of Permits, Inspections, and Enforcement (DPIE) to address surface water runoff issues in accordance with Subtitle 32 Water Quality Resources and Grading Code, which requires that Environmental Site Design be implemented to the maximum extent practicable. The site has an expired stormwater management concept plan (8330637-2000-00) and letter that needs to be updated. A condition requiring this information is recommended in the Environmental Review Section.

Policy 3: Enhance the county's Critical Area protection management in response to local, regional, and statewide initiatives and legislative changes.

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

Policy 4: Reduce air pollution through transportation demand management (TDM) projects and programs.

Promote "climate-friendly" development patterns through the planning processes and land use decisions.

Increase awareness of the sources of air pollution and green-house gas emissions.

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

Policy 5: Encourage the use of green building techniques that reduce resource and energy consumption.

The proposed activity is to continue existing mining activities. No buildings are proposed.

Policy 6: Ensure that excessive noise-producing uses are not located near uses that are particular sensitive to noise intrusion.

SE-4402 addressed noise issues in the associated Environmental Impact Report (EIR). With the current application proposing to continue operations, the same equipment will be used in the remaining phases. The following condition was imposed as part of the approval of SE-4402 and should be carried forward with this application.

Recommended Condition: All equipment used on the site, including trucks, shall be fitted with working mufflers at all times.

Conformance with the 2005 Approved Countywide Green Infrastructure Plan

The entire site is located within the 2005 *Approved Countywide Green Infrastructure Plan* and contains two of the three classifications (Regulated and Evaluation Areas) of the network. This application is to extend the use of the wash plant operations and no new on-site areas will be impacted. All networks areas that were previously impacted will continue to be impacted. The site was found to be in conformance with the Countywide Green Infrastructure Plan. No further review for conformance is needed for this application.

Conformance Finding for 2010 Approved Water Resources Functional Master Plan

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the County, on a Countywide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections & Enforcement, Prince George's County Department of Health, Prince George's County Department of Environmental Resources, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sewer and Sanitary Commission are also deemed to be consistent with this master plan.

Additional Requirements for Specific Special Exceptions

Section 27-406 of the Zoning Ordinance lists the specific requirements for a Special Exception for sanitary landfills; rubble fills which is generally addressed by the Environmental Planning Section: The environmentally-based requirements are indicated in **bold**, and the comments are provided in regular type.

- (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.**

An inventory list and locational map of known sand and gravel mines, wash plants, sanitary landfills and rubble fills is provided as an attachment to this memo which Environmental Planning recommends be incorporated into the Technical Staff Report for SE-4790.

Environmental Review

Natural Resource Inventory / Environmental Features

The Environmental Planning Section signed a Natural Resource Inventory-Equivalency Letter (NRI-EL), NRI-176-2016, for this project area on September 2, 2016. This letter stated that the site was in compliance with the previously approved Type II Tree Conservation Plan CPII-009-01-01 and that no new impacts were proposed. No additional information is required with regard to the existing conditions of the site.

Woodland Conservation

This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site has previously approved tree conservation plans. It should be noted that the proposed application will not impact the previously approved Type II Tree

Conservation Plan TCPII-009-01-01. The currently approved plan is in conformance with the proposed application. No additional information is required with regard to the proposed application.

Soils

The predominant soils found to occur according to the USDA NRCS Web Soil Survey are Aquasco silt loam, Beltsville silt loam, Croom-Marr complex, Fallsington sandy loam, Grosstown-Woodstown Beltsville complex, and Potobac-Issue complex soils series. According to available information, Marlboro clay does not occur on or in the vicinity of this site. This site was actively mined and in the mining areas the soils have been severely disturb.

This information is provided for the applicant's benefit. No further action is needed as it relates to this Special Exception review. A soils report may be required by the Prince George's County Department of Permitting, Inspection and Enforcement (DPIE) during the permit process review.

Stormwater Management

The project has previous stormwater management concept approvals with the various applications. The last Stormwater Management Concept Approval Letter (8330637-2000-00) required several large bioretention ponds for water quality and water quantity control. A fee of \$30,000.00 was required in lieu of providing on-site attenuation/quality control measures. The approved stormwater management concept letter expired January 2, 2004.

Recommended Condition: Prior to certification of the special exception, an approved stormwater concept plan shall be submitted.

Conformance with Required Findings for a Special Exception

The required findings for approval of a Special Exception are given in Section 27-317 of the Zoning Ordinance. The **required findings which are environmental in nature are indicated in bold**, and the comments are provided in regular type.

(a) A Special Exception may be approved if:

- (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 proposed special exception is in conformance with the environmental provisions of the General Plan, the Subregion 5 Master Plan and Sectional Map Amendment and the Countywide Green Infrastructure Plan noted herein.

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

The proposed use is subject to county, state and federal regulations related to environmental management and safety that will protect the health, safety, and welfare of residents nearby and workers on-site.

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

This site is subject to the provisions of the 1989 Woodland Conservation Ordinance because a Type II Tree Conservation Plan was previously approved (TCP2-009-01-01). The approved TCP2 was submitted with the current application, and no changes are proposed and the approved plan is in conformance with the proposed application.

(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 requirement of Subtitle 24-130 (b)(5).

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 27-317(a)(7) of the Zoning Ordinance. The on-site regulated environmental features include streams and wetlands on the subject property.

Section 27-296(c)(1)(L) of the Zoning Ordinance requires the submittal of: “A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible.” No letter of justification was submitted, because no new impacts to regulated environmental features have been proposed.

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of grading shown on the Special Exception Site Plan submitted for review.

Summary of Recommended Conditions:

1. All equipment used on the site, including trucks, shall be fitted with working mufflers at all times.
2. Prior to certification of the special exception, an approved stormwater concept plan shall be submitted.

6. Urban Design Section: In a referral dated January 9, 2017, the Urban Design Section (M-NCPPC) offered the following:

Section 27-328-02(a) of the Zoning Ordinance generally requires that Special Exception applications conform to the buffering and screening requirements of the 2010 Prince George’s County Landscape Manual (Landscape Manual). However, Section 1.1(b) of the Landscape Manual states:

Existing conditions on developed sites not in conformance with the requirements of this manual that were otherwise lawful on December 13, 2010, and not the subject of any building or grading permit, may continue as of right.

Special Exception SE-4403, which was approved for the subject property in 2002, was subject to requirements of the Section 4.2, Commercial and Industrial Landscaped Strip Requirements and 4.7, Buffering Incompatible Uses of the previous Prince George's County Landscape Manual, adopted in 1990. The Urban Design Section would suggest that the applicant provide a Certificate of Landscape Maintenance as outlined in Section 1.7 of the current Landscape Manual to ensure that the landscaping installed in 2002 still exists and has been maintained in a healthy fashion. If any plant materials are found to be in a dead or dying condition, it should be replaced.

7. **Historic Preservation Section:** The Historic Preservation Section (M-NCPPC), in its referral dated November 21, stated the following:
 - a. The subject property had been graded and currently contains a sand and gravel wet processing plant. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources or known archeological sites.
8. **Special Projects Section:** In a referral dated December 1, 2016, the Special Projects Section of the Countywide Planning Division (M-NCPPC), indicated that the request to extend Special Exception validity period will have no impact on public facilities.
9. **Permit Review Section:** In a memorandum dated December 19, 2016, the Permit Review Section (M-NCPPC) made the following comments:
 - a. Is the site plan submitted in accordance with the Subdivision Regulations? Refer to the Subdivision Review Section.
 - b. Environmental Planning – A Tree Conservation Plan or Exemption Letter must be approved with this plan.
 - c. The Parking Tabulations table on Sheet 4 of 7 of the Site Plan says there are only nine spaces provided but there appears to be more on the plan that can be included in the table for a more accurate count.
10. **Prince George's County Soil Conservation District (SCD):** In a letter dated December 21, 2016, SCD offered the following comments:
 - a. All future proposed improvements to this project for grading and reclamation, erosion and sediment control shall be in conformance with the pertinent sections of the District's design manual, the criteria established in the Code of Maryland Regulation Title 26, Subtitle 17, Chapter 01, the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control, (Standards and Specifications), or later revisions and the pertinent chapter(s) of the 2000 Maryland Stormwater Design Manual, as applicable.
 - b. Operations and Maintenance activities, and documentation shall be conducted and retained for the life of the sediment basins and wash pond facilities, and are subject to periodic inspection by various regulatory entities with authority over same.

- c. Reclamation of the five (5) phases shall be in accordance with the sequence of construction and to elevations approved per SC #422-03.
- d. All installed practices for erosion and sediment control shall be maintained in accordance with the approved documents of record for the duration of the project.
- e. All approvals for the referenced project shall be maintained for its duration.

11. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE):** In a memorandum dated December 22, 2016, DPIE offered the following comments:

- a. The property is located on the southwest corner of the intersection of Accokeek Road (MD 373) and McKendree Road. Right-of-way dedication and frontage improvements in accordance with the County Road Ordinance, Department of Public Works and Transportation (DPW&T) Specifications and Standards and the American with Disabilities Act (ADA) is required for McKendree Road. Coordination with Maryland State Highway Administration (SHA) is required for MD 373.
- b. The proposed site has an approved stormwater concept number 8330637-2000, dated June 2, 2004, which is expired. Applicant shall secure and updated Site Development Concept.
- c. Applicant shall secure new grading and haul road permits.
- d. DPIE has no objection to the Special Exception No. SE-4790.

In an e-mail from DPIE to the applicant dated February 3, 2017, DPIE indicated that since the hauling routes do not involve any County Roads, a haul road permit would not be required; and a renewal of the Site Development Concept Plan would also not be required.

12. **Prince George's County Health Department:** The Environmental Engineering/Policy Program of the Prince George's County Health Department has completed a health impact assessment review of the special exception submission for Aggregate Industries to extend the validity period of the special exception for a sand and gravel wet processing facility and had the following comments/recommendations dated December 23, 2016:

- a. The applicant seeks to continue the operation of the sand and gravel wet processing facility. The site should continue to comply with existing county and State regulations that seek to protect the health, safety, and welfare of the local residents, the neighboring community and employees of the facility.
- b. This office would request submission of information related to the well and the on-site sewage disposal system alleged to be present on the property as no records can be found in our files based on the relatively indefinite address given for the facility. The applicant should supply the case numbers, well tag number, and copies of the certificate of potability for the well and the certificate of compliance for the sewage disposal system.

13. **Maryland Department of Environment:**

- a. **Mining Program**—In an e-mail from Ed Larrimore of the MDE Mining Program to M-NCPPC staff dated January 19, 2017, Mr. Larrimore indicated that MDE has an active Surface Mine Permit for the site and that the site is compliant with the permit. He further stated that MDE plans to keep the permit active, including a reclamation bond, until all activities are completed and the site is reclaimed.
- b. **Water Management Administration**—In an e-mail from Heather Nelson of the MDE Water Management Administration to M-NCPPC staff dated January 11, 2017, Ms. Nelson indicated that the Water Management Administration Compliance Program offered no comments on the application.
- c. **Water Supply Program**—In an e-mail from Samuel Glover of the MDE Water Supply Program to M-NCPPC staff dated February 17, 2017, Mr. Glover indicated that water usage as reported by the applicant to MDE from surface and groundwater sources is less than the allocation for each permit.
- d. **Air Quality Permits Program**—In an e-mail from Karen Irons of the MDE Air Quality Permits program to M-NCPPC staff dated January 12, 2017, Ms. Irons indicated that the Air Quality Permits Program offered no comments on the application.

14. **Maryland State Highway Administration (SHA):** In an e-mail from Kwesi Woodroffe, the Acting Regional Engineer for District 3 Access Management, to M-NCPPC staff dated November 22, 2016, SHA offered no objection to the plans.

O. **Public Comment:** As of the writing of the technical staff report, no public comment had been received.

P. **Section 27-317—Required 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.**

Comment: With the conditions of approval recommended below, the proposed use and special exception 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 information, which indicates that the proposed sand and gravel wet processing facility will be conducted in accordance with state and local requirements. Staff therefore believes that the proposed use will continue to 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.

Comment: 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 January 26, 2017 as well as other documentation that addresses issues raised by the Urban Design Section, Transportation Planning Section, Environmental Section, Prince George's County Soil Conservation District, the Prince George's County Department of Permitting, Inspections and Enforcement, and the Prince George's County Health Department. Additional conditions are recommended to address some minor deficiencies on the plan.

(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.

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

- The County balances the need for the extraction of sand and gravel resources, and related activities, with the potential negative impact and nuisance to nearby properties and the environment, including restricting sand and gravel mining to the Rural Tier.
- Continue to review proposed mining projects for impacts on the integrity of the master plan, using the following guidelines:
 - Mining operations should minimize impacts on scenic, historic, cultural, or recreational assets.
 - Post-extraction uses should support the plan's preservation goals with mined land reclaimed for agricultural and forest uses.
 - Additional considerations for post-extraction uses should be community uses such as parks and trails.
- Ensure that sand and gravel mine applications address all impacts on surrounding communities, including requiring applicants to mitigate on and off-site transportation impacts from mining activities and potentially limiting the daily hours of mining activities and duration of sand and gravel approvals to mitigate the nuisance to nearby communities.

Community Planning Division staff, in a memorandum dated February 23, 2017 concur with the assessment of the applicant that this proposed extension of validity period for the Aggregate Industries sand and gravel wet processing use prior to permanent development conforms to goals, policies and strategies recommended in the 2013 Subregion 5 Approved Master Plan and Sectional Map Amendment chapters on Land Use, Environment, and Economic Development.

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

Comment: 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. There do not appear to be any impacts that cannot be mitigated through the recommended conditions.

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

Comment: Special Exception applications SE-4402 and SE-4403 were conditioned to require frontage improvements to Accokeek Road. The applicant made these required improvements, which included the installation of acceleration and deceleration lanes and a dedicated left turn lane on westbound Accokeek Road. The original special exceptions were also conditioned to require screening and berming along McKendree Road. These improvements are in place. The entire site perimeter with the exception of the site entrance and the location where the conveyor bridge from Gaslight II crosses McKendree Road and enters the overall site contain either a wooded buffer or a wooded buffer and 15-foot-high berm. Furthermore, the sand and gravel wet processing facility is located roughly in the middle of the 684-acre site in an area that reduces any impacts normally associated with this kind of use. The use is well screened from adjacent properties and the general neighborhood. Truck traffic has been limited to 560 trips per day and a condition has been included to continue this limitation. For these reasons, the applicant has shown that the use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

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

Comment: This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the site has previously approved tree conservation plans. It should be noted that the proposed application will not impact the previously approved Type II Tree Conservation Plan TCPII-009-01-01. The currently approved plan is in conformance with the proposed application.

- (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 requirement of Subtitle 24-130(b)(5).**

Comment: No further impact to regulated environmental features is proposed beyond the original impacts proposed for the issuance of SE-4402 and SE-4403.

CONCLUSION

A special exception use is considered compatible with uses permitted by-right within the zone, as long as specific criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, **at the particular location proposed, would have adverse impacts above and beyond those inherently associated with the special**

exception use, regardless of its location within the zone. Staff believes that the applicant has met their burden of proof in this instance. Therefore, staff recommends APPROVAL WITH CONDITIONS of Special Exception Application No. SE-4790.

RECOMMENDED CONDITIONS FOR SE-4790:

1. The hours of operation for the hauling of finished materials from the site shall be 6:00 AM to 5:00 PM Monday through Friday and 7:30 AM to 3:00 PM on Saturday, not to exceed a maximum of 26 Saturdays per calendar year. The hours of operation for the wet processing facility shall be 6:00 AM to 10:00 PM Monday through Friday and 7:00 AM to 3:00 PM on Saturday. Trucks are not permitted to arrive at the site or wait in the vicinity prior to 6:00 AM. In the event of necessity resulting from an Act of God or other catastrophic situation, the applicant may exceed the above-stated hours, days of operation, and load restriction. All uses shall cease on Sundays and Federal Holidays.
2. The applicant and the applicant's heirs, successors and assignees, shall limit the level of mining and/or wet processing activities on the site to a maximum of 560 truck trips per day (280 truckloads).
3. Right turns from MD 373 eastbound into the site or left turns from the site to MD 373 westbound are prohibited for all vehicles over three-quarter tons. Applicant shall install a sign on the interior site road within 100 to 200 feet of the site exit that indicates left turns from the site are prohibited for vehicles over three-quarter tons, indicates vehicles over three-quarter tons are prohibited from using McKendree Road, and posts the speed limit on Accokeek Road.
4. Trucks associated with the use are prohibited from using any part of the McKendree Road.
5. The Special Exception site plan shall continue to reflect the location of the existing well and septic system that serve the site.
6. The applicant shall maintain and comply with active Groundwater and Surface Water Appropriation Permits issued by the Maryland Department of Environment.
7. The water source of the deep well is limited to the Upper Patapsco Formation. In no event shall the source of the applicant's deep well be the Lower Patapsco, which is the aquifer utilized by residences in the Moyaone/Accokeek Area.
8. If any well (deep or shallow) within a two-mile radius of the subject property becomes contaminated or dries out, and if the owner of the well can prove to the satisfaction of the Maryland Department of the Environment that the contamination or drying out was the direct result of the operation of the subject sand and gravel wet processing facility, then the applicant shall replace the well at its sole expense within one month after the applicant has been notified of the MDE determination. This condition shall continue for a period of five years following the closing of the wet processing facility.
9. The applicant shall revise the Special Exception Plan to show the general location of the barge and surface water pump in settling pond 4.
10. The applicant shall maintain the berming and/or screening along the frontage of its property on Accokeek Road.

11. The applicant shall use a water truck and/or sweeper truck as needed on its property and nearby roads in order to minimize dust generated by its operations and to keep the public roads clear of debris from the hauling operations.
12. Truck speed on interior haul roads shall be controlled to 15 miles per hour or less.
13. All equipment used on the site, including trucks, shall be fitted with working mufflers at all times.
14. The applicant shall install signage for the Sand and Gravel Wet Processing Plant meeting the requirements of Section 27-625 of the Zoning Ordinance shall be installed along the frontage of the property.
15. Documentation of operations and maintenance activities shall be conducted and retained by the applicant for the life of the sediment basins and wash pond facilities, and are subject to periodic inspection by various regulatory entities with authority over same.
16. All installed practices for erosion and sediment control shall be maintained by the applicant in accordance with the approved documents of record for the duration of the project.
17. All sediment and erosion control approvals for the wet processing facility shall be maintained by the applicant for the duration of the project in accordance with applicable federal, state, and local regulations.
18. The land shall not be used as a Sanitary Landfill or Rubble Fill as those terms are defined in the Section 27-107.01(205) of the Zoning Ordinance.
19. The use is approved for a period not to exceed 20 years.