

**PRINCE GEORGE'S COUNTY
PLANNING DEPARTMENT**

**ADOPTED
UNIFORM STANDARDS FOR
MANDATORY REFERRAL REVIEW**



Adopted: July 18, 2012
Effective: September 1, 2012
Updated: September 17, 2014
Updated: April 19, 2017
Updated: April 18, 2018

Prince George's County Department of Planning
The Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772



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Section I: Introduction

Sections 20-301 through 305¹ of the Land Use Article of the Maryland Annotated Code require all federal, state, and local governments, and public and private utilities to submit proposed projects for a Mandatory Referral review and approval by the Commission. In Prince George's County the Planning Board is the statutorily created body under the Land Use Article, and performs the duties of "the Commission." This document will use the term "Planning Board," instead of "the Commission."

The law is briefly stated, but has a very broad application. It requires that the Planning Board review and approve the proposed location, character, grade and extent of any road, park, public way or ground, public (including federal) building or structure, or public utility (whether publicly or privately owned) prior to the project being located, constructed, or authorized.

The Planning Board must also review the widening, extension, relocation, narrowing, vacation, abandonment, or change of use of any road, park or public way or ground, and the acquisition or sale of any land by any public board, body, or official.

The Planning Board must conduct its review within 60 days of the submission of a complete application, unless a longer period is granted by the applicant. The Planning Board's failure to act within 60 days is deemed an approval, unless the applicant agrees to extend the review period. In case of disapproval, the law requires the Planning Board to communicate its reasons to the applicant agency. In practice, the Planning Board will communicate its approval, approval with comments, and disapproval, with the reasons for its actions, to the applicant agency. Mandatory Referral review and comments by the Planning Board are advisory in that the statute allows the applicant to overrule the Planning Board's disapproval, or any comments attached to approval, and proceed.

See Attachment 1 for the full text of the law.

Section II: Mandatory Referral In-Take Questionnaire

To determine if the project is eligible for mandatory referral, the Legal Department associated with the Prince George's County Planning Department will review the Mandatory Referral Intake Questionnaire and determine what type of review should be conducted on a project. This will be forwarded to the Planning Department staff to prepare a letter for the Planning Director's signature.

¹ Formerly Section 7-112 of the Regional District Act, **Mandatory Referrals and approval procedures after adoption of master plan of highways**

The applicant agency will receive a letter from the Planning Director that notifies them if the proposed project qualifies as a mandatory referral, or is exempt from the mandatory referral process, or should be reviewed under the entitlement process². If the project qualifies as a mandatory referral, the type of review (administrative or full Planning Board review) will be included in the letter along with a case number and a case manager's name and contact information.

The applicant agency should contact the listed case manager to coordinate the application submittal requirements and set a schedule to review the project.

Section III: Pre-submission Coordination

Pre-application meetings between Planning Department staff and the application agency are encouraged. These meetings provide an opportunity for the appropriate agency and the Planning Department staff to discuss public projects prior to finalizing the design and provide an opportunity to determine if the Mandatory Referral process or the entitlement process is the appropriate venue. During the pre-application period, opportunities for coordination with private development can occur. The Planning Department will provide staff from each Division to identify issues from a wide range of functional perspectives, to consider solutions, to resolve any conflicting comments between staff, and to finalize the application requirements during the pre-application meetings. The chief or supervisor will resolve any conflicting issues. The pre-application meetings provide a significant opportunity for agencies to produce public facilities and buildings that are on time and cost efficient. The pre-application meetings should consider the following:

- Review of zoning and development standards
 - Outreach method
 - Final Mandatory Referral submittal requirements
1. The Department of Planning staff (the staff) will advise the applicant to work with the staff in the early stages of a project's program and design development. The staff will advise the applicant about potential impacts and concerns in terms of proposed land use, consistency with the area master plan, other related projects, and community issues.
 2. The staff will advise the applicant to seek community input before formally submitting the project for Mandatory Referral. This may include requesting the applicant to send appropriate, adequate, and timely public notice to adjacent, adjoining property owners, and, if necessary, the subject

² The term "**Entitlement Process**" refers to those applications that must comply with the County Zoning Ordinance requirements and are not subject to Mandatory Referral.

property owner. The staff will help in the process as needed, including establishing review benchmarks.

3. The staff will work with the applicant to determine the information needed to review any proposal based on its nature and scope. A suggested list of possible plans and other items is included in this package (see Section III: Submission Requirements).

Section IV: Submission Requirements

A list of suggested materials, including any narrative description, plans, sketches, photographs, and other material that may be needed for the Mandatory Referral review, is included here as a guide. Some of these items may be needed before others in the review process. Some may be needed only as preliminary concepts. Therefore, **applicants are advised to consult with staff to determine which materials will be needed, and in what sequence, since not all proposals will need everything on the following list.** The plans and documents submitted for the Mandatory Referral should be at a scale sufficient to determine the compatibility, character, scope, quality, and scale of a project. All applications must be from the head of the applicant agency, or a representative public official of the agency, and addressed to the Planning Director of the Department of Planning. A complete application (number of copies and format of the submission to be determined by the staff) should be submitted to the Prince George's County Planning Department, Countywide Planning Division, Special Projects Section, 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772.

1. Written narrative of the proposal generally describing the project location, access, surrounding land uses and other existing conditions, proposed uses, scale and size of proposed structures, and other significant features of the proposal including, but not limited to the following:
 - a. The hours of operation and the types of use(s) proposed within the structure(s), or on the property under consideration;
 - b. Whether the proposed project is consistent with the county's General Plan, functional plans such as the Countywide Master Plan of Transportation, the approved and adopted area master plan(s) or sector plan(s), and other public plans, policies, or programs for the area. Any deviation or lack of consistency should be fully explained;
 - c. A Pedestrian and Bicycle Safety Impact Statement that includes an analysis of the effect of the project on pedestrian and bicyclist access and safety, and the identification of any capital and/or operating modifications, including road re-construction plans and

road re-striping plans, that may be required to promote and maximize safe pedestrian and bicyclist access on the project site, and in the surrounding area;

- d. Whether the proposed typical roadway and pathway section meets the applicable state and county standard(s). If not, the necessary waivers requested, or to be requested, from any applicable agency or municipality, and the reasons for those waivers should be described;
- e. The status of a Historic Area Work Permit (HAWP) application, if the project would affect county-designated historic resources, sites, or districts. For state or federally funded projects, indicate the status of comments by the Maryland Historical Trust. If any historical resources, sites, or districts would be impacted, state the proposed measures to be undertaken to limit impacts, and any remedial measures to mitigate, the identified impacts;
- f. Phasing schedule or plan, if applicable;
- g. A description of the manner in which any land intended for common or quasi-public use, but not proposed to be in public ownership, will be held, owned, and maintained in perpetuity for the indicated purposes;
- h. Funding source(s) for the project: county, state, federal, and/or private;
- i. List of permits needed from other agencies. (The Mandatory Referral process does not exempt any project from the need to meet the requirements of any other entitlement process.)
- j. A description of the potential impacts to public parkland or land owned by M-NCPPC, if applicable, and an explanation of what efforts have been made to minimize these impacts and what mitigation will be undertaken; and
- k. For all projects involving buildings or other structures, a statement on whether or not the proposed project will seek United States Green Building Council Leadership in Energy and Environmental Design (LEED), or equivalent green building certification. If the project is not going to seek LEED or equivalent certification, provide a LEED scorecard indicating the degree to which the project would be eligible for such certification;

2. General location map showing the relationship of the subject property to existing and proposed surrounding development, land uses and zoning, park property, traffic network, public amenities, community facilities, and historic properties (County and National Register).
3. Site Plan describing the location of all new and existing uses and structures, size of the subject property, existing land uses of the subject and surrounding property, park property lines, proposed limits of disturbance and quantitative assessment of the disturbed area, location and areas of all existing and proposed public and private open spaces, number of existing and proposed parking spaces, calculations of building coverage, the number and type of dwelling units, square footage, height, number of stories of all buildings, and proposed signage.
4. Utilities and Rights-of-Way map reflecting the location of tract boundaries, any utility or pipelines traversing the site, easements, and rights-of-way. All proposed permanent easements and right-of-way takings on park property must be quantified.
5. Pedestrian and vehicular circulation plan identifying existing roadway, site ingress and egress, sidewalks, trails (including equestrian), bikeways, transit facilities, and all on- and off-site connections to those facilities. Indicate paving widths and the location of any anticipated median breaks. Show existing and proposed signage, all striped crosswalks, and provision of pedestrian push buttons and signal heads. If striped crosswalks are not provided on all legs of a signalized intersection, indicate where and explain why not. Movement barriers need to be identified and include:
 - a. Long crossing distances,
 - b. Short signal timing,
 - c. Medians and islands without ramps or cut-throughs,
 - d. Curbs without curb ramps,
 - e. Curb ramps without level landings,
 - f. Pedestrian actuated signal devices that are difficult to activate or in hard-to-reach locations, and
 - g. Lack of information during pedestrian signal phase;
6. Natural Resource Inventory (NRI) plan that has been reviewed and approved by M-NCPPC staff, depicting existing wooded areas, streams, stream buffers, major drainage courses, wetlands, wetland buffers, 100-year-flood-plain, environmentally sensitive areas, and existing improvements, as well as the identification of any rare, threatened, or endangered species (see Section V: Mandatory Referral and Specific Related Processes).

7. Tree Conservation plan based upon a correct and complete forest-stand delineation (See Section V: Mandatory Referral and Specific Related Processes).
8. Topographic map depicting the general physical characteristics of the site or sites with contours at an interval no greater than five feet, and slopes of 15 percent and greater.
9. Stormwater Management Concept plan(s) approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) or other agency authorized to approve stormwater management concept plans.
10. Detailed Site Plan/Landscape plan that shows all improvements as indicated on the site plan, and the exact location and description of all plants and other landscaping materials, including size (at time of planting), spacing, botanical and common names, and planting method. Show existing trees that are proposed to be removed, and protection for those trees that are to remain within the limits of disturbance.
11. Tree Canopy Coverage schedule shown on the landscape plan in accordance with Subtitle 25, Division 3 of the Prince George's County Code.
12. Lighting plan that provides details and specifications of all lighting fixtures, including pole heights, designs, and locations. A photometric plan should be provided. Full cut-off optics are encouraged.
13. Overall concept development plan if the proposed project or phase is a portion of a larger development plan.
14. Statement of compliance with the Prince George's County Code Noise Control Ordinance, Section 19, subsections 120 through 126.
15. Architectural elevations of all buildings shown in color.
16. Traffic impact statement or traffic study conducted in substantial accordance with the Department's *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, describing the effect, if any, on the local transportation system and the proposed means of addressing any unmitigated impacts on affected facilities.
17. Statement of community outreach indicating what the applicant has done to inform the public, including the neighboring property owners, about the proposed project. Include dates of meetings or events at which the

applicant shared information, and what, if any, feedback was received, positive or negative.

18. Other information as determined at the time of the pre-application meeting.

Section V: The Mandatory Referral and Specific Related Processes

A. Natural Resource Inventory/ Forest Conservation Plans: The mandatory referral process may acknowledge the necessity for a Natural Resource Inventory (NRI) and/or a Tree Conservation Plans (TCP), but they are not approved as part of the mandatory referral process. NRIs and TCPs are not required to be submitted with the mandatory referral application; however, they may be required later in the development process for projects subject to local permitting. The applicant will be notified during the mandatory referral process if a NRI or TCP will be required.

Natural Resource Inventory (NRI) is defined as a plan map and supporting documentation or letter that provides all required information regarding the existing physical and environmental conditions on a site that is approved by the Planning Director or designee as described in the *Environmental Technical Manual* as approved and amended by the Planning Board from time to time.

Forest Conservation: Under the Maryland Forest Conservation Act, approval authority for forest conservation plans was delegated to the Prince George's County Planning Board, or its designee. In some cases, the state may choose to review cases, particularly state and federal sites, which are subject to the Clean Water Act. While the Planning Board's review of Mandatory Referrals is advisory, its authority to approve TCP is final and can have an impact on whether such projects can proceed. Section 25-119(b)(1)(A) of the Woodland and Wildlife Conservation Ordinance provides that "all development applications shall submit either a TCP, or a Letter of Exemption," prior to issuance of a grading permit.

B. Critical Area/Conservation Plans: The Critical Area includes all land within 1,000 feet of tidal waters in the state. In Prince George's County, the Critical Area is mapped as an overlay zone. Under Title 27 of the Code of Maryland Regulations (COMAR), approval authority for local development in the Critical Area is delegated to each county; however, all federal, state, WSSC, and M-NCPPC park projects are reviewed at the state level by the Critical Area Commission.

A Critical Area Conservation Plan (CP) may be required for projects, subject to local permitting. A Mandatory Referral is not required for projects located within the Critical Area Overlay Zone that require a Conservation Plan (CP) under the County's Critical Area Ordinance (Section 5B of the county code), so long as

transportation, historic preservation and community impacts are also reviewed at the same time.

C. Schools: Closed school properties reviewed in accordance with the Prince George’s County Board of Education’s Board Policy 2570-Closing of School Buildings, and the corresponding Administrative Procedure 2571, are to be reviewed initially when the properties are transferred to the county and the county prepares a reuse proposal. They may be reviewed a second time when a specific use is selected and a detailed program of development and schematic design is prepared. These two steps may be combined into a single review if a specific use is proposed and schematic plans and other information needed to process the application are submitted for staff review in a timely manner.

(Note: Reuse of closed school properties differs from disposition in that properties designated for reuse remain the property of the county and are subject to long-term leases, whereas disposition entails selling the closed schools after—among other conditions as cited in Sec. 2-111.01, such as sale, lease, or other disposition of county property of the County Code—the Planning Board determines the site is not needed for park or recreation use.)

Sections 27-443, 27-463, and 27-475.06.01 of the Zoning Ordinance do not require a detailed site plan review of a private educational institution when using an existing public school, which has been conveyed by the Prince George’s County Board of Education to Prince George’s County, if the county maintains ownership of the facility and operates the school in it, or leases the facility for use as a private school of any type. Such projects would not be reviewed as Mandatory Referrals.

Non-public alternative schools will be reviewed as Mandatory Referrals if they meet all of the following criteria:

- 1) Prince George’s County special needs students are placed in the facilities;
- 2) The school is bound by public school law; and
- 3) The school receives funds from the Prince George’s County Public School system.

Section VI: Types of Review and Exemptions

After analysis of the project and consultation with the applicant and the community, the Legal Department will determine if a project is eligible for the Mandatory Referral process. If the Mandatory Referral process is the appropriate venue, then the Planning Director and/or the Countywide Planning Division Chief will determine which of the following types of Mandatory Referral review will be conducted:

- Administrative review by the staff for minor projects; or

- Full Planning Board review.

The Prince George's County Zoning Ordinance, Division 11, Sections 27-292 through 295, addresses the approval of public buildings and uses, and buildings and uses on county-owned land. According to the Zoning Ordinance, the District Council shall approve all public buildings, structures, and uses, except those of municipal, state, or federal agencies. Section 27-294(b) recognizes the Mandatory Referral process.

Public projects, such as interior renovations, minor modifications as part of routine maintenance, minor utility projects, minor sidewalk improvements, or minor stream restoration projects, should be exempt from the Mandatory Referral review process.

A. Administrative Review by the Staff for Minor Projects

This type of review will normally be conducted for small additions, alterations, or renovations to existing facilities that do not create any significant impact on the surrounding community, parkland, or natural resources, and are completely in compliance with applicable laws and regulations. Examples of projects that may qualify for administrative review are minor modifications conducted as part of routine maintenance, placement of a small equipment shed on a site, interior improvements that do not alter or increase the programming capacity of the facility, a bridge replacement in-kind, sidewalk construction that does not affect the roadway, minor roadway construction, and other such improvements that do not change the land use, character, intensity, scale, or nature of the program, or the facility under review.

No Mandatory Referral hearing or notification will be required for projects approved through administrative review procedures. A letter from the Planning Director will notify the applicant that no further Mandatory Referral review is required for the project. This does not exempt any project from the need to meet the requirements of any other entitlement process.

B. Full Planning Board Review

This type of review will be conducted for projects that do not fall into the first category and, therefore, will go through a full Planning Board review with a Mandatory Referral hearing and notification as described in this package. The applicant should consult with the Planning Department staff early in project development to determine when a project should be submitted for review. Projects should be submitted for Planning Board review as soon as all the necessary information is complete and there is still enough time to make changes, if needed, to address the Planning Board's recommendations. Generally, a project is to be submitted at 30-35 percent completion during the design development stage (also referred to as the facility planning, schematic

design, or concept design phase). All site selections and acquisitions, even if they are consistent with the relevant master plans, must be submitted for Mandatory Referral before they are finalized.

Some projects may need to be reviewed at more than one stage as a Mandatory Referral depending upon the nature and type of development proposed. For example, a property may be initially reviewed by the Planning Board at site selection, and later for approval of the proposed design of buildings and site improvements. For large or particularly sensitive projects, the Planning Board may require a second review when a more detailed design is available. Where appropriate, two or more actions by the Planning Board may be combined into one review, e.g., land associated with rights-of-way acquisition in CIP projects which may be part of the full project review and not a separate Mandatory Referral.

A staff report will be produced summarizing comments received from all sections from which comments were requested. The staff report will include a recommendation from staff concerning whether the Planning Board should approve the project, disapprove it, or approve it with suggested modifications. This does not exempt any project from the need to meet the requirements of any other applicable entitlement process.

If there is a need for additional information, or the project could potentially be modified as it continues through the final design stages before construction, a follow up review by the staff may be requested. The staff will determine if the project needs to be brought back to the Planning Board for a full review, unless a follow up review is requested by the Planning Board.

Closed Sessions: If an applicant agency is involved in sensitive negotiations (contract bids) or has reasonable security concerns, and a full Mandatory Referral with public review and disclosure at that point may put the applicant agency at a disadvantage or at a security risk, or if there is not enough time to conduct a full review as the available site may be sold to a private party before the review is complete, the staff may propose that a closed session consultation with the Planning Board is warranted. However, such a consultation would only be to provide the Planning Board's informal comments for the applicant's information and consideration. A full review with a public hearing and notification will be required before the proposed acquisition or sale is finalized. The comments provided in a closed session will be the Planning Board's initial response based on the information provided, and may not be the Planning Board's final recommendation.

(Note: Maryland Law permits the Planning Board to meet in closed session for a number of reasons. See Md. Code Ann., General Provisions Code §3-305. See Attachment 2 for the full text of the law.)

C. Projects Exempt from Mandatory Referral Review

When an application is received, a determination must be made by the Legal Department as to which review process will be applied. The following projects will be considered exempt from the Mandatory Referral review process:

- Any county project that goes through an extensive Capital Improvements Program/Projects (CIP) Review and a referral to the Planning Board.
- Emergency repairs to roadways, public buildings or structures, or existing publicly and privately owned utilities.
- Any telecommunication tower that is proposed by and used by a private entity on public property is not considered a public use and must go through the applicable entitlement process.

These exemptions take into consideration that any county or municipal project that must go through the permit and possible entitlement process will be reviewed by Commission staff as well as the Department of Permits, Inspection and Enforcement in a detailed manner to ensure that it is in conformance with any applicable regulatory regulations.

Second, any county project that was reviewed through an extensive CIP review process and received approval by the Planning Board and the County Council is exempt from Mandatory Referral review.

Third, any emergency repairs to existing infrastructure or buildings are exempt from Mandatory Referral review, since the Mandatory Referral review process would cause an unnecessary delay to deliver critically needed repairs.

Finally, any telecommunication tower/facility that is paid, constructed and maintained by a private entity and that private entity will retain ownership interest and operational control of the tower/facility on public land is not considered a public structure and is subject to the requirements of the applicable entitlement process.

Section VII: The Solar Energy Systems (SES) Guidelines

The guidelines in Attachment 3 apply to Solar Energy Systems (SES) that are reviewed under the Prince George's County Planning Board's (the "Board") Mandatory Referral Process, and that require approval from the Maryland Public Service Commission (PSC) or any other public body are subject to the Board's Mandatory Referral Process. The Board expects applicants to demonstrate that their proposals comply with these Guidelines.

Section VIII: Mandatory Referral Hearing and Notification – Full Review

The Planning Board will conduct a hearing to receive community comments during its regularly scheduled sessions for all projects requiring a full review. The staff will notify the area civic associations registered with the Planning Department for notice of development activity in the location of the proposed project when the project is accepted as a complete application and the 60-day clock starts. The notice will include, but not be limited to, project name, applicant, location, a brief description, staff contact, applicant's representative's contact information, and a tentative date of the Planning Board meeting at which public testimony will be taken. A final notice of the hearing will be published in the Planning Board's weekly agenda, which is available on the Internet at www.pgplanning.org. It is strongly recommended that applicants' representatives attend the public hearing and be available to discuss the project and answer any questions from the Planning Board.

The Planning Board encourages applicants to conduct adequate and timely community outreach and notification, including noticing adjacent, abutting, and confronting property owners. The staff will work with the applicant to determine appropriate outreach in each case. Interagency coordination and public notification conducted pursuant to other laws and regulations are encouraged, but would not be accepted in lieu of appropriate community outreach for the Mandatory Referral processes.

Section IX: Planning Board Consideration – Full Review

During the Mandatory Referral hearing at the Planning Board's regularly scheduled meeting, the Planning Board will review the proposal and may seek clarifications from the staff, the applicant, or the community, if necessary. The Planning Board will consider all relevant land use and planning aspects of the proposal including, but not limited to the following:

1. Whether the proposal is consistent with the County's General Plan, functional plans such as the Countywide Master Plan of Transportation, Green Infrastructure Plan, the approved and adopted area master plan(s) or sector plan(s), and other public plans, policies, or programs for the area;
2. Whether the proposal is consistent with the intent and the requirements of the zone(s) in which it is located;
3. Whether the nature of the proposed site and development, including its size, shape, scale, height, arrangement, and design of any structure(s), is compatible with the surrounding neighborhood and properties;

4. Whether the locations of buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular access and circulation systems are adequate, safe, and efficient;
5. Whether the proposal has negative transportation impacts on the surrounding neighborhood;
6. Whether the proposal has an approved NRI and is consistent with an approved stormwater management concept plan, and meets the requirements of the Woodland and Wildlife Habitat Conservation Ordinance (Subtitle 25 Trees and Vegetation Division 2 of the County Code). The Tree Conservation Plan, if applicable, may require Planning Board approval, either before or at the time of the Planning Board's Mandatory Referral review and action on the project, or prior to the issuance of any grading permit for the project. Unlike the Mandatory Referral review by the Planning Board, the conditions of the Tree Conservation Plan are binding on all county projects;
7. Whether or not the site would be needed for park or recreation use (if the proposal is for disposition of a surplus school); and
8. Whether alternatives or mitigation measures have been considered for the project if the proposal is inconsistent with the General Plan, or other plans and policies for the area, or has negative impacts on the surrounding properties or neighborhood, the transportation network, the environment or other resources;

Section X: The Planning Board Recommendation – Full Review

Based on the staff report, public comments and input, the applicant's rationale, and the findings and considerations described in Section VI of this document, the Planning Board will approve (with comments, if appropriate), or disapprove Mandatory Referral applications.

Following the Planning Board's review, the Chairman of the Planning Board will send a letter containing the Board's recommendation and its rationale to the head of the applicant public agency. The Chairman's letter will also request a written response from the applicant agency stating how the agency will proceed with the proposal and explaining any variation from the Planning Board's recommendations. It is recommended that the applicant agency advise the Planning Board within 30 days as to whether it will accept the Planning Board's recommendation. Because the Planning Board's recommendations are advisory only, an applicant may overrule the Planning Board's disapproval and proceed with the proposed project. Furthermore, there is no judicial review of the matter.

Section XI: Dismissal of Dormant Mandatory Referral Cases

In accordance with Section 20-304 of the Land Use Article of the Maryland Annotated Code, the mandatory referral process is 60 days, unless the applicant agrees to waive the 60-day time limit. However, when a case is inactive for 60 days or more, the case will be closed or terminated. **The termination of the mandatory referral process does not preempt the applicant from refiling the same case in the future. The applicant may file a mandatory referral intake questionnaire (as described in Section II) to start the process again.**

A. Closing Cases for Inactivity After the Intake Questionnaire is Completed: As described in Section II: Mandatory Referral In-Take Questionnaire, an applicant receives a letter from the Planning Director that states what type of review the mandatory referral case will follow, what the case number is, and provides the name and contact information of the case manager. The applicant should contact the case manager when they are ready to start the mandatory referral process. If there is no action from the applicant to begin the mandatory referral process 60 days from the date of the Planning Director's letter, the mandatory referral case number will be retired.

B. Closing Cases for Inactivity after a Mandatory Referral Application is Accepted: Mandatory referral cases that are inactive for 60 days will be terminated. The applicant will be notified by letter indicating that if the applicant wants to maintain the case in an active status, they must contact the case manager within a week to move the case forward.

Section XII: The Mandatory Referral Uniform Standards Applicability

The Mandatory Referral Uniform Standards contained herein apply only in Prince George's County.

LAND USE
DIVISION II. MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.
TITLE 20. MARYLAND-WASHINGTON REGIONAL DISTRICT.
SUBTITLE 3. REVIEW OF PUBLIC PROJECTS.
PART I. MANDATORY REFERRAL REVIEW.

Md. LAND USE Code Ann. § 20-301 (2017)

§ 20-301. Prior approval required.

Subject to §§ 20-303 and 20-304 of this subtitle, a public board, public body, or public official may not conduct any of the following activities in the regional district unless the proposed location, character, grade, and extent of the activity is referred to and approved by the Commission:

- (1) acquiring or selling land;
- (2) locating, constructing, or authorizing:
 - (i) a road;
 - (ii) a park;
 - (iii) any other public way or ground;
 - (iv) a public building or structure, including a federal building or structure; or
 - (v) a publicly owned or privately owned public utility; or
- (3) changing the use of or widening, narrowing, extending, relocating, vacating, or abandoning any facility listed in item (2) of this section.

§ 20-302. Jurisdiction.

(a) Federal and State referrals. -- The Commission has exclusive jurisdiction over mandatory referrals made under this part from the United States or the State, or any unit of the United States or the State.

(b) County referrals. -- A county planning board has exclusive jurisdiction over a mandatory referral under this part by the county planning board's respective county government or any unit of the county government.

(c) Additional referrals -- Montgomery County. -- The Montgomery County Planning Board has exclusive jurisdiction over a mandatory referral under this part by the county board of education, a municipal corporation or special taxing district, or a publicly owned or privately owned public utility.

§ 20-303. Commission disapproval.

(a) Required notice. -- If the Commission disapproves a referral submitted under § 20-301 of this subtitle, the Commission shall communicate the reasons for the disapproval to the entity that proposed the activity.

(b) Overruling. -- Notwithstanding § 20-301 of this subtitle, the entity that proposed the activity may overrule the disapproval of the Commission and proceed with the activity as proposed.

§ 20-304. Commission failure to act.

Unless a longer period is granted by the submitting entity, an official referral to the Commission under this part is deemed approved if the Commission fails to act within 60 days after the date of submission.

§ 20-305. Uniform standards of review.

(a) Adoption. -- After appropriate public hearings, the Commission shall adopt uniform standards of review to be followed in reviewing changes to property subject to review.

(b) Notice. --

(1) The Commission shall publish a notice of the adoption of the standards of review in a newspaper of general circulation that is published in each county.

(2) The notice shall:

(i) include a summary of the purpose of the standards and the review process; and

(ii) identify a location and a phone number to contact for a complete copy of the standards of review.

HISTORY: An. Code 1957, art. 28, § 7-112; 2012, ch. 426, § 2.

§§ 20-306, 20-307.

Reserved.

GENERAL PROVISIONS
TITLE 3. OPEN MEETINGS ACT
SUBTITLE 3. OPEN MEETINGS REQUIREMENTS

Md. General Provisions Code Ann. § 3-305 (2017)

§ 3-305. Closed sessions.

(a) Construction of section. -- The exceptions in subsection (b) of this section shall be strictly construed in favor of open meetings of public bodies.

(b) In general. -- Subject to subsection (d) of this section, a public body may meet in closed session or adjourn an open session to a closed session only to:

(1) discuss:

(i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or

(ii) any other personnel matter that affects one or more specific individuals;

(2) protect the privacy or reputation of an individual with respect to a matter that is not related to public business;

(3) consider the acquisition of real property for a public purpose and matters directly related to the acquisition;

(4) consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;

(5) consider the investment of public funds;

(6) consider the marketing of public securities;

(7) consult with counsel to obtain legal advice;

(8) consult with staff, consultants, or other individuals about pending or potential litigation;

(9) conduct collective bargaining negotiations or consider matters that relate to the negotiations;

(10) discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:

(i) the deployment of fire and police services and staff; and

(ii) the development and implementation of emergency plans;

(11) prepare, administer, or grade a scholastic, licensing, or qualifying examination;

(12) conduct or discuss an investigative proceeding on actual or possible criminal conduct;

(13) comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or

(14) discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

(c) Limitation. -- A public body that meets in closed session under this section may not discuss or act on any matter not authorized under subsection (b) of this section.

(d) Vote; written statement. –

(1) Unless a majority of the members of a public body present and voting vote in favor of closing the session, the public body may not meet in closed session.

(2) Before a public body meets in closed session, the presiding officer shall:

(i) conduct a recorded vote on the closing of the session; and

(ii) make a written statement of the reason for closing the meeting, including a citation of the authority under this section, and a listing of the topics to be discussed.

(3) If a person objects to the closing of a session, the public body shall send a copy of the written statement to the Board.

(4) The written statement shall be a matter of public record.

(5) A public body shall keep a copy of the written statement for at least 1 year after the date of the session.

HISTORY: An. Code 1957, art. SG, § 10-508; 2014, ch. 94, § 2

Prince George's County Solar Energy Systems (SES) Guidelines for Mandatory Referral Cases

Purpose and Intent

The Planning Department encourages the generation of low-carbon and clean, renewable energy sources. The following guidelines apply to Solar Energy Systems (SES) that are reviewed under the Prince George's County Planning Board's (the "Board") Mandatory Referral Process. All SES that require approval from the Maryland Public Service Commission (PSC) or any other public body are subject to the Board's Mandatory Referral Process. The Board expects applicants to demonstrate that their proposals comply with these Guidelines. The Board will utilize these Guidelines to prepare comments for the PSC and any other public agency having jurisdiction over the proposal.

Sections 20-301 through 305 of the Land Use Article of the Maryland Annotated Code require all federal, state, and local governments, and public and private utilities, to submit proposed land development projects for a Mandatory Referral review by the Board. In Prince George's County, the Board is the statutorily created body under the Land Use Article, and performs the duties of the Maryland-National Capital Park and Planning Commission in Prince George's County (the "County").

Applicability

These Guidelines are designed to provide consistent parameters for the Board to review all SES located in the County that require approval from the PSC or any other public body. These Guidelines provide a framework for review of SES and analysis of the project's conformance with the County's comprehensive land use plans. The Board invites the PSC and other public agencies to give "due consideration" to these Guidelines and to the Board's specific Mandatory Referral comments for each SES, as required by §7-207(e) of the Public Utilities Article.

Timing of Review

Review in accordance with these guidelines will occur during the Mandatory Referral Process as specified in the Prince George's County Planning Board's Adopted Uniform Standards for Mandatory Referral Review.

Siting Preferences

Site selection and placement on the site are important considerations for SES projects. The Board strongly discourages locations that result in significant loss of prime agricultural land, affect cultural and natural resources, or impact significant scenic viewsheds. The remainder of these guidelines set forth the specific standards that the Board will utilize to meet these goals.

Location Restrictions

The Board does not support SES in the Chesapeake Bay Critical Area or the Mount Vernon Viewshed Area of Primary Concern.

The Board's siting preference hierarchy is as follows, listed from most suitable to least suitable in descending order:

1. Locations on disturbed land such as brownfields, reclaimed surface mines, abandoned rubble fills, and closed landfills.
2. Locations in industrial and commercial zoning districts.
3. Locations in residential zoning districts other than R-O-S, O-S, and R-A zones.
4. R-O-S, O-S, and R-A zoned properties. Proposals in these zoning districts are subject to the following additional guidelines:
 - a. The least productive agricultural soils, classified as class IV through VIII (as determined by USDA-NRCS Soil Survey) should be considered first if buildable.
 - b. A dual-use land-design concept should be considered to preserve productive farmland by:
 - (a) continuing crop production underneath high-mounted and well-spaced panels; or
 - (b) maintaining and grazing livestock, or poultry underneath panels; or
 - (c) Maintaining and planting an herbaceous cover with pollinator value.
 - c. If dual-use concepts are determined to be impractical, the Board strongly discourages installing SES on soils with classification of I, II, and III as determined by USDA-NRCS Soil Survey, as these are the most productive soils. If proposed, such projects would be expected to provide mitigation for the loss of productive soils.

Woodland Conservation

The Board strongly discourages the clearing of woodlands for the installation of SES. In cases where clearing of woodlands is unavoidable, the applicant shall be required to comply with Subtitle 25, Division 2 of the County Code, the Woodland and Wildlife Habitat Conservation Ordinance. The applicant shall submit a Type 2 Tree Conservation Plan that is consistent with all ordinance requirements. Whenever possible, all reforestation area(s) should be located within the impacted sub-watershed and should be designed to contribute to the maximum extent practical to improving the water quality of the impacted watershed.

Setback and Height Restrictions

The siting of SES should comply with all setback and height requirements of the zone in which they are located.

Screening and Buffering

SES should be designed to minimize visibility from roads and neighboring properties. SES should strive to implement landscaping and screening set forth in the Prince George's County Landscape Manual. For purposes of applying Table 4.7-1 of the Landscape Manual, SES will be considered a Low Impact use and will be reviewed in accordance with the corresponding landscape buffering requirements.

Protection of Rural Character and Scenic and Historic Resource Areas

To the maximum extent practical SES should be sited behind natural topography, existing vegetation, or supplemental indigenous landscaping to screen the facility from public view. SES facilities should be screened in accordance with the Prince George's County Landscape Manual from all scenic and historic-designated roads, properties within a County-designated Historic District, National Register properties, historic sites and environmental settings. The Board will consider the impact of SES on properties designated as historic.

Fencing

Metal fencing (chain-link or equivalent), when necessary for security and public safety purposes, should be non-reflective and black in color to minimize visibility of the fencing material in the landscape. Fencing over seven feet in height is discouraged.

Lighting

If lighting is required, all fixtures should be energy efficient, motion-sensor, full-optic cutoff, and downward casting such that light does not spill onto adjacent parcels or the night sky. Floodlights of any type are strongly discouraged.

Vegetation Management

For the enhancement of habitat and site pollinator value, an herbaceous cover mix selected from the Natural Resources Conservation Service Conservation Practice Standards for Conservation Cover (Code 327), Table 2: Selected List of Herbaceous Cover Mixes based on the specific characteristics of the site should be utilized.

Grandfathering

The Board and staff will be more lenient in applying the guidelines to pre-existing projects.

Decommissioning and Restoration

The Board supports the PSC's practice of requiring a decommissioning and restoration plan which will be updated every five (5) years, over the life of the project.



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