

Statement Of Justification

For Impacts To Regulated Environmental Features (Subtitles 24 And 27)

In Prince George's County, streams and nontidal wetlands and their associated buffers, and isolated nontidal wetlands and their associated buffers (collectively referred to as "regulated environmental features"), are required by the Zoning Ordinance and the Subdivision Ordinance to be preserved in and/or restored to a natural state to the fullest extent possible.

When impacts to "regulated environmental features" as defined in Subtitle 24 (Subdivision Ordinance) are proposed with a development review application [Conceptual Design Plan (CDP), Conceptual Site Plan (CSP), Detailed Site Plan (DSP), Specific Design Plan (SDP), Special Exception (SE), Special Permit or Preliminary Plan of Subdivision] the applicant is required to submit a Statement of Justification describing the impacts proposed and how the impacts have been minimized "to the fullest extent possible."

The determination of "fullest extent possible" is a three-step process that starts with avoidance of impacts. If the impacts are unavoidable and necessary to the overall development of the site, and cannot be avoided, the impacts must be minimized. After impacts have been minimized, the mitigation of impacts may be required. A more detailed description of this process is contained in Part C - Preservation, Restoration and Enhancement of Regulated Environmental Features, *Environmental Technical Manual* (2010 or as revised).

The following is a sample of the format and information recommended for this type of Statement of Justification. The Statement of Justification is submitted with the development review application, or as soon as possible when impacts to regulated environmental features are identified in the review process, and no less than 35 days before the schedule Planning Board hearing.

(SAMPLE) STATEMENT OF JUSTIFICATION FOR IMPACTS TO REGULATED ENVIRONMENTAL FEATURES

Case Name, Application (Case) Number:

Reference the case by the case name (e.g., "Jones Property"), application ("case") number, and associated Tree Conservation Plan (TCP) number.

Description and location of the subject property:

Describe the geographical location by referencing adjoining road(s), block, parcel lot, and/or street address. Provide the current zoning and acreage of the subject property. For example, "The subject property is located on the west side of Main Street, 100 feet north of River Drive, is zoned R-R, and is 25.73 acres in size."

General description of proposed use and the request:

Describe the nature of the proposed use and the request, including square footage or acreage of the total area proposed for impacts and the acreage of each individual impact as well as the impact types, and whether the impacts proposed are temporary or permanent. For example, "This application includes a request for approval of impacts to regulated environmental features totaling 2.73 acres. The impacts total 215 linear feet of stream beds and 0.57 acres of wetlands and wetland buffers. The request includes two stream crossings, one sewer line, and seven stormwater outfalls, all of which are permanent impacts."

Description of existing regulated environmental features on-site:

Describe the existing regulated environmental features located on-site including the total acreage of the Primary Management Area (PMA) and other regulated environmental features (isolated wetlands), and the total linear feet of regulated stream, as shown on the approved Natural Resource Inventory (NRI). For example, “The site contains a total of 7.25 acres of PMA. The PMA comprises 400 linear feet of regulated streams and associated 75-foot-wide buffers, as well as wetlands, wetland buffers, floodplain, and areas of steep slopes. The PMA is generally located on the west side of the property. The existing PMA is 29 percent of the total site area.”

Describe the existing condition of the PMA located on-site. For example, “The PMA located on the western portion of the property contains a perennial stream in good condition with surrounding woodland of high diversity.” Another example might be, “The PMA located on the eastern portion of the property contains a highly eroded intermittent stream channel with a high percentage of invasive species and relatively low species diversity.”

Description of applicable code:

Identify the applicable section of the Prince George’s County Code that contains the required finding of “fullest extent possible.”

Plan Type	Code Reference
CDP	Sec. 27-521(a)(11)
CSP	Sec. 27-276(b)(4)
Preliminary Plan	Sec. 24-130(b)(5)
SDP	Sec. 27-528(a)(5)
DSP	Sec. 27-285(b)(4)
Special Exception	Sec. 27-317(a)(7)
Special Permits	Sec. 27-239.02(a)(6)(A)(iii)

Exhibits: Provide an 8½” x 11” exhibit of each impact that shows the acreage (or square footage) of area related to that specific impact. The scale should be smaller than the overall plan sheets so that the features are clearly shown and labeled.

Specific description of the proposed impacts and justification of avoidance and minimization:

Using numbers or letters separately identify and describe each impact type being requested. The identification number or letter must be consistent with the applicable exhibit. State the location and square footage of the impact area. If any portion of the impact area is to be restored, provide the square footage of the area to be restored.

Provide a justification statement with regard to how impacts have been avoided or how they could not be avoided. (Can the impacts be avoided by another design? Are the road crossings as shown necessary for the reasonable development of the property? Is it necessary to place the utilities within the boundaries of the regulated environmental features?). Provide a justification statement with regard to how the impacts have been minimized. (How have the impacts been minimized? Are road crossings placed at the point of least impact? Are the utilities placed in locations where they can be paired or grouped to reduce the number of different locations of impacts? Are there alternative designs that could reduce the proposed impacts?). Refer to the *Environmental Technical Manual* regarding necessary and unnecessary impacts.

Text sample format:

Impact #1 is ## square feet (or acres) of PMA disturbance for a road crossing....

- a. avoidance justification
- b. minimization justification

Impact #2 is ## square feet (or acres) of PMA disturbance for a SWM outfall....

- a. avoidance justification
- b. minimization justification

For projects with proposed multiple impacts and/or impact types, provide a table as shown.

Impact ID	Impact type and duration	Total acreage or square footage of impact	Linear feet of stream bed impact	Acreage or square footage of wetland and wetland buffer impact
1	Stream crossing / permanent	12,200 square feet of PMA impact	75 linear feet of stream bed	10,500 square feet
2	Stormwater outfall/ permanent	2,500 square feet of wetland and wetland buffer impact (isolated)		2,500 square feet
3	Sewer trunk line and connections / permanent	42,300 square feet of PMA impact	200 linear feet	10,430 square feet
Total linear feet of stream bed impacts			275 linear feet	
Total wetland and wetland buffer impacts				23,430 square feet

Mitigation: If after avoidance and minimization have been considered, there are still proposed impacts to regulated environmental features, mitigation, if proffered, may be considered to determine whether impacts can be supported or not. Depending on the application type, the mitigation proposal can be general in nature (with CDPs, CSPs and preliminary plans) or specific to the areas where mitigation will be provided (DSPs, SEs, SDPs).

For the justification statement, if mitigation is proposed, provide a description of the proposed mitigation and provide exhibits for each proposed mitigation type. The mitigation must be proportional in size or environmental benefit to the impacts requested. The mitigation exhibits should be similar to the impact exhibits (8½" x 11") and include the measurement in linear feet or acreage of each proposed mitigation area. A description of how the proposed mitigation will benefit the subject property and/or upstream or downstream properties should be included.