



**MEGAN REISER & KIM FINCH**

Greenbelt, MD  
Source: M-NCPPC

# Overview of Subtitle 25 Update: Trees and Vegetation

 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Prince George's County Planning Department

Prince George's County Council  
Committee of the Whole

9/12/23

# Why is an update to this subtitle required?

HB 723/ SB 526 entitled "Natural Resources – Forest Preservation and Retention" was signed into law on May 8, 2023.



**Mandate**

The bills require significant changes to our current code by July 1, 2024.

# Additional reasons to update Subtitle 25

While the state legislation is the main driver for an update, there are many other reasons:



# Overview

**01**

Divisions of Subtitle 25.

**04**

Major Changes Summary Table.

**02**

History of woodland conservation and tree canopy cover requirements in the County.

**05**

Impacts of the bill on the County.

**03**

Summary of current changes mandated by HB 723/ HB 526.

**06**

Timeline and next steps.

# Divisions of Subtitle 25 (Trees and Vegetation)

## Division 1. General

Implementation by the Department of Public Works and Transportation (DPW&T) regarding roadside trees and trees in rights-of-way.

## Division 2. Woodland and Wildlife Habitat Conservation Ordinance

Implementation by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Department of Permitting, Inspections and Enforcement (DPIE) for development.

## Division 3. Tree Canopy Cover Ordinance

Implementation by M-NCPPC and DPIE on developed and developing sites.



College Park, MD  
Source: M-NCPPC

# History of the Woodland and Wildlife Habitat Conservation Ordinance

(Subtitle 25. Division 2)



In 1989, the Prince George's County Council enacted the Prince George's County Woodland Conservation and Tree Preservation Ordinance (WCO), effective January 1, 1990



In 1991 the State Forest Conservation Act (FCA) was passed making woodland conservation a state-wide requirement



The FCA created statewide requirements for the conservation of woodlands during public and private development on sites



In Prince George's County this applies on lots larger than 40,000 square feet and containing more than 10,000 square feet of woodland



The most recent major revision to the Prince George's County ordinance became effective on September 1, 2010, and Division 3 for Tree Canopy Cover was established

# Tree Canopy Cover Ordinance

(Subtitle 25. Division 3)

# Forest Replacement Requirements

- Removed Woodland Conservation Thresholds (the minimum requirement based on zoning)
- New Replacement Requirements (Option 1)
  - 1:1 replacement for clearing (previously ¼:1, 1:1, and 2:1)
  - ½:1 replacement for priority funding areas
  - ¼:1 replacement for transit-oriented development (most activity centers) and certain multifamily
- Alternative Program (Option 2)
  - A local jurisdiction may propose, and the Maryland Department of Natural Resources (DNR) may approve, alternative afforestation, reforestation and preservation requirements that are expected to result in maintaining existing level of forest cover, based on the County's annual reports



Bowie, MD  
Source: M-NCPPC

# Stream Buffers

Reforestation and afforestation is required in all stream buffers:

- 50-feet for intermittent streams
- 100-feet for perennial streams



Western Branch Patuxent River in Maryland  
Source: M-NCPPC



# Notification and Public Comment

Notification is required prior to approval of a Tree Conservation Plan (TCP). Notice shall be sent to all property owners abutting and adjacent to a project with proposed clearing of priority forest.



Requires opportunity for public written and verbal comments prior to plan approval.

# Written Findings

New written findings required for clearing of priority forest:

- findings to be established by DNR and are also subject to judicial review



Bowie, MD  
Source: M-NCPPC

# New Areas of Priority Forest



## Existing Priority Forest

- Trees, shrubs, and plants located in sensitive areas including 100-year floodplain, steep slopes, and critical habitats
- Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to a site

## New Priority Forest

- Intermittent streams with 50-foot buffer
- Perennial streams with 100-foot buffer
- Forest Interior Dwelling Species (FIDS) habitat
- Forested Tier II and III high quality watersheds
- Forested water resource protection zones (reservoir lands)
- Forests in urban areas (will be delineated in DNR's manual)
- Urban wildlife habitat (to be defined by DNR)

# Judicial Review

A person can now petition for judicial review of an approved TCP in accordance with MD rules no later than 30 days after approval of the TCP



Bowie, MD  
Source: iStock.com/1423098235

# Exemptions



Stream restoration projects

1



Maintenance and retrofitting for stormwater management facilities

2



Forest management

3



Construction of new federal government facility projected to employ 2,500 persons

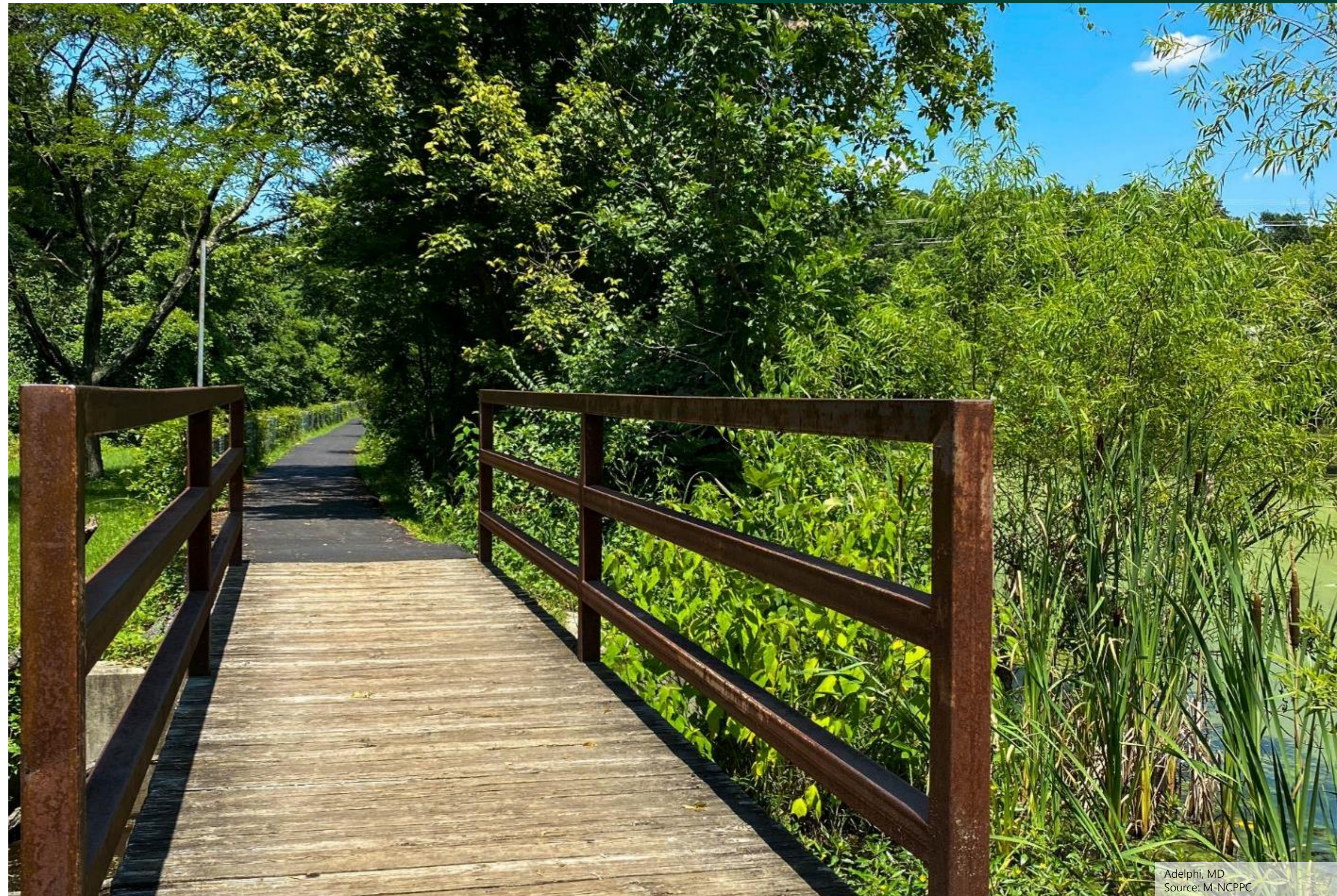
4

# GRANDFATHERING

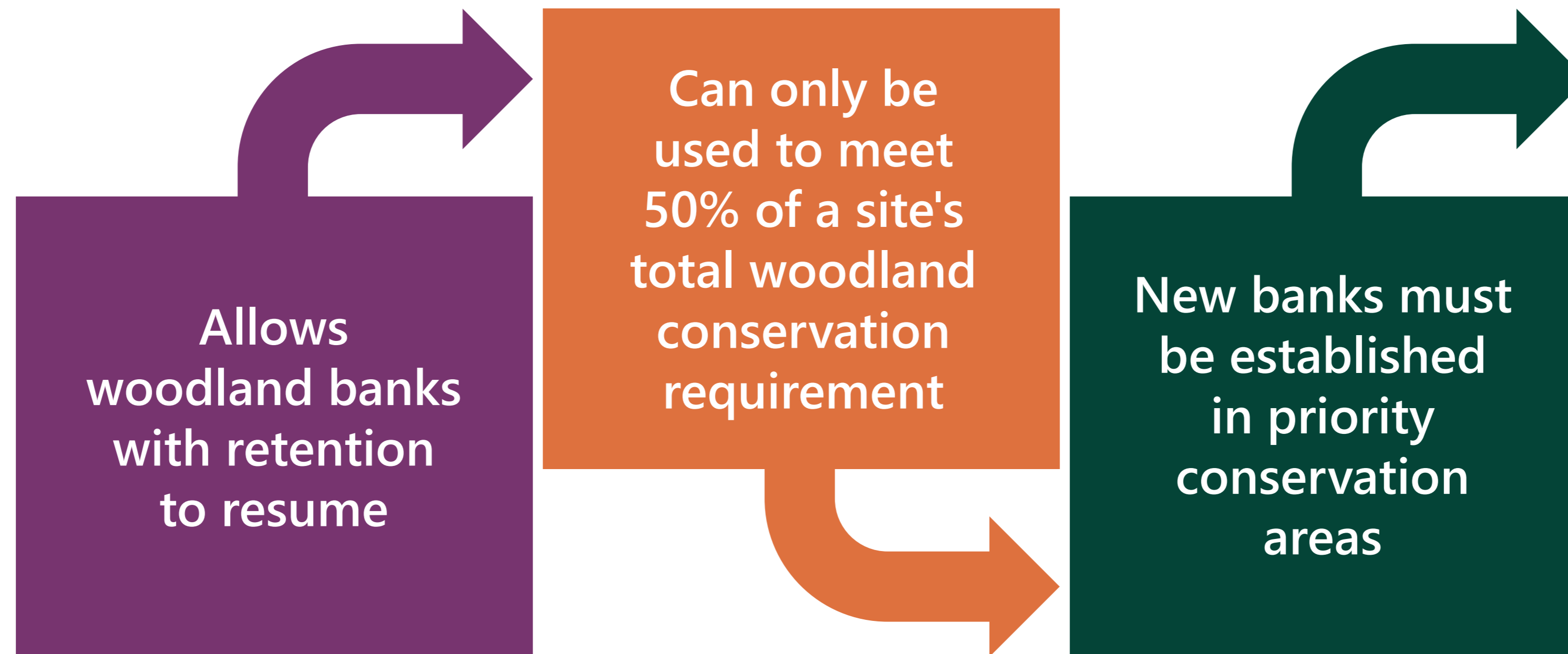
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Does not apply to:

- A vested TCP approved prior to July 1, 2024
- A revision to a plan or permit that does not materially alter the proposed or actual limits of disturbance



# Woodland Banking



# Impact of the bills on the County

## BENEFITS

**Furthers the goals of Plan 2035, the Functional Green Infrastructure Plan and the County's Climate Action Plan by requiring no net loss of forest**

- ✔ Protects existing forests and requires planting in priority areas
- ✔ Increase replacement requirement for tree removal
- ✔ Allows alternative program for local jurisdictions
- ✔ Encourages development in Plan 2035 Centers
- ✔ Authorizes use of retention banking

## CHALLENGES

**Adds cost to all development within the County**

- ✔ Additional application information, review time
- ✔ Higher replacement requirement and limited retention banking may discourage development

**Significant increase to program cost**

- ✔ Staff time to develop programs updates, adds processes and procedures, implementation, and enforcement
- ✔ Increased review time



# Important Dates

July 2023						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

July 2024						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

## Effective July 1, 2023

- DNR to issue procedures to determine whether a local program is expected to maintain or expand the existing level of forest cover for a jurisdiction by December 31, 2023
- DNR to update the state Forest Conservation Technical Manual by December 31, 2024

## Effective July 1, 2024

- Adoption of local amendments
  - alternative program
  - or standard requirements

# Proposed Timeline

**Jun-Dec 2023**

Planning Board briefing (June 2023)  
Council briefing (September 2023)  
Public and stakeholder engagement (ongoing)

**Aug 2023**

Establish web-site

**Oct-Jan 2024**

Work with all interested parties to create a comprehensive draft legislative bill

**Feb-Mar 2024**

Council bill introduction  
Work through the Council's legislative process

**Apr-May 2024**

Council bill adoption

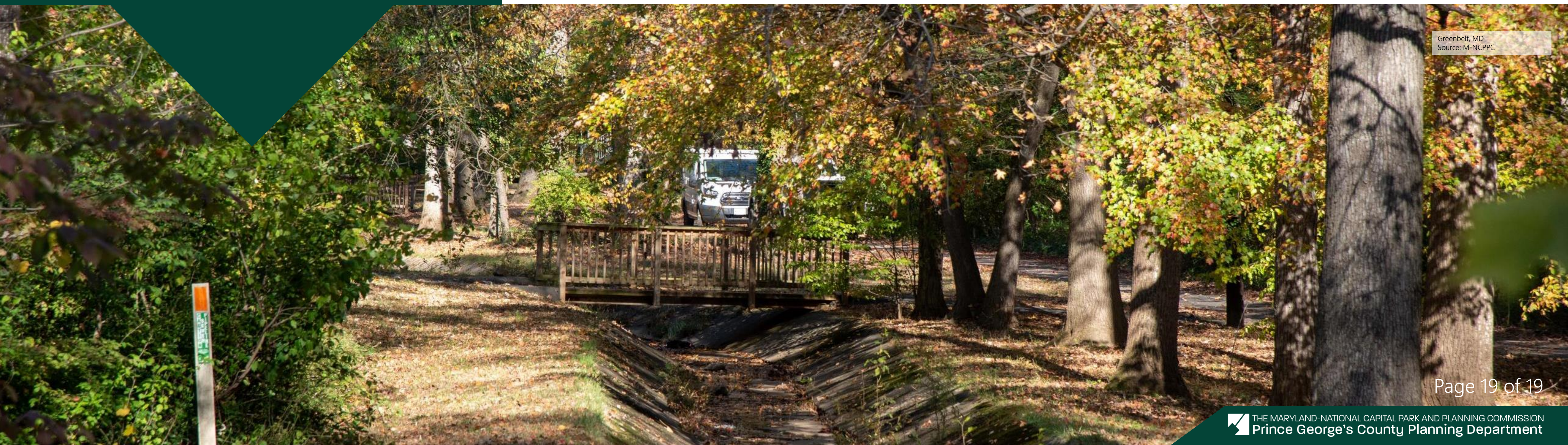
**Mar-June 2024**

Draft Environmental Technical Manual (ETM)

**July 2024**

Effective date for implementation

# Q&A



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