

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2025 Legislative Session

Bill No. CB-046-2025

Chapter No. _____

Proposed and Presented by Council Member Oriadha

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Woodland and Wildlife Habitat Conservation

3 For the purpose of exempting certain applications from the applicability of the woodland
 4 conservation ordinance; providing for a standard letter of exemption for certain properties;
 5 modifying the requirements for certain development review division applications; revising the
 6 allowable uses of the Woodland Conservation Fund; modifying the alternatives for meeting
 7 conservation requirements on-site; modifying the threshold for fee-in-lieu usage; providing for
 8 credit for afforestation projects; revising the rate for fee-in-lieu credits; revising certain
 9 definitions; and revising the applicability of the tree canopy coverage ordinance.

10 BY repealing and reenacting with amendments:

11 SUBTITLE 25. TREES AND VEGETATION.

12 Sections 25-118, 25-119, 25-120, 25-121, 25-122,
 13 and 25-127

14 The Prince George's County Code
 15 (2023 Edition; 2024 Supplement).

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 17 Maryland, that Sections 25-118, 25-119, 25-120, 25-121, 25-122, and 25-127 of the Prince
 18 George's County Code be and the same are hereby repealed and reenacted with the following
 19 amendments:
 20

SUBTITLE 25. TREES AND VEGETATION.
DIVISION 2. WOODLAND AND WILDLIFE HABITAT CONSERVATION
ORDINANCE.

Sec. 25-118. Definitions.

* * * * *

(b) The following terms used in this Division are defined as follows:

* * * * *

(89) **Transit-oriented center[s]:** A transit-oriented center means either:

(A) [That t] Transit-oriented developments which [is] are consistent with [the Maryland] Section 7-101 of the Transportation Article of the Annotated Code of Maryland and are identified within Plan 2035 as regional transit districts or local centers, except[. This does not include] those areas identified as Local Town Centers in Plan 2035[.]; or

(B) A “qualified project” under Section 7-503 of the Land Use Article of the Annotated Code of Maryland.

Sec. 25-119. Applicability.

(a) General

(1) Except as provided in (b) below, this Woodland and Wildlife Habitat Conservation Division applies to:

(A) All DRD applications and grading permit applications[;], excluding applications which propose residential construction activity resulting in the disturbance of less than 20,000 square feet of woodlands on a single lot of any size or linear project that do not have a previously approved and valid TCP;

(B) All activities by a public utility;

(C) All activities of a unit of County or municipal government; and

(D) All activities delegated to the local jurisdiction by the State.

(2) DRD applications shall include a Standard Letter of Exemption or the proper type of tree conservation plans (TCPs) as follows:

(A) DRD Applications for a Conceptual Site Plan, a Preliminary Plan of Subdivision, or other conceptual plans shall include a Type 1 Tree Conservation Plan (TCP1) or a Standard Letter of Exemption.

(B) DRD applications for a Detailed Site Plan (including Minor and Major

Detailed Site Plans), grading permit or other similarly detailed plans shall include a Type 2 Tree Conservation Plan (TCP2) or a Standard Letter of Exemption. If a site requires approval of a TCP2 with an associated land development application, the TCP2 shall not be reviewed independently of the associated plan.

* * * * *

(b) Exemptions from this Division

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(5) Standard Letters of Exemption

(A) A Standard Letter of Exemption shall be issued when a lot or parcel or combination of lots and parcels is less than 40,000 square feet in area.

(B) A Standard Letter of Exemption shall be issued when a lot or parcel or combination of lots and parcels of any size has less than 20,000 square feet of woodland and is not subject to a previously approved TCP. If a lot or parcel that was determined to be exempt using this provision becomes reforested to the point where more than 20,000 square feet of woodlands exist prior to issuance of a grading permit, the exemption may be revoked by the Planning Director or their designee.

[(B)] (C) A Standard Letter of Exemption is not required to be issued when the proposed activities are within the Chesapeake Bay Critical Area because activities within the Critical Area are subject to Subtitle 5B. If a portion of a property is outside the Critical Area, that portion of the property shall be evaluated for conformance with this Division.

[(C)] (D) A Standard Letter of Exemption shall be issued for any property that will be reviewed by the State of Maryland Department of Natural Resources. These properties include, but are not limited to land owned by the State of Maryland. A letter from the State of Maryland Department of Natural Resources stating that they are taking jurisdiction over the review of a project shall be provided with any application package. The Standard Letter of Exemption and the state approved Forest Conservation Plan shall accompany all local DRD applications and grading permit applications.

[(D)] (E) A Standard Letter of Exemption may be issued when local government projects utilizing state funds are proposed and a letter from the State of Maryland Department of Natural Resources is provided stating that they will be reviewing the project.

[(E)] (F) A Standard Letter of Exemption may be issued when a proposal is

submitted that shows the minimum cutting or clearing of trees or woodlands necessary in compliance with the requirements of 14 C.F.R. § 77.25 relating to objects affecting navigable airspace, provided that the Federal Aviation Administration has determined that the trees are a hazard to aviation.

* * * * *

Sec. 25-120. Administration.

* * * * *

(d) Woodland Conservation Fund

(1) A Woodland Conservation Fund shall be established and shall receive the following funds:

(A) Fee-in-lieu payments associated with approved TCPs

(B) Fines as a result of violations

(C) Fee-in-lieu payments to mitigate violations

(2) [Money deposited in the Woodland Conservation Fund may be used for afforestation/reforestation projects; street tree planting projects; maintenance of existing forests; activities related to achieving tree canopy goals; land acquisition for planting or conservation purposes and/or administrative purposes associated with these projects or acquisitions] The Woodland Conservation Fund may only be spent on reforestation and afforestation projects, including the costs directly related to site identification, acquisition, prepurchase, preparation, and maintenance of existing forest, for the sole purpose of establishing new areas of forest within Prince George's County.

* * * * *

Sec. 25-121. Woodland and Wildlife Habitat Conservation Requirements.

* * * * *

(c) Woodland Conservation Requirements

(1) Properties that are subject to this Division shall comply with the woodland conservation and afforestation threshold requirements established in Table 1. The threshold establishes the minimum acreage requirement of woodland conservation for a site (other calculations must be performed to determine the total amount of woodland conservation required) and is calculated as a percentage of the net tract area of the site.

(B) Except as provided in (C) of this section, the replacement requirement is determined as:

(i) The area of forest removed shall be replaced as described in Table 2 [based on its zoning].

(2) [Properties that are] A property that is subject to this Division shall comply with the woodland conservation and afforestation threshold [are] calculated as follows in Table 1 based on its zoning or status as a “qualified project” under Section 7-503 of the Land Use Article of the Annotated Code of Maryland.

(3) The woodland conservation and afforestation threshold requirements shall be met on-site or [an application for a variance must be submitted and approved per Section 25-119(d)] the applicant shall submit a statement addressing the Conservation Method Priorities set forth in Sec. 25-122(c).

Table 1. Woodland Conservation and Afforestation Thresholds Requirements [by Zone]

Zone Including and after April 1, 2022 and Qualified Projects	Woodland Conservation Requirements	
	Woodland Conservation Threshold*	Afforestation Threshold*
ROS, AG, AR	50%	20%
RE	25%	20%
RR, RSF-95, RSF-65, RSF-A, RMF-12, RMF-20, RMF-48, RMH, R-PD	20%	15%
CGO, CS, IH, IE, IE-PD, CN, NAC, TAC, LTO, RTO-L, RTO-H, NAC-PD, TAC-PD, LTO-PD, RTO-PD, MU-PD	15%	15%
Transit-Oriented Center Base Zones: LTO, RTO-L, RTO-H, NAC Transit-Oriented Centers Planned Development Zones: NAC-PD, LTO-PD, RTO-PD <u>Qualified Projects under Section 5-703 of the Land Use Article of the Annotated Code of Maryland**</u>	15%	15%
LCD, LMXC, LMUTC	Thresholds shall remain the same as conditioned with a Basic Plan or as shown on a TCP approved with a Conceptual Design Plan, Specific Design Plan, Conceptual Site Plan, Detailed Site Plan, Special Permit, or Preliminary Plan of Subdivision, which was approved under the prior Subtitle 24 and 27 and was in conformance with Subtitle 27 of the County Code at the time of approval. If no previously	

approved TCP exists, the thresholds shall be based on CB-27-2010 or the thresholds required by the Zoning Map Amendment which established the legacy zone.
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1 ***Percentage of net tract area**

2 ****A qualified project will be treated according to its status as a “qualified project” rather than its**
 3 **zoning.**

4 * * * * *

5 **Sec. 25-122. Methods for Meeting the Woodland and Wildlife Conservation Requirements.**

6 * * * * *

7 (c) Conservation Method Priorities.

8 (1) The recommended priorities for woodland conservation methods are as follows:

9 * * * * *

10 (N) Fee-in-lieu may be used to meet the requirements of this Division[, when all
 11 other options have been exhausted, as determined by the Planning Director. Refer] pursuant to
 12 Sec. 25-122(d)(9) [for criteria] relating to the use of fee-in-lieu.

13 (d) Woodland Conservation Options – Credit and Security

14 * * * * *

15 (6) On or off-site habitat enhancement projects

16 (A) Credit: Habitat enhancement projects may receive credit toward meeting the
 17 conservation requirements at a rate of up to a half-acre (up to ratio of 0.5:1) of additional credit
 18 for each acre of on-site or off-site habitat enhancement provided. Habitat enhancement shall be
 19 conducted within woodlands that have already received credit for preservation, afforestation, or
 20 natural regeneration.

21 * * * * *

22 (9) Fee-in-lieu

23 (A) Credit: Fee-in-lieu may be used to meet the conservation requirements after
 24 [all other options are exhausted] the appropriate credits generated by a forest mitigation bank in
 25 the same watershed are deemed unavailable or there is no other County-owned land available to
 26 meet conservation requirements. [Fee-in-lieu may be used if the total conservation requirement is
 27 one acre or less. If approved by the Planning Board, fee-in-lieu may be provided for meeting
 28 conservation requirements that total one acre or larger if the project generating the requirement is
 29 located in the transit-oriented centers or if the approval of the use of fee-in-lieu addresses an
 30 identified Countywide conservation priority.] The fee [rate can be adjusted to reflect inflation

increases using the base rate] shall be assessed at a rate of ninety cents (\$0.90) per square foot[, as of June 30, 2024,] of the conservation requirement within the designated Priority Funding Area and a rate of [120% of the base rate per square foot, as of June 30, 2024,] one dollar and eight cents (\$1.08) per square foot of conservation requirement outside the designated Priority Funding Area. These funds shall be placed in the Woodland Conservation Fund. Appropriate credits generated by a forest mitigation bank shall be deemed unavailable if any of the following exist:

(i) There are no off-site woodland conservation banks with available acreage as tracked by the County;

(ii) If three or more available woodland conservation banks refuse to sell any credits, such refusal shall be provided in writing; or

(iii) If the cost to purchase any available woodland conservation credits exceed the in lieu fee rate established above by more than one hundred and twenty percent (120%).

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SUBTITLE 25. TREES AND VEGETATION.

DIVISION 3. TREE CANOPY COVERAGE ORDINANCE.

* * * * *

Sec. 25-127. Applicability.

(a) General

* * * * *

(4) Landscape plans demonstrating conformance to this Division approved as part of a permit or an entitlement case or entitlement cases subject to the Transitional Provisions of the Zoning Ordinance (Sec. 27-1700) or Subdivision Regulations (Sec. 24-2700) shall be subject to the regulations in place at the time of approval of any grandfathered permit or grandfathered development application.

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this

1 Act, since the same would have been enacted without the incorporation in this Act of any such
2 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
3 or section.

4 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
5 calendar days after it becomes law.

Adopted this _____ day of _____, 2025.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Edward P. Burroughs, III
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Tara H. Jackson
Acting County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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