

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 7/30/2002

Reference No.: CB-75-2002

Proposer: Russell

Draft No.: 1

Sponsors: Bailey

Item Title: An Act concerning Woodland Conservation and Tree
Preservation for the purpose of amending the
requirements for off-site mitigation

Drafter: Jackie Brown, Director
PZED Committee

Resource Nell Johnson
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: __/__/__

Executive Action: __/__/__

Committee Referral: 7/9/2002 THE

Effective Date: __/__/__

Committee Action: 7/25/2002 FAV

Date Introduced: 7/9/2002

Public Hearing: 7/30/2002 10:00 A.M.

Council Action: 7/30/2002 TABLED

Council Votes: PS:A, DB:A, TD:A, JE:A, TH:A, TK:A RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE DATE: 7/25/02

Committee Vote: Favorable, 5-0 (In favor: Council Members Scott, Dernoga, Knotts, Shapiro and Wilson).

Staff explained the purpose of the resolution and informed the Committee of referral comments that were received. Currently the Woodland Conservation Ordinance does not include location-based criteria for the placement of off-site woodland conservation mitigation. CB-75-2002 would encourage the placement of off-site woodland conservation within the same growth policy tier that generated the request for the conservation. The benefit of this legislation is that the off-site mitigation would occur closer to the development that required the removal of existing forest. The Planning Board supports and indicates that this recommendation as opposed to a requirement, provides some flexibility in the placement of off-site mitigation. In order to implement this legislation and the desired development pattern in the General Plan, it is essential

that flexibility be afforded to developers who choose to initiate projects within areas designated for growth and redevelopment.

The Department of Environmental Resources submitted written testimony in opposition to the legislation indicating that CB-75-2002 severely limits the options of a developer to mitigate trees by prohibiting them from planting trees in any area except the “growth policy tier.” The Committee supported the amendment indicating that using the word “should” would allow flexibility in application of the requirements to individual projects.

The Legislative Officer and the Office of Law find it to be in proper legislative form. The Office of Audits and Investigations determined that there should not be any negative fiscal impact on the County as a result of adopting CB-75-2002.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation amends Subtitle 25 concerning Woodland Conservation and Tree Preservation to require that any off-site woodland conservation requirements that must be met for a proposed development should be provided within the same growth policy tier as the proposed development.

CODE INDEX TOPICS: