

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2011 Legislative Session

Bill No. CB-32-2011

Chapter No. 40

Proposed and Presented by The Chair (by request – Planning Board)

Introduced by Council Member Lehman

Co-Sponsors _____

Date of Introduction October 4, 2011

BILL

1 AN ACT concerning
2 Trees and Vegetation - Woodland and Wildlife Habitat Conservation Ordinance
3 For the purpose of adding or amending certain definitions and otherwise clarifying applicability
4 and certain regulatory requirements of the Woodland and Wildlife Habitat Conservation
5 Ordinance.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 25. TREES AND VEGETATION.
8 Sections 25-118, 25-119, and 25-122,
9 The Prince George's County Code
10 (2007 Edition, 2010 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Sections 25-118, 25-119, and 25-122 of the Prince George's County Code be and
13 the same are hereby repealed and reenacted with the following amendments:

14 **SUBTITLE 25. TREES AND VEGETATION.**

15 **DIVISION 2. WOODLAND AND WILDLIFE HABITAT CONSERVATION**
16 **ORDINANCE.**

17 **Sec. 25-118. Definitions.**

18 * * * * *

19 (27.1) Forest harvest plan: A plan drawn to scale showing the regulated environmental
20 features, the areas to be harvested, staging areas, proposed stream crossings, and the forest
21 harvesting methods proposed for each area to be harvested.

1 * * * * *

2 (32) **Forest Management Plan:** A plan signed and sealed by a Licensed Professional

3 Forester [and approved by the Maryland Department of Natural Resources forester assigned to

4 Prince George’s County] that establishes best conservation and management practices for a

5 landowner in assessment of the resource values of forested properties. A Forest Management

6 Plan shall be prepared and approved in conformance with the Environmental Technical Manual

7 and shall outline forest management activities needed to meet the stated objectives for a

8 minimum of [five] four years.

9 * * * * *

10 (61.1) Priority Funding Area: The Priority Funding Areas of Prince George’s

11 County as determined by the Maryland Department of Planning per § 5-7B-02.

12 * * * * *

13 (62) **Qualified professional:** A licensed forester, a licensed landscape architect,

14 [certified arborist,] or other qualified professional approved by the State of Maryland

15 Department of Natural Resources, who has not had their approved qualified professional status

16 revoked by the State of Maryland Department of Natural Resources.

17 * * * * *

18 (63.1) Regulated Environmental Features: Regulated streams, nontidal wetlands, and

19 their associated buffers inclusive of any Primary Management Area(s).

20 * * * * *

21 (68) **Tree [Preservation] Management Plan:** A plan and text prepared to describe specific

22 methods to be implemented before, during and after construction to ensure the preservation of

23 designated trees.

24 * * * * *

25 **Sec. 25-119. Applicability.**

26 (a) General

27 * * * * *

28 (3) All plans and associated information shall be prepared in conformance with the

29 Environmental Technical Manual [.] as approved by the Planning Board and amended by then

30 from time to time.

31 * * * * *

1 (b) Exemptions from this Division

2 * * * * *

3 (2) If required, a Standard Letter of Exemption shall be issued by the Planning
4 Director or designee prior to the submission of any land development application requiring a
5 review for conformance with this Division.

6 * * * * *

7 (e) Government Projects

8 * * * * *

9 (2) The following types of government development activities shall be reviewed and
10 enforced at the County level with notification being provided by the applicant to the Maryland
11 Department of Natural Resources Forest Service: public school projects; the Maryland-National
12 Capital Park and Planning Commission projects; Department of Public Works and
13 Transportation projects; state funded parks and recreation projects; County stormwater
14 management projects; utility projects conducted by and approved by the Washington Suburban
15 Sanitary Commission; and any other County or municipal projects. The Maryland Department
16 of Natural Resources will review these types of projects if requested by the County or if the
17 project has state-wide impacts on significant forest resources and the state agrees to take
18 jurisdiction over the review.

19 (A) Applications for the project types listed in (2) above shall include an FSD or
20 an approved NRI.

21 * * * * *

22 (3) Government projects reviewed by the County shall meet the woodland
23 conservation requirements described in Section 25-121(c)(1)(Table 1.) for the underlying zone
24 unless the project is an institutional development project as defined in COMAR. For activities
25 defined as institutional development projects the conservation threshold shall be 20% and the
26 afforestation threshold shall be 15%. All FSDs, NRIs and TCPs shall be submitted for the
27 entirety of the affected lots or parcels or combinations of lots or parcels.

28 (4) If a governmental project proposes to disturb less than 50% of the entire parcel, or
29 is linear, the woodland conservation requirement may be met at a ratio of one acre of woodland
30 conservation for each acre of woodland disturbed. An FSD or NRI and a TCP shall be prepared
31 and submitted only for the area of the proposed disturbance. The woodland conservation

1 requirement shall be met using the same priorities as listed in Section 25-121 of this Division.

2 (5) Government projects that use fee-in-lieu may utilize the fee-in-lieu rates in effect at
3 the state level at the time of plan approval.

4 * * * * *

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

6 * * * * *

7 (b) Design Criteria

8 (1) The following design criteria shall be followed on all TCPs unless a variance has
9 been approved by the appropriate approval authority per Sec. 25-119(d).

10 * * * * *

11 (N) The following areas shall be treated as follows:

12 * * * * *

13 (vi[i]) Land within areas to be reserved for future road construction shall not
14 be required to be counted as cleared and shall not be counted toward meeting the requirements.

15 (O) Woodland conservation areas shall be designed in such a way as to ensure
16 their survival in perpetuity. At a minimum, woodland conservation areas shall be shown no
17 closer than:

18 (i) 10 feet from the top or bottom of retaining walls and from the rear lot
19 lines of townhouse units or other attached buildings;

20 (ii) 20 feet from all sides of commercial [buildings] and multifamily
21 buildings.

22 (P) Woodlands within proposed septic fields and septic recovery areas are
23 required to be counted as woodland retained – not credited.

24 * * * * *

25 (d) Woodland Conservation Options – Credit and Security

26 * * * * *

27 (2) On-site specimen, champion, and historic trees

28 * * * * *

29 (B) Security: A bond amount equal to the removal and replacement cost of the
30 specimen, champion and historic tree shall be provided prior to permit issuance if the additional
31 credit noted in (A) above is used. The replacement cost shall be calculated by the permittee using

1 the latest edition of the "Guide for Plant Appraisal" prepared by the Council of Tree and
2 Landscape Appraisers. If the tree does not survive construction, mitigation shall be provided as
3 stated in Section 25-120(c)(6)(D). A tree management plan shall be prepared for each specimen,
4 champion or historic tree preserved.

5 * * * * *

6 (8) Fee-in-lieu

7 (A) Credit: Fee-in-lieu may be used to meet the conservation requirements after
8 all other options are exhausted, and if the total conservation requirement is one (1) acre or less.
9 If approved by the Planning Board, fee-in-lieu may be provided for meeting conservation
10 requirements that total one (1) acre or larger if the project generating the requirement is located
11 in the Developed Tier or if the approval of the use of fee-in-lieu addresses an identified
12 Countywide conservation priority. The fee shall be assessed at a rate of ninety cents (\$0.90) per
13 square foot of the conservation requirement[.] within the designated Priority Funding Area and at
14 a rate of one dollar and eight cents (\$1.08) per square foot of conservation requirement outside
15 the designated Priority Funding Area. These funds shall be placed in the Woodland Conservation
16 Fund.

17 * * * * *

18 (e) Woodland Conservation Provided Off-site (Woodland Conservation Banks)

19 * * * * *

20 (2) Woodland conservation banks shall:

21 * * * * *

22 (J) Shall provide conditions sufficient to ensure that the woodlands will survive
23 in perpetuity. If afforestation [is] or reforestation are proposed on a site that was previously used
24 for sand and gravel mining or land or rubble filling operations, soil testing shall be performed to
25 develop a soil amendment plan for the planting area to ensure the establishment of woodlands in
26 perpetuity. The soil amendment plan shall be reviewed by the Soil Conservation District and
27 approved as part of the TCP2.

28 * * * * *

29 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
30 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
31 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of

1 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
2 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
3 Act, since the same would have been enacted without the incorporation in this Act of any such
4 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

5 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on February 1,
6 2012.

Adopted this 15th day of November, 2011.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ingrid M. Turner
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Rushern L. Baker, III
County Executive