



June 6, 2025

FISCAL AND POLICY NOTE

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Interim Council Administrator

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THRU: Josh Hamlin 
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FROM: Alex Hirtle 
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Policy Analysis and Fiscal Impact Statement
CB-046-2025 Woodland & Wildlife Habitat Conservation

CB-046-2025 (*proposed by: Council Members Oriadha*)

Assigned to the Transportation, Infrastructure, Energy and Environment (TIEE) Committee

AN ACT CONCERNING WOODLAND AND WILDLIFE HABITAT CONSERVATION For the purpose of exempting certain applications from the applicability of the woodland conservation ordinance; providing for a standard letter of exemption for certain properties; modifying the requirements for certain development review division applications; revising the allowable uses of the Woodland Conservation Fund; modifying the alternatives for meeting conservation requirements on-site; modifying the threshold for fee-in-lieu usage; providing for credit for afforestation projects; revising the rate for fee-in-lieu credits; revising certain definitions; and revising the applicability of the tree canopy coverage ordinance.

Fiscal Summary

Direct Impact:

Expenditures: Significant additional expenditures likely.

Revenues: Significant revenue loss likely.

Indirect Impact:

Likely unfavorable.

Legislative Summary:

CB-046-2025 was presented on April 29th and referred to the Transportation, Infrastructure, Energy and Environment (TIEE) Committee. This bill revises CB-020-2024, which was legislation intended for the County's compliance of the revised Maryland Forest Conservation Act.¹ This legislation significantly expands the criteria used to determine exemption from the applicability of the Woodland and Wildlife Conservation Ordinance (the "Ordinance"). All residential construction involving any single lot size, regardless of how it is zoned, will be exempt from the Ordinance if the activity disturbs less than 20,000 square feet of woodlands.

The proposed legislation also alters the exemption approval process, reduces the allowable uses of the Woodland Conservation Fund to exclude the fund's resource to plant urban street trees, modifies the alternatives for meeting conservation requirements on-site, modifies the threshold for fee-in-lieu usage, provides for credit for afforestation projects, removes the inflationary clause for County fee-in-lieu rates, revises certain definitions, and revises the applicability of the Ordinance to include Transit Oriented Development (TOD) Qualified Projects as defined in the Maryland Code (COMAR). Inclusion of such projects broadens residential developments that qualify as Transit-Oriented Center Base extending $\frac{3}{4}$ of a mile from the Base of MARC and other train centers, increasing the extent of minimum reforestation and preservation threshold requirements.

Current Law/Background:

CB-046-2025 modifies CB-020-2024, which was legislation that allowed the County to come into compliance with the 2023 revisions of the State Forest Conservation Act. The County is required to meet the mandates of the State's latest updates within the Forest Conservation Act, which includes no net forest loss within jurisdictions; increased replanting requirements when trees are cleared for development, generally a one-for-one (acreage) replacement; and regular reviews by the State Department of Natural Resources (DNR) to ensure local plans align with State forest protection goals.²

Resource Personnel:

- Eric Irving, Legislative Specialist
- Tiffany Hannon, Chief of Staff (District 7)

¹ SB 526/HB 723 (2023)

² <https://www.cbf.org/news-media/newsroom/2023/maryland/historic-forest-preservation-legislation-approved-by-maryland-general-assembly.html>

Discussion/Policy Analysis:

The Council passed CB-020-2024 which, referencing this proposed legislation, provided increased protections for trees such as specimen, champion and historic designated trees; revised variance regulations; updated grandfathering of projects based on timeframes and projects without grading permits; revised tree threshold limits for TOD and mixed-use projects; qualified regulations for development disturbing more than 10,000 square feet; provided woodland credits for street trees; and adjusted fee-in-lieu rates that tie their increases to the rate of inflation. Various interest groups pointed out the shortcomings of this legislation, and the Council revised the legislation by passing CB-077-2024 several months later, which clarified notification requirements; developed clauses for grandfathering based on redefined terms; validated certain exemptions issued prior to CB-020-2024 becoming law (July 1st, 2024); and allowed certain Tree Conservation Plans (TCPs) to expire that had not been properly acted on. The Planning Board and Council worked closely with many stakeholders, including the Maryland Building Industry Association (MBIA) in addressing the concerns the development community had with uncertainty regarding Exemptions and TCPs, especially as it related to projects that had already been started.

This legislation currently before the Council which would again amend the County's Woodland and Wildlife Habitat Conservation Ordinance (Subtitle 25 of the County Code), does not provide a clear path as to how the County will meet the State's mandates of no net loss of forest cover within Prince George's County, nor does it promote the goal of tree canopy equity within the jurisdiction, especially for the more urban and developed parts of the County. The legislation does not appear to align with the State's forest expansion goals of the Maryland Tree Solution Act. The impacts of this Bill, if passed, are listed below, categorically:

Tree Canopy Loss

The Bill substantially expands development projects that would be provided a Standard Letter of Exemption by default, issued for a parcel or parcels with less than 20,000 square feet of woodland not subject to a previous approved Tree Conservation Plan (25-119 (a) (1) (A) and (b) (5) (B)). By expanding exemptions for projects where about less than a half-acre of woodlands would be disturbed will directly result in significantly reduced tree canopy and forest cover throughout the County. Reducing tree cover is counter to the County's Climate Action Plan³, does not adhere to the environmental policies of the County's Plan 2035⁴, and may ultimately result in the violation of State mandates for no net loss of forest cover.

³ Prince George's County Climate Action Plan, January 2022, Priority M-11, page 54.

⁴ Plan 2035 Prince George's, Approved General Plan, May 2014. M-NCPPC, PGC Planning Dept. Pages 169 and 176

Tree Equity and Environmental Justice Issues

Tree equity within the County is a real and growing concern. As noted in the graphs below, certain Council districts have notably lower percentages of tree canopy than others, many of them also having significantly less than the County's overall average of 53% tree canopy coverage. Tree canopy mitigates urban heat island impacts, reduces urban flooding by run-off within impervious surfaces and extreme precipitation events, provides for more natural and aesthetically pleasing communities, and improves and preserves property values.

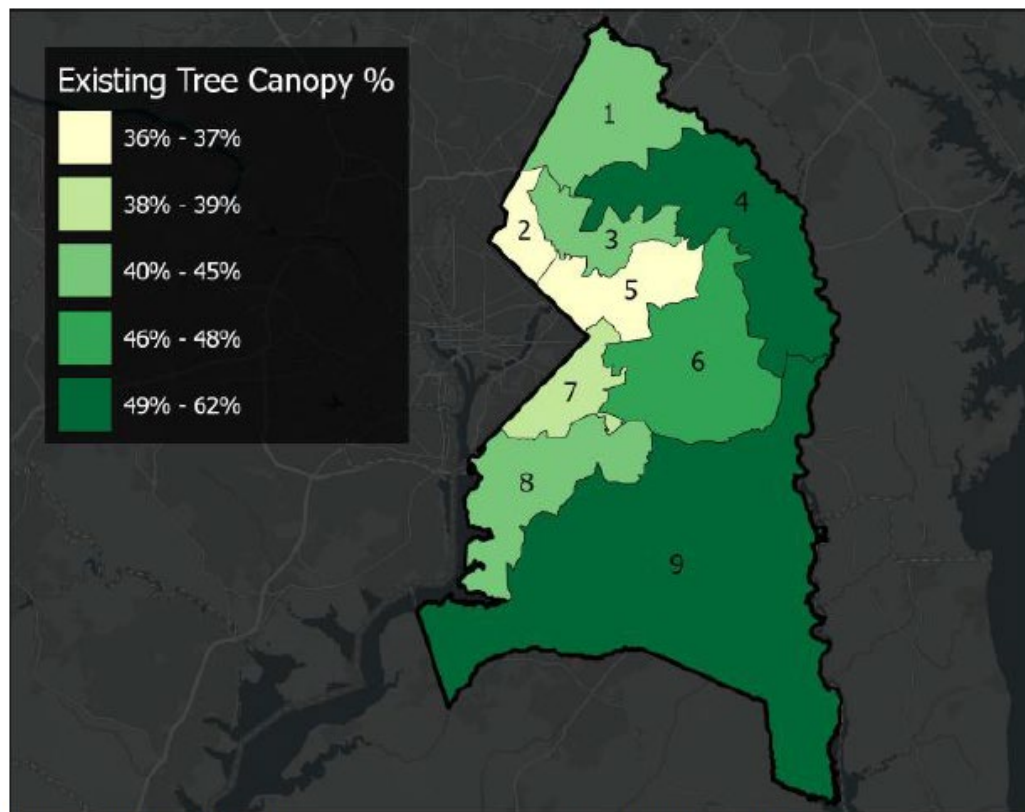


Figure 15: Existing tree canopy percentage for 2020 conditions summarized by council district.

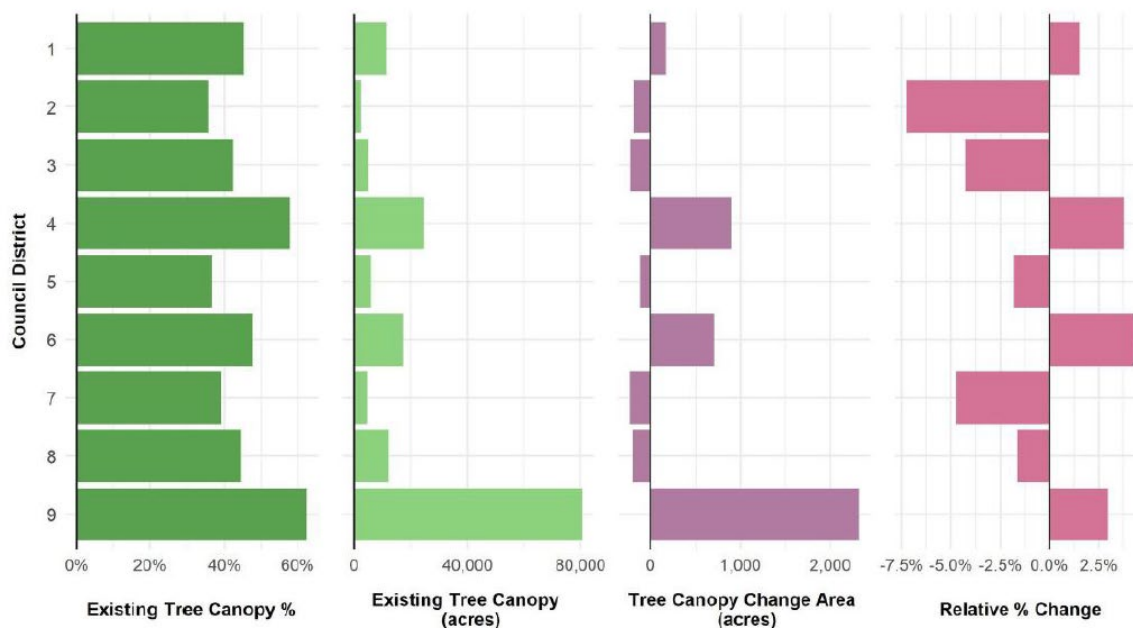
Source: Tree Canopy Assessment, Prince George's County, MD. Prince George's County Planning Department, November 2023.

CB-046-2025 will affect more urban and transit-centered areas of the County than suburban and rural areas. As noted on the graph above, the County's most urban Council districts, Districts 2, 5, 7, 3, and 8 (listed in order of least tree canopy to more tree canopy) also have the highest rates of tree loss, using data from 2009 to 2019.⁵ In addition, all of these districts have poverty rates that exceed the County's average rate of 10.2%.⁶ The legislation targets properties that have

⁵ Tree Canopy Assessment, Prince George's County, MD, Prince George's County Planning Department, Nov. 2023, pg. 18.

⁶ Data set provided by Prince George's County Planning Department, June 2nd, 2025.

minimal tree canopy, such as strip malls and abandoned commercial properties that are already paved, and would not need to comply with the newer tree canopy standards of CB-020-2024 or CB-077-2024; additionally, transit centers that include Metro and MARC Stations, most of which within the County are located within these five Council districts and qualify under this Bill, would not need to meet newer tree canopy standards. In essence, a more economically challenged population that lives in more urban areas of the County that currently has fewer trees and has lost a higher percentage of trees between 2009-2019 will be affected more negatively by this legislation, exacerbating their tree equity and environmental justice concerns.



Source: Tree Canopy Assessment, Prince George's County, MD, Prince George's County Planning Department, November 2023, Page 18.

Household Income, Poverty Rate, Population Density, and Land Area by County Council District, Prince George's County					
County Council District	Median Household Income	Poverty Rate*	Population Density	Land Area (Square Mile)	Total Households
1	\$101,910	10.5%	2,738	39.9	39,650
2	\$83,487	15.2%	10,237	10.5	35,554
3	\$94,163	16.3%	5,812	18.5	30,873
4	\$122,999	7.1%	1,606	66.8	38,597
5	\$91,377	11.9%	4,037	26.0	36,414
6	\$128,433	6.4%	2,081	56.6	44,804
7	\$74,219	13.0%	5,634	18.2	42,356
8	\$111,110	6.6%	2,378	42.6	37,832
9	\$130,008	6.0%	535	203.5	38,506
Countywide	\$100,708	10.2%	2,004	482.6	344,586
Source: U.S. Census Bureau, Census 2020, 2023 American Community Survey (5-year estimates), and county land area.					

Reduction of Resources and Uses Within the Woodland Conservation Fund

The legislation, through amendments made relevant to the Woodland Conservation Fund, will reduce funding and restrict what funding can be spent on. Section 25-120 (d) (2) amends the text to exclude this funding for street tree planting projects, which is critical in more urban communities, given the limited space for trees in such areas. The legislation, which also requires a Standard Letter of Exemption (essentially not requiring fee-in-lieu payments) for parcels where disturbance of less than 20,000 square feet of woodlands occurs, would notably reduce fee-in-lieu funding (Section 25-119 (b) (5) (B)). The Woodland Conservation Fund is largely funded by Fee-in-lieu payments associated with approved TCPs. Issuing exemptions by default per the proposed legislation's mandates will significantly impact the ability of the County to fund the County's Urban Tree Program, which has installed over 3,300 native trees in urban areas such as municipalities, homeowner association (HOA) parcels, and houses of worship properties. These funds also provide the financial resources for other tree programs such as Arbor Day Every Day and the County's Releaf Program. Development of the Tree App, which enables long-term tracking of planted trees, was funded through the Woodland Conservation Fund.⁷ Additionally, by eliminating the Fund's rate to be adjusted by the inflation index, available money is reduced in resourcefulness when prices increase for trees, planting materials, and labor costs.

Neighboring Jurisdictions

Neighboring jurisdictions are well aware of the State mandates of the 2023 amendments to Maryland's Tree Conservation Act and have acted accordingly:

- Anne Arundel County enacted Bill 68-19 (2019), which revised their forest conservation to conform to State law, raising forest conservation thresholds and increasing fee-in-lieu rates; currently, there have been no significant amendments to this Bill.⁸
- Montgomery County amended its forest conservation law in 2021 prior to the State Forest Conservation Act amendments (2023), and much of the State law was based on Montgomery County's changes. The County's amendments included on and off-site afforestation and reforestation of required parcels, as well as enhancement of existing forests, supplemental plantings, and increases in fee-in-lieu rates. No significant changes have occurred since their legislation was passed.⁹
- Howard County passed Bill # 62-2019 (amended) in February 2020 that included fee-in-lieu rate increases, reforestation threshold increases, higher native tree replacement rates, increased on-site conservation, and greater width minimums for replanted forests.

⁷ County Department of the Environment Fiscal Impact Statement, May 2025.

⁸ Telephone conversation & email by Anne Arundel County staff Nathan Markline, Dept. of inspections & Permits, May 21, 2025.

⁹ Email by Christina Sorrento, Montgomery County Planning Department, June 4, 2025.

Howard County is preparing to enhance its tree conservation laws to meet the latest State standards. The original 2020 legislation has not been scaled back.¹⁰

It should be noted that the Planning Department provided a thorough report of CB-046-2025 and included possible amendments for the Bill. The Department of the Environment also provided a complete evaluation of the pending legislation, with concerns especially regarding loss of Woodland Conservation Funds and exacerbation of tree inequity. The Committee should review these resources for a comprehensive evaluation of this Bill as written.

Fiscal Impact:¹¹

- *Direct Impact*

Enactment of CB-046-2025 has the potential to result in significant adverse fiscal impact on the County. If the County does not meet the State mandate of no net loss of trees (a potential consequence of this legislation) based on the Department of Natural Resources' (DNR) finding in 2028¹², the cost to M-NCPPC (resident tax dollars) would be at least \$300,000 to re-write the law to come into compliance.¹³ The cost to the County's General Fund (resident tax dollars) would be \$192,000 in lost tax revenue per acre over 20 years (assuming present value is ~\$59,000/acre) for a single-family attached or detached home developed in Environmental Justice areas of the County as defined by the Maryland EJ Screen.¹⁴ There will also be a minimum of \$252,700 in costs per acre to replant trees and achieve State compliance.¹⁵

Property owners in the County may also see a reduction in property values associated with reducing tree canopy coverage. This is based on research of real estate values related to the impact of tree-canopy coverage on communities in the U.S. In general, tree canopy coverage can change the value of real estate- the study indicates that there is value added to the property with more trees, and value lost with increased lawn to maintain.¹⁶

- *Indirect Impact*

Enactment of CB-046-2025 would likely have an adverse indirect impact on the County through quality of life and quality of health impacts. With this legislation enacted, an estimated increase for individual healthcare costs will occur for each County resident based on research of healthcare costs and outcomes of the impact of tree-canopy coverage within similarly situated communities

¹⁰ Telephone conversation with Derrick Jones, Planner of the Day for Howard County Planning Department, June 4th, 2025.

¹¹ Research in determining the fiscal impact was performed primarily by Council staff. Some of the data were protracted from sources behind digital paywalls. Please contact the author of this report regarding sources.

¹² 2028 will be the first year for a formalized evaluation of the County's no-net-loss tree conservation program.

¹³ This number is based on review of M-NCPPC budgets from FY23-FY25, with staff & consultant costs.

¹⁴ https://mde.maryland.gov/Environmental_Justice/Pages/EJ-Screening-Tool.aspx

¹⁵ Figure here is based off of Dept. of Environment past costs for tree plantings to meet State requirements. Costs may have increased due to inflationary factors.

¹⁶ <https://www.sciencedirect.com/science/article/abs/pii/S2212041614000394>

in the U.S.¹⁷ There are also intangible losses that individuals and communities incur with lower tree canopy and coverage, including aesthetic value, externalities of wildlife, recreation, and stress and crime rates. One favorable indirect fiscal impact the legislation may have is the possibility of some increased economic development due to less stringent development and redevelopment/infill standards; this would likely be a near-term benefit, offset by long-term adverse impacts.

- *Appropriated in the Current Fiscal Year Budget*

No.

Effective Date of Proposed Legislation:

The proposed Bill shall be effective forty-five (45) calendar days after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.

¹⁷<https://www.sciencedirect.com/science/article/pii/S0160412022001003#:~:text=Results, costs%20by%20improving%20health%20status>