

Planning Department staff, and DER staff, a number of amendments were made to Draft 1 of CB-106-1992. The amendments accepted by the Committee were:

The Chamber of Commerce/SMBIA proposed a two-year grandfathering provision for CDPs approved prior to November 21, 1989 and for which grading permits have been issued for at least 20% of the net tract area as of November 21, 1992; a similar provision for woodland replacement requirements; an allowance of the fee-in-lieu option for woodland replacement for woodland removed below the Conservation Threshold; an extension of the validity of letters of exemption to 2 years; a requirement for review of Conservation Evaluation Areas every two years and as new aerial photography becomes available; an adjustment of the afforestation thresholds in accordance with the Forest Conservation Act; and a definition of what constitutes a significant revision to a Tree Conservation Plan.

The Office of Law recommended ten technical amendments to the legislation, and eight technical amendments to the Policy Document.

The Planning Board recommended footnotes to the tables regarding Conservation/Afforestation Thresholds in the Policy Document and Subtitle 4, to allow for zones that may be enacted in the future. Any zone not specifically listed shall be established based upon the criteria contained in the Natural Resources Article. They also suggested that in the R-P-C and T-D-O Zones, the thresholds be determined by the underlying zone, and thresholds for six zones that were inadvertently omitted from the legislation were recommended.

The Soil Conservation District and Farm Bureau recommended, and Der representatives agreed to, a number of amendments. The new references to 2,700 square feet in Section 4-273 should be changed to 5,000 square feet, which is the current language. Section 4-281 should be amended to clarify that the posting of bonds is for development projects only, and not for agricultural uses. The definition of "Forest Management Plan" should be amended to delete the reference to the conservation criteria in the document, and to include that these plans are approved by the Forest Conservancy Board. A definition of "Forest Conservancy District Board" should be included. Both the Soil Conservation District and the Farm Bureau recommended that commercial logging and timber harvesting operations on agriculturally assessed land should be exempt from all provisions of the Ordinance, provided the site is not developed for at least five years and is the subject of a declaration of intent. Representatives of DER responded that the County's process is not able to administer a declaration of intent, and these properties should not be completely exempt. A majority of the Committee Members agreed that agriculturally assessed land should not be completely exempt, and the following amendment was agreed upon. Commercial logging and timber harvesting on agriculturally assessed land shall be exempt from the Conservation Threshold requirements in the Policy Document, provided a Forest Management Plan is submitted and approved by the Conservancy Board. This plan shall be based on criteria developed by the Board in consultation with DER, the Maryland DNR Regional Forester, and the Farm Bureau.

Following a lengthy discussion regarding the burdensome process for the farming community, representatives of the Department of Environmental Resources proposed the following. The Prince George's DER shall assist the owners of agriculturally assessed forest land in obtaining the

necessary County approvals for timber harvesting, including permits. Upon the request of an owner of agriculturally assessed land, DER shall provide, without charge, the assistance of a Licensed Professional Forester to prepare a Forest Management Plan for the property. Also, DER committed to placing funds in their operating budget for this purpose, if necessary.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This bill makes amendments to the grading requirements in regards to Woodland Conservation. In addition, the legislation amends Subtitle 25 of the Prince George's County Code in order to adopt a revised Prince George's County Woodland Conservation and Tree Preservation Policy Document.

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