



THE PRINCE GEORGE'S COUNTY GOVERNMENT


Office of Audits and Investigations


September 27, 2021

MEMORANDUM

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin 
Senior Legislative Budget and Policy Analyst

FROM: Alex Hirtle 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-076-2021 Tree Canopy Coverage Ordinance

CB-076-2021 (*proposed by*: Councilmember Anderson-Walker)

Assigned to Committee of the Whole (COW)

AN ACT CONCERNING TREE CANOPY COVERAGE ORDINANCE-APPLICABILITY AND MINIMUM REQUIREMENTS-RESIDENTIAL DEVELOPMENT for the purpose of amending the provisions of the Tree Canopy Coverage Ordinance to eliminate certain exemptions for Townhouse residential uses, and increasing the minimum tree canopy requirement for certain other residential development in the County.

Fiscal Summary

Direct Impact:

Expenditures: None likely.

Revenues: None likely.

14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772
VOICE (301) 952-3431; FAX (301) 780-2097; TDD (301) 925-5167

Indirect Impact:

Positive.

Legislative Summary:

CB-076-2021, sponsored by Council Member Anderson-Walker, was presented by Council on September 14th, 2021, and referred to the Committee of the Whole.

This bill will increase the minimum Tree Canopy Coverage for development in certain residential zones and eliminate certain exemptions to the Tree Canopy Ordinance (TCO) for Townhouse uses in residential development in the County.

Current Law/Background:

This legislation amends Subtitle 25, Division 3 of the County Code, which provides regulations for the tree canopy coverage ordinance. In general, a certain percentage of tree canopy is required on disturbed (developing) property based on the gross tract area, including numerous residential zones. Additionally, the current regulations allow for an exemption where a permit has been issued for properties with existing townhouses.

Resource Personnel:

Hugo Cantu, Policy Analyst, Council District 8.

Discussion/Policy Analysis:

The proposed legislation provides two changes to Subtitle 25-127 and 25-128 of the County Code:

- It deletes “townhouse” from the list of properties receiving a permit that are exempt from the tree canopy ordinance, thereby requiring them to conform to the current tree coverage of 15% (see lines 10-11).
- It raises the percentage of minimum tree canopy coverage on new development on certain residential zones from 15 to 25%.

The legislation in large part is focused on the more rapid development of townhouses (R-T Zone) within the County, and the chronic flooding and stormwater challenges that has exacerbated the jurisdiction. In a recent presentation by the Department of the Environment¹, it was cited that there have been nearly 2,400 calls through the County’s 311 system related to flooding, stormwater, or draining concerns in the period from February 2018 through February 2021. Additionally, the

¹ DoE presentation “Draining and Flooding in Prince George’s County”.

County, under the Fiscal Year 2022 Budget, has proposed spending over \$40 million on stormwater management projects and operating costs.²

Tree canopy is a critical piece in mitigating and reducing flooding and stormwater concerns- the natural tree canopy infrastructure, with its leaves, branches, trunks, and roots, will capture, slow down, absorb, and disperse rainwater during and after precipitation events.³ This process reduces flooding and stormwater concerns. Increasing the minimum amount of tree canopy on new development and already developed property in which owners request permits for is one of the tools the County can utilize to bring flooding and stormwater damage under control.

Trees also have other positive effects on the environment, communities, and even the value of properties. Included in the Prince George’s County Planning Board’s letter to Council Chair Hawkins, the Board noted that trees “promote clean air while combatting air pollution, reduce summer peak temperatures, provides wildlife habitat...and enhances property values.”⁴

The proposed legislation does not require current property owners to add any additional tree canopy to their property, assuming they have not applied for a permit through the County. It only applies to new development or if a current property owner applies for a permit (specific to townhouse properties); the proposed legislation would require either increasing the amount of tree canopy on the property, or establishing a higher minimal amount in the case of new development.

It should be noted that the Planning Board’s letter to Council Chair Hawkins makes recommendations to go beyond what this Bill proposes, including increasing the zones that would require higher minimal tree canopy. The Sponsor and Council may want to discuss these recommendations as possible amendments to the Bill, or separate legislation in the future.

Fiscal Impact:

- *Direct Impact*

Enactment of CB-076-2021 should not have a negative fiscal impact on the County. The legislation only increases the tree canopy for new development for certain zones, and eliminates the exception for properties with townhouses. Any additional administrative costs or inspections and enforcement would be negligible.

- *Indirect Impact*

Enactment of CB-076-2021 will likely have positive indirect fiscal impacts on the County due to decreased flooding, stormwater damage, improved communities, and increased values for the affected properties, which would result in increased tax revenue for the jurisdiction.

² IBID.

³ <https://www.epa.gov/soakuptherain/soak-rain-trees-help-reduce-runoff>

⁴ September 23rd, 2021 letter from Prince George’s County Planning Board to Council Chairman Calvin Hawkins, pg. 7.

- *Appropriated in the Current Fiscal Year Budget*

Yes. The administrative tasks of processing, inspecting, and enforcing new building development and permitting are funded through the operating budget of the county agencies, including Department of Public Works & Transportation, Department of Permitting, Inspections, and Enforcement, and Department of the Environment.

Effective Date of Proposed Legislation:

This Act shall take effect forty-five (45) days after it becomes law.

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