

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2004 Legislative Session

Bill No. CB-51-2004
 Chapter No. 31
 Proposed and Presented by Council Member Peters
 Introduced by Council Members Peters, Harrington and Dean
 Co-Sponsors _____
 Date of Introduction July 6, 2004

BILL

1 AN ACT concerning

2 Woodland Conservation and Tree Preservation

3 For the purpose of revising the Woodland Conservation and Tree Preservation policy document
 4 to include the protection of wildlife habitats and to clarify permitted activities in Woodland
 5 Conservation Areas.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 25. TREES AND VEGETATION.

8 Section 25-117,

9 The Prince George's County Code

10 (1999 Edition, 2002 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, that Section 25-117 of the Prince George's County Code be and the same is hereby
 13 repealed and reenacted with the following amendments:

14 SUBTITLE 25. TREES AND VEGETATION.

15 **Sec. 25-117. Woodland Conservation and Tree Preservation.**

16 (a) Authority.

17 (1) The revised Prince George's County Woodland Conservation and Tree
 18 Preservation Policy Document (October 1992), Part 2 through Part 7 (inclusive), as amended, is
 19 hereby adopted by reference and made a part of this Subtitle with the same force and effect as the
 20 regulations set forth herein.

21 (b) Enforcement, mitigation.

1 (1) Enforcement of this Section and the approved Tree Conservation Plan is the
2 responsibility of the County Department of Environmental Resources.

3 (2) The permittee shall complete the approved mitigation measures within the time
4 specified by the Planning Director, or his designee, but not later than prior to the issuance of any
5 use and occupancy certificate(s). Only field grown nursery stock, with a preference for plants
6 indigenous to coastal and piedmont regions, planted in an approved pattern, shall be used for
7 mitigation. Specimen trees shall be replaced according to the cost formula developed by the
8 International Society of Arboriculture (ISA) and published in the most recent edition of
9 "Valuation of Landscape Trees, Shrubs, and Other Plants."

10 (3) Woodland destroyed or damaged without a permit, or in violation of either the
11 Prince George's County Code or an approved Tree Conservation Plan, shall be replaced or
12 mitigated at a cost not to exceed \$1.50 per square foot. In addition, any specimen trees destroyed
13 shall be replaced or mitigated according to the cost formula developed by the International
14 Society of Arboriculture (ISA) and published in the most recent edition of "Valuation of
15 Landscape Trees, Shrubs, and Other Plants." The property owner or permittee shall provide a
16 completion bond acceptable to the County Attorney to cover the mitigation measures approved
17 by the Planning Director, or his designee.

18 (c) Minor changes.

19 (1) The Planning Director may approve minor changes or revisions to a Tree
20 Conservation Plan, provided that:

21 (A) The increased area of disturbance is not greater than five hundred (500)
22 square feet;

23 (B) The disturbance does not encroach into the one hundred (100) year
24 floodplain;

25 (C) The revision in no way affects wetlands; and

26 (D) The revision meets all requirements of the Zoning Ordinance.

27 (d) Within a Tree Conservation Area, except for land located in the Chesapeake Bay
28 Critical Area Overlay Zones, cutting or clearing of trees shall be prohibited except that:

29 (1) Individual trees that are in danger of falling or causing damage to dwellings or
30 other structures or that are in danger of falling and thereby causing the blockage of streams, or
31 resulting in accelerated shore erosion may be removed;

(2) Silvacultural practices may be used to maintain the health of woodlands and individual trees;

(3) Trees that are one inch or less in diameter at breast height and woody vegetation may be cut or cleared.

SECTION 2. BE IT FURTHER ENACTED that the Woodland Conservation and Tree Preservation Policy Document is hereby amended as follows:

1. Part 1 is amended to include the Wildlife Habitat Conservation Policy.

Wildlife Habitat Conservation Policy

It is a policy of the Prince George's County Government and the Prince George's County Planning Board to conserve and protect wildlife habitat by requiring site planning techniques and construction practices which limit adverse affects on existing wildlife populations and existing wildlife habitat within designated onsite and offsite Woodland Conservation Areas. To implement this policy the County has established goals to:

Increase quality habitat and to protect wildlife species and biological diversity in the County.

Ensure that wildlife and wildlife habitat are integrated into the development planning process.

Encourage retention of wildlife habitat on proposed sites in a manner to include the retention and creation of greenway corridors and green infrastructure.

Mitigate disturbance and mortality to existing wildlife during the development process, including providing opportunities for voluntary wildlife movement.

Encourage the use of stormwater management facilities suitable for wildlife habitat.

Minimize light and noise impacts upon wildlife habitats.

Promote the use of native plant material and conservation landscaping techniques.

2. Part 4 is amended by adding the following paragraph:

Whenever possible, identifiable wildlife habitat will be used during existing review processes to determine the most suitable area for woodland conservation and tree preservation.

3. Part 5 is amended by adding the following paragraph:

Lots, parcels, or combinations of lots or parcels that are 10 acres or larger shall provide a Habitat Conservation and Wildlife Management Plan as part of the proposed woodland conservation area(s). Habitat fragmentation shall be avoided whenever possible. If woodland

1 replacement is proposed using options 1 through 8, the proposal shall include appropriate habitat
 2 construction/reconstruction.

3 4 Part 6 is amended as follows:

4 * * * * *

5 Any covenants or easements that are necessary to maintain the preserved, afforested, or
 6 reforested woodland areas or individual trees on a site shall be recorded in the land records of
 7 Prince George's County. This recordation shall occur prior to the issuance of a Use and
 8 Occupancy certificate, and liber and folio numbers shall be submitted to the Prince George's
 9 County Building Official. The Prince George's County Planning Director, or designee, may
 10 approve the use of other protective agreements that will ensure no adverse impacts to preserved
 11 woodlands.

12 Permitted uses in woodland conservation areas are limited to activities that will not
 13 adversely impact the woodland. These activities will generally be passive recreational uses,
 14 forest management activities (under a Forest Conservation and Management Agreement or
 15 Forest Resource Management Plan), or other activities as approved by the Prince George's
 16 County Planning Director, or designee, as part of the Tree Conservation Plan. Except for land
 17 located in the Chesapeake Bay Critical Area Overlay Zones, cutting or clearing of trees and
 18 woody vegetation shall be prohibited except that:

19 (1) Individual trees that are in danger of falling or causing damage to dwellings or
 20 other structures or that are in danger of falling and thereby causing the blockage of streams, or
 21 resulting in accelerated shore erosion may be removed;

22 (2) Silvicultural practices may be used to maintain the health of woodlands and
 23 individual trees;

24 (3) Trees that are one inch or less in diameter at breast height and woody vegetation
 25 may be cut or cleared.

26 A Tree Conservation Plan is valid and enforceable until revised or replaced by another Tree
 27 Conservation Plan for the site. If a Tree Conservation Plan has been approved based on
 28 erroneous information or if conditions have been found to be significantly different than stated in
 29 the Tree Conservation Plan, the Tree Conservation Plan may be revoked in writing by the
 30 approving authority. Tree Conservation Plans approved between November 21, 1989 and the
 31 effective date of this ordinance will be in effect until such time as revisions to the development
 32 plan require a significant revision to the Tree Conservation Plan. Revisions which require a

1 significant change in the location or quality of woodland preserved will be considered
2 significant.

3 * * * * *

4 SECTION 3. BE IT FURTHER ENACTED that the Planning Board in consultation and
5 conjunction with the conservation and development communities shall develop guidelines, with
6 the benefit of appropriate public input, for the implementation of the Wildlife Habitat
7 Conservation Policy, including the preparation of Habitat Conservation and Wildlife
8 Management Plans. Prior to December 31, 2004 the Planning Board shall submit the guideline
9 to the County Council for approval.

1 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

Adopted this 27th day of July, 2004.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.