

O v e r v i e w o f

Trees and Vegetation

 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department

Prince George's County
Transportation, Infrastructure,
Energy & Environment (TIEE)
Committee

March 26, 2024



Why is this update needed?

HB 723/ SB 526 entitled “Natural Resources – Forest Preservation and Retention” was signed into law on May 8, 2023.



Mandate

The bills require significant changes to our current code with an **effective date of July 1, 2024.**

CB-020-2024 (Subtitle 25)

Division 2
Woodland and Wildlife Habitat
Conservation Ordinance

CB-021-2024 (Subtitle 25)

Division 3
Tree Canopy Cover Ordinance

CB-022-2024 (Subtitle 24)

Subdivision Ordinance



Overview of Major Changes

01

Stream Buffers

02

Forest Replacement
Requirements and Thresholds

03

Alternative Credits and
Woodland Conservation
Banking

04

Exemptions

05

Judicial Review and
Public Notice and Comments

06

Written Findings, and
Statements of Justification

07

Grandfathering

08

Tree Canopy Cover

Stream Buffer Requirements

CB-022-2024

Subtitle 24, Subdivision Ordinance

Section 24-2300 (Definitions) and Section 24-4300 (Environmental Standards)



Proposed stream buffer widths of 75-feet in all TOD Centers and 100-feet in the remainder of the county.



Statement of Justification (SOJ) will be required if the stream buffer cannot be fully wooded.



Avoidance and minimization of impacts to REF will be required for projects with a stand-alone TCP2.



The stream buffer requirements are combined for purposes of FCA planting and avoidance/minimization of impacts to Regulated Environmental Features (REF) and Primary Management Area (PMA).

Stream Buffer Widths

CB-022-2024

Subtitle 24, Subdivision Ordinance

Section 24-2300 (Definitions) and Section 24-4300 (Environmental Standards)



Comparison of Existing and Proposed Stream Buffer Widths

Environmental Strategy Area	Development Location	Current Buffers on Regulated Streams (Each side)	Proposed Buffers on Regulated Streams (Each side)	Comments
ESA-1	Transit-Oriented Centers	60-feet	75-feet	Increase of 15-feet (30 feet overall)
	Outside of Transit-Oriented Centers	60-feet	100-feet	Increase of 40-feet (80 feet overall)
ESA-2	Transit-Oriented Centers	75-feet	75-feet	No change recommended
	Outside of Transit-Oriented Centers	75-feet	100-feet	Increase of 25-feet (50 feet overall)
	Outside of Transit-Oriented Centers	75-feet	100-feet	Increase of 25-feet (50 feet overall)
ESA-3	Agricultural Rural	100-feet	100-feet	No change recommended

Replacement Requirements and Thresholds

CB-020-2024
Subtitle 25, Division 2
Woodland and Wildlife Habitat Conservation Ordinance
Section 25-121(c)&(d)



Government projects replacement requirement of 1:1 is not changing.



Option for government projects to follow the development application process is being removed.



Development application replacement requirements are proposed to be ¼:1 in Transit-Oriented Centers and 1:1 everywhere else.

Replacement Requirements

CB-020-2024
Subtitle 25, Division 2
Woodland and Wildlife Habitat Conservation Ordinance
Section 25-121(d)



Proposed Definition in Subtitle 25

Transit-oriented centers:

That transit-oriented development which is consistent with the Maryland 7-101 of the Transportation Article, and is identified within Plan 2035. This does not include those areas identified as Local Town Centers in Plan 2035.

Table 2. Woodland Conservation Replacement Requirements

Location of Woodland Clearing	Woodland Replacement Requirement (acres)
Clearing inside transit-oriented centers	¼:1 one-acre woodland replacement required for each acre cleared
Clearing outside transit-oriented centers	1:1 one-acre woodland replacement required for each acre
Clearing for government or linear project	1:1 one-acre woodland replacement required for each acre cleared

Thresholds

CB-020-2024

Subtitle 25, Division 2

Woodland and Wildlife Habitat Conservation Ordinance

Section 25-121(c)



Woodland Conservation and Afforestation Thresholds Requirements

Table 1. Woodland Conservation and Afforestation Thresholds Requirements by Zone

Zone	Woodland Conservation Requirements	
	Conservation Threshold	Afforestation Threshold
ROS, AG, AR	50%	20%
RE	25%	20%
RR, RSD-95, RSF-65, RSF-A, RMF-12, RMF-20, RMF-48, RMH, R-PD	20%	15%
CGO, CS, IH, IE, IE-PD, CN, TAC, TAC-PD, LTO-PD, RTO-PD, MU-PD	15%	15%
<ul style="list-style-type: none"> • <u>Transit-Oriented Center Base Zones</u> <ul style="list-style-type: none"> ◦ <u>LTO, RTO-L, RTO-H, NAC</u> • <u>Transit-Oriented Centers Planned Development Zones</u> <ul style="list-style-type: none"> ◦ <u>NAC-PD, LTO-PD, RTO-PD</u> 	15%	15%
LCD, LMUTC	Thresholds shall remain the same as shown on a TCP approved with a Basic Plan, Conceptual Design Plan, Specific Design Plan, Conceptual Site Plan, Detailed Site Plan, Special Permit, or Preliminary Plan of Subdivision, which was approved prior to April 1, 2022 and is in conformance with Subtitle 27 of the County Code. If no previously approved TCP exists, the thresholds shall be based on CB-27-2010 or the thresholds required by the Zoning Map Amendment which established the legacy zone.	

Alternative Credits

CB-020-2024

Subtitle 25, Division 2

Woodland and Wildlife Habitat Conservation Ordinance

Section 25-122(c)&(d)



Proposing the use of street trees and landscape credit in TOD Centers only.



The state's new language regarding habitat restoration is covered under existing local provision for habitat enhancement (updated to allow for 0.5:1 acre credit).



The state's new language regarding planted storm water management areas is not proposed to be included locally.

Woodland Conservation Banking

CB-020-2024
Subtitle 25, Division 2
Woodland and Wildlife Habitat Conservation Ordinance
Section 25-122(e)



Existing banks approved prior to December 31, 2020, remain and can operate as-is with no sunset.



New banks:

- Retention must meet the "Qualified Conservation" criteria outlined by the state (priority retention area).
- Afforestation must meet the criteria outlined by the state (priority planting area).
- Once established - banks will follow our current process (or something similar).



Proposing to allow the banking program to include the allowance of 60% of the afforestation/ reforestation requirement in retention.

From the State

- Agricultural uses such as orchards and tree farms are exempt
- Energy generating stations; the land is not exempt, but the rights-of-way are exempt
- Stream restoration and stormwater management maintenance will be exempt if the projects meet the mitigation criteria
- Forest management activities in accordance with a forest stewardship plan are exempt
- New Federal buildings meeting certain criteria are exempt
- Certain Transit Oriented Development (TOD) projects will have specific woodland conservation mitigation requirements in keeping with the state's "exemption"

Exemptions

CB-020-2024
Subtitle 25, Division 2
Woodland and Wildlife Habitat
Conservation Ordinance
Section 25-119(a), (b), (e) & (f)

Local changes only

- The validity period of exemption letters is proposed to change from two years to five years
- Standard Exemptions
 - Minor revision to standard woodland conservation exemptions by removing the criteria for exemptions based on a site containing less than 10,000 sf of woodland – and therefore requiring afforestation on these sites
- Numbered Exemptions
 - Very minor revisions for current zoning categories for numbered woodland exemptions

Judicial Review and Public Notice and Comments

CB-020-2024

Subtitle 25, Division 2

Woodland and Wildlife Habitat Conservation Ordinance

Section 25-119 (c) & 25-120 (b)



Judicial Review

- Limited to the record
- Parties have 30-days to file



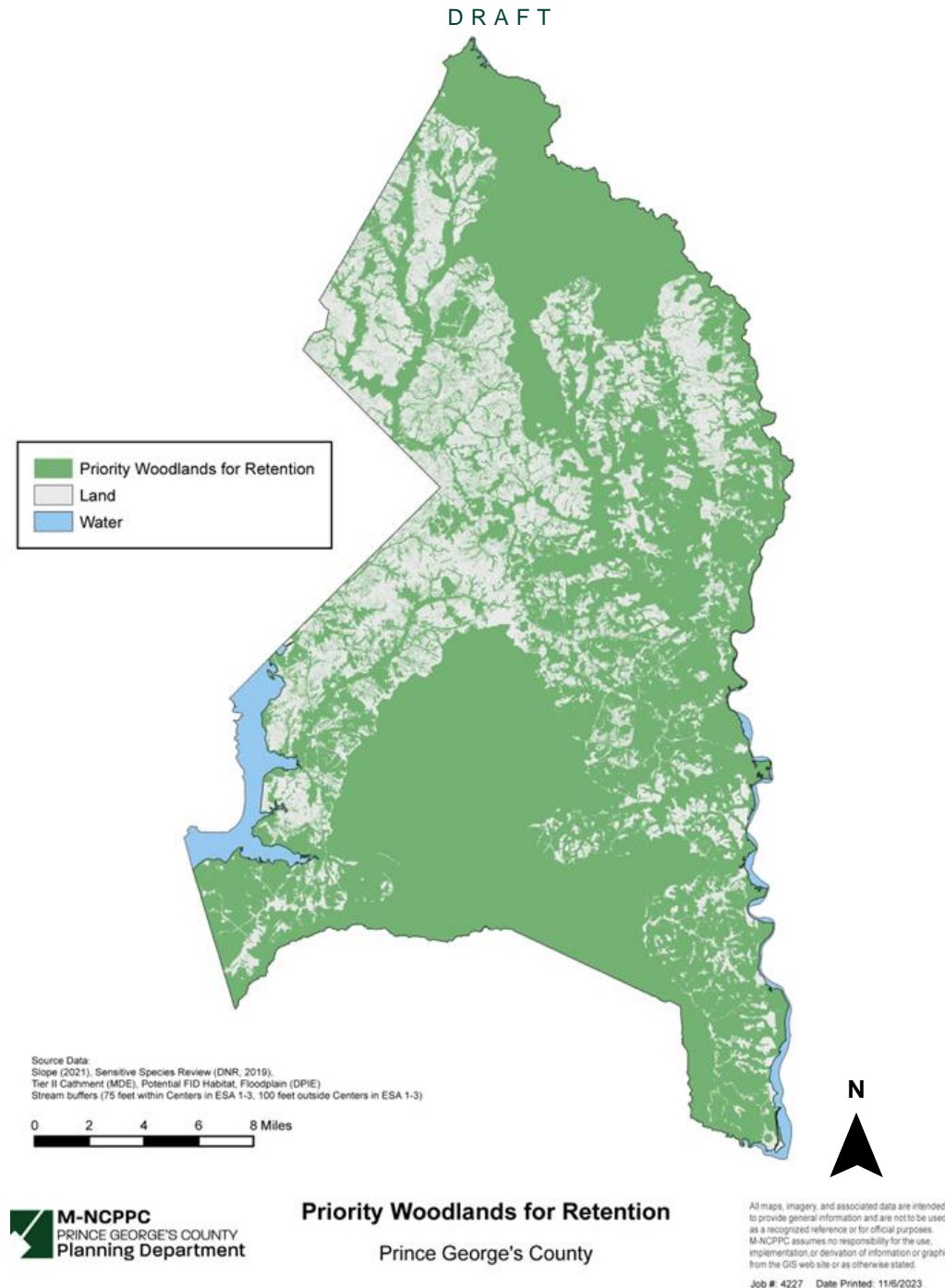
Public Notice will be required for all TCPs and must outline the type of public comments accepted for the case

- Written comments for all TCPs
- Written and verbal comments for clearing of 75% or more of existing woodland on a site 5 acres or larger

5 - 1607 (c)

Priority Retention Areas

CB-020-2024
Subtitle 25, Division 2
Woodland and Wildlife
Habitat Conservation Ordinance
Section 25-121(b)



The following is a summary of the elements that comprise priority retention areas:

- NEW minimum stream buffers
- NEW Forest Interior Dwelling Species (FIDs) habitat
- NEW Forest located in Tier II and III watersheds
- NEW Water resource protection zones, reservoir or wellhead protection areas
- NEW Forests in urban areas (TBD by DNR)
- 100-year floodplains
- Streams
- Steep slopes
- Critical habitat
- Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site
- Sensitive species project review areas (rare, threatened, and endangered species habitat)
- Trees that are part of a historic setting
- Specimen and champion trees

Statements of Justification (SOJs)

CB-020-2024
Subtitle 25, Division 2
Woodland and Wildlife Habitat Conservation Ordinance
Environmental Technical Manual



Existing SOJs

- Variances must meet required findings of 25-119(d)
- Impacts to Regulated Environmental Features for Development Review cases per the ETM
- Priority of preservation and planting on-site [Sec. 25-122(b)]
- Off-site woodland conservation credits within watershed hierarchy (at time of permit) per Section 25-122(a)(6)



Newly Required SOJs

- Impacts to (newly defined) stream buffers
- Impacts to Regulated Environmental Features for all TCPs
- Clearing of priority retention area
- Impacts to the critical root zones of specimen trees
- The new Landscape Manual requires information on removal of specimen trees for sites otherwise exempt from Subtitle 25, Division 2

Grandfathering Provisions

CB-020-2024
Subtitle 25, Division 2
Woodland and Wildlife Habitat Conservation Ordinance
Section 25-119(g)



Plans approved prior to
September 12, 2010
expire July 1, 2024



Plans approved
between
September 12, 2010
and July 1, 2024 will
be grandfathered with
a transition time (until
July 1, 2028)

Tree Canopy Cover Requirements

CB-021-2024

Subtitle 25, Division 3, Tree Canopy Cover Ordinance

Sections 25-127, 25-128, 25-129, and 25-130



Applicability change from projects proposing 5,000 SF to 2,500 SF of gross floor area or disturbance.



Reducing the list of exemptions.



Changing calculations from gross tract to net tract and requiring the canopy to be met on the net tract.



Increasing the minimum percent coverage based on zoning.

Tree Canopy Coverage Requirements

CB-021-2024
Subtitle 25, Division 3, Tree Canopy Cover Ordinance
Sections 25-127, 25-128, 25-129, and 25-130



Comparison of Existing and Proposed Tree Canopy Cover Requirements

25-128, Table 1. Tree Canopy Requirements by Zone		
Zone	Minimum Tree Canopy Coverage	
	Existing	Proposed
ROS, AG, AR	Exempt	Exempt
RE	20%	25%
RR, RSF-95, RSF-65, RSF-A, RMF-12, RMF-20, RMF-48, RMH, R-PD	15%	20%
CGO, CS, IH, IE, IE-PD, CN, NAC, TAC, LTO, RTO-L, RTO-H, NAC-PD, TAC-PD, LTO-PD, RTO-PD, MU-PD	10%	15%
LCD, LMXT <u>LMXC</u> , LMUTC	Thresholds shall be as specified by CB-27-2010 for the prior zoning of the property (before its designation as a legacy zone)	

Subtitle 25 Update

Next Steps



Contact Information

<https://pgplanning.org/5393/Subtitle-25-Update>

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