

HOUSE BILL 1197

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By: **Prince George's County Delegation and Montgomery County Delegation**
Introduced and read first time: February 12, 2016
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Forest Conservation Act – Net Tract Area**

3 **PG/MC 114–16**

4 FOR the purpose of altering the defined term “net tract area” as it applies in Prince
5 George's County to afforestation and reforestation requirements under the Forest
6 Conservation Act to include, under certain circumstances, existing forested land that
7 is located in a 100–year floodplain.

8 BY repealing and reenacting, without amendments,
9 Article – Natural Resources
10 Section 5–1601(a) and 5–1606
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Natural Resources
15 Section 5–1601(z)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2015 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Natural Resources**

21 5–1601.

22 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (z) (1) “Net tract area” means:

2 [(1)] (I) Except in agriculture and resource areas or linear project areas,
3 the total area of a site, including both forested and nonforested areas, to the nearest
4 one-tenth acre reduced, **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION**, by that
5 area where forest clearing is restricted by another local ordinance or program;

6 [(2)] (II) In agriculture and resource areas, the portion of the total tract
7 for which land use will be changed or will no longer be used for primarily agricultural
8 activities reduced, **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION**, by that area
9 where forest clearing is restricted by another local ordinance or program; and

10 [(3)] (III) For a linear project:

11 [(i)] 1. The area of a right-of-way width, new access roads and
12 storage; or

13 [(ii)] 2. The limits of disturbance as shown on an application for
14 sediment and erosion control approval or in a capital improvements program project
15 description.

16 (2) **IN PRINCE GEORGE’S COUNTY, “NET TRACT AREA” INCLUDES**
17 **EXISTING FORESTED LAND THAT IS IN A 100-YEAR FLOODPLAIN IF AFFORESTATION**
18 **OR REFORESTATION IS PROPOSED IN OR ADJACENT TO THE 100-YEAR FLOODPLAIN.**

19 5-1606.

20 (a) (1) For the following land use categories, tracts having less than 20% of the
21 net tract area in forest cover shall be afforested up to 20% of the net tract area:

22 (i) Agriculture and resource areas; and

23 (ii) Medium density residential areas.

24 (2) For the following land use categories, tracts having less than 15% of the
25 net tract area in forest cover shall be afforested up to 15% of the net tract area:

26 (i) Institutional development areas;

27 (ii) High density residential areas;

28 (iii) Mixed use and planned unit development areas; and

29 (iv) Commercial and industrial use areas.

1 (3) Afforestation requirements must conform to the conditions in §§ 5–1607
2 and 5–1610 of this subtitle, including payment into the Forest Conservation Fund, if
3 afforestation on–site or off–site cannot be reasonably accomplished.

4 (4) (i) The afforestation requirements under this subsection shall be
5 accomplished within 1 year or 2 growing seasons after the completion of the development
6 project.

7 (ii) If afforestation cannot be reasonably accomplished on–site or
8 off–site, the requirement to contribute money to a Forest Conservation Fund under §
9 5–1610 of this subtitle shall be met within 90 days after the completion of the development
10 project.

11 (5) Linear projects that involve no change in land use may not be subject
12 to afforestation requirements.

13 (b) There is a forest conservation threshold established for all land use categories
14 as provided in subsection (c) of this section. The forest conservation threshold means the
15 percentage of the net tract area at which the reforestation requirement changes from a
16 ratio of 1/4 acre planted for every 1 acre removed to a ratio of 2 acres planted for every 1
17 acre removed.

18 (c) After every reasonable effort to minimize the cutting or clearing of trees and
19 other woody plants is exhausted in the development of a subdivision plan and grading and
20 sediment control activities and implementation of the forest conservation plan, the forest
21 conservation plan shall provide for reforestation, or payment into the Forest Conservation
22 Fund, according to the formula set forth in subsection (b) of this section and consistent with
23 the following forest conservation thresholds for the applicable land use category:

24 (1) Agricultural and resource areas: 50% of net tract area;

25 (2) Medium density residential areas: 25% of net tract area;

26 (3) Institutional development areas: 20% of net tract area;

27 (4) High density residential areas: 20% of net tract area;

28 (5) Mixed use and planned unit development areas: 15% of net tract area;

29 and

30 (6) Commercial and industrial use areas: 15% of net tract area.

31 (d) (1) Subject to the provisions of paragraph (2) of this subsection, for all
32 existing forest cover measured to the nearest 1/10 acre cleared on the net tract area above
33 the applicable forest conservation threshold, the area of forest removed shall be reforested
34 at a ratio of 1/4 acre planted for every 1 acre removed.

1 (2) Each acre of forest retained on the net tract area above the applicable
2 forest conservation threshold shall be credited against the total number of acres required
3 to be reforested under paragraph (1) of this subsection.

4 (e) For all existing forest cover measured to the nearest 1/10 acre cleared on the
5 net tract area below the applicable forest conservation threshold, the area of forest removed
6 shall be reforested at a ratio of 2 acres planted for every 1 acre removed.

7 (f) (1) The reforestation requirements under this section shall be
8 accomplished within 1 year or 2 growing seasons after completion of the development
9 project.

10 (2) If reforestation cannot be reasonably accomplished on-site or off-site,
11 the requirement to contribute money to a Forest Conservation Fund under § 5-1610 of this
12 subtitle shall be met within 90 days after completion of the development project.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2016.