

CCB #26-0161

Natural Resources – Forest and Tree Conservation – Conforming Amendments

May 2026



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Legislative Timeline

- 1991: Forest Conservation Act
Minimize forest loss due to development
- 2013: Forest Preservation Act - "No net loss" policy adopted
- 2020: Local Code Update - Ordinance #20-401
- 2023: SB526/HB723 - Forest increase goal adopted
- 2024: HB1511
- July 1, 2026: Effective date set by HB1511 for local program changes
- By December 31, 2028: DNR to notify local jurisdictions of requirement to modify local program requirements if forest cover level is not maintained or expanded

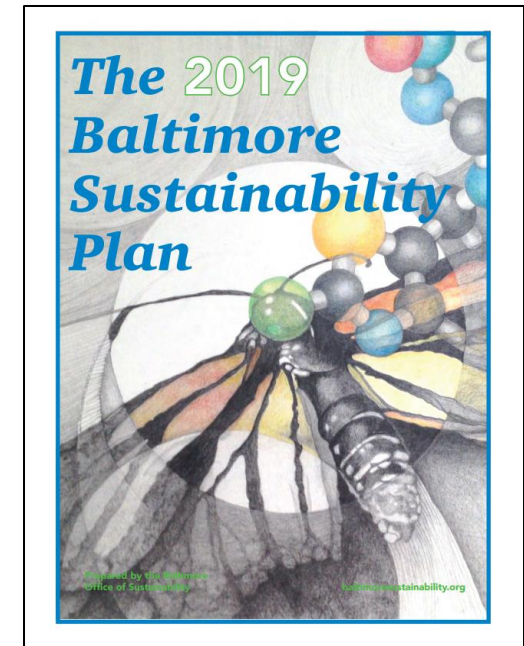
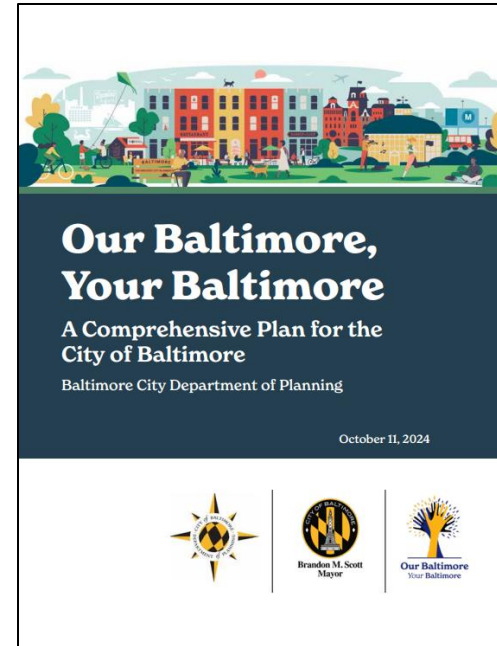


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Conformity to Plans

- 2024 Comprehensive Master Plan
 - Trees and Forests
- 2019 Sustainability Plan
 - Nature for Nature's Sake
 - Trees and Forests

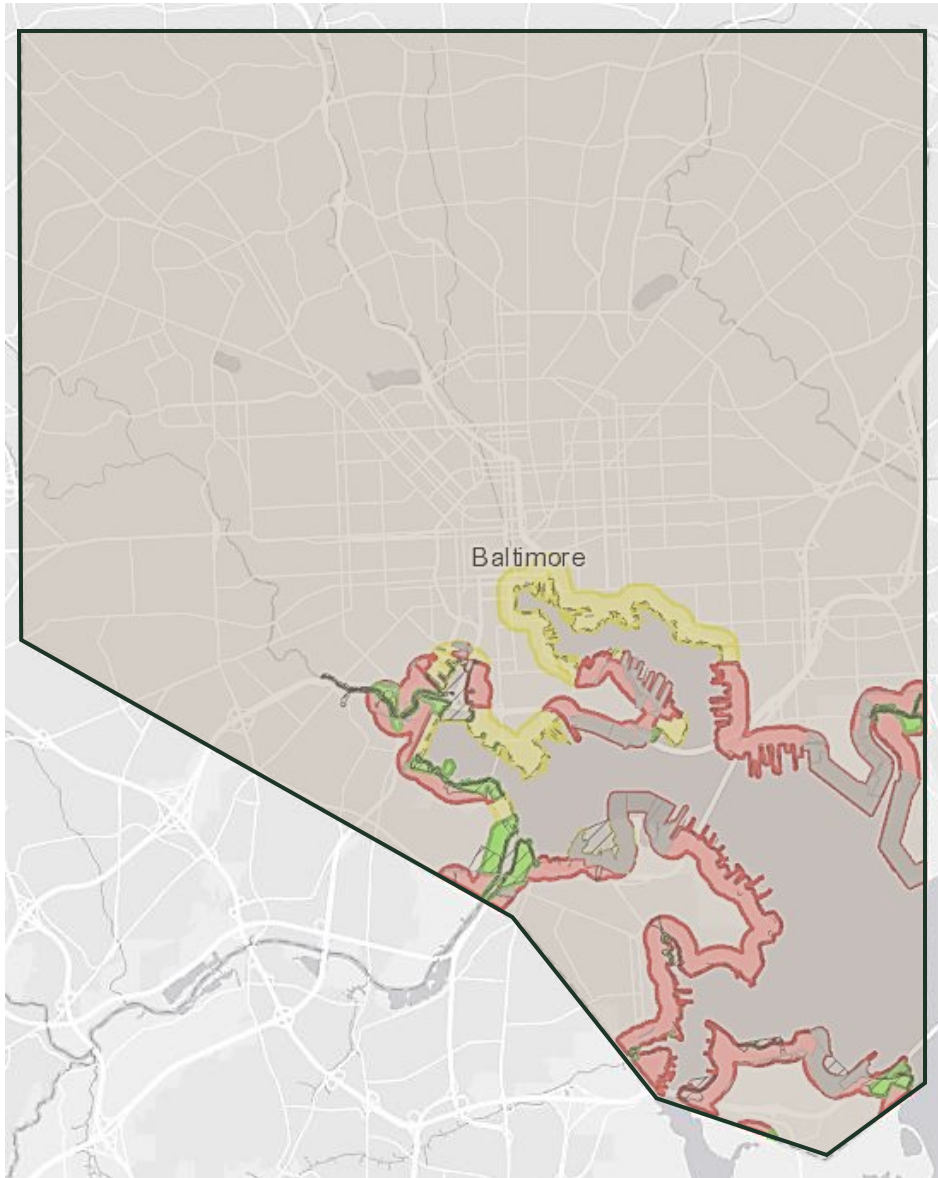


Related Local Context

- 2007: Goal of 40% tree canopy by 2037 established; Existing canopy at 27%
- 2018: Analysis revealed a 1% increase to 28% canopy from 2007 to 2015
- 2023: Analysis revealed a <1% canopy loss (143 acres) from 2018 to 2021



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▭ Parcels subject to forest conservation
(Excludes Critical Area)

Critical Area

- ▭ MD State Property
- - - 100 Foot Buffer
- ▨ Designated Habitat Protection Areas
- ▭ Resource Conservation Area
- ▭ Waterfront Industrial Area
- ▭ Waterfront Revitalization Area
- ▭ Shoreline Conservation Area

Map



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Analysis – Current Forest Conservation Regulations

- Program Components
 - Baltimore City Code – Article 7, Division IV
 - Baltimore City Supplement to the State Manual
- Review Trigger: Disturbance or subdivision of 5,000 square feet on a parcel
- Types of Required Mitigation
 - Afforestation - existing forest cover does not meet a certain threshold
 - Reforestation - existing forest cover is removed over a certain threshold
 - Specimen tree - healthy, non-invasive, non-hazardous tree 20” or larger diameter removed or impacted
- Mitigation Options (in order of preference)
 - Preservation and protection of existing forest
 - Planting on-site
 - Planting off-site
 - Fee-in-lieu payment



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Analysis – Legislated Changes

- New categories of “priority retention”
 - Includes urban forested areas mapped by DNR
 - Must demonstrate reasonable efforts made for preservation of priority retention areas
- Public notice and comment period
 - Proposed clearing of priority retention area requires notice to adjacent property owners; opportunity for written comment
 - Proposed clearing of $\geq 75\%$ of a priority retention area on a site with a Net Tract Area of 5+ acres requires opportunity for both written and verbal comment
- Judicial review
 - Adjacent property owner or aggrieved person may petition for judicial review of an approved forest conservation plan within 30 days of approval



DNR Urban Forested Areas



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Analysis – Anticipated Project Impacts Related to Notice and Comment Period

Description	Count of Projects (FY21-FY25)
Total projects	163
Projects with forest clearing	19 (12%)
Projects with Net Tract Area of 5+ acres AND \geq 75% of forest cleared	6 (4%)



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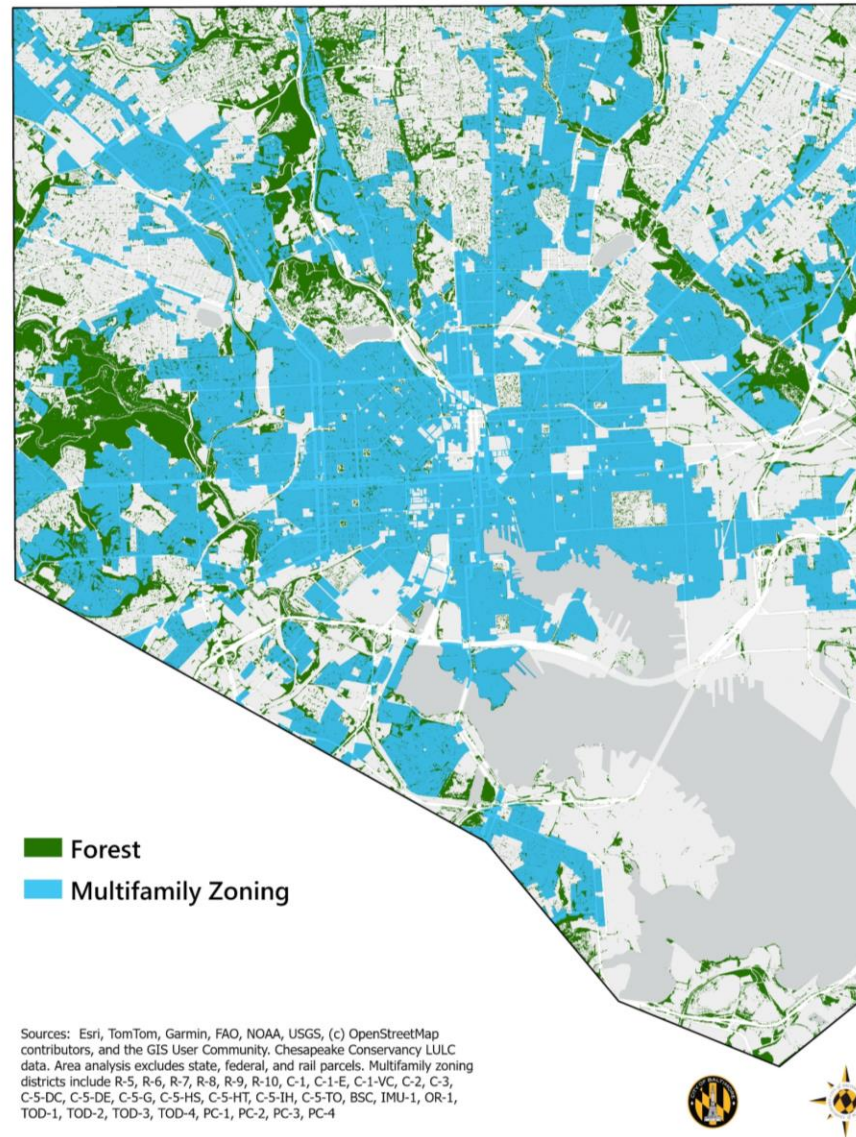
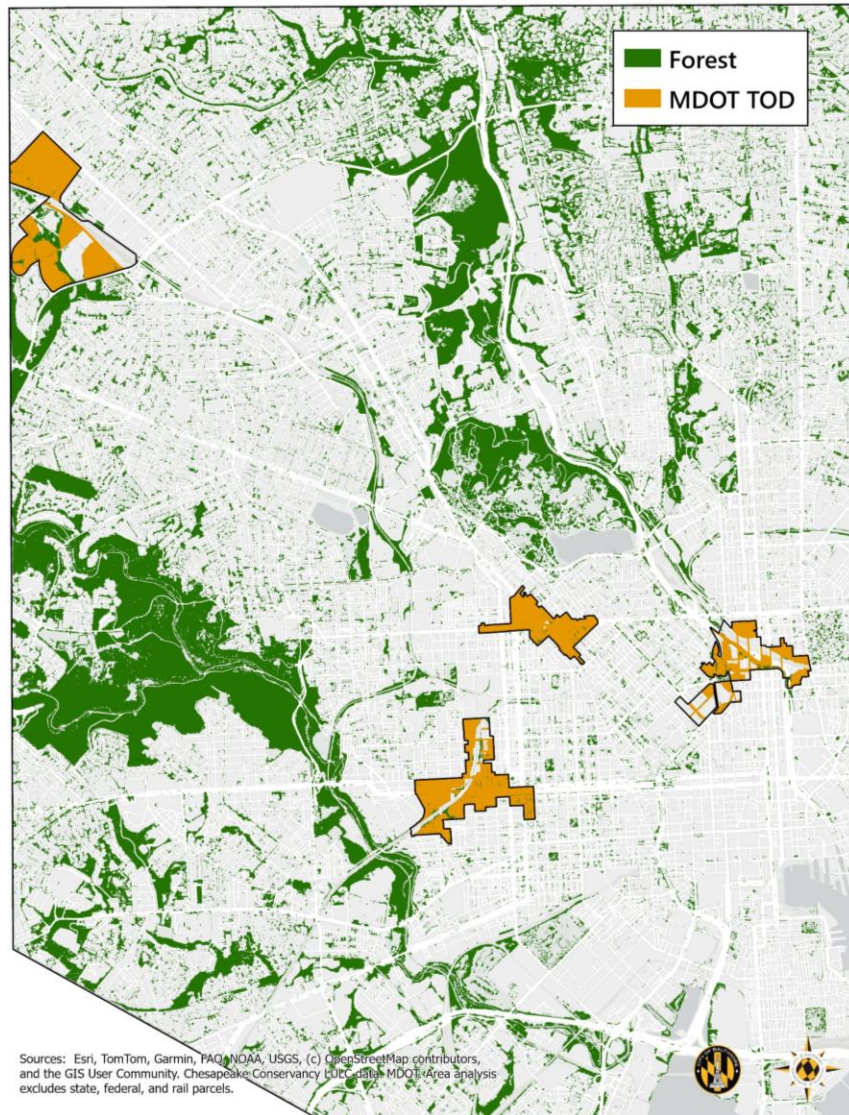
Analysis – Legislated Changes

- Adjustments to afforestation calculations

Land Use Categories	SB526/HB723 Afforestation Threshold	CCB 26-0161 Afforestation Threshold
Agricultural and Resource Areas & Medium Density Residential Areas (OS, R-1A and R-1B Zones)	20%	20%
Institutional, High Density Residential, Mixed-Use, Planned-Unit Development, Commercial, and Industrial Use Areas	15%	15%
Multifamily Housing Units (MHUs) with 25+ Dwellings	0%	15%
Development Located in Priority Funding Areas (PFAs)	0%	15%
Transit-Oriented Development (TOD)	0%	15%
Solar Photovoltaic Facilities	0%	0%



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Analysis – Legislated Changes

- Adjustments to reforestation calculations

Land Use Categories	SB526/HB723 Reforestation Ratio	CCB #26-0161 Reforestation Ratio
Agricultural and Resource Areas & Medium Density Residential Areas (OS, R-1A and R-1B Zones)	1:1	1:1
Institutional, High Density Residential, Mixed-Use, Planned-Unit Development, Commercial, and Industrial Use Areas	1:1	1:1
Multifamily Housing Units (MHUs) with 25+ Dwellings	1/4:1	1:1
Development Located in Priority Funding Areas (PFAs)	1:1*	1:1
Transit-Oriented Development (TOD)	1/4:1	1:1
Solar Photovoltaic Facilities	1:1	1:1

Map



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Analysis – Legislated Changes

Mitigation Sequence: Current	Mitigation Sequence: Proposed
Planting on-site	Planting on-site
Planting off-site	Planting off-site
Credits from a forest mitigation bank located in the city	Restoration of on-site or off-site degraded forest
	Acquisition of off-site protection easement on unprotected forest
	Qualified conservation in a forest mitigation bank located in the city
Fee-in-lieu payment	Fee-in-lieu payment



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Analysis – Voluntary Updates

- Changes to Exemptions
 - Eliminates dwelling house exemption
 - Adds maintenance/retrofitting of an existing stormwater management practice
 - Adds forest management
- Limited Exemptions to Afforestation Added
 - Linear projects
 - Urban agriculture
 - Voluntary stormwater management projects
- Codifies policies protecting mitigation plantings and tracking of plantings
- Proposed increases to fee-in-lieu rates in alignment with current costs
 - Major tree: increase from \$600 to \$700
 - Caliper inch: increase from \$300 to \$350
 - Analysis of projects FY21-FY25 – 23% of projects paid FIL



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Proposed Amendments from Planning Commission Report

- Amendment No. 1 addresses comments from DNR related to definitions
 - Updates definition of linear project
 - Adds definitions of maintenance agreement, lot, net tract, and watershed
- *Amendment No. 2 clarifies an applicant's entitlement to petition for judicial review
- Amendment No. 3 strikes a mention of a specific length for required maintenance agreements



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Coordination of Amendments in Response to Law Department Report

- DOP has no objection to the following recommended amendments -
 - Updates to references to state code (Page 2, lines 28 & 29)
 - Amendments to definition of "critical habitat" to meet state standard (Page 3, lines 24, 26, 27, & 29)
 - Replace "development" with "redevelopment" (Page 12, line 16)
 - Judicial review of final decision (Page 16, lines 23 & 25)
 - Amendments to definition of Urban Forest to meet state standard (Page 27, Line 11)
 - Coordination of Section 42-6 and Section 45-6



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Coordination of Amendments in Response to Law Department Report

- DOP and Law agree that no amendment is needed -
 - Abutting or adjacent property owner (Page 16, lines 18-20)
- DOP and Law to coordinate to offer amendments -
 - Coordination of standards across Sections 44-2, 45-4, and 47
 - *Coordination of Sections 42-6 and 45-6 related to administrative and judicial review





Questions?