



BILL SYNOPSIS

Committee: Judiciary

Bill 20-0546

Natural Resources - Forest and Tree Conservation

Sponsor: Council President (Administration)

Introduced: June 22, 2020

Purpose:

For the purpose of amending the Forest and Tree Conservation provisions of Article 7 of the Baltimore City Code to comply with new State requirements, to coordinate with other City environmental requirements, and to align the Code with existing policy; correcting certain references; allowing for mitigation to be provided through forest mitigation banks located within the City; updating the requirements for mitigation fee usage; aligning the allowed uses of forest conservation funds with the definitions allowed by the State; adding annual reporting and biennial review requirements, as required by the State; reducing the amount of required land that triggers a review to conform with the amount of required land for grading or building permits; requiring that a Forest Stand Delineation be an element of other reviews, including Site Plan Review, subdivision, grading, and erosion and sediment control; requiring that all grading and building permits, and sediment, and erosion control, subdivision, or development plan approvals be conditioned on approval of and compliance with an approved Forest Conservation Plan; modifying mitigation fees to conform with Critical Area and Landscape Manual mitigation fees and modifying the amount of violation fines; adding a definition for "critical root zone" to the Code and modifying the definition of "specimen tree"; allowing notifications to applicants to be sent by email; adding a specimen tree mitigation policy to the Code; requiring that applicants notify adjacent property owners for significant impacts to off-site specimen trees; establishing a procedure, with criteria and requirements, for modifying existing forest conservation easements; clarifying that variances may be granted in advance of activity requiring Forest Conservation approval and that variances may not be granted after violation of the provisions of this Code; and generally relating to forest

and tree conservation; and approving and adopting a new Baltimore City Forest Conservation Manual (2020 Edition).

Effective: The 30th day after the date it is enacted. This Ordinance does not change existing approved plans and their expiration dates. Fees enacted under this Ordinance will apply to any applicable permit approved on or after the effective date.

AGENCY REPORTS

Planning Commission	Favorable with Amendments
Board of Municipal and Zoning Appeals	
City Solicitor	Favorable with Amendments
Department of Housing and Community Development	
Department of Recreation and Parks	
Department of Public Works	
Office of Sustainability	Favorable with Amendments

ANALYSIS

Current Law

Article 7—Natural Resources, Division IV: Forest and Tree Conservation. Baltimore City Revised Code (Edition 2000).

Bill Summary

The bill would adopt the new Baltimore City Forest Conservation Manual (2020 Edition), as prepared by the Department of Planning and make numerous changes to Article 7—Natural Resources, Division IV: Forest and Tree Conservation. The bill is intended to update the City's local regulations as required by the state, incorporate existing City forest conservation program policies, and coordinate the forest conservation regulations with related codes and development reviews.

Significant changes include the following:

- Reducing the threshold for applicability of the regulations from a parcel of 20,000 square feet or greater to a parcel or parcels of land for a total area of 5,000 square feet or greater.
- Adding specimen trees 20" diameter at breast height or larger as a priority for retention.

- Requiring an applicant to notify an adjacent property owner if proposed development would significantly impact specimen trees or forests on the adjacent owner's property.
- Adding credits generated by a forest mitigation bank in the city as part of the sequence of mitigation techniques.
- Increasing the fee-in-lieu rate for reforestation or afforestation from \$0.30 per square foot to \$60,000 per acre (equivalent to \$1.38 per square foot).
- Establishing an equivalent contribution rate of \$300 per inch of required specimen tree mitigation.
- Increasing the fine penalty from \$0.60 per square foot to \$120,000 per acre (equivalent to \$2.75 per square foot).

The bill also adds a purpose section to the Code, updates the definitions, and makes other administrative and conforming changes.

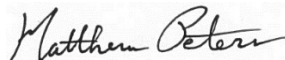
Amendments

The Planning Commission, Office of Sustainability, and the Law Department proposed amendments. The amendments are detailed in the agencies' written reports.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Reporting Agencies, Bill 20-0546.



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