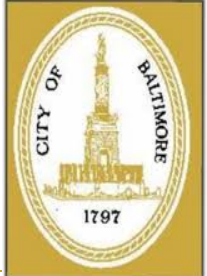


F R  O  M	NAME & TITLE	Matthew W. Garbark, Acting Director	CITY of BALTIMORE  <i>MEMO</i>	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Bill 20-0546		

August 3, 2020

**TO:**

Judiciary Committee

**INTRODUCTION**

I am herein reporting on City Council Bill 20-0546 introduced by Council President Scott and Council Members Bullock, Dorsey, Clarke, Burnett, Sneed, Henry, and Cohen on behalf of the Administration (Department of Planning).

**PURPOSE**

The purpose of the Bill is to, among other things, amend the Forest and Tree Conservation provisions of Article 7 of the Baltimore City Code to comply with new State requirements and to coordinate with other City environmental requirements; align with existing policy; reduce the amount of land that triggers a review to conform with grading or building permits; and to require that the Forest Stand delination be an element of other reviews, including sediment and erosion control.

**BRIEF HISTORY**

The City’s Forest Conservation program was established in 1993 as required under the Maryland Forest Conservation Act. These requirements are found under Article 7 {Natural Resources} Division IV of the Baltimore City Code and is supported by the Baltimore City Forest Conservation Manual. The Department of Planning administers the program, which includes conducting forest conservation reviews and approvals as well as managing the forest conservation mitigation fund. Enforcement of the Forest Conservation requirements are under the purview of the Department of Housing and Community Development. In general, the Forest Conservation requirements apply to grading permits, sediment and erosion control approvals, subdivisions and development plans for parcels 20,000 square feet or more in size. Exemptions include certain routine maintenance and repairs and emergency public utility work occurring in rights-of-way.

City Council Bill 20-0546, if approved, would align the City Code with new State requirements and with other sections of the Code. Some of the more notable changes are as follows:

- Division IV would now apply to parcels that are 5,000 square feet or more in size, rather than the current 20,000 square foot or larger parcel, which aligns with the requirements of Stormwater Management, Sediment and Erosion Control, and the City’s Landscape Manual;

The Honorable President and Members  
of the Baltimore City Council  
August 3, 2020  
Page 2

- Clarifies which applications require submission of forest stand delineation, and which types of permits and approvals require a forest conservation plan;
- The terms “critical root zone” and “specimen tree” are defined, and requires notification of adjacent property owners should development impact specimen trees and forests located on their properties; and
- The fee-in-lieu rate for reforestation and afforestation would be changed to \$60,000/acre to align with the rate approved for the Landscape Manual and the Critical Area program.

In reviewing the legislation, the Planning Commission adopted and recommended amendments to the Bill for a technical correction, to clarify that only disturbed areas of certain parcels larger than 40,000 square feet are subject to afforestation or reforestation; to clarify the sequencing for afforestation, reforestation or specimen tree mitigation; and to provide an effective date of 90 days after enactment. The Department finds these amendments to be reasonable and appropriate.

#### **FISCAL IMPACT**

The Department of Public Works was one of several agencies that the Department of Planning consulted prior to the introduction of City Council Bill 20-0546. The provisions of this Bill would have some fiscal impact on the Department’s capital projects where work or access areas would require tree removal, but the amount is not anticipated to be significant. The Department appreciates the need to update tree replacement costs and to align these costs with the Landscape Manual and the Critical Area program.

#### **AGENCY/DEPARTMENT POSITION**

The Department of Public Works supports passage of City Council Bill 20-0546 as proposed to be amended by the Planning Commission.



Matthew W. Garbark  
Acting Director

MWG:MMC