

Baltimore City Forest Conservation Program

2020 CODE & MANUAL UPDATE

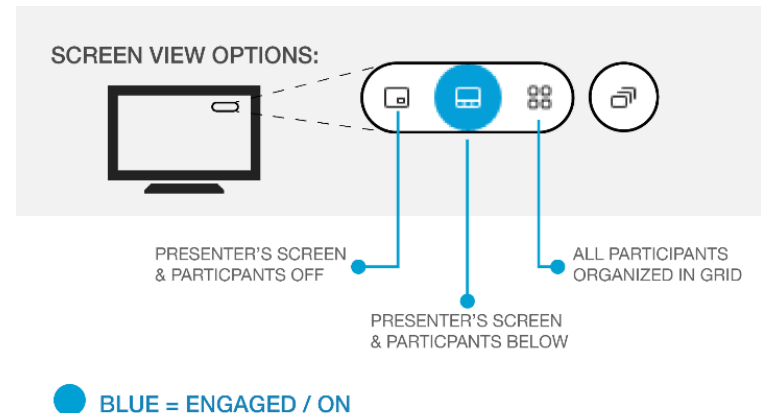
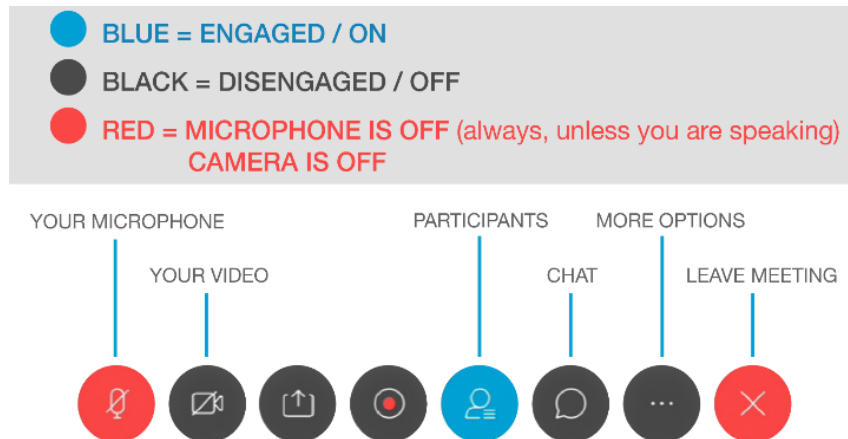
Program Overview and Summary of Proposed Changes



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Background

Tree Canopy Goal

- 1% canopy gain between 2007-2015

Sustainability Plan

- Trees and Forests - Preserve the city's existing tree canopy

Tree Ordinance Committee

- Analyzed existing tree and forest laws and policies
 - Critical Areas - trigger depends on location
 - Forest Conservation - 20,000 sq. ft. of disturbance
 - Landscape Manual - 5,000 sq. ft AND Site Plan Review
 - Public Trees (Streets & Parks)
- Evaluated laws and ordinances from other jurisdictions



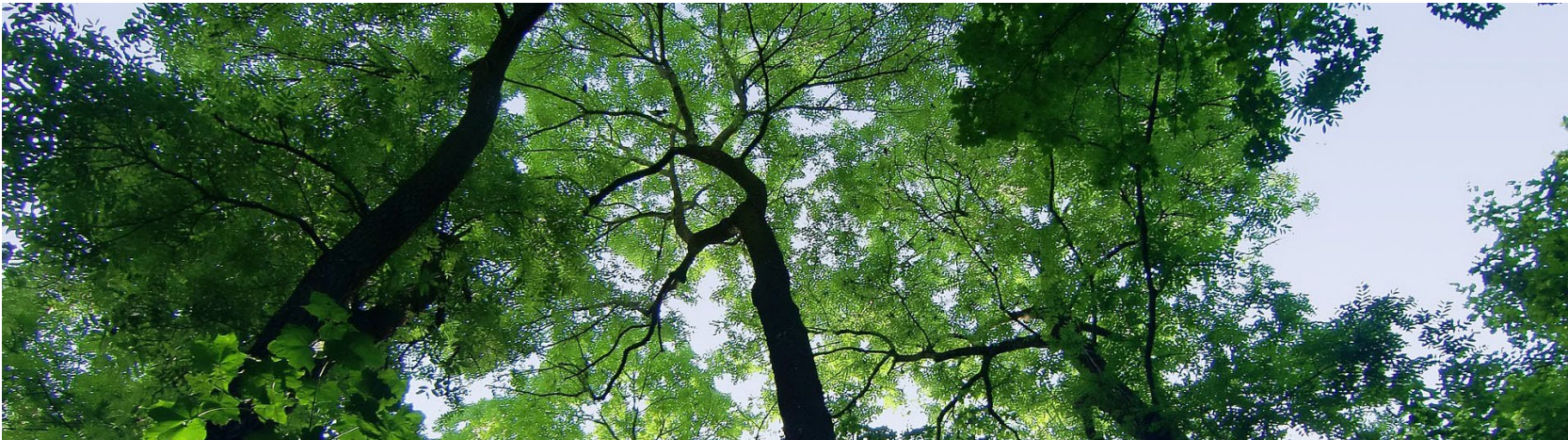
Forest Conservation Overview

The Forest Conservation Act was enacted in 1991 -

- Minimizing the loss of Maryland's forest resources during land development
- Making the identification and protection of forests and other sensitive areas an integral part of the site planning process

Definition of Forest (Article 7 Baltimore City Code Article 7 Division IV) -

- A biological community dominated by trees and other woody plants covering a land area of 4,000 square feet or greater. This area must have a live tree density of at least 100 trees per acre, with at least 50% of those trees having a 2-inch or greater diameter at 4.5 feet above the ground.



Requirements

Current Trigger: 20,000 sq. ft. of disturbance

Main regulatory components:

- Preservation of existing forest, based on state forest conservation worksheet
- Mitigation for forest clearing, based on the state worksheet
- 15% afforestation: requires that at least 15 percent of site must have tree cover (planting rate calculated at 15 trees per acre)
- Mitigation for specimen tree removal (trees with a diameter of 20" and above, non-invasive, fair or better condition)

The requirements may be met in four different ways:

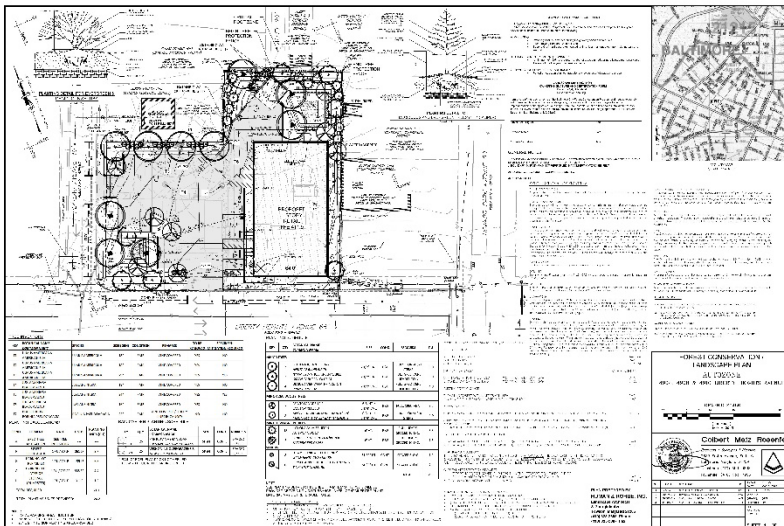
- On-site preservation and/or mitigation,
- Off-site mitigation,
- Payment of offset fees,
- Combination of on-site, off-site, and/or offset fees.



Examples (Under Current regulations)



- The Residences at Roland Heights
 - 9.8 acre site with 3.5 acres of ex. forest
 - Cleared 1.4 acres of forest & 74.5" specimen trees
 - Established 2.4 acre forest conservation easement (2.1 acres retained forest & 0.3 acres reforestation)
 - Providing 137 major trees and 68 minor trees



- Liberty Heights AutoZone
 - 0.74 acre site with 2 specimen trees
 - Clearing 53" of specimen trees & requires 0.11 acres afforestation
 - Planting 10 major trees, 31 minor trees, & 23 shrubs
 - Paid \$4,000 fee-in-lieu for 20" mitigation



Proposed Changes

Three Categories of Changes

- Changes to coordinate with state code
- Changes to codify existing policies
- Changes to coordinate with other local codes and programs



Proposed Changes

Coordination with State Code

- Correct references to/between City and State codes and manuals
- Allow for the creation of forest mitigation banks
- Require that mitigation fees collected for afforestation and reforestation be used to establish the equivalent number of acres
- Add afforestation, maintenance of existing forests, and achieving tree canopy goals to the list of uses of forest conservation funds
- Add state requirements for City annual report submissions to the Maryland Department of Natural Resources (DNR) and DNR Biennial Review process of the City's local forest conservation program to the code (codifies existing processes)
- Remove from the City manual terms that are defined in the State Forest Conservation Technical Manual and are the same as the state definitions



Proposed Changes

Codify Existing Policies

- Add a Purpose section to code
- Add a definition for “critical root zone”
- Update definition of “specimen tree” from 30” to 20” per existing policy
- Allow for notifications to applicants to be sent by email
- Add the specimen tree mitigation policy to the code and manual
- For projects involving significant impacts to specimen trees on an adjacent property, require applicant to provide proof of notification of the adjacent property owner
- Add the criteria, requirements, and process for modifying existing forest conservation easements



Proposed Changes

Codify Existing Policies (continued)

- Add clarification that variances must be granted in advance of activity requiring Forest Conservation approval and variances cannot be needed as a result of a violation.
- Add existing afforestation credit policy for understory trees, evergreen trees, and shrubs to the manual
- Clarify definition of “Net Tract Area” in the manual per exiting policy - land within the Critical Area may be deducted but area within the floodplain may not be deducted when calculating Net Tract Area



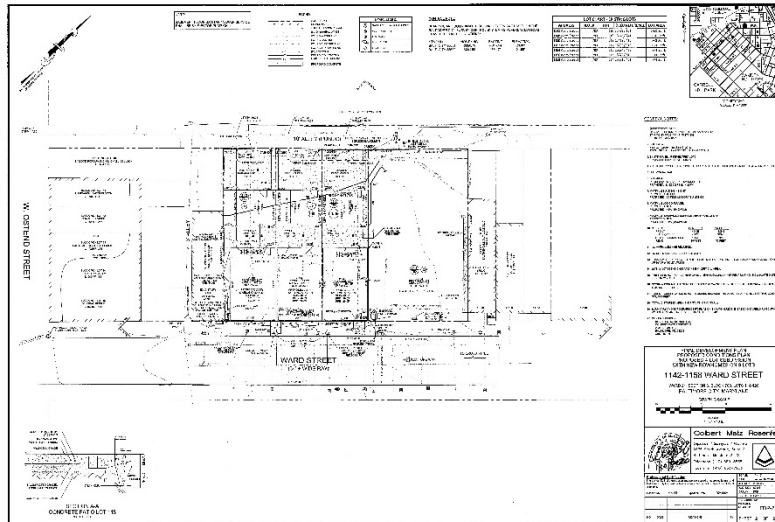
Proposed Changes

Coordination with Other Development Requirements

- Reduce the trigger for review from 20,000 sq. ft. of disturbance to 5,000 sq. ft. of disturbance to align with trigger for grading, sediment and erosion control, and stormwater management permits
- Make a Forest Stand Delineation submission a requirement of Site Plan Review, subdivision applications, grading permit reviews, and sediment and erosion control reviews
- Make all grading permits, sediment and erosion control permits, subdivision approvals, and development plan approvals conditioned on approval of, and compliance with an approved Forest Conservation Plan
- Adjust mitigation fees from \$400 per tree to \$600 per tree (or \$60,000 per acre) to align with Critical Area and Landscape Manual mitigation fees, and adjust fines to twice the amount of the updated mitigation fee rate (\$120,000 per acre)

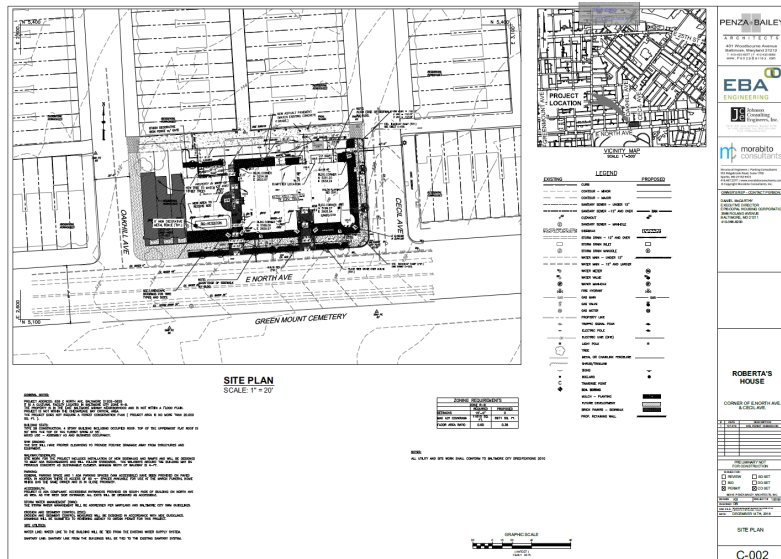


5,000 sq. ft. - 20,000 sq. ft. sites



→ 1142-1158 Ward Street

- 7,917 sq. ft. infill redevelopment - 3 rowhouses
- No existing trees
- Did not trigger landscape manual or Forest Conservation
- Would require 3 trees for afforestation (up to \$1800 fee-in-lieu)



→ Roberta's House (926 E North Ave)

- 19,340 sq. ft. site - infill redevelopment
- Existing street trees to remain
- Would require 7 new trees for afforestation under Forest Conservation
- Providing 10 major trees, 3 minor trees, and 66 shrubs to meet landscape manual requirements - These would also meet new forest conservation rules



Next Steps

- Please contact Amy Gilder-Busatti at amy.gilder-busatti@baltimorecity.gov with comments or questions about the changes.
- The City Council Bill is expected to be introduced in June 2020.
- The updated manual will be made available on the Baltimore Office of Sustainability and Department of Planning websites once adopted by City Council.
- New forest conservation guidance materials will be developed later this year and shared on our websites.

