

AMENDMENTS to Bill No. 17-17

Introduced By:

Council Member Jessica Fitzwater (District 4)
Council Member Tony Chmelik (District 2)

Introduction Date:

Adopted/Rejected/Withdrawn:

February 13, 2018

An ACT to: Amend Chapter 1-21 of the Frederick County Code (Forest Resource Ordinance) to revise the forest planting, retention, and mitigation requirements.

Amend § 1-21-6. APPLICABILITY AND GENERAL REQUIREMENTS.

On Exhibit 1, Page 2, Section 1-21-6(F), is amended as follows:

Except as provided in § 1-21-7, this chapter applies to property for which an application is being made for:

(A) A subdivision; [~~or~~]

(B)[a] A grading or sediment and erosion control permit for an area comprising 40,000 square feet or greater;

(~~[B]~~ C) A public utility development project not exempt under § 1-21-7 that clears 40,000 square feet or more of forest;

(~~[C]~~ D) A site plan development project with a net tract area 40,000 square feet or greater[.]; **OR**

(~~[D]~~ E) A site plan development project with a net tract area less than 40,000 square feet that generates a forest mitigation requirement of 250 square feet or greater.[; OR]

[(F) CONSTRUCTION OF A SINGLE-FAMILY HOUSE ON A SINGLE LOT OF RECORD AS OF DECEMBER 31, 1992, IF THE ACTIVITY RESULTS IN THE CLEARING OR GRADING OF 20,000 SQUARE FEET OR GREATER OF FOREST.]

Amend § 1-21-40. CONSERVATION AND FORESTATION PRIORITIES.

On Exhibit 1, Page 5, Section 1-21-40 (H)(3), is amended as follows:

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

(H) *Easement restrictions.* No FRO easements (long-term protection) shall be allowed:

- (1) Over septic areas or wells; [øf]
- (2) On lots less than 40,000 square feet. However, forest in these areas may be protected as “tree save area,” as provided in § 1-21-44[.]; OR
- (3) OVER [EXISTING PRESERVATION OR] UTILITY EASEMENTS.

Amend § 1-21-41. AFFORESTATION AND AFFORESTATION THRESHOLD.

On Exhibit 1, Page 5, Section 1-21-41 (D), is amended to remove all changes proposed in Bill 17-17 and retain the existing language as follows:

(D) *Afforestation requirements.* Afforestation on a tract or development project shall be in accordance with the following requirements:

(1) A tract or development project having less than 20% of the net tract area in forest cover shall be afforested to at least 20% of the net tract area for the following zoning categories:

- (a) Agriculture;
- (b) Resource conservation; and
- (c) R-1 residential.

(2) A tract or development project having less than 15% of the net tract area in forest cover shall be afforested to at least 15% of the net tract area for the following zoning categories:

- (a) Institutional uses in any zone;
- (b) R-3, R-5, R-8, R-12, R-16 residential zones and mobile home parks;
- (c) Mixed Use and Planned Development zones; and
- (d) Commercial and Industrial Use zones.

Amend § 1-21-42. REFORESTATION AND CONSERVATION THRESHOLD.

On Exhibit 1, Page 5-6, Section 1-21-42 is amended by removing all changes proposed to subsections (B), (C), and (D) in Bill 17-17:

[(B) CALCULATION OF REQUIREMENTS. THERE ARE TWO METHODS TO CALCULATE REFORESTATION REQUIREMENTS. THE METHOD THAT RESULTS IN THE MOST REFORESTATION SHALL BE USED.]

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

(1) THE FIRST METHOD SHALL REQUIRE A 1:1 REPLACEMENT. FOR EVERY ONE ACRE (OR PORTION THEREOF) OF FOREST REMOVED, ONE ACRE MUST BE PLANTED.

(2) THE SECOND METHOD, THE "STANDARD METHOD", IS SET FORTH IN SUBSECTION 1-21-42(D).]

~~[[B-C]]~~ **(B)** *Definitions restated.* **REFORESTATION** under this section means the planting of trees to replace forest that has been recently or is proposed to be removed by development. **CONSERVATION THRESHOLD** means the percentage of the net tract area at which the reforestation requirement changes from a ratio of one-quarter acre planted for every 1 acre removed to a ratio of 2 acres planted for every 1 acre removed according to the land use categories as listed below:

<i>Category of Use</i>	<i>Threshold Percentage</i>
(1) Agricultural and Resource Conservation Zones, except for cluster developments therein which shall utilize R-1 values	50
(2) R-1 Residential zoned areas	25
(3) Institutional use areas in any zone	20
(4) R-3, R-5, R-8, R-12, R-16 and Mobile Home Park zoned areas	20
(5) Mixed Use and Planned Unit Development zoned areas	15
(6) Commercial and Industrial Use zoned areas	15

Required reforestation under the Standard Method shall be calculated according to the formulas provided in subsection ~~[[E-D]]~~ **(C)** of this section.

~~[[E-D]]~~**(C)** *[STANDARD METHOD]Calculations.*

(1) For all existing forest cover cleared on the net tract area above the applicable conservation threshold established by subsection ~~[[A-C]]~~ **(A)** of this section, the area of forest removed shall be reforested at a ratio of one quarter acre planted for every acre removed.

(2) For all existing forest cover cleared on the net tract area below the applicable conservation threshold, the area of forest removed shall be reforested at a ratio of 2 acres planted for each acre removed.

(3) For each acre of forest retained on the net tract area above the applicable conservation threshold, credit shall be given against the total number of acres required to be reforested under subsection ~~[[E-D]]~~ **(C)**(1) of this section.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

[(D)](D) *Accuracy Standards.* All calculations of reforestation requirements shall be calculated to the nearest one-hundredth acre and shall be in accordance with the worksheet provided in the Technical Manual and approved by the Department. However, forest field measurements may be measured to the nearest one-tenth acre.

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End of Amendments

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.