



FREDERICK COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

TO: Frederick County Council
FROM: County Executive Jan H. Gardner
DATE: February 10, 2020
SUBJECT: Forest Conservation and Environmental and Historic Protection

ISSUE/BACKGROUND:

Growth has been and will continue to be a hot topic in Frederick County. As the County grows, we need to do our best to protect what we love and value about our cherished community including protecting our environmental and historic assets.

We know that Frederick County residents value our rich history, our open spaces and our agricultural heritage. Citizens lament the loss of forest and our historic and cultural amenities as the result of development.

We have witnessed mass grading and significant loss of forest, particularly around Lake Linganore, as development has occurred. Citizens have expressed their displeasure with the loss of forest but have become angry and frustrated when they learn that often no mitigation or planting of trees elsewhere has been required by the County.

The good news is that we can take action to prevent the loss of forest and protect our historic and cultural amenities now into the future.

To protect forest, our environmental resources, and our rich history, I have proposed legislation to ensure that we consider protection of these assets at the time of rezoning, early in the process. We know the beginning often determines the end. If we don't protect these features from the outset, we may lose the opportunity to do so.

As the County Council debates climate change, it is important that we do something very fundamental - protect our sensitive environmental areas and ensure that Frederick County does not lose its forests. This is consistent with Livable Frederick and our mapping of our green infrastructure.

I am proposing two new pieces of legislation:

1. An amendment to our forest resource ordinance to strive for no net loss of forest through the inclusion of a 1:1 replacement of trees lost during the development process.
2. An update to our zoning ordinance adding consideration of our environmental and historic resources at the point of rezoning. This proposal updates and clarifies criteria for these purposes as well as for transportation adequacy.

Forest Resource Ordinance (FRO):

The goal of the amendment to the Forest Resource Ordinance is to stop of the loss of forest in Frederick County. Between 2001 and 2005, 4,000 acres of forest cover in Frederick County disappeared. Some of this loss was due to insect infestation and nature deforestation but much of it was the result of new development and the clearing of trees.

In 2008, the County Commissioners passed a Forest Resource Ordinance amendment to require a 1:1 replacement of every acre of forest cleared for development. Carroll County has had a 1:1 replacement ratio in place for many years, so this requirement brings us in line with our neighbor.

In 2011, the former Board of County Commissioners eliminated this requirement and reduced the local law to minimum state requirements. Between 2012 and 2019, Frederick County experienced a net loss of about 480 acres of forest or an average of about 70 acres annually. We can do better and achieve no net loss of forest by simply restoring the 1:1 replacement ratio.

It is important to note that the County invests millions of dollars to plant trees through efforts like Creek ReLeaf to achieve environmental goals and clean water requirements in our MS4 permit. We know that forest is important to protecting our environment, ensuring healthy streams, and providing habitat. Street trees in new developments cannot achieve these goals. Preventing forest loss is much less expensive than mitigating pollution and cleaning our waterways after the fact. Protecting and preserving our forests makes good financial sense.

Zoning Ordinance Amendments

The goal of the proposed amendments to the zoning ordinance are to protect forest, environmentally sensitive areas, and historic assets at the point of rezoning. Evaluating and protecting environmental features and historic assets prior to development taking place and before land is rezoned for development is forward thinking and puts our community's values first. We know our residents value what is special about Frederick County and want us to protect these resources.

In addition, the zoning amendments update and clarify criteria for evaluating and determining the adequacy of the transportation network at the point of rezoning. While transportation adequacy has long been a topic of consideration, the addition of criteria better defines and considers cumulative impacts on our transportation network.

Clearly road congestion and traffic safety are an issue of concern for our residents and businesses alike. Considering these criteria upfront, early in the development process, ensures a better outcome for the citizens we serve. While we cannot undo some of the decisions of the past, we can and should do better planning now into the future.

County staff has provided the technical details of these two proposals in separate staff reports.

RECOMMENDATION:

As County Executive, I urge the County Council to adopt the proposed amendments to the Frederick County Forest Resource Ordinance and to Chapter 1-19 of the Frederick County Zoning Ordinance. The adoption of these legislative initiatives will protect environmental and historic resources, prevent the net loss of forest cover to new development, and will ensure a bright future for Frederick County.