2020 Forest Conservation Code Updates

Council Bill 20-0546 Natural Resources - Forest and Tree Conservation

Introduction
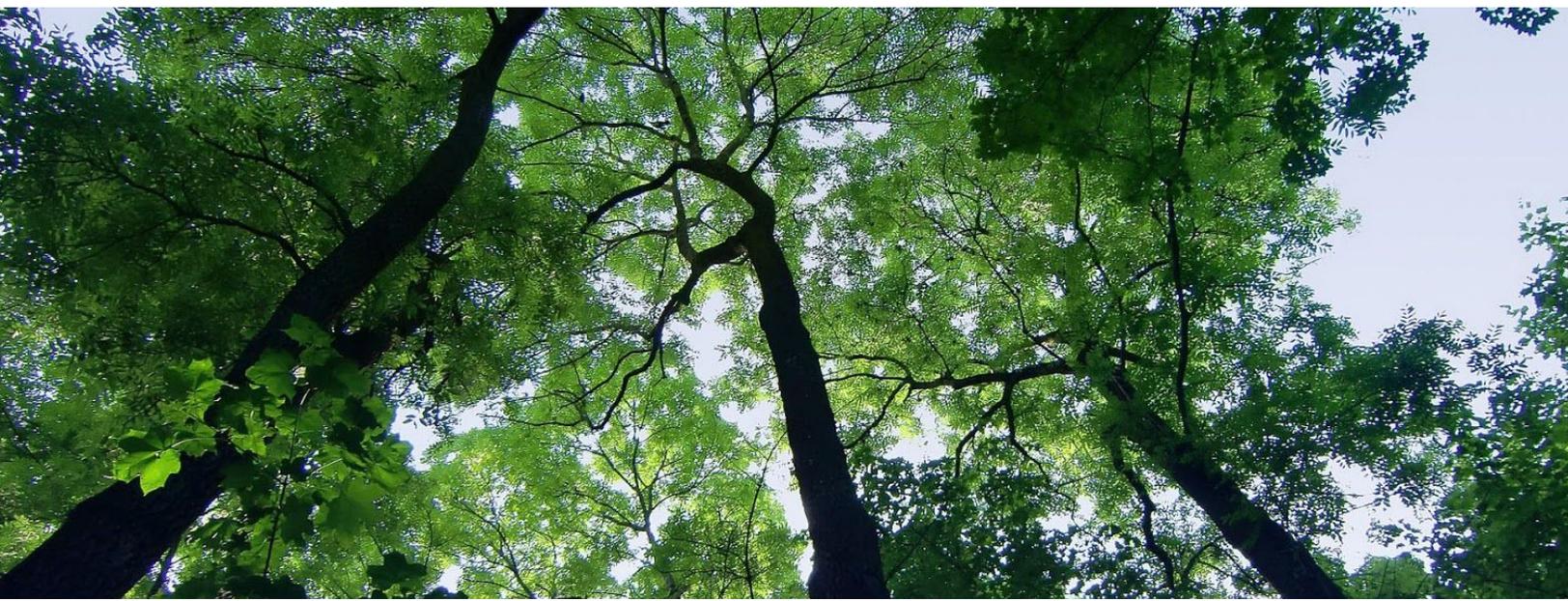
A healthy city has a tree canopy of at least 40%. Baltimore City currently has a 28% tree canopy.[1] In order to continue to grow our city's tree canopy, we must protect our existing trees. Trees clean our air and water, reduce flooding, lower temperatures and energy bills, improve public health and social cohesion, and beautify our neighborhoods.

What is the Forest Conservation Code?

In 1991, Maryland passed the Forest Conservation Act to establish rules to minimize tree loss during development. To comply with the Forest Conservation Act, the City of Baltimore enacted local legislation to enforce the Forest Conservation Program. But the City has not made any changes to our local Forest Conservation Program in over a decade.

Why do we need to make updates?

This bill would make updates to the Code and the City's manual in order to comply with state law, codify existing policies, and to coordinate with other City environmental regulations. These updates will help curb future tree canopy loss due to development and build toward a greener, healthier city.

What does this bill do?[2]

- **Coordinate with State Code:**
  - Correct references between City and State codes and manuals, remove duplicative information, and add state reporting requirements to the Code.
  - 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.

- **Codify Existing Policies:**
  - Add a Purpose section to the Code, a definition for "critical root zone," update the definition of "specimen tree" from 30" to 20", add the specimen tree mitigation policy to the Code and manual, and clarify the definition of "Net Tract Area" in the manual.
  - Allow for applicants to be notified by email.
  - Require applicants to notify adjacent property owners of significant impacts to root zones of trees on their property.
  - Add the criteria, requirements, and process for modifying existing forest conservation easements.
  - Add clarification that variances must be granted in advance of activity requiring Forest Conservation approval, not as a result of a violation.
  - Add existing afforestation credit policy for understory trees, evergreen trees, and shrubs to the manual.

- **Coordinate with Other Development Requirements:**
  - Reduce the trigger for review from 20,000 sq. ft. to 5,000 sq. ft. of disturbance.
  - Require a Forest Stand Delineation for Site Plan Review, subdivision applications, grading permit reviews, and sediment and erosion control reviews. Make all approvals conditioned on 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).

References

1. Baltimore City Department of Recreation and Parks. "What is the Tree Canopy?" https://bcrp.baltimorecity.gov/forestry/treebaltimore/canopy
2. Baltimore City Office of Sustainability. "Baltimore City Forest Conservation Program 2020 Code & Manual Update." https://www.baltimoresustainability.org/wp-content/uploads/2020/06/FCUpdate2020-BDW.05.28.20.pdf

Questions?

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