

Introduced 2-7-2022
Public Hearing 2-22-2022
Council Action 3-7-2022
Executive Action 3-10-2022
Effective Date 5-10-2022

County Council of Howard County, Maryland

2022 Legislative Session

Legislative day 4

BILL NO. 14 – 2022

Introduced by: Christiana Rigby

AN ACT to add requirements to a forest conservation plan; and generally relating to forest conservation in the County.

Introduced and read first time Feb 7, 2022. Ordered posted and hearing scheduled.

By order Michelle R. Harrod
Michelle R. Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Feb 22, 2022.

By order Michelle R. Harrod
Michelle R. Harrod, Administrator

This Bill was read the third time on March 7 2022 and Passed ☒, Passed with amendments _____, Failed _____.

By order Michelle R. Harrod
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 9 day of March, 2022 at 11:00 a.m/p.m.

By order Michelle R. Harrod
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive March 10, 2022

Calvin Ball
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. *Be It Enacted*** by the County Council of Howard County, Maryland, that the Howard County
2 *Code is amended as follows:*

3 *By amending:*

4 *Title 16. Planning, Zoning, and Subdivisions and Land Development Regulations.*

5 *Subtitle 12. Forest Conservation.*

6 *Section 16.1204. Forest conservation plan.*

7
8 **HOWARD COUNTY CODE**

9 **Title 16. Planning, Zoning, and Subdivisions and Land Development Regulations.**

10 Subtitle 12. Forest Conservation

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12 **Sec. 16.1204. Forest conservation plan.**

13 (a) *Applicability.* Forest conservation plans, consistent with this subtitle and the manual, shall be
14 submitted to the Department with applications for all development not exempt under section
15 16.1202 of this subtitle.

16 (b) *Professionally Prepared.* The forest conservation plan shall be prepared by a licensed
17 forester, licensed landscape architect, or certified arborist.

18 (c) *Forest Stand Delineation.* The forest conservation plan shall include a forest stand
19 delineation for the property to be subdivided, developed, or graded. An approved forest stand
20 delineation is valid for five years. The forest stand delineation shall:

21 (1) Describe the extent and quality of existing forests and other vegetation and its
22 relationship to environmentally sensitive areas on-site and to forest resources on adjacent
23 properties.

24 (2) LOCATE AND LIST EACH TREE THAT IS 24 INCHES IN DIAMETER OR LARGER MEASURED
25 AT 4.5 FEET ABOVE THE GROUND, LABELED WITH THE TREE SPECIES AND CONDITION, AND NOTE
26 THE DIAMETER OF THE APPLICABLE STATE CHAMPION TREE OF THAT SPECIES.

27 ~~[[(2)]]~~ (3) Be used during the review process to determine the most suitable and practical
28 areas for forest conservation.

29 (d) *Forest Conservation Plan.* A forest conservation plan shall:

30 (1) State the net tract area, area of forest conservation required, and the area of forest
31 conservation proposed on-site and/or off-site;

1 (2) Show the proposed limits of disturbance;

2 (3) Show locations for proposed retention of existing forest and/or proposed reforestation or
3 afforestation.

4 (4) Justify the following, if existing forest cannot be retained:

5 (i) How techniques for forest retention have been exhausted;

6 (ii) Why the priority forests specified in section 16.1205 of this subtitle cannot be left in
7 an undisturbed condition;

8 (iii) If priority forests and priority areas cannot be left undisturbed, where on the site in
9 priority areas reforestation or afforestation will occur in compliance with section 16.1208 of this
10 subtitle;

11 (iv) How site design requirements will be followed to maximize meeting forest
12 conservation obligations on-site in compliance with section 16.1209 of this subtitle;

13 (v) How the sequence for preferred reforestation or afforestation location and methods
14 will be followed in compliance with section 16.1208 of this subtitle; and

15 (vi) Why reforestation or afforestation requirements cannot reasonably be accomplished
16 on- or off-site, or through a forest mitigation bank, if the applicant proposes payments of an in-
17 lieu fee to the forest conservation fund;

18 (5) Show proposed locations and types of protective devices and measures to be used during
19 construction to protect trees and forests designated for conservation, including protection of
20 critical root zones;

21 (6) In the case of reforestation or afforestation, include a reforestation or afforestation plan,
22 with a timetable, description of needed site and soil preparation, and the species, size, and spacing
23 of plantings;

24 (7) Include a minimum three growing season forest conservation agreement as specified in
25 the manual that details how the areas designated for retention, reforestation or afforestation will
26 be maintained to ensure protection and satisfactory establishment, including a reinforcement
27 planting provision if survival rates fall below required standards. Financial security shall be
28 provided for the forest conservation agreement as provided in section 16.1210 and the manual.
29 Minor subdivisions which meet forest conservation requirements entirely by forest retention are
30 not required to have a forest conservation agreement;

1 (8) Include a deed of forest conservation easement with a plat of the forest conservation
2 easement area, as specified in the manual that:

3 (i) Provides protection, in perpetuity, for areas of forest retention, reforestation and
4 afforestation; and

5 (ii) Limits uses in areas of forest conservation to those uses that are designated and
6 consistent with forest conservation, including recreational activities and forest management
7 practices that are used to preserve forest;

8 (9) Include other information the Department determines is necessary to implement this
9 subtitle; and

10 (10) Be amended or a new plan prepared, as provided in the manual, if required as a result
11 of changes in the development or in the condition of the site.

12
13
14 ***Section 2. Be It Further Enacted by the County Council of Howard County, Maryland, that this***
15 ***Act shall become effective 61 days after its enactment.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 10, 2022.

Michelle Harrod
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2022.

Michelle Harrod, Administrator to the County Council