

Office of the County Auditor
Auditor's Analysis

Council Bill No. 56-2021

Introduced: July 6, 2021

Auditor: Michael A. Martin

Fiscal Impact:

At this time, it is not clear if this legislation will result in additional County costs. The Administration has indicated the new forest planning review requirements will result in additional work for County staff; however, the extent of the additional work cannot be determined until guidance for the review process has been developed.

According to the Director of the Department of Planning and Zoning (the Director), the additional work required under Section 16.1204(c)(2) and Section 16.1204(d)(3) will be performed by the applicant's consultant, which will require additional hours of work by the Department of Planning and Zoning (DPZ) staff to review the evidence provided by the consultant. The Director indicated this process may be challenging for the staff as there are no set guidelines in place and historical aerial photos may not provide sufficient evidence to verify the information provided.

The Director also said that by reducing the threshold requiring tree retention from a 30-inch diameter at breast height (DBH) to a 24-inch DBH, development may become more difficult, possibly resulting in more requests for variances to remove specimen trees. This would again require more DPZ staff time to review these variance requests.

Purpose:

This legislation adds new definitions to the Forest Conservation Ordinance, establishes a "look-back" provision for the disturbance of certain trees, and reduces the forest threshold diameter from 30 inches to 24 inches. The bill also proposes changing the on-site forest retention priorities to include the Green Cultural Trail, Targeted Ecological Areas, and trees within cemeteries or historic districts that are at least 12 inches in diameter at 4.5 feet above ground. (Currently, only specimen trees with a diameter of at least 30 inches are protected by a Forest Conservation Plan.)

Other Comments:

The Director anticipates that the below plans will be grandfathered in under the proposed legislation:

- Signed preliminary or preliminary equivalent sketch plans
- Approval letters for a final plan (minor subdivision or re-subdivision)
- Signed site development plans

Submitted plans that do not meet the current grandfathering requirements when this bill goes into effect will be subject to the parameters of the new legislation.

This legislation introduces Green Cultural Trails, Specimen Trees, and Targeted Ecological Areas under the definitions of Section 16.1201. The Director is unsure how to interpret these terms in implementing the legislation.