Amendment 2 to Council Resolution No. 12-2021

BY: The Chairperson at the request of the County Executive

Legislative Day 3
Date: February 1, 2021

Amendment No. 2

(*This amendment adds language indicating a preference for site design techniques that minimize clearing and grading and lists those techniques.)*

In the Forest Conservation Manual, attached to Council Resolution No. 12-2021, amend page 43 as shown in the attached.

available on the DPZ web page.

3.7.3 Coordination with Agricultural Best Management Practices

Agricultural properties may have best management practices designed to convey water above or below ground, such as diversions, grassed or lined waterways, irrigation systems, pipelines, subsurface drains, or underground outlets. If these practices are to remain, they should not be designated as forest planting areas and some practices may require planting area setbacks to protect the practice.

Agricultural properties may have forested stream buffers that were planted under the Federal Conservation Reserve Enhancement Program (CREP). Under the CREP contract, the landowner is required to plant and maintain the trees for a specified number of years (usually 10 to 15 years). Existing and proposed CREP areas cannot be used as off-site mitigation areas or banks during the term of the CREP contract, but may qualify as forest retention areas after the contract has ended if they meet the definition of a forest as cited in this Manual.

For more information about agricultural best management practices and/or CREP restrictions, contact the District Manager at the Howard Soil Conservation District.

3.7.4 Coordination with Site Design

Site design should address the Forest Conservation Program goals of maximizing forest retention and meeting forest conservation obligations on-site. Site design techniques that minimize clearing and grading also limit the total area of site disturbance, which can help maximize forest retention, and better protect sensitive resources and priority forests. These techniques include:

- Choose access road, lot layout and building designs suited to the original topography of the site to preserve natural grades, retain existing drainage patterns and minimize grading steep slopes.
- Use smaller lots, cluster lots and change lot configurations.
- Consider variances to design criteria, for example, to allow shared driveways, reduced parking or reduced road widths, where safety is not affected.
- Use common trenching for utilities.
- Plan stormwater management facilities to minimize forest disturbance and design outfalls to avoid impacts to retained forest.
- Locate septic areas, including reserve areas, outside of priority forests.

Site design techniques that limit site disturbance and the creation of impervious surfaces, while retaining forests and the original topography and hydrology of the site, also help meet stormwater management design requirements to use environmental site design to the maximum extent practical. ~~Before mitigation banks, off-site compliance or fee-in-lieu requests will be considered, applicants~~ Applicants must meet their forest conservation obligations on-site, in accordance with the following site design ~~requirements.~~ requirements, before mitigation banks, off-site compliance or fee-in-lieu requests will be considered.

Nonresidential developments and mixed use or planned unit developments that are greater than 50% nonresidential, based on gross square footage of use, must accommodate forest conservation obligations on-site by, at a minimum, establishing Forest Conservation Easements with retained or planted forest in all sensitive areas, including floodplains, wetlands, wetland buffers, steep slopes and stream buffers. To ensure protection of riparian areas, the Forest Conservation Easements must be a minimum 75-foot width from the banks of any perennial and intermittent stream. If necessary, the area outside the required stream buffer and within the Forest Conservation Easement may be disturbed during construction and then reforested.

Residential developments and mixed use or planned unit developments that are greater than 50% residential development, based on gross square footage of use, with more than one acre of obligation, must meet a minimum of 75% of their obligation on-site by reducing lot sizes, clustering lots or units, and maximizing open space to the maximum extent permitted by the Subdivision and Land Development Regulations. Infill subdivisions of ten or fewer lots or units are excluded from this requirement. Infill subdivisions are residential developments within the Planned Service Area that create one or more units on a property that adjoins an existing residential unit. Residential developments, such as apartment buildings or condominiums, that have ten or fewer lots, but more than ten units are subject to this requirement.

Residential developments in the RC and RR zoning districts that propose to import density must accommodate all forest conservation obligations within the boundaries of the receiving property before they will be permitted to import development density. This may impact receiving density.