

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.)

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

ADOPTED 2/3/21

FAILED _____

SIGNATURE 

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 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.

Amendment No. 1 to Council Resolution No. 12-2021

BY: Liz Walsh

Legislative Day 3

Date: February 1, 2021

Amendment No. 1

(This amendment alters language relating to Historic Trees, Historic Sites, and Historic Structures in the Draft Howard County Forest Conservation Manual.)

1 On page 6 of the Draft Forest Conservation Manual attached to the Resolution, in the third bullet
2 of “**2. Forest and Vegetation Information.**”, strike “or that are”; and after “structure”, insert “,
3 or are historic structures themselves”.


4
5 On page 8 of the Draft Forest Conservation Manual attached to the Resolution, in the second
6 paragraph of **Section 2.2.5 Specimen Trees and Historic Trees Table**, in the first sentence,
7 strike “and contribute to a significant view or setting, or they are”; in the same sentence, after
8 “structure”, insert “, or are historic structures themselves”; in the last sentence of the paragraph,
9 strike the second “or” and substitute a comma, and in the same sentence, after “structures”, insert
10 “, or in a historic district”.

11
12 On page 38 of the Draft Forest Conservation Manual attached to the Resolution, in **Section 3.5.1.**
13 **Priority Forest Retention Areas**, in paragraph 2., strike “**Trees that are part of an historic**
14 **site or associated with an historic structure.**” and substitute “**Historic Trees**”; in the first
15 sentence of paragraph 2, after the first “site”, insert “or structure”; in the same sentence, strike
16 beginning with “is” down through “have” in the second sentence and substitute “has”; also in the

1 second sentence, strike “and have been designated as such by resolution of the County Council”.
2 After the second sentence, insert “A certificate of approval must issue from the Historic
3 Preservation Commission before certain clearing and tree removal may occur in a historic
4 district.”.

5
6 On page 39 of the Draft Forest Conservation Manual attached to the Resolution, in **Section 3.5.2**
7 **Forest Retention Area Size**, in the third sentence, strike beginning with “significant” through
8 “sites” and substitute “historic trees”.

9
10 On page 105 of the Draft Forest Conservation Manual attached to the Resolution, strike
11 “**Historic Site** – any site or structure listed on the Howard County Historic Sites Inventory”. On
12 the same page, after “**Historic Structure** –”, strike beginning with “a” down through “Council.”
13 and substitute “Historic Structure - a structure situated within the County, which, together with
14 its appurtenances and environmental setting, has significant historic or architectural value.
15 Historic Structure includes a structure listed on the historic sites inventory.”. On the same page,
16 after “**Historic Trees** -”, strike “trees that are part of an historic site or associated with an
17 historic structure.” and substitute “trees that are part of an historic site, associated with an
18 historic structure, or are historic structures themselves.”.

Not Introduced
-ADOPTED 2/3/21
FAILED _____
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Amendment 3 to Council Resolution No. 12-2021

BY: Deb Jung

Legislative Day 3

Date: February 3, 2021

Amendment No. 3

(This amendment assures periodic evaluation of the effectiveness of the Forest Conservation Act and Manual.)

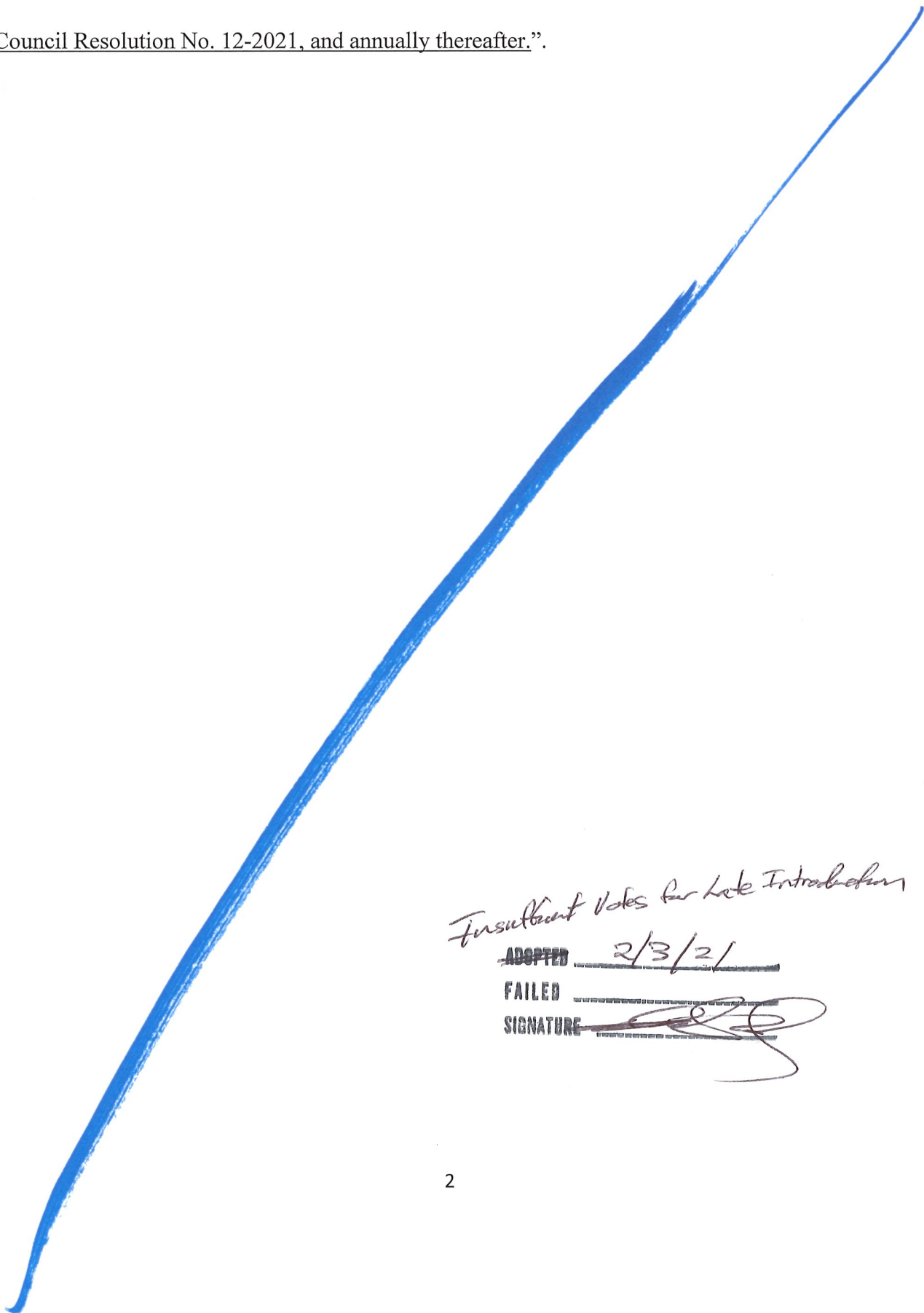
1 On page 89 of the Draft Forest Conservation Manual attached to the Resolution, after the last
2 sentence of Section 5.15 ACCOUNTABILITY TO THE STATE, insert:

3
4 **“5.16 ACCOUNTABILITY TO THE COUNTY COUNCIL**

5
6 The Department of Planning and Zoning, in collaboration with the Department of Recreation and
7 Parks and the Office of Community Sustainability, shall establish a system of data collection, to
8 include data on both retention of existing forest and data on mitigation measures, that will enable
9 measurement of the effectiveness of the new Forest Conservation Act regulations implemented
10 through this Manual.

11
12 The Department of Planning and Zoning, the Department of Recreation and Parks, and the Office
13 of Community Sustainability shall share and discuss any suggestions for actions needed to
14 improve outcomes, particularly regarding the preservation of mature forest. The data shall be
15 collected during the 12 month period following the adoption of Council Resolution No. 12-2021,
16 and shall be presented to the County Council no later than 15 months after the adoption of

1 Council Resolution No. 12-2021, and annually thereafter.”.



Insufficient Votes for Late Introduction
~~ADOPTED~~ 2/3/21
~~FAILED~~
~~SIGNATURE~~ 