

Office of the County Auditor
Auditor's Analysis

Council Bill No. 64-2021

Introduced: September 8, 2021

Auditor: Michael A. Martin

Fiscal Impact:

The Administration does not expect this legislation to have a significant effect on revenues or expenditures.

Per the Administration, no County revenues will result from the Notice to Proceed (NTP) application. Requirements of this legislation will be fulfilled using existing personnel from the Division of Land Development, Real Estate Services Division, Department of Recreation and Parks, and Code Enforcement Office. However, it stated that future fee schedules may be increased accordingly should this law pass and it be determined that additional revenue is required to offset all of the related costs.

The Department of Planning and Zoning (DPZ) expects the cost of contracting either a Maryland License Tree Expert or Certified Arborist to be borne by the property owner, not the County.

Revenues from noncompliance violations will be collected through the typical zoning enforcement process and posted to the General Fund. According to SAP, Fiscal Year 2021 revenues from this source amounted to \$750. We agree that there is no way to anticipate the number of potential violations in order to estimate future revenues.

Payments from forest retention defaults and liens from property owners of forest conservation plans approved after this legislation passes will transfer to Capital Project N3972, Defaulted Forest Conservation and Landscaping.

Purpose:

This legislation requires property owners to obtain an NTP from the County before cutting or clearing a dead or diseased specimen tree on a residential lot greater than one acre or on any non-residential lot. This will require the property owner to submit an application for an NTP to the DPZ that must be prepared and approved by a Maryland Licensed Tree Expert or Certified Arborist.

The DPZ will enforce compliance by issuing a notice of violation, stop-work order, or civil citations to any violator. A noncompliance penalty will be issued for each violation, which includes a replanting requirement and prevents future residential subdivision requests on the

property for five years. The DPZ may also enforce these requirements through civil penalties pursuant to Title 24 of the County Code, which is a Class A offense.

The legislation also reinstates the requirement that all forest retention activities will be subject to the financial security interests required under Section 16.1210.

The bill adds two definitions, *Specimen Trees* and *Agricultural Activities*, to Section 16.108(b) to aid in the implementation of these provisions.

Other Comments:

The provision for a forest retention surety under Section 16.1210 was inadvertently removed under Council Bill 62-2019 and will be managed using the current system for reforestation and afforestation, which is tracked through the Department of Public Works and DPZ database.