

Amendment 1 to Council Bill No. 64-2021

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 16
Date: October 4, 2021**

Amendment No. 1

(This amendment:

- (1) Clarifies certain exemptions that relate to the Forest Conservation Act; and*
- (2) Clarifies penalties for noncompliance.)*

1 On page 3, strike line 19 and substitute:

2 “(1) SPECIMEN TREE CUTTING OR CLEARING SUBJECT TO SUBTITLE 12 OF THIS TITLE AND IN
3 ACCORDANCE WITH:
4 (I) AN APPROVED DECLARATION OF INTENT;
5 (II) AN APPROVED FOREST CONSERVATION PLAN WITH RECORDED PLAT; OR
6 (III) AN EXEMPTION FROM THE SUBTITLE;”.

7
8 On page 4, in line 27, after “YEARS.” insert “IF THE VIOLATION RELATES TO A PROPERTY WITH A
9 PLAN IN THE REVIEW PROCESS, THE PLAN SHALL BE VOIDED AND THE COUNTY SHALL NOT ACCEPT
10 A NEW APPLICATION FOR RESIDENTIAL SUBDIVISION OF THE PROPERTY FOR FIVE YEARS FROM THE
11 VOIDED PLAN DATE.”.

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Am 1 to CB64-2021
passed on 12-6-2021
Michelle Steward
Council Administrator

Failed

Amendment 2 to Council Bill No. 64-2021

BY: David Yungmann

Legislative Day No. 16

Date: 10-4-2021

Amendment No. 2

(This Amendment replaces the definition of "specimen tree"; requires a certain statement related to forest conservation; alters a criterion for a certain tree removal; and alters references to cutting or clearing.)

1 On the title page, in line 1 of the title, strike "cutting or".

2

3 On page 2, strike lines 5 through 9 and substitute:

4

5 "A TREE WITH A TRUNK OR TRUNKS EACH OF WHICH MEASURES 30 INCHES IN DIAMETER OR LARGER,

6 MEASURED AT 4.5 FEET ABOVE THE GROUND.".

7

8 On page 2, in line 26 strike "CUT OR".

9

10 Also on page 2, in line 26, after PROPERTY. add "FOR PURPOSES OF THIS SECTION, A TREE THAT IS

11 REMOVED WITHOUT REMOVING THE STUMP IS CONSIDERED TO HAVE BEEN CLEARED".

12

13 On page 2, in line 28 strike "CUTTING OR".

14

15 On page 3, in line 5 strike "CUT OR".

16

17 Also on page 3, in line 10, before the period insert:

18 "; AND

19 (3) INCLUDE A STATEMENT FROM THE PROPERTY OWNER THAT:

20 (I) NO SUBDIVISION, SITE DEVELOPMENT, OR OTHER ACTIVITY THAT WOULD SUBJECT THE

21 PROPERTY TO FOREST CONSERVATION REGULATIONS IS CONTEMPLATED FOR AT LEAST FIVE YEARS; OR

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Council Administrator

22 (ii) THE SUBJECT SPECIMEN TREES ARE DEAD OR DISEASED".

23

24 Also on page 3, in line 12, strike "WHERE CLEAR AND CONVINCING EVIDENCE IS SHOWN THAT A
25 SPECIMEN TREE IS DISEASED OR DEAD" and substitute "WHERE THE DEPARTMENT DETERMINES THE
26 APPLICATION TO BE COMPLETE AND ACCURATE AND WHERE CLEAR AND CONVINCING EVIDENCE IS
27 SHOWN THAT THE SPECIMEN TREE IS DISEASED OR DEAD IF SAID CONDITION IS THE BASIS FOR THE
28 APPLICATION".

29

30 Also on page 3, beginning in line 15, strike "CUT OR".

31

32 Also on page 3, in line 20, strike "CUTTING OR".

33

34 Also on page 3, in line 27, strike "CUT OR".

35

36 Also on page 3, in line 28, strike "CUTTING OR".

37

38 On page 4, in lines 1, 8, 10, 12, 15, 19, and 20 strike "CUTTING OR".

39

40 Also on page 4, in line 11, after "SIZE" insert "INSIDE THE PLANNED SERVICE AREA OR LESS THAN SIX
41 ACRES IN SIZE OUTSIDE THE PLANNED SERVICE AREA".

42

43 Also on page 4, in line 26, strike "CUT OR".

44

45 On page 5, in line 1, strike "CUT OR".

Amendment 3 to CB64-2021

BY: Liz Walsh

Legislative Day No. 16

Date: 10-4-2021

Amendment No. 3

(This Amendment alters the diameter at which trees are considered specimen trees.)

- 1 On page 2, in line 8, strike "30" and substitute "24"

Not moved

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Am 3 to CB 64-2021
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Michelle [Signature]
Council Administrator

Amendment 1 to Amendment No. 4 to Council Bill No. 64-2021

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day #17
Date: November 1, 2021**

Amendment No. 1 to Amendment No. 4

(This amendment clarifies that the exemption applicable for cutting or clearing associated with the repair, maintenance or modification of public infrastructure and utilities shall apply to a Homeowners Association that has a Forest Stewardship Plan approved by the Maryland Department of Natural Resources.)

- 1 On page 2, in line 2, after "HOMEOWNERS ASSOCIATION", insert "THAT HAS A FOREST
- 2 STEWARDSHIP PLAN APPROVED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES."

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Am 1 to Am 4 to CB 64-2021
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Michelle Harrison
Council Administrator

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Amendment 2 to Amendment No. 4 to Council Bill No. 64-2021

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 17
Date: November 1, 2021**

Amendment No. 2

(This amendment clarifies that the exemption applicable for cutting or clearing associated with the repair, maintenance or modification of public infrastructure and utilities shall apply to a Homeowners Association that has a Forest Stewardship Plan drafted by the Maryland Department of Natural Resources.)

- 1 On page 2, in line 2, after "HOMEOWNERS ASSOCIATION", insert "THAT HAS A FOREST
- 2 STEWARDSHIP PLAN DRAFTED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES."

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Am 2 to Am 4 to CB 64-2021
passed on 12-6-2021
Marilyn Hazzard
Council Administrator

Amendment 4 to Council Bill No. 64-2021

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 16
Date: October 4, 2021**

Amendment No. 4

(This amendment:

- (1) Clarifies that prohibitions against the cutting and clearing of Specimen Trees also apply to Invasive Species Specimen Trees; and*
- (2) Allows for certain exceptions to apply on Open Space owned by Homeowners Association.)*

1 On page 2, in line 28, after “TREE” insert “OR AN INVASIVE SPECIES SPECIMEN TREE, AS IDENTIFIED
2 IN THE FOREST CONSERVATION MANUAL.”.

3
4 On page 3, in line 5, strike “an inventory of each specimen tree to be cut or cleared that shall:”
5 and substitute a colon.

6
7 On page 3, after line 5 insert:
8 “(1) FOR EACH NON-INVASIVE SPECIES SPECIMEN TREE TO BE CUT OR CLEARED:”

9
10 On page 3, in line 6, strike “(1)” and substitute “I”.

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Council Administrator

11
12 On page 3, in line 9, strike “(2)” and substitute “II”.

13
14 On page 3, after line 10, insert:
15 “(2) FOR EACH INVASIVE SPECIES SPECIMEN TREE TO BE CUT OR CLEARED, A PHOTO OF THE
16 TREE, DESCRIPTION OF THE SPECIES AND AN AERIAL PHOTOGRAPH IDENTIFYING THE LOCATION OF
17 THE TREE ON THE PROPERTY.”.

18
19 On page 3, in line 13, after “DEAD” insert “OR THAT AN INVASIVE SPECIMEN TREE IS PRESENT”.

20

1 On page 3, in line 31, after “IMPROVEMENTS”, insert “, WHICH ARE OWNED OR MANAGED BY A
2 GOVERNMENT ENTITY OR HOMEOWNERS ASSOCIATION THAT HAS A FOREST STEWARDSHIP PLAN
3 DRAFTED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES.”.

4
5 On page 4, in line 12, after “WITH” insert “PARKLAND OR OPEN SPACE OWNED BY THE” and, in the
6 same line, after “COUNTY”, strike “PARKLAND AND COUNTY OPEN SPACE” and substitute “OR A
7 HOMEOWNERS ASSOCIATION”.

8
9 On page 4, in line 16, after “ON” insert “PARKLAND OR OPEN SPACE OWNED BY THE” and, in the
10 same line, after “COUNTY”, strike “PARKLAND AND COUNTY OPEN SPACE” and substitute “OR A
11 HOMEOWNERS ASSOCIATION”.

Amendment No. 5 to Council Bill No. 64-2021

BY: Liz Walsh

Legislative Day #17

Date: November 1, 2021

Amendment No. 5

(This amendment expands the definition of Specimen Tree)

1 On page 2, in line 7, strike "OR".

2

3 On page 2, in line 9, strike the period and substitute a semi-colon.

4

5 On page 2, immediately following line 9, insert the following:

6 "(III) A TREE IDENTIFIED ON THE LIST OF RARE, THREATENED, AND ENDANGERED SPECIES OF THE
7 U.S. FISH AND WILDLIFE SERVICE OR THE DEPARTMENT; OR

8 (VI) A TREE THAT IS PART OF A HISTORIC SITE OR ASSOCIATED WITH A HISTORIC STRUCTURE OR
9 DESIGNATED BY THE DEPARTMENT OR LOCAL AUTHORITY AS A NATIONAL, STATE, OR LOCAL
10 CHAMPION TREE".

11

12 Renumber the remainder of the subsection accordingly.

13

14

15

Not Moved

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Am 5 to CB 64-2021
passed on 12-6-2021
Michelle Howard
Council Administrator