

O-27-18

Forest Conservation – No Net Loss

Finlayson Proposed Amendments

Amendment 1:

Page 1, Lines 23-24, 26-28, and 30-35: Update “purpose” and “whereas” clauses and supplement sections of Chapter 21.71 that are being amended.

As amended:

Page 1, Lines 23-24:

FOR the purpose of amending the Code of the City of Annapolis concerning reforestation and other forest conservation measures to maintain the City’s current tree canopy percentage.

Page 1, Lines 30-35:

WHEREAS on September 26, 2016, the City Council adopted O-22-16 Amended, which codified Chapter 21.71, Forest Conservation, in the Code of the City of Annapolis, and on March 27, 2017, the City Council adopted O-38-16, which amended certain provisions of Chapter 21.71 ~~which implemented the State Model Ordinance with amendments;~~ and

WHEREAS the City Council wishes to amend Chapter 21.71 of the Code of the City of Annapolis concerning reforestation and other forest conservation measures to maintain the City’s current tree canopy percentage; and

Rationale:

The language clarifies the Code provisions to be amended and the aim of the legislation.

Amendment 2:

In Page 2, Lines 11-35: Clarify the options for reforestation, purchases of credits from a forest mitigation bank, and payments into the forest conservation fund, and adjust the credit allowable for forest retained above the conservation threshold.

As amended:

Page 2, Lines 11-35:

2. After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a subdivision or project plan, grading and sediment control activities, and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, for the purchase of credits from a forest mitigation bank, for payment into the forest conservation fund, or for a combination thereof, according to the formula set forth below and in Subsection A.3. of this section and consistent with Section 21.71.070.A. of this chapter, and the following forest conservation thresholds for the applicable land use category:

Category of Use	Threshold Percentage
(1) Agricultural and Resource Areas	50 percent
(2) Medium Density Residential Areas	25 percent
(3) Institutional Development Areas	20 percent
(4) High Density Residential Areas	20 percent
(5) Mixed Use and Planned Unit Development Areas	20 percent
(6) Commercial and Industrial Use Areas	20 percent

3. Calculations.

i. For all existing forest cover measured to the nearest one-tenth acre cleared on the net tract area above the applicable forest conservation threshold, the area of the forest removed shall be reforested at a ratio of one acre planted for each acre removed.

ii. Fifty percent (50%) of each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under 3.i. of this subsection. The calculation of the credit shall be according to the criteria provided in the Forest Conservation Technical Manual. ~~Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under 3.i. of this subsection. The calculation of the credit shall be according to the criteria provided in the Forest Conservation Technical Manual.~~

~~iii.~~ iii. For all existing forest cover measured to the nearest one-tenth acre cleared on the net tract area below the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of two acres planted for each acre removed below the threshold.

Rationale:

These changes clarify that mitigation under a forest conservation plan may be provided via planting, purchasing credits from a forest mitigation bank, and/or paying fees into the forest conservation fund: satisfying the requirements may be achieved via one, two, or three of the allowable methods. The amendment also restores a portion of the credit that O-27-18, in its pending form, would remove entirely. Under the City’s existing forest conservation laws, a

one-acre-for-one-acre credit is granted to property owners who protect existing on-site forested areas above the conservation threshold during site development. O-27-18 would eliminate the credit altogether. This amendment would retain the existing framework but adjust it downward from a 100% credit to a 50% credit.

Amendment 3:

Page 3, Line 1: Clarify that changes to Chapter 21.71 of the City Code will not apply to projects already in the pipeline.

As amended:

Page 3, Line 1:

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL THAT ANY DEVELOPMENT APPLICATIONS SUBMITTED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE BUT NOT YET APPROVED SHALL BE EVALUATED AND APPROVED BASED ON THE PROVISIONS OF CHAPTER 21.71 OF THE CODE OF THE CITY OF ANNAPOLIS AS THEY EXISTED AT THE TIME THE APPLICATION WAS SUBMITTED TO PLANNING AND ZONING; AND DEVELOPMENT APPLICATIONS SUBMITTED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE GOVERNED BY THE PROVISIONS OF CHAPTER 21.71 OF THE CODE OF THE CITY OF ANNAPOLIS AS AMENDED BY THIS ORDINANCE.

SECTION IIII: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect from the date of its adoption.

Rationale:

In order to promote predictability and fairness, changes to Chapter 21.71 of the City Code will not apply to projects already in the pipeline.