

Office of the County Auditor
Auditor's Analysis

Council Bill No. 30-2023

Introduced: June 5, 2023

Auditor: Lori Buchman

Fiscal Impact:

The fiscal impact of the proposed legislation is indeterminable, as it is not possible to estimate the future development activities that will have reforestation impacts in the County.

Furthermore, the Acting Director of the Department of Planning and Zoning (DPZ) stated that they are unable to determine if the legislation will increase forest conservation fees-in-lieu, variances, and waivers as each situation is site specific and evaluated when development plans are submitted for review. DPZ also stated that there will be no additional workload or increased staff costs anticipated as a result of amended regulations.

Purpose:

The proposed legislation is intended to align the County with State Senate Bill 526, which encourages forest preservation and retention. The legislation includes the following modifications to the existing County Code Title 16, Subtitle 12 – Forest Conservation:

- Changes the purpose of Sec. 16.1200 from maintaining to increasing forest vegetation and forest areas
- Alters the definition in Sec. 16.1201 of an existing forest by increasing the covered area to 1 square acre that is at least 120 feet wide
- Increases the reforestation calculation in Sec 16.1206 for acres cleared above the threshold to one acre (1:1 ratio) within the same watershed and two acres (2:1 ratio) outside the same watershed
- Amends the qualifications in Sec. 16.1218 related to the opportunity to create a forest mitigation bank by reducing the percentage allowed for obligations to be met off site to 50 percent

Other Comments

According to the DPZ, increased mitigation may result in more forest retention should a project propose to lower its obligation to meet the Site Design Requirements. This could result in preservation of forest areas that would have previously been developed. The DPZ has confirmed that projects currently in the development process which have met the below milestones will continue to be processed in accordance with the regulations in effect at the time of plan approval.

- (1) Preliminary plan original signature or preliminary equivalent sketch plan original signature approval;
- (2) Final plan approval letter for minor subdivisions and resubdivisions; or
- (3) Site development plan original signature approval.

Forty-seven projects are in active review or technically complete but have not met the above milestones and, therefore, could be subject to the regulatory changes proposed in this bill. It is unclear if this legislation will result in any increased fees or fees-in-lieu as each property would need to be reevaluated according to the new regulations.