

RECOMMENDED FOREST CONSERVATION REGULATORY CHANGE PROPOSALS

June 20, 2011

PRESENT REGULATION CITATION	PROPOSED REGULATION CHANGES	REASONS FOR CHANGES
<p>Forest Retention Priorities – Section 16.1205(a)(4) – “Steep slopes as defined in Section 16.108(b)(55) of the Subdivision Regulations” (presently defines steep slopes as 25% or greater).</p>	<p>Section 16.1205(a)(4) – “Steep slopes as defined in Section 16.108 and 16.116 of the Subdivision Regulations and slopes of 15% or greater with a soil erodibility factor greater than 0.35”.</p>	<p>Provide better protection of forest resources and highly erodible steep slopes as a priority retention area. Strengthened the requirement that certain forested areas such as highly erodible steep slopes be retained.</p>
<p>No Current Regulation for Site Design Requirements</p>	<p>Section 16.1209 – “Site Design Requirements” (new section)</p> <p>“Site design should address the Forest Conservation Program goals of maximizing forest retention and meeting forest conservation obligations on-site. Before mitigation banks, off-site compliance or fee-in-lieu requests will be considered, forest conservation obligations shall be met on-site, in accordance with the following site design requirements:</p> <ol style="list-style-type: none"> 1. Non-residential developments shall accommodate forest conservation obligations on-site by establishing Forest Conservation Easements with retained or planted forest in all sensitive areas, including floodplain, wetlands, wetland buffers, steep slopes and stream buffers. To ensure protection of riparian areas, the Forest Conservation Easement shall be a minimum 75-foot width from the banks of any perennial and intermittent stream. The area between the required stream buffer and the Forest Conservation Easement may be disturbed during construction. 2. Residential developments shall meet a minimum of 75% of their obligation on-site by reducing lot sizes, clustering lots and maximizing open space to the maximum extent permitted by the Subdivision and Land Development Regulations. Infill subdivisions of ten lots or less are exempt from this requirement. 	<p>The intent is to enhance the Forest Conservation Program and to maximize forest retention by meeting forest conservation obligations on-site.</p> <p>To ensure the protection of existing forested riparian areas and to facilitate water quality by reducing the limit of disturbed areas during the development process. The goal is to maximize forest retention areas and ensure protection of planted areas by expanding the minimum width of forest conservation easements along stream systems. In non-residential developments, these areas are often neglected and degraded during the development process. This new site design requirement will aid in improving the value and protection of forested riparian areas in non-residential developments.</p> <p>The intent is to maximize on-site retention/planting before paying fee-in-lieu or exporting obligation off-site. This ensures that Forest Conservation Easements will be distributed throughout our residential neighborhoods, thereby providing both aesthetic and environmental benefits.</p>

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<p>No Current Regulation for Site Design Requirements (continued)</p>	<p>3. Residential developments in the RC or RR zoning districts shall accommodate all forest conservation obligations within the boundaries of a receiving property before importing development density.</p> <p>4. To ensure adequate setbacks from Forest Conservation Easements on residential lots, a 35-foot setback shall be provided from a rear lot line for a detached or attached dwelling unit and any on-site or off-site planted Forest Conservation Easement. The setback may be eliminated if large stock (two rows of one-inch minimum caliper) is planted along the edge of the Forest Conservation Easement”.</p>	<p>The intent is to maximize on-site retention/planting before importing development density. This site design requirement will help to eliminate situations where the proposed lot yield precludes the creation of on-site Forest Conservation Easements. This proposal will enhance the program goal to achieve a balance between the lot yield/density and on-site retained or planted easement areas.</p> <p>The intent of this site design requirement is to eliminate or reduce encroachments into the Forest Conservation Easements, either through the imposition of an increased restrictive setback or through the creation of a landscaped “barrier”.</p>
<p>Fee-in-lieu – Section 16.1210(a)(2) – Fee-in-lieu of afforestation or reforestation.</p> <p>“The fee-in-lieu shall be calculated on a square foot basis at a rate established in the fee scheduled adopted by resolution of the county council, but in no event shall it be less than the minimum set by the state law”.</p>	<p>Section 16.1211(a)(2) – Fee-in-lieu of afforestation or reforestation.</p> <p>“The fee-in-lieu shall be calculated on a square foot basis at a rate established in the fee schedule adopted by resolution of the County Council, but in no event shall it be less than the minimum set by the State law. The fee-in-lieu shall be 20% higher outside the Priority Funding Area. Residential subdivisions may request a fee-in-lieu for no more than one acre of forest conservation obligation”.</p>	<p>The goal is to enhance the environmental benefits to the community and ensure that forest retention and planted areas are distributed throughout the County where development activity occurs. The design of residential subdivisions and lot yield should allow for the accommodation of a significant proportion of the Forest Conservation obligation to be met on-site. The intent is to enhance the Forest Conservation Program and encourage smart growth residential infill development in the “Priority Funding Area”. Additionally, by imposing a maximum fee-in-lieu acreage for residential developments we are compelling the developer to create on-site Forest Conservation Easements or to find an off-site planting location.</p>