

Office of the County Auditor
Auditor's Analysis

Council Bill No. 54-2022

Introduced: September 6, 2022

Auditors: Lori Buchman & Michael A. Martin

Fiscal Impact:

Our Office is unable to estimate the fiscal impact of this legislation, as it is contingent upon future development within the Tiber Branch Watershed which we cannot forecast at this time.

Purpose:

This legislation amends the Subdivision and Land Development Regulations and Forest Conservation provisions under Title 16, "Planning, Zoning and Subdivisions and Land Development Regulations," of the County Code. Specifically, this legislation proposes the following changes regarding development in the Tiber Branch Watershed:

- Prohibits waivers to Forest Conservation regulations within the watershed
- Prohibits variances to Section 16.104(d), which prevents waivers to floodplain, wetland, stream, forest conservation, or steep slope regulations in the watershed
- Removes an exemption to Section 16.104(d) that allowed waivers requested on or before November 6, 2016
- Removes an exemption to Section 16.104(d) that allowed waivers if they were deemed necessary for the construction of a stormwater management or flood control facility as part of a redevelopment project
- Requires all developments within the watershed to meet 100 percent of their forest conservation site design requirements onsite before mitigation banks, off-site compliance, or fee-in-lieu requests are considered

Other Comments:

The Director of the Department of Planning and Zoning (DPZ) informed our Office that there has only been one instance in which alternative compliance was granted under Section 16.104(d). In that instance, project WP-20-053 at Dorsey's Ridge requested alternative compliance to Section 16.116(a)(2)(ii) to permit grading within the 75-foot stream bank buffer to support a proposed stormwater management facility.

The Director of the DPZ confirmed that both the Department of Public Works and the Department of Recreation and Parks receive waiver requests for specimen tree removal and waiver requests for forest conservation obligations, both of which would now be prohibited under the proposed legislation.