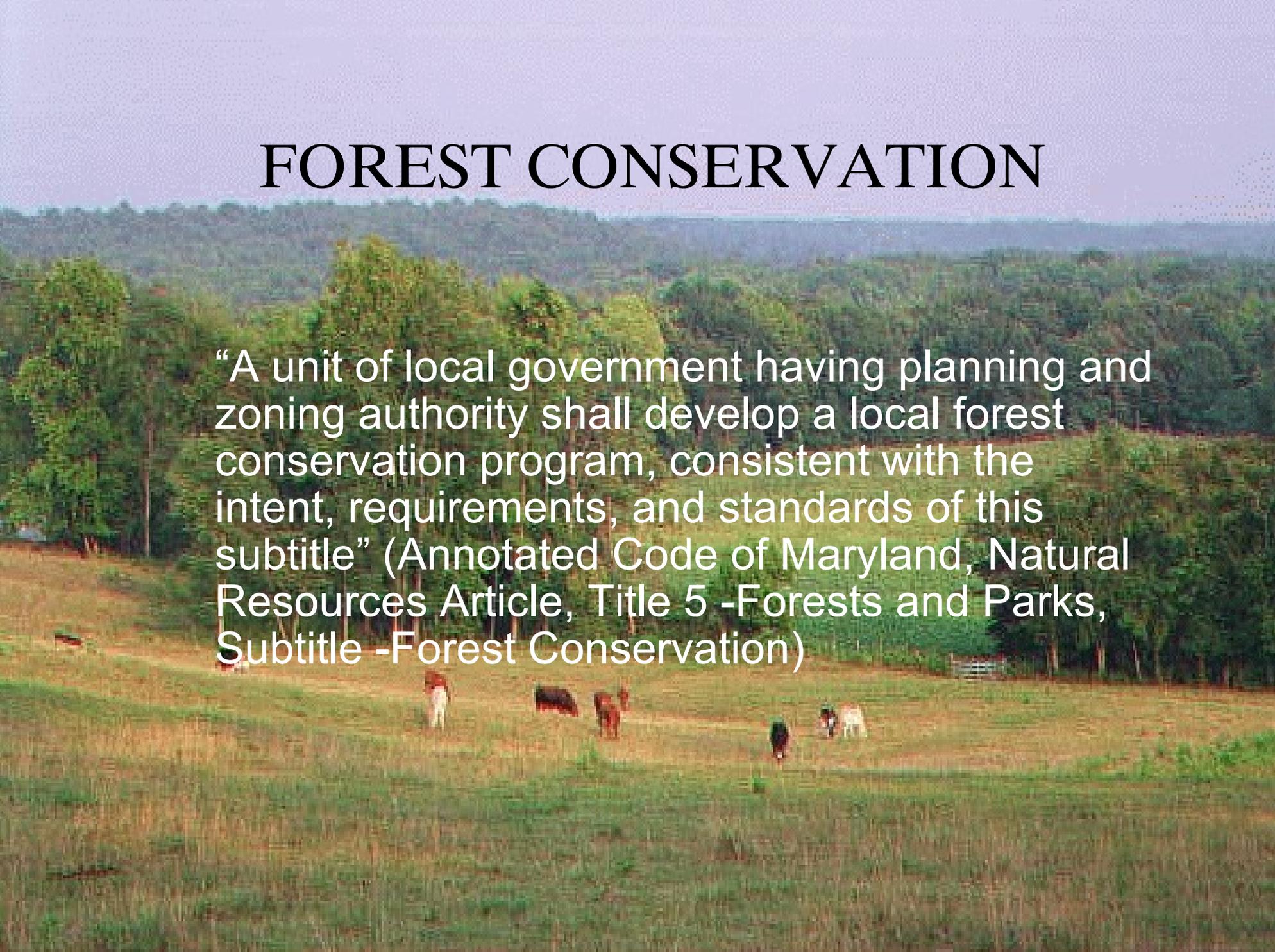


FOREST CONSERVATION



“A unit of local government having planning and zoning authority shall develop a local forest conservation program, consistent with the intent, requirements, and standards of this subtitle” (Annotated Code of Maryland, Natural Resources Article, Title 5 -Forests and Parks, Subtitle -Forest Conservation)

Maryland Forest Conservation Act

Why is it important?

- Construction activities from increased urban development have led to the loss of forest cover in Maryland.
- **Benefits of Maryland forests include:**
 - ▶ Removal of air and water pollutants
 - ▶ Provide shade and moderated temperatures
 - ▶ Reduced runoff and soil erosion
 - ▶ Protection of wildlife habitat and water quality
 - ▶ Valuable forest products
 - ▶ Recreational amenities

GOAL: Conservation of forest resources during development activities so that these benefits can continue

Maryland Forest Conservation Act

General Requirements

- Identification of existing forest stands
- Protection of most desirable forest stands
- Locate areas where new forests can be planted

Forest Conservation and the Development Process

When is Forest Conservation required?

On properties 40,000 square feet or greater...

- Subdivision
- Commercial Site Plan
- Grading Permit
- Sediment Control Approval

- EXCEPT...

Common exemptions from Forest Conservation

- Final plats, site plans or sediment control plans approved before January 1, 1993.
- A valid preliminary plan approved before July 1, 1991.
- Properties in the Chesapeake Bay Critical Area
- All or parts of a Planned Unit Development (PUD) that meet the definition of Amended Order Docket #90 adopted July 22, 2002.
- Development activities on lots less than 40,000 square feet

- Properties subject to a **Declaration of Intent**
 - ▶ Single-lot Exemption - single family residential
 - ▶ Intrafamily Transfer
 - ▶ Real Estate Transfer
 - ▶ Agricultural Exemption
 - ▶ Forestry Exemption
 - ▶ Airport Exemptions

Elements of Forest Conservation

Forest Conservation Planning occurs during the initial design or site planning of a proposed development

- Forest Stand Delineation
- Forest Conservation Plan
- Resulting Protective Measures

Forest Stand Delineation (FSD)

- Forest Stand Delineation describes:
 - ▶ Tree species and forest conditions
 - ▶ Existing Topography
 - ▶ Soils information
 - ▶ Streams, wetlands, floodplains
 - ▶ Critical habitat areas
 - ▶ Historic structures
 - ▶ Other data as required in Chapter 2 of the State Forest Conservation Technical Manual (1997)
- Used during the development review process for determining the highest priority areas for forest retention.

Forest Conservation Plan (FCP)

- **Forest Conservation Plan includes:**
 - ▶ Calculation of required forest retention (based on zone)
 - ▶ Layout of development and limits of clearing
 - ▶ Proposed Forest Conservation easement areas
 - ▶ Construction timetable
 - ▶ Details of signage and tree protection devices
 - ▶ Planting plan (if required)
 - ▶ Offsite easement areas, if proposed
 - ▶ Other data as required in Chapter 3 of the State Forest Conservation Technical Manual (1997)
- **Used in conjunction with FSD to steer development away from environmentally sensitive areas and protect them with both short-term and long-term devices.**

Protective Measures

- **Short Term protective devices**

- ▶ Silt fence, blaze orange fencing, berms, and FC signs
- ▶ Must be shown on FCP and grading plans
- ▶ Installed prior to construction activities

Long Term protective measures

- ▶ Forest Conservation easement
- ▶ Document recorded in County land records prior to development activity
- ▶ No disturbance allowed within the forest conservation easement boundaries

Tree Planting and Bonding

Afforestation and Reforestation

- **Properties subject to afforestation:**
 - ▶ High-density zones having less than 15% forest cover
 - ▶ Low or medium density areas having less than 20% forest cover
- **Reforestation is required when:**
 - ▶ Tree clearing results in remaining forest area that is below required retention level, which is based on the zoning classification
- **All tree planting must be bonded**
 - ▶ A planting plan and maintenance agreement is required
 - ▶ Reforestation is bonded at \$4,000/acre
 - ▶ Bond released following final planting inspection

What are we looking for?

The Review Process for Environmental Planning

- Subdivisions
- Commercial Site Plans
- Grading Permits
- Building Permits

- **WE ALWAYS REQUIRE:**
 - ▶ Complete submittal package and payment of fees
 - ▶ Environmentally conscious project design
 - ▶ Compliance with technical elements of forest conservation planning according to State Forest Conservation Technical Manual

Subdivisions

What Environmental Planning looks for:

- Subdivisions greater than 5 lots require a Preliminary Plan and corresponding Preliminary Forest Conservation Plan
- Exemptions claimed: intrafamily or real estate transfer
- Consistency with approved Forest Conservation Plan
- Recordation of easement documents with final plats

Commercial Site Plans

What Environmental Planning looks for:

- Validate any exemptions claimed (PUD, lot size, etc.)
- Projects 5 acres or larger require a Preliminary Forest Conservation Plan
- Consistency with approved Forest Conservation Plan
- Approval of offsite Forest Conservation area, if project is located within the development district

Grading Permits

What Environmental Planning looks for:

- Consistency with approved Forest Conservation Plan
- Verify bond amount, if planting is required
- Are all easements and tree protection devices shown on engineering plans?
- Forest Conservation Easements recorded prior to construction activities

Building Permits

What Environmental Planning looks for:

- Look for possible exemptions and paperwork
 - ▶ Single Lot Exemption DOI for single family projects
 - ▶ Is lot less than 40,000 square feet?
 - ▶ Property zoned PUD?
- Consistency with approved Forest Conservation Plan
- Verify that no activities encroach upon Forest Conservation Easements
- Send written conditions if development is within 50 feet of approved Forest Conservation Areas requiring inspection prior to Use & Occupancy.

What do we achieve by going through all this?

Permanent Protection of:

- Contiguous forested areas and greenways
- Non-tidal Wetlands
- Streams and Riparian Buffers
- Steep Slopes
- Highly-erodible soils
- Sensitive species habitat
- Wildlife corridors
- The natural beauty of Charles County