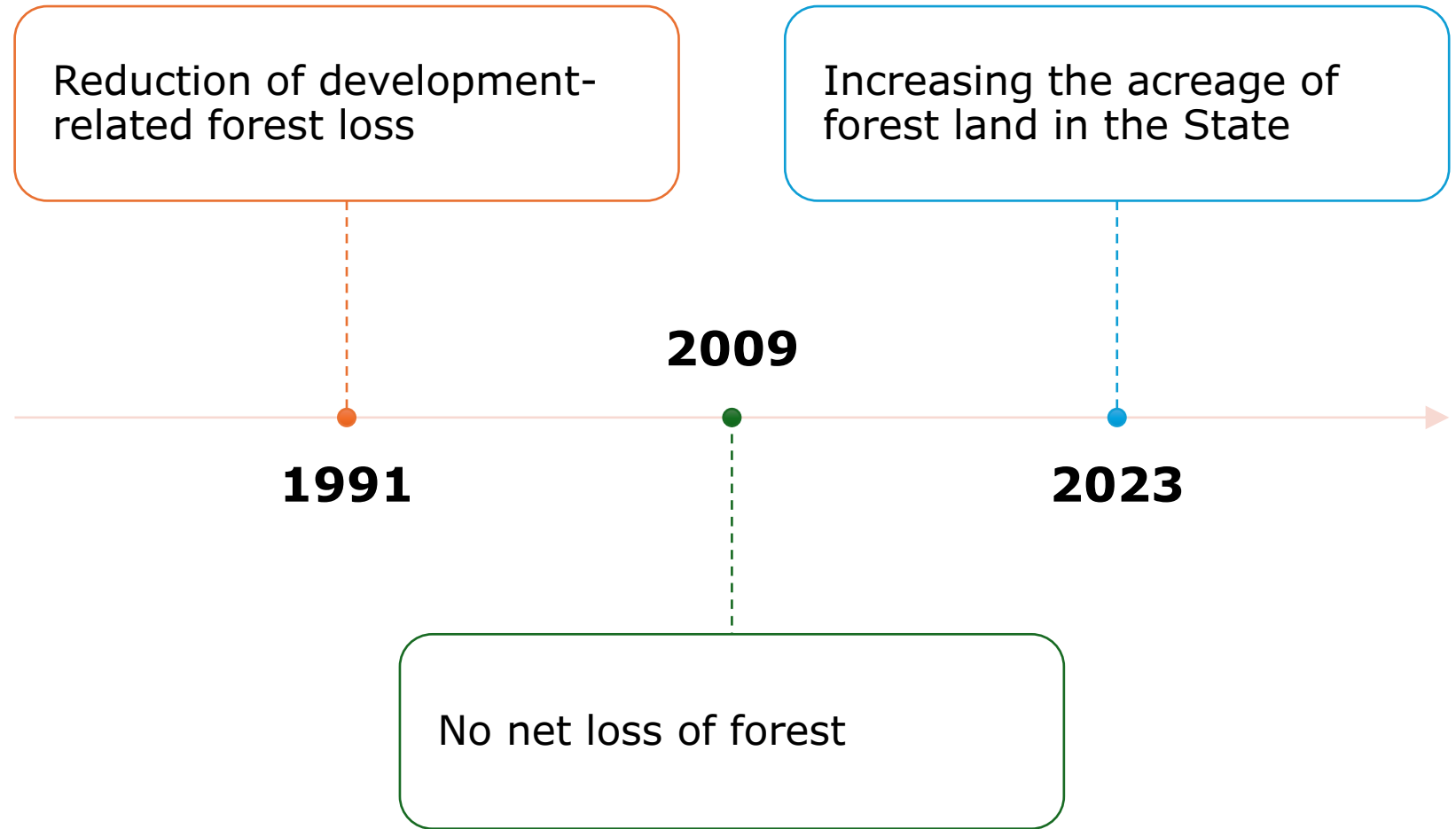




Forest Conservation (Chapter 150) Code Revisions

Resource Management Division
Department of Planning & Land Management

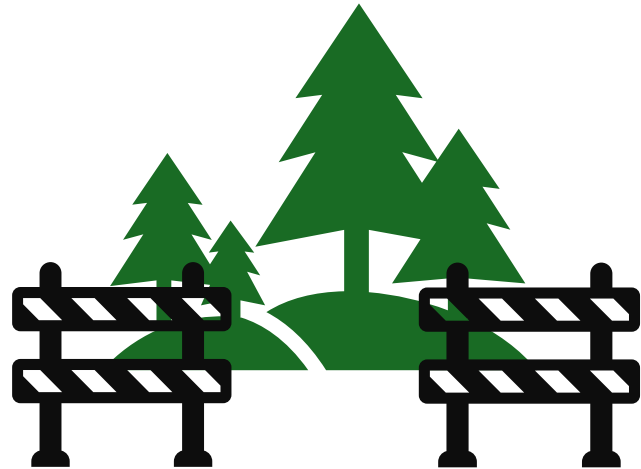
The State's policies around forest protection have evolved over the last 35 years



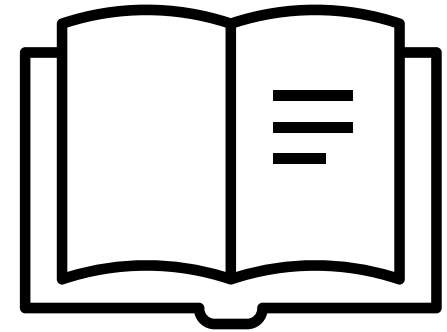
Purpose of Chapter 150



Conserve the County's forest resources



Protect forests, trees & sensitive areas during development



Implement State Forest Conservation Act (FCA) through County code

Purpose of Code Changes

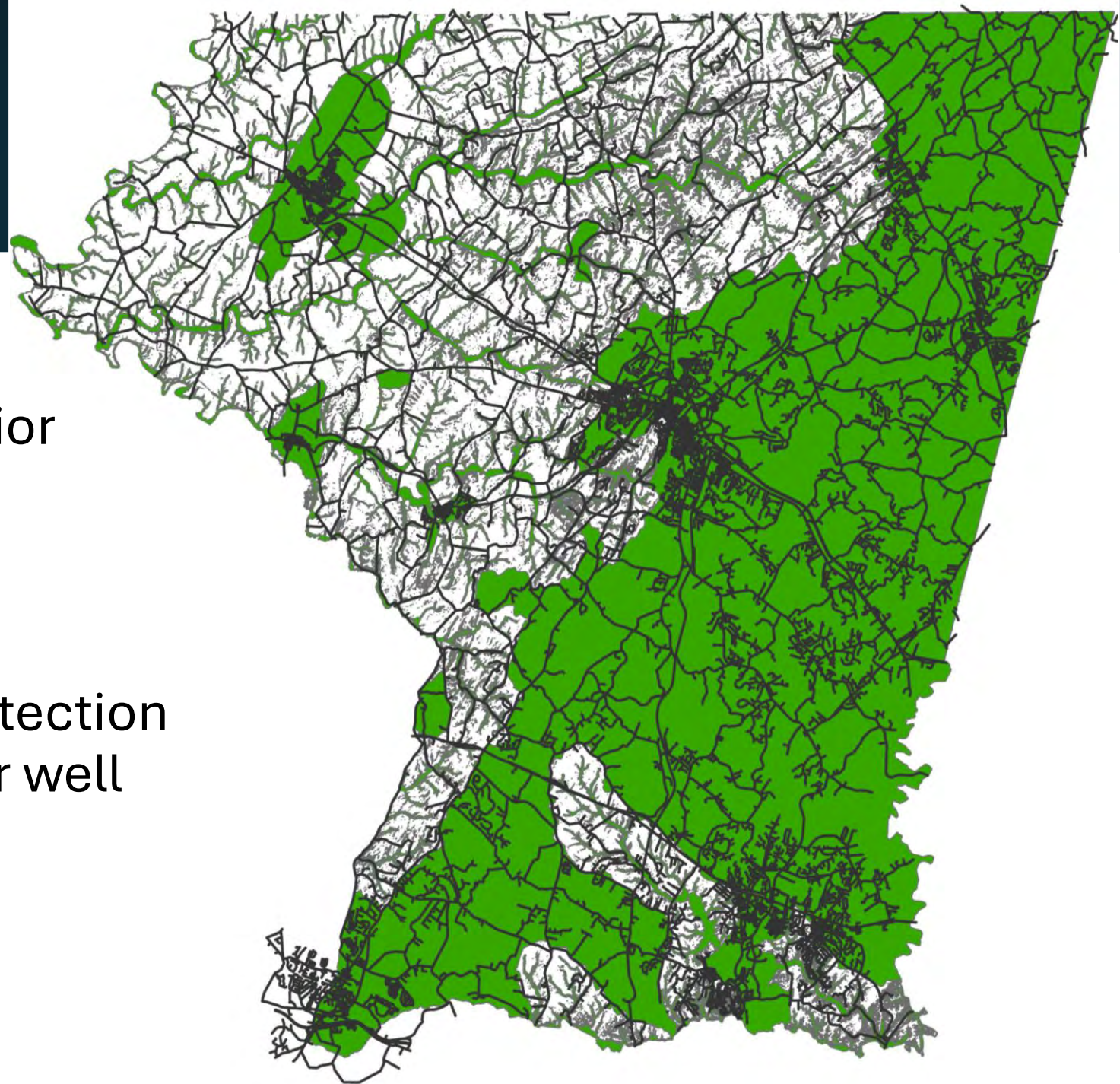
Comply with changes made to State Forest Conservation Act per SB526 (2023)

and

Ease certain requirements

Expansion of Priority Forest (SB526)

- Forest suitable for forest interior dwelling species
- Forest in a Tier II high quality watersheds
- Forest in a water resource protection zone, reservoir watershed, or well head protection area
- Priority urban forest



Public Notification (SB526)



1. For projects where at least 5 acres and 75% of the priority retention area is proposed to be cleared, the County must **notify adjacent property owners** and **provide opportunity for written and verbal comment.**



OR



2. For projects where priority retention areas are proposed to be cleared, the County must **notify adjacent property owners** and **provide opportunity for written comment.**



Findings and Judicial Review (SB526)

The County must issue written findings and justification for any clearing of a priority forest retention area.

A person petitioning for a judicial review of an approved forest conservation plan shall file the petition with Carroll County not later than 30 days after approval of the forest conservation plan.

Any judicial review of a forest conservation plan shall be:

(a) Conducted in accordance with the Maryland state law;

AND

(b) Limited to the record compiled by Carroll County

Definitions

Reforestation:

- The planting of trees to replace cleared forest.

Afforestation:

- Forest mitigation that is not based on forest clearing, but instead is based on meeting an established forest threshold of 15 or 20%.

Priority Funding Area:

- An area certified by the local government as a designated growth area and as recognized by the Maryland Department of Planning. (Municipalities and Rural Villages)

Net Tract Area:

- The part of a property which is being developed.

Mitigation Increase (SB526)

All unforested stream buffers within the net tract area are required to be planted. In some cases this will mean planting above the required afforestation and reforestation.

This requirement may be waived if the applicant demonstrates to the County that planting in the riparian buffer:

1. Would be in conflict with allowable uses as established for the riparian buffer;
2. Is located on park property and conflicts with the mission and established stewardship practices of the park; or
3. Is not suitable for the establishment and retention of the required planting materials, in which case substitute environmental protection measures must be implemented.



Mitigation Reductions (SB526)

Solar facilities are not subject to afforestation.



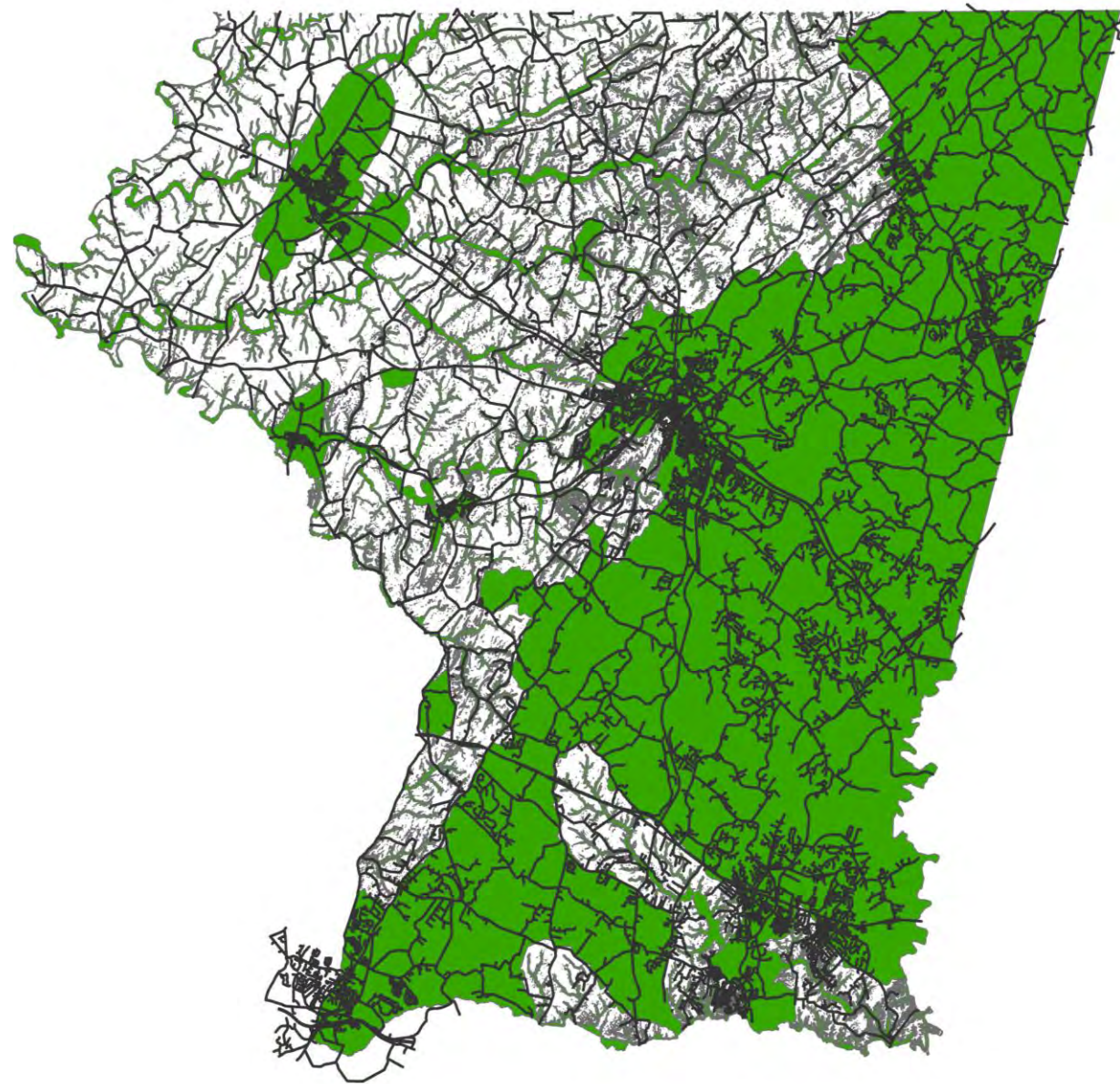
Non-priority forest cleared in a priority funding area

- 0.5 acre planted for 1 acre removed instead of the standard 1 to 1 mitigation

Designated growth areas



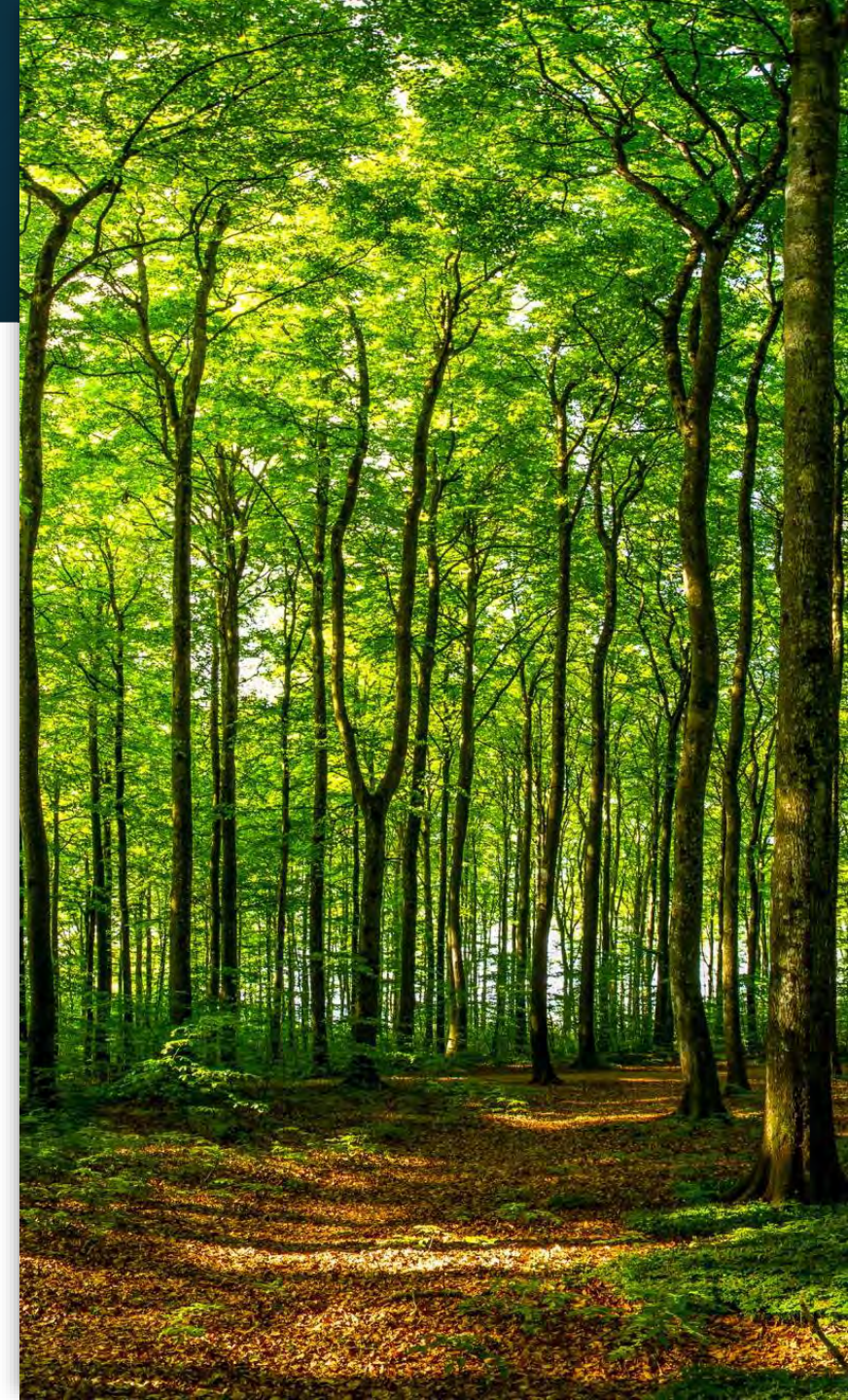
Priority forest areas



New Mitigation Technique (SB526)

Qualified Conservation (QC) (retention banking)

- Forest Bank on existing forest
- Must be in a priority area



STATE		COUNTY
1 acre required : 0.5 acre QC & 0.5 acre planted	AFFORESTATION	1 acre required : 1 acre QC
1 acre cleared : 0.5 acre QC & 0.5 acre planted	REFORESTATION	QC not an option

Other Changes (SB526)

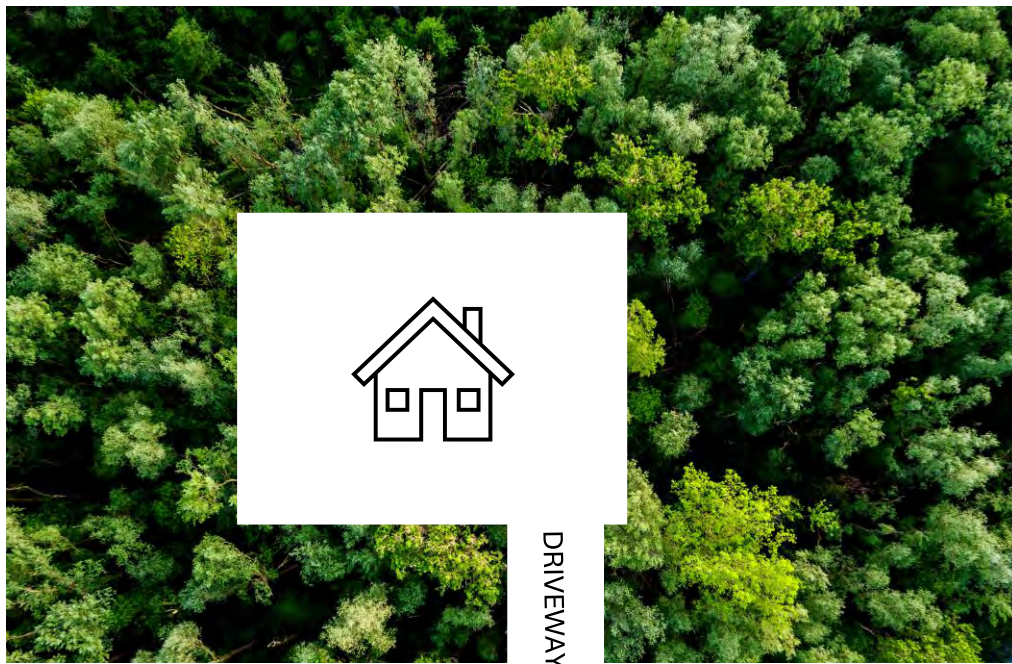
- **Revised stream buffer definition:**
 - For the purposes of this chapter, not the Carroll County Water Resource Management Code (Chapter 154), the stream buffer is, measured from the top of each normal bank, all lands lying within 50 feet of an intermittent stream and 100 feet of a perennial stream.
- **New Technical Manual:**
 - New State manual will replace County manual.



Applicability Change

Ease the forest clearing threshold from 20,000 to 40,000 square feet to align with State FCA.

20,000 sq. ft. clearing



40,000 sq. ft. clearing



Exemption changes

1. Agricultural activity exemption

- Allows agricultural related disturbance without addressing Forest Conservation

Currently: clearing above 20,000 sq. ft. requires a Soil Conservation District Farm Plan

Proposed: clearing above 40,000 sq. ft. will require a Schedule F farm income document

2. Cutting or clearing of public utility rights-of-way with required CPCN

Currently: Exempt

Proposed: Not exempt

3. Land transfer exemption

- Allows the owner of a working farm to create a new lot without addressing Forest Conservation

Currently: Lot must be used by child of owner

Proposed: Lot must be used by owner or child or owner
Schedule F farm income document required



Tree Planting Maintenance Period Change

- **Currently:**
 - 5 year maintenance period for all plantings
- **Proposed:**
 - Final approval can be achieved after a 3 year maintenance period if the planting meets the definition of forest.

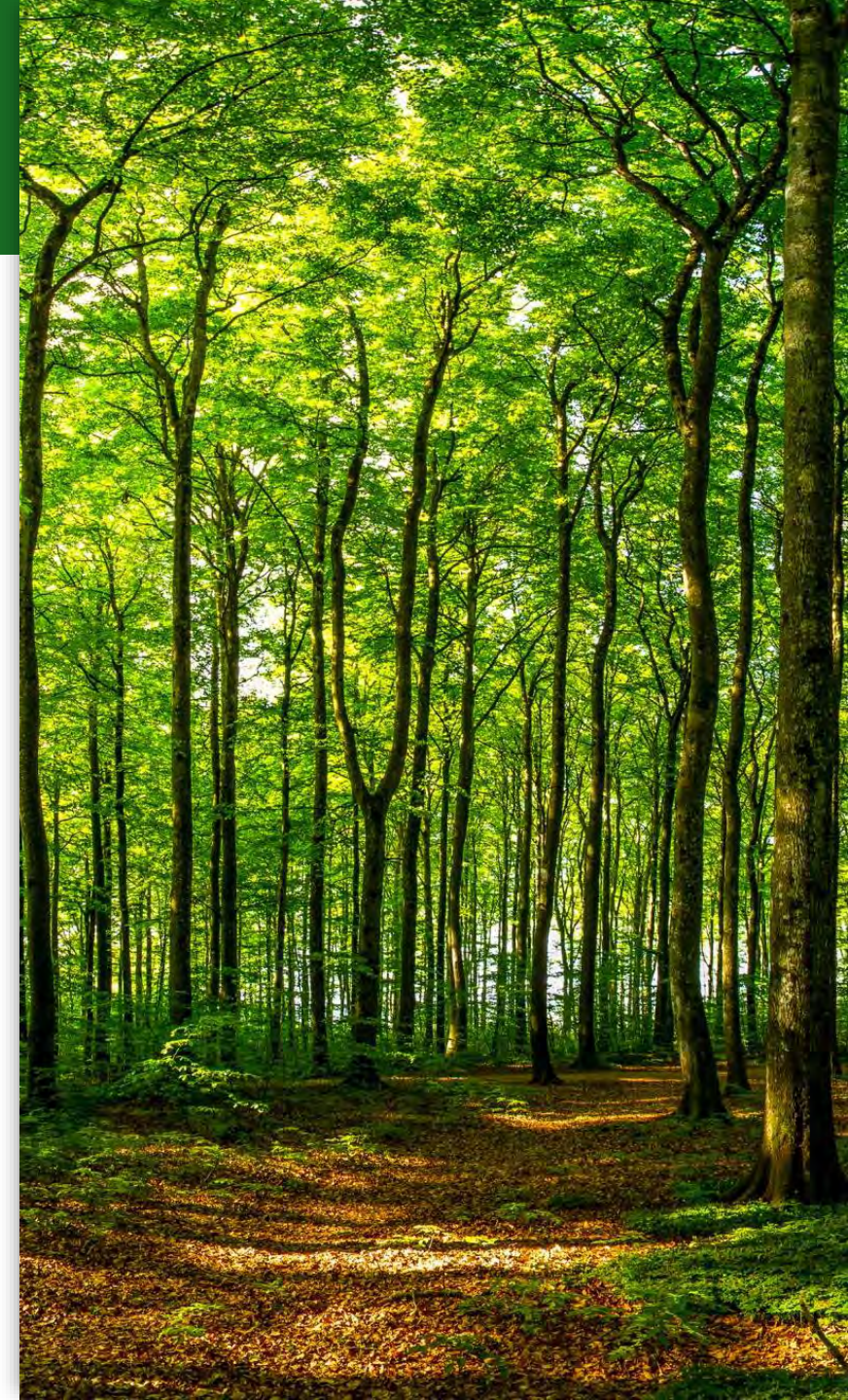


New Mitigation Technique

Fee-in-lieu (payment into County forest fund)

- Mitigation for afforestation or reforestation
- County is responsible to complete the mitigation
- Absolute last resort

	Priority Funding Area	Non-Priority Funding Area
Single Family Residential Building Permit	\$27,225/acre	\$32,670/acre
Subdivision & Site Development	\$54,450/acre	\$65,340/acre

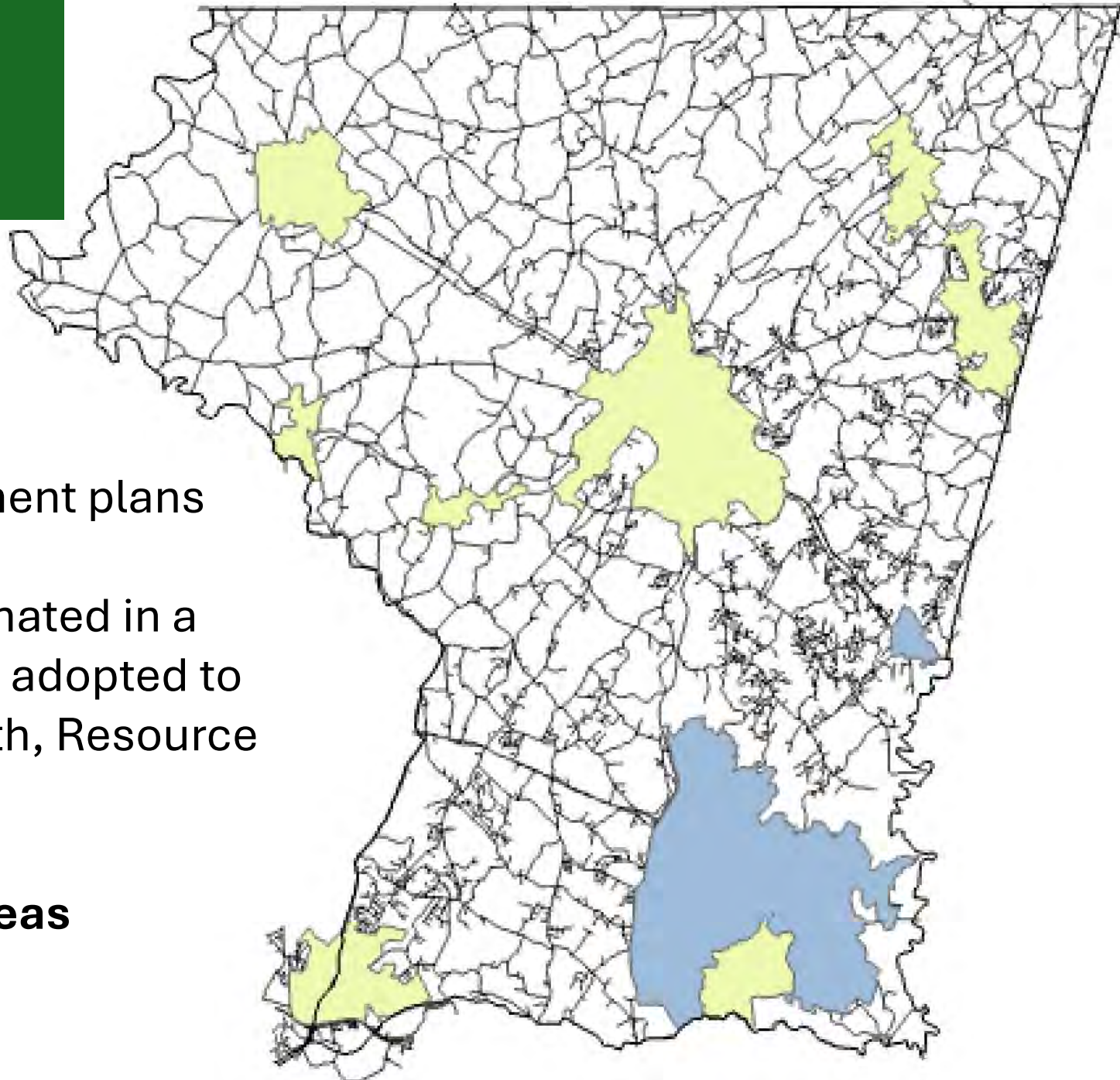


Discussion of Possible Mitigation Techniques

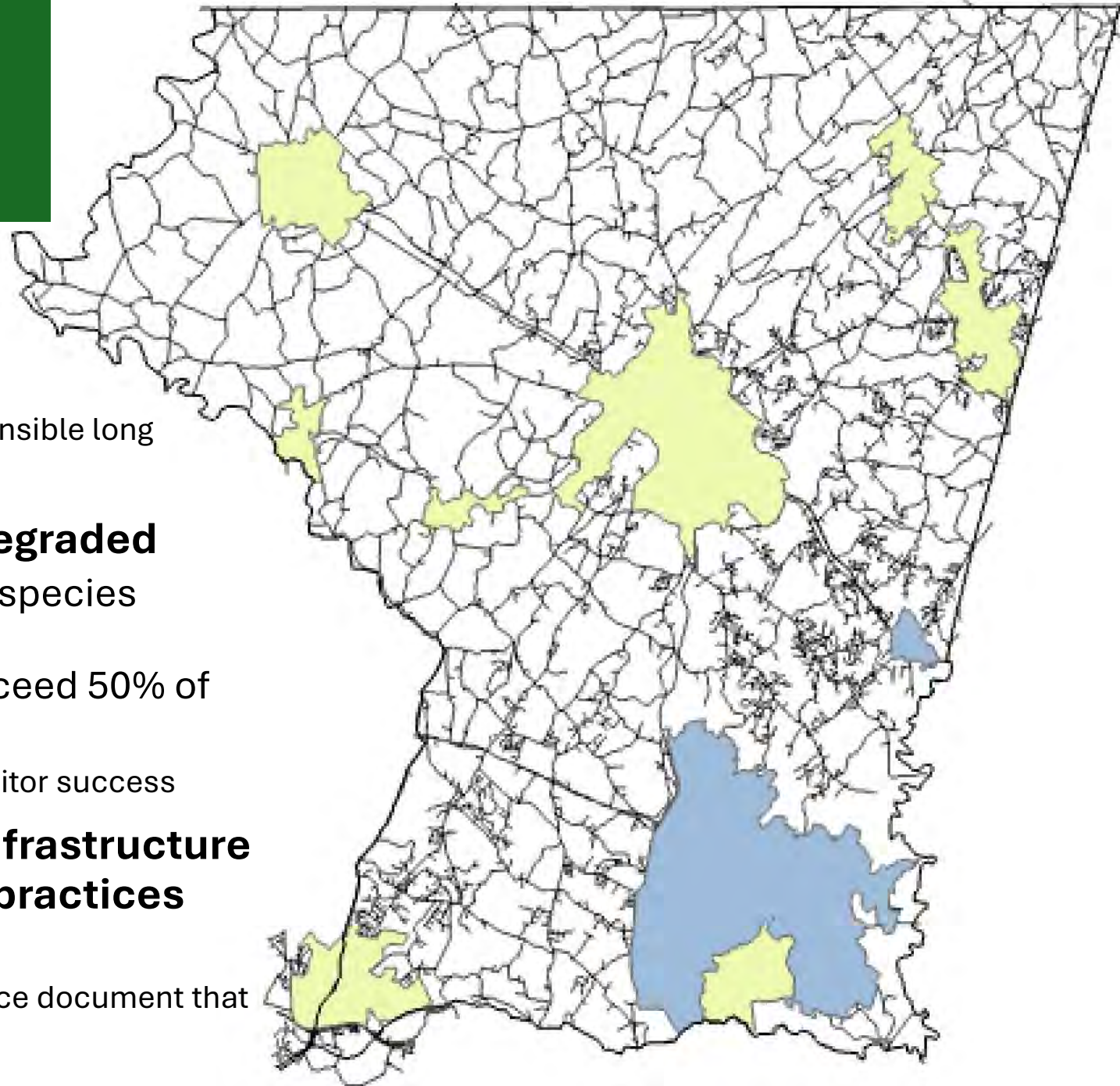
Techniques restricted to:

- Municipalities with tree management plans
- Existing population centers designated in a county master plan that has been adopted to conform with the Economic growth, Resource Protection & Planning Act of 1992

Designated Growth Areas



Discussion of Possible Mitigation Techniques



1. The planting of street trees

- Cons: difficult to calculate credit, who is responsible long term

2. The restoration of on-site or off-site degraded forest (SB526) soil enhancement, invasive species removal, wildlife control, understory improvement (credit granted may not exceed 50% of the area restored)

- Cons: expensive, never ending, difficult to monitor success

3. The establishment of planted green infrastructure or planted environmental site design practices (SB526)

- Cons: expensive, County must create a guidance document that is approved by DNR

Discussion of Possible Mitigation Techniques



Landscaping

- must be at least 35 feet wide, 2,500 square feet in size, and part of approved landscape plan

Pros: can be used anywhere, the potential to address landscaping and forest conservation in one planting

Cons: expensive, who is responsible long term



Code Revision Public Outreach





Questions?

What's Next?

- Hold a work session
- Proceed to public hearing