

**Department Planning
Bureau of Resource Management**

**REQUEST FOR VARIANCE FROM THE CARROLL COUNTY FOREST
CONSERVATION CODE, CHAPTER 115**

September 21, 2007

Issue: FOREST CONSERVATION, CHAPTER 115, VARIANCE REQUEST FOR TIMBER HARVEST IN AREA SET ASIDE FOR PROTECTION VIA FOREST CONSERVATION PLAN FOR CARROLL COUNTY AIRPORT PAPI LIGHTS
FILE NO.: E-96-0002

VARIANCE NO: V-FC-07-001

Background: A variance has been requested for a timber harvest of 6 acres of forest. Of the six acres, 3.75 acres have been previously approved via a Forest Conservation Plan designated as a woodland protection area. Of the 3.75 acres, 1.91 acres are to be clear cut. Based on Section 3.3.3 (2) (Page 3-39) of the Carroll County Forest Conservation Technical Manual, A Forest Stewardship Management Plan was prepared by the County Forester and submitted to the State Forestry Board. The Board approved the Management Plan for the incorporation of applicable best management practices, but since said section of the technical manual requires a post harvest basal area of 70 square feet when timbering in areas set aside for forest conservation easement, the Board did not approve the timber harvest plan. The proposed clear cut would result in a post harvest basal area of 25 square feet. Based on regulations of the Federal Aviation Administration (FAR 77 and the Precision Approach Path Indicator Obstruction Clearance Surfaces) those areas scheduled for clear cut are areas identified as a hazard to aviation by penetrating into the Obstruction Clearance Surfaces and must be removed for safety of those using the airport.
PLEASE SEE ATTACHED SUPPORTING OCUMENTATION.

Discussion: The desired action is a requirement of the Federal Aviation Administration for safety of those using the airport and applies to all airports with similar precision approach equipment. In addition, the State Forestry Board has indicated that the Forest

Stewardship Management Plan prepared by the County Forester incorporates all applicable BMP's, as stated in the Custom Erosion and Sediment Control Plan for Forest Harvest Operations.

Recommendation: The request for relief from the Carroll County Forest Conservation Code, Chapter 115 and the Forest Conservation Manual should be granted based on:

- (1). 115-14. (1): Strict adherence to the provision of this chapter would result in unnecessary hardship for the County. By granting the variance request the County can remove the designated obstructions and operate the airport per FAA requirements thus creating a non-hazardous condition for precision approaches.
- (2). 115.14. (2): The 1.91 acre clear cut will comply with the requirement of the Federal Aviation Administration (FAR 77) and the Precision Approach Path Indicator Obstruction Clearance Surfaces). FAA Object clearing criteria were developed to provide for safe and efficient approach operations at an airport by requiring that certain areas on or near the airport be clear of objects.