

## Chapter 115, FOREST CONSERVATION – 2010 Amendments

\*\*\*\*\*

### § 115-2. Applicability.

*[Amended 05/03/07 by Ord. No. 07-08]*

A. Except as provided in Subsection B of this section, this chapter applies to:

\*\*\*\*\*

- (4) An activity that results in the cumulative cutting, clearing, or grading of more than 20,000 square feet of forest. If that activity is related to one of the following:
  - (a) A residential construction activity conducted on an existing single lot of any size of record at the time of application.
  - (b) A linear project not otherwise exempted under this chapter.
  - (c) Land transfers by an owner of a working farm for the purpose of constructing a dwelling house intended for the use of a child of the owner.

B. This chapter does not apply to:

\*\*\*\*\*

- (7) Any residential development activity conducted on ~~an existing~~ single lot of any size of record at the time of application, provided that the activity on the lot:
  - (a) Does not result in the cutting, clearing, or grading of ~~40,000~~20,000 square feet ~~or more~~ of forest; ~~or~~
  - (b) Does not result in the cutting, clearing, or grading of any forest that is subject to the requirements of a previous forest conservation plan ~~prepared~~approved under this ~~sub~~chapter; and
  - (c) The activity is the subject of a declaration of intent filed with the County, as provided for in § 115-3 of this Chapter, stating that the lot will not be the subject of a regulated activity further subdivision within 7 years of the cutting, clearing, or grading of forest.

\*\*\*\*\*

- (14) Land transfers by an owner of a working farm for the purpose of ~~building a residence for a child, parent, grandchild, or grandparent of the owner, provided a 7-year declaration of intent is filed~~constructing a dwelling house intended for the use of a child of the owner, if the activity *[Amended 05/03/07 by Ord. No. 07-08];*
  - (a) Does not result in the cutting, clearing, or grading of more than 20,000 square feet of forest; and
  - (b) Is the subject of a declaration of intent filed with the County, as provided in § 115-3 of this chapter, which states that transfer of ownership may result in loss of exemption.
- (15) A linear project ~~which disturbs less than 40,000 square feet of forest is exempt with the same exemption conditions as a single existing lot. A linear project that requires Public Service Commission approval and highway construction activities subject to the Natural Resources Article, § 5-103, of the Annotated Code of Maryland are exempt provided a 7~~

~~year declaration of intent is filed, conducted by a public utility, a municipality, or by the County provided that the activity~~ [Amended 05/03/07 by Ord. No. 07-08];

~~(a) Does not result in the cutting, clearing, or grading of more than 20,000 square feet of forest; and~~

~~(b) Does not result in the cutting, clearing, or grading of any forest that is subject to the requirements of a previous forest conservation plan approved under this chapter.~~

~~(16) Approved redevelopment sites that are at least 90% impervious. (Reserved)~~

\*\*\*\*\*

**§ 115-6. Forest conservation plan.**

[Amended 05/03/07 by Ord. No. 07-08]

\*\*\*\*\*

B. A FCP shall:

\*\*\*\*\*

(5) For any forested areas which cannot be retained, demonstrate to the satisfaction of the County:

(a) How techniques for forest retention have been exhausted,

(b) Why priority forest and priority areas specified in § 115-7A cannot be left in an undisturbed condition.

~~(1)~~ If priority forest and priority areas cannot be left undisturbed, how the afforestation or reforestation will be carried out in compliance with this chapter.

~~(2)~~ Where priority areas for afforestation or reforestation are proposed on-site.

~~(3)~~ Where priority areas for afforestation or reforestation are proposed off-site.

~~(4)~~ Where appropriate, the forest bank that is proposed for use as credit for required afforestation or reforestation.

(c) How the disturbance to the priority forests and priority areas specified in § 115-7B qualifies for a variance.

\*\*\*\*\*

**§ 115-7. Retention priorities.**

A. The following categories of trees, shrubs, or other associated vegetation, and forest resources located in specifically identified sensitive locations shall be considered a priority for retention and protection. These trees, shrubs, or other associated vegetation and forest resources shall be left in an undisturbed condition and protected from disturbance during and until on-site construction activities are complete, unless the applicant has demonstrated to the satisfaction of the County that reasonable efforts made to protect them have been unsuccessful or has provided evidence to the County that identifies certain individual trees in specific locations as unreasonable liabilities to health and safety and that efforts to continue their existence would either be economically prohibitive or otherwise unwarranted:

~~A.(1)~~ Trees, shrubs, and plants located in sensitive areas including wetlands, one-hundred-year floodplains, streams and their buffers, steep slopes, and critical habitats.

~~B.(2)~~ Forests which connect large undeveloped or heavily vegetated tracts of land lying within or adjacent to the site.

B. The following categories of trees, shrubs, or other associated vegetation, and forest resources located in specifically identified sensitive locations shall be considered a priority for retention and protection and shall be left in an undisturbed condition and protected from disturbance during and

until on-site construction activities are complete, unless the applicant has demonstrated to the satisfaction of the County that the applicant qualifies for a variance in accordance with § 115-14 of this chapter.

~~C~~(1) Trees, shrubs, or plants identified on the list of rare, threatened, and endangered species of the United States Fish and Wildlife Service or the State of Maryland Department of Natural Resources.

~~D~~(2) Trees that:

~~(1)~~(a) Are part of a historic site as recognized by the National Register of Historic Places, the Maryland Historical Trust, the Carroll County Historic Preservation Commission, or municipal historic body;

~~(2)~~(b) Are associated with a historic structure as recognized by the National Register of Historic Places, the Maryland Historical Trust, the Carroll County Historic Preservation Commission, or municipal historic body; or

~~(3)~~(c) Have been designated by the state or the County as a national, state, county, or municipal champion tree.

~~E~~(3) **Specimen trees.** If a specimen tree or champion tree in good or excellent condition according to the FSD is to be removed, it shall be replaced using the following formula: caliper of specimen tree removed equals number of trees replaced based on a one inch for one inch replacement (e.g., a 30-inch tree shall be replaced with 30 one-inch caliper trees). Specimen trees in poor or fair condition may be removed without penalty.

\*\*\*\*\*

**§ 115-18. Annual report.**

On or before July 1 of each year, the County shall submit to the Maryland Department of Natural Resources, a report on:

\*\*\*\*\*

H. The number, location, type of violation, and type of enforcement activity conducted in accordance with this chapter.

I. To the extent practicable, the size and the location of all conserved and planted forested areas submitted in an electronic geographic information system or computer aided design format.

\*\*\*\*\*

H:\ATTORNEY\ORDINANCES(hearings)\CH115&191(CombinedAmendments)\Ch115-ShortVersion.doc  
03/09/10