

# DEPARTMENT OF PLANNING AND ZONING

## CUSTOMER ASSISTANCE GUIDE

Visit us on the web at: [www.co.cal.md.us](http://www.co.cal.md.us)

---

# FOREST CONSERVATION REGULATIONS

March 2011

---

### **HISTORY**

The main purpose of the Maryland Forest Conservation Act (Natural Resources Article Section 5-1601 through 5-1613) enacted in 1991 was to minimize the loss of Maryland's forest resources during land development by making the identification and protection of forests and other sensitive areas an integral part of the site planning process.

### **APPLICABILITY**

The Maryland Forest Conservation Act (Natural Resources Article Section 5-1601 through 5-1613) and Article 8-3 of the Calvert County Zoning Ordinance (Forest Conservation Requirements) apply to any person, corporation, unit of County government, or public utility, that applies for a subdivision, site plan, project plan, grading permit, sediment control or vegetation removal approval on units of land 40,000 square feet or greater.

### **EXEMPTIONS**

There are some activities that are exempt from the Forest Conservation Requirements. Applications will be reviewed for exemption eligibility when the applicant submits a grading permit, building permit, site plan, or subdivision application. Exemptions (under certain conditions) include, but are not limited to, the following:

- Single family residential construction activities that do not disturb more than 20,000 square feet of forest on lots greater than or equal to 40,000 square feet in size
- Construction of a residential dwelling intended for the use of a child with total disturbance of 20,000 square feet or less of forest\*
- Activities in the Chesapeake Bay Critical Area
- Agricultural activities\*
- Timber harvesting\*
- Certain real estate transfers\*
- Certain public utility rights-of-way
- Certain mining operations & activities
- Certain highway construction activities

\*Subject to the execution of a Declaration of Intent

## **GENERAL REQUIREMENTS**

Along with a site plan, subdivision, building permit, or grading permit application that does not meet one of the exemptions above, a Forest Stand Delineation (FSD), a Forest Conservation Plan (FCP), and a Forest Conservation Worksheet (FCW) should be submitted to the Department of Planning and Zoning. FSDs and FCPs must be prepared by a Maryland Licensed Forester, Maryland Licensed Landscape Architect, or other Qualified Professional who has received certification from the Maryland Department of Natural Resources to perform these activities.

**Forest Stand Delineation (FSD):** The purpose of an FSD is to determine the most suitable and practical areas for forest conservation during the preliminary design and review stages of development. It uses a combination of resource mapping and field assessment to inventory and describe existing forest and to locate priority areas for forest retention, reforestation, or afforestation on the site. An approved FSD is a required element of an approved Forest Conservation Plan (FCP). A 'simplified' FSD is required for the review of minor subdivisions, clustered subdivisions that meet certain criteria, and some commercial site plans. Otherwise, an 'intermediate' or 'standard' FSD is required.

NOTE: Even if no trees are to be impacted, an applicant must still meet the requirements of the Forest Conservation Regulations. A waiver of the FSD may be granted for non-forested sites; however, a Forest Conservation Worksheet is still necessary to determine the minimum requirements.

**Forest Conservation Plan (FCP):** The FCP is a planning and construction document that provides specific plans for retaining and protecting existing forested areas, particularly in priority areas, at the time of subdivision or proposed development. The FCP also includes details for replanting selected areas when reforestation/afforestation is required.

**Forest Conservation Worksheet (FCW):** The FCW determines the amount of forest to be retained or planted based on land use category, property size, and the total amount of existing forest on the site. The worksheet also determines how much forest can be cleared without requiring replanting or mitigation (a break-even amount). In order to complete the worksheet, the following information is needed: 1- total tract area (acres or square feet); 2- land use category; 3-existing forest cover; 4-amount of forest to be protected; and, if applicable, 5-area of land in agricultural protection district or floodplain.

Copies of the worksheet and checklists for preparing FSDs and FCPs are available at the Department of Planning and Zoning.

## **WHAT IS INVOLVED IN THE REVIEW PROCESS?**

**Site/Subdivision Plan Review.** The review of the FSD, FCP and FCW occurs simultaneously with the review of the site plan or subdivision plan application. (See Customer Assistance Guide, Site Plan Approval for Commercial Building Permits and How to Subdivide Property.) After the application package is distributed to staff, the environmental reviewer will determine if the FSD, FCP and FCW meet the minimum requirements for completing the review. The environmental reviewer will contact the applicant or the applicant's agent if there is missing

information. The environmental reviewer will then submit written comments, including recommendations, to the Planning Commission Administrator, at which time, the site plan/subdivision review process continues under the direction of the Administrator.

**Building Permits and/or Grading Permits.** When applying for a building permit or grading permit (if not already addressed by Site Plan or Subdivision submittal), the applicant should submit the FSD, FCP and FCW with the permit application to the Division of Inspections and Permits. The environmental reviewer will contact the applicant or the applicant's agent if any more information is needed to complete the review. Once the environmental review is complete, the application is given to the Department of Public Works and then to the County Soil Conservation Service District for further review. If the application is denied or approved with conditions, the applicant or the applicant's agent will be contacted.

For status of a site plan, building, or grading permit application review, look up the plan or permit number via the County's website Permit/Project Application Status System (PASS) at <http://www.co.cal.md.us/permlkups/main.aspx>, or contact the Division of Inspections and Permits at (410) 535-2242 and provide him/her with your grading permit or project number.

## **FOREST RETENTION & PLANTING REQUIREMENTS**

All trees, shrubs and plants located in or near floodplains, streams, wetlands, steep slopes, or habitats for rare, threatened, or endangered species are all priority areas for protection and should be designated as Forest Retention Area (FRA) on the FCP. Findings of the forest stand delineation, such as the location of monument or crop trees, are used to determine FRAs. The Forest Conservation Worksheet calculates the minimum amount of forest required to be retained or planted.

After retention of existing forest on-site has been exhausted, the remainder of the forest requirements may be mitigated using the following order of preference:

- Plant trees or seedlings on-site (> 1½" diameter);
- Plant trees or seedlings off-site (>1½" diameter);
- Purchase Forest Conservation Transferrable Development Rights (purchased based on off-site requirements);
- Natural regeneration of native vegetation off-site;
- Recordation of Forest Retention Area (FRA) off-site (one acre minimum, calculated based on off-site requirements);
- Install landscaped areas, using only native species, that are at least 35 feet wide, covering 2,500 square feet or more in area (on commercial/multifamily sites only); and lastly
- Make a payment into the Forest Conservation Fees-in-lieu Fund.

When planting of trees is required, the applicant must submit a Reforestation/Afforestation Planting Plan and cost estimate for review and approval by the environmental reviewer. Once the plan is approved, the applicant must post a bond, including a nonrefundable administrative fee, and sign a 2-year maintenance agreement with the County.

## **LONG TERM PROTECTIVE AGREEMENTS**

Forest Retention Areas (FRAs) are preserved and maintained through a long term protective agreement. The agreement includes a recorded plat of the property showing the location of the FRAs. The plat includes notes that designate the FRAs for long term protection. All FRA protective agreements must be finalized prior to the issuance of the grading or building permit(s).

## **CAN TREES IN AN FRA BE REMOVED?**

With the necessary approvals, trees within an FRA may be removed. Permission may only be issued for the removal of trees or under story vegetation if they are a threat to structures or to prohibit the spread of plant diseases. Permits may also be issued for the removal of under story plants composed of invasive or noxious plants or weeds. An FRA may also be timbered with an approved Forest Harvest Plan and other appropriate approvals and/or permits. Otherwise, no equipment, machinery, motor vehicles, materials, stockpiling, dumping of trash or structures are allowed within the Forest Retention Area. Contact the environmental planner in Planning and Zoning for more information (410) 535-1600, ext. 2501.

## **PENALTIES AND ENFORCEMENT**

A person found to be in noncompliance with the Forest Conservation Regulations may be fined 30 cents/sq. ft. and up to \$1,000 per day. The County may revoke previous permits and order site restoration (Article 8-3.04.P of the Calvert County Zoning Ordinance, adopted May 1, 2006).

***This publication has been approved by:***

Gregory Bowen, Director  
**Planning and Zoning**

Terry Shannon  
**County Administrator**