

DEPARTMENT OF PLANNING AND ZONING

CUSTOMER ASSISTANCE GUIDE

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FOREST CONSERVATION REGULATIONS

March 2007

• APPLICABILITY

The Forest Conservation Act (FCA) 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, who applies for a subdivision, site plan, project plan, grading permit or sediment control approval.

• EXEMPTIONS

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

- 1) Single family residential construction activities that do not disturb more than 30,000 sq. ft. on lots greater than or equal to 40,000 sq. ft. in size
- 2) Single family residential construction activity that does not disturb more than 10,000 sq. ft. on lots less than 40,000 sq. ft. in size
- 3) Construction of a residential dwelling intended for the use of a child or grandchild with total disturbance of 30,000 sq. ft. or less*
- 4) Activities in the Chesapeake Bay Critical Area
- 5) Agricultural activities*
- 6) Timber harvesting*
- 7) Real estate transfers*
- 8) Certain public utilities & rights-of-way
- 9) Certain mining operations & activities
- 10) 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.

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 most commercial site plans. Otherwise, a '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 minimum retention and planting 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, during subdivision or construction. 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 with out requiring replanting (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 cleared; and, if applicable, 5-area of land in agricultural protection district.

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.

Grading Permits. When applying for a grading permit, the applicant should submit the FSD, FCP and FCW with the grading 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 grading permit application review, contact the Permits Coordinator at (410) 535-2155 and provide him/her with your grading permit 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 the site has been exhausted, the remainder of the forest requirement may be mitigated using the following order of preference:

- Plant trees (≥ 1 & $\frac{1}{2}$ " in diameter) or seedlings onsite;
- Plant trees (≥ 1 & $\frac{1}{2}$ " in diameter) or seedlings offsite;
- Purchase Forest Conservation Transferable Development Rights (2 acre purchase for each 1 acre required);
- Natural regeneration of native vegetation offsite;
- Install landscaped areas, using only native species, that are at least 35 ft. wide, covering 2,500 sq. ft. 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 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**

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 FRA(s). The plat includes notes that designate the FRA(s) 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?**

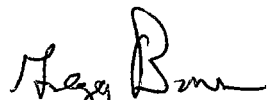
With the necessary approvals, trees within an FRA may be removed. Permission may only be issued for the removal of trees or under story vegetation if they are a threat to structures or to prohibit the spread of plant diseases. Permits may also be issued for the removal of under story plants composed 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



Douglas A Parran
County Administrator

Calvert County Forest Conservation Program Commercial Forestry Declaration of Intent

Tax I.D. #:	Election District:	Tax Map:	Grid:	Parcel:
Name(s):				
Address:				
City:		State:	Zip:	
Phone:		E-mail:		

I (we), _____
the owners of the real property located at _____
as described as _____

hereby declare my (our) intention to continue and/or place into commercial forestry use the above property, in accordance with the provisions of the Calvert County Forest Conservation Program and COMAR 08.19.01.04, for a period of at least five (5) consecutive full taxable years following this date. (Attach sketch map of parcel and portion of parcel to be harvested and covered by this Declaration of Intent. Also, attach Forest Management Plan if available.)

This declaration grants an exemption for commercial forestry activities under the Calvert County Forest Conservation Program. If the land does not remain in commercial forestry use, the Owner must notify the Calvert County Department of Planning and Zoning. If the Owner makes application for an activity regulated under the Forest Conservation Program, on all or part of the parcel within the five (5) year period, Calvert County shall require the Owner to meet the requirements of the Calvert County Forest Conservation Program. Any forest area under the Forestry Declaration of Intent, whether harvested or not, will be considered as forest in application of the requirements.

I (we) declare that this declaration, including any accompanying forms and statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information, and belief, is true, correct and complete.

Signature(s) _____ Date _____
_____ Date _____

Notary Seal _____

Calvert County Forest Conservation Program Agricultural Declaration of Intent

Tax I.D. #:	Election District:	Tax Map:	Grid:	Parcel:
Name(s):				
Address:				
City:		State:	Zip:	
Phone:		E-mail:		

I (we), _____, the owners of the real property located at _____, as described as _____ hereby declare my (our) intention to continue and/or place into agricultural use the above property, in accordance with the provisions of the Calvert County Forest Conservation Program and COMAR 08.19.01.04, for a period of at least five (5) consecutive full taxable years following this date. To qualify as an agricultural use, the area covered by the DOI must have a Farm Plan approved by Calvert Soil Conservation District. (Attach sketch map of parcel and portion of parcel covered by this Declaration of Intent.)

This declaration grants an exemption for agricultural activities under the Calvert County Forest Conservation Program. If the land does not remain in agricultural use, the Owner must notify the Calvert County Department of Planning and Zoning. If the Owner makes application for an activity regulated under the Forest Conservation Program, on all or part of the parcel within the five (5) year period, Calvert County shall require the Owner to meet the requirements of the Calvert County Forest Conservation Program, and shall also assess a noncompliance fee for forested areas cut in violation of the agricultural exemption.

I (we) declare that this declaration, including any accompanying forms and statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information, and belief, is true, correct and complete.

Signature(s) _____ Date _____

_____ Date _____

Notary Seal _____

Calvert County Forest Conservation Program Real Estate Transfer Declaration of Intent

Tax I.D. #:	Election District:	Tax Map:	Grid:	Parcel:
Name(s):				
Address:				
City:		State:	Zip:	
Phone:		E-mail:		

I (we), _____
the owners of the real property located at _____
as described as _____
hereby declare my (our) intention to invoke the real estate transfer exemption for
the above property, in accordance with the provisions of the Calvert County
Forest Conservation Program and COMAR 08.19.01.04, for a period of at least
five (5) consecutive full taxable years following this date.

This declaration grants an exemption for a real estate transfer to provide a
security, leasehold or other legal or equitable interest, including transfer of title, in
a portion of a lot or parcel based on the Calvert County Forest Conservation
Program. The transfer does not involve a change in land use, or new
development or redevelopment, with associated land disturbing activities. If the
Owner makes application for an activity regulated under the Forest Conservation
Program, clears more than 30,000 square feet of forest, or violates the
requirements of a previous Forest Conservation Plan on all or part of the parcel
within the five (5) year period, Calvert County may require the Owner to meet the
forest conservation threshold established in the Forest Conservation Program,
and shall also assess a noncompliance fee for forested areas cut in violation of
this exemption.

I (we) declare that this declaration, including any accompanying forms and
statements, has been examined by me (us) and the information contained herein,
to the best of my (our) knowledge, information, and belief, is true, correct and
complete.

Grantor _____ Date _____

Grantee _____ Date _____

Notary Seal _____

Calvert County Forest Conservation Program Intrafamily Transfer Declaration of Intent

Tax I.D. #:	Election District:	Tax Map:	Grid:	Parcel:
Name(s):				
Address:				
City:		State:	Zip:	
Phone:		E-mail:		

I (we), _____ the owners of the real property located at _____ as described as _____ hereby declare my (our) intention to invoke the intrafamily transfer exemption for the above property, in accordance with the provisions of the Calvert County Forest Conservation Program and COMAR 08.19.01.04, for a period of at least five (5) consecutive full taxable years following this date.

This declaration grants an exemption for the purpose of constructing a dwelling intended for the use of the owner, a child, or a grandchild of the owner based on the Calvert County Forest Conservation Program. If the land does not remain in the possession of the owner, child, or grandchild, the owner must notify the Calvert County Department of Planning and Zoning and may lose the exemption. If the Owner makes application for an activity regulated under the Forest Conservation Program, clears more than 30,000 square feet of forest, or violates the requirements of a previous Forest Conservation Plan on all or part of the lot within the five (5) year period, Calvert County may require the Owner to meet the forest conservation threshold established in the Calvert County Forest Conservation Program, and shall also assess a noncompliance fee for forested areas cut in violation of this exemption. The land will be transferred to (check all that apply):

Owner

 Child

 Grandchild

Name(s): _____

I (we) declare that this declaration, including any accompanying forms and statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information, and belief, is true, correct and complete.

Signature(s) _____ Date _____

_____ Date _____

Notary Seal _____

Forest Conservation Plan Requirements

Any project for which a Forest Stand Delineation or Simplified Forest Stand Delineation is required a Forest Conservation Plan prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements set by the Maryland DNR (CCZO Section 8-3.04.T) must also be submitted. In developing a Forest Conservation Plan, the applicant shall give priority to techniques for retaining existing forest on the site. Only with the approval of the County Environmental Planning staff, may the applicant choose other mitigation methods as listed in the following order of priority:

1 – Onsite afforestation/ reforestation; 2 – Offsite afforestation/reforestation; 3 – Purchase of Forest Conservation Transferable Development Right(s); 4 – natural regeneration of native vegetation Offsite; 5 – Landscaping of commercial property onsite under an approved landscaping plan which establishes a forested area at least 35 feet wide and 2,500 square feet in area or greater; and 6 – payment into the Forest Conservation Fees-in-lieu Fund at \$0.45 per square foot of required forested area.

Applicant	P&Z	Preliminary Forest Conservation Plan Checklist:
<input type="checkbox"/>	<input type="checkbox"/>	Approved Forest Stand Delineation or Simplified Forest Stand Delineation for the site
<input type="checkbox"/>	<input type="checkbox"/>	Completed Calvert County Forest Conservation Worksheet
<input type="checkbox"/>	<input type="checkbox"/>	Net tract area (square feet)
<input type="checkbox"/>	<input type="checkbox"/>	Area of forest conservation required
<input type="checkbox"/>	<input type="checkbox"/>	Area of forest conservation that the applicant proposes to provide
<input type="checkbox"/>	<input type="checkbox"/>	Clear graphic indication of the forest conservation provided on the site drawn to scale, showing areas where retention of existing forest or afforestation or reforestation is proposed
<input type="checkbox"/>	<input type="checkbox"/>	Narrative explanation of how the provisions of Section 8-3.04.D of this Ordinance have been met attached or appended to the plan and signed by the applicant.
<input type="checkbox"/>	<input type="checkbox"/>	Construction timetable showing the sequence of forest conservation procedures
<input type="checkbox"/>	<input type="checkbox"/>	Limits of disturbance
<input type="checkbox"/>	<input type="checkbox"/>	Stockpile areas
<input type="checkbox"/>	<input type="checkbox"/>	If planting trees: A timetable and description of needed site and soil preparation, species, size, and spacing to be used (NOTE: Natural regeneration or use of whips or seedlings requires that <u>pre</u> development conditions on site will support these methods.)
<input type="checkbox"/>	<input type="checkbox"/>	If planting trees: Incorporate a proposed two-year maintenance agreement that shows how areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment
<input type="checkbox"/>	<input type="checkbox"/>	Proposed locations of the Forest Protection Devices.
<input type="checkbox"/>	<input type="checkbox"/>	Other information required in the Maryland Forest Conservation Technical Manual
<input type="checkbox"/>	<input type="checkbox"/>	Final Forest Conservation Plan
<input type="checkbox"/>	<input type="checkbox"/>	All items listed above for the <u>Preliminary Forest Conservation Plan</u> .
<input type="checkbox"/>	<input type="checkbox"/>	A topographic map delineating intermittent and perennial streams, and steep slopes over 25 percent
<input type="checkbox"/>	<input type="checkbox"/>	Locations and types of protective devices to be used during construction activities to protect trees and forests designated for conservation (FRA signs, fencing, flagging, etc)
<input type="checkbox"/>	<input type="checkbox"/>	Record plats that serve as long-term binding protective agreements

Calvert County Forest Stand Delineation Requirements

A Forest Stand Delineation (FSD) shall be submitted to the Department of Planning and Zoning at the initial stages of subdivision, site plan, grading permit application, or sediment control application. The delineation shall be prepared by a licensed forester, licensed landscape architect, or a qualified professional who meets the requirements set by the Maryland DNR. The delineation shall be used during the review process to determine the most suitable and practical areas for forest conservation (CCZO Section 8.3-04.C).

Simplified Forest Stand Delineation/Environmental Features Map Checklist:

For use in the following situations; otherwise, use the Standard FSD/EF Map Checklist:

1. *For minor subdivisions in which no priority retention areas (see Section 8-3.04H) are disturbed except for a single unavoidable roadway crossing;*
2. *For County roads concurrent with the road grading plan and Forest Conservation Plan submittal;*
3. *For cluster subdivisions with no afforestation/reforestation requirement, over 50% of the parcel is maintained in open space, no priority retention areas are disturbed except for a single roadway crossing and a minimum of 20% of the forest cover onsite is retained.*

<u>Applicant</u>	<u>P&Z</u>	<u>Required Information</u>
<input type="checkbox"/>	<input type="checkbox"/>	Lot or parcel area (acres);
<input type="checkbox"/>	<input type="checkbox"/>	Total forest canopy area (acres or square feet);
<input type="checkbox"/>	<input type="checkbox"/>	Location of existing forest cover;
<input type="checkbox"/>	<input type="checkbox"/>	A topographic map delineating intermittent & perennial streams, and steep slopes 25% or greater;
<input type="checkbox"/>	<input type="checkbox"/>	A soils map delineating hydric soils, SrE and ErE soils;
<input type="checkbox"/>	<input type="checkbox"/>	Designated rare, threatened, and endangered species habitat;
<input type="checkbox"/>	<input type="checkbox"/>	Trees associated with designated historic structures;
<input type="checkbox"/>	<input type="checkbox"/>	Location of trees having a diameter measured at 4½ feet above the ground of 30 inches or greater;
<input type="checkbox"/>	<input type="checkbox"/>	Trees having a diameter of 75% or more of the diameter, measured at 4½ feet above the ground, of the current State champion tree of that species
<input type="checkbox"/>	<input type="checkbox"/>	State, County or National champion tree(s).

Calvert County Forest Stand Delineation Requirements

A Forest Stand Delineation (FSD) shall be submitted to the Department of Planning and Zoning at the initial stages of subdivision, site plan, grading permit application, or sediment control application. The delineation shall be prepared by a licensed forester, licensed landscape architect, or a qualified professional who meets the requirements set by the Maryland DNR. The delineation shall be used during the review process to determine the most suitable and practical areas for forest conservation (CCZO Section 8.3-04.C).

Standard Forest Stand Delineation/Environmental Features Map Checklist:

<u>Applicant</u>	<u>P&Z</u>	<u>Required Information</u>
<input type="checkbox"/>	<input type="checkbox"/>	Lot or parcel area (acres);
<input type="checkbox"/>	<input type="checkbox"/>	Total forest canopy area (acres or square feet);
<input type="checkbox"/>	<input type="checkbox"/>	Location of existing forest cover;
<input type="checkbox"/>	<input type="checkbox"/>	A topographic map delineating intermittent & perennial streams, & steep slopes of 25% or greater;
<input type="checkbox"/>	<input type="checkbox"/>	A soils map delineating soils with structural limitations, hydric soils, SrE and ErE soils, and soils with a soil K value greater than 0.35 on slopes of 15% or greater;
<input type="checkbox"/>	<input type="checkbox"/>	Forest stand maps indicating species, location, and size of trees and showing dominant and co-dominant forest types;
<input type="checkbox"/>	<input type="checkbox"/>	Location of 100-year floodplains;
<input type="checkbox"/>	<input type="checkbox"/>	Rare, threatened and endangered species and their habitat as identified by the Department of Natural Resources;
<input type="checkbox"/>	<input type="checkbox"/>	Non-tidal wetlands and their buffers; and
<input type="checkbox"/>	<input type="checkbox"/>	Other Priority Retention Areas (as specified in Section 8-3.04.H); and
<input type="checkbox"/>	<input type="checkbox"/>	Trees, shrubs, and plants located in sensitive areas including the 100-year floodplain, intermittent and perennial streams and their buffers, steep slopes, nontidal wetlands and their buffers, and habitats for rare, threatened, and endangered species;
<input type="checkbox"/>	<input type="checkbox"/>	Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site;
<input type="checkbox"/>	<input type="checkbox"/>	Trees, shrubs, or plants determined to be rare, threatened, or endangered;
<input type="checkbox"/>	<input type="checkbox"/>	Trees that are part of a designated historic site, or are associated with a designated historic structure
<input type="checkbox"/>	<input type="checkbox"/>	State, County or national champion trees;
<input type="checkbox"/>	<input type="checkbox"/>	Location and species of trees having a diameter measured at 4½ feet above the ground of 30 inches or greater;
<input type="checkbox"/>	<input type="checkbox"/>	Trees having a diameter of 75% or more of the diameter, measured at 4½ feet above the ground, of the current State champion tree of that species
<input type="checkbox"/>	<input type="checkbox"/>	Narrative – Summary of walk-through forest survey; past and present management of forested areas; potential of stands adjacent to disturbance to recover; management recommendations

**GRANT OF FOREST CONSERVATION AREA
EASEMENT AND RIGHT-OF-WAY
TO THE BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

Made this [DAY] day of [MONTH], [YEAR],

by and between [OWNER(S)]

owners of the hereinafter described property and the BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND, a public body corporate and politic of the State of Maryland, hereinafter referred to as the "County".

WITNESSETH

In consideration of the issuance of a Grading Permit by the County, the Grantor(s) does/do hereby grant and convey to the County, its successors and assigns forever and in perpetuity, the forest conservation easement and right-of-way hereinafter described for the installation, maintenance, and inspection of a forest retention area, hereinafter referred to as the "forest", within said easement and right-of-way, together with the right of ingress and egress along, over, under, and through said right-of-way, for any and all such purposes; said right-of-way and easement being, described as follows:

Lot(s) [LOT(S)], Block(s) [BLOCK(S)], Section(s) [SECTION(S)]

Subdivision Name [SUBDIVISION NAME]

Subdivision Plat Reference(s) [PLAT REFERENCES(S)], Deed Reference(s) [DEED REFERENCES]

(SEE EXHIBIT A)

The said easement and right-of-way is hereby intended to be granted and conveyed, together with the rights, privileges, appurtenances, and advantages thereto belong or appertaining to their proper use and benefit forever by the County, its successors and assigns.

AND, the Grantor(s), for herself/himself/theirselves/itself, her/his/their/its, heirs, successors and assigns, covenant(s) and agree(s) as follows:

FIRST: That the Grantor(s) will never erect nor permit to be erected a building or structure of any nature, whatsoever, nor fill or excavate within said easement and right-of-way without the County's prior written consent.

SECOND: That the County, its successors and assigns, shall at all times have the right of ingress and egress over said easement and right-of-way for the purpose of installing, maintaining and inspecting the forest; said ingress and egress to be along the line herein designated and along such other lines as the Grantor(s) may designate; the foregoing right as ingress and egress in no way obligates the County to exercising said right for any of the aforementioned purposes.

THIRD: That the Grantor(s) will warrant specially said easement and right-of-way, and will execute such further assurances thereof as may be requisite.

IN WITNESS WHEREOF, the Grantor(s) have executed this GRANT OF FOREST CONSERVATION EASEMENT AND RIGHT-OF-WAY as of this [DAY] day of [MONTH], [YEAR].

Witness	Date	Signature [PRINT NAME AND TITLE]
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Witness	Date	Signature [PRINT NAME AND TITLE]
---------	------	---------------------------------------

Attest: _____ [COMPANY OR COPORATE NAME]
(Seal)

Approved: _____ Date _____

INSPECTION AND MAINTENANCE OF ON-SITE FOREST CONSERVATION EASEMENT

DECLARATION OF COVENANTS

This Declaration and Agreement made this [**DAY**] day of [**MONTH**], [**YEAR**] by and between [**OWNER(S)**] hereinafter referred to as the "Covenantor(s)", owner(s) of the property described as:
Lot(s) [**LOT(S)**], Block(s) [**BLOCK(S)**], Section(s) [**SECTION(S)**],
Subdivision Name [**SUBDIVISION NAME**]
Subdivision Plat Reference(s) [**PLAT REFERENCE(S)**]
Deed Reference(s) [**DEED REFERENCE(S)**]

hereinafter referred to as the "subject property", and the BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND, a public body corporate and politic, organized under the laws of the State of Maryland, hereinafter referred to as the "County":

WITNESSETH

WHEREAS, the Covenantor(s) desire(s) to develop or redevelop all of portions of the subject property; and

WHEREAS, prior to said developing or redeveloping, the Covenantor(s) is/are required by the Calvert County Forest Conservation Regulations to provide for certain forested areas and to obtain a Grading Permit, hereinafter alternatively referred to as "Permit"; and

WHEREAS, the Covenantor(s) has/have applied for a Permit for land disturbing activity at the subject property and desire(s) to create and/or retain afforested area located on the subject property (alternatively referred to hereinafter as the "on-site forest", or the "forest"); and

WHEREAS, the Calvert County Forest Conservation Regulations require that prior to the issuance of a Permit for development or redevelopment of properties, an inspection and maintenance agreement be executed by the applicant(s) for a permit; and

WHEREAS, Covenantor(s) has/have full authority to execute this Declaration and Agreement so as to bind the subject property and all of its current and future owners, successors and assigns.

NOW, THEREFORE, in consideration of the issuance by the County of a Grading Permit and in accordance with the requirements of the Calvert County Forest Conservation Regulations, the Covenantor(s) does/do hereby covenant and agree(s) as follows:

1. The Covenantor(s) shall install and/or provide for the maintenance of the on-site forest to insure that said forest is and remains in acceptable condition in accordance with approved standards and with applicable laws, rules and regulations. If necessary, the Covenantor(s) shall levy regular or special assessments against any and all present or subsequent owners of other property which contain the forest to insure that the forest is properly maintained.
2. The County may, but is not obligated to, inspect the facility. If, after reasonable notice by the County as per the Calvert County Forest Conservation Regulations, the Covenantor(s) shall fail to install and/or provide for the maintenance of the on-site forest in accordance with the approved standards and with the law and all applicable rules and regulations, the County may, but is not obligated to, enter onto the facility and perform all necessary installation and maintenance, and may assess the Covenantor(s) for the cost of said work. Said assessment shall be a lien against the subject property and may be placed on the property tax bill of said subject property and collected as ordinary taxes by the County.
3. The Covenantor(s) does/do hereby grant and shall continue to grant the County, its successors, agent(s) and contractor(s) the right of entry to the forest for the purpose of inspecting, and, if necessary, installing and or maintaining the forest, and shall provide and maintain perpetual access from public rights-of-way to the facility for the County, its successors, agent(s), and contractor(s) for said purposes. The Covenantor(s) shall also grant to the County easements and rights-of-way necessary for the foregoing purposes.
4. The Grantor acknowledges that the County may exercise its emergency authority provided for by the law.
5. The Covenantor(s) shall indemnify and save the County harmless from any and all claims for damages to persons or property arising from the installation and maintenance of the forest.
6. The Covenantor(s) shall notify the County of the legal and/or equitable transfer of any of the Covenantor(s)' responsibilities for the forest within thirty (30) days of such transfer and shall supply the County with a copy of any documents of transfer, executed by both parties.
7. This Declaration of Covenants and Agreement in no way relieves the Covenantor(s) of responsibility for providing, installing and or maintaining the forest as it may be deemed necessary by the County or other appropriate agency.

FOREST CONSERVATION PROGRAM REFORESTATION BOND

CALVERT COUNTY
DEPARTMENT OF PLANNING AND ZONING
150 MAIN STREET
PRINCE FREDERICK, MD 20678

Owner:		Tax ID #:		
Mailing Address:		E-mail:		
Phone #:		Project Location:		
Tax Map #	Parcel	Lot	Section	Block

I, the undersigned, do hereby agree to complete all the requirements of Project/Permit # _____
Pertaining to the Forest Conservation Program Reforestation Bond within one year or two growing seasons, whichever is
greater, and post a bond in the amount stated below.

In the event the above is not satisfied within the time prescribed, the bond will be forfeited. The owner does further agree
to allow the County, or its authorized agents, to enter upon the property to determine compliance with the requirements of
the permit pertaining to the Forest Conservation Program Reforestation Bond and to complete any required plantings that
have not been accomplished or that have not survived.

Signature of Owner or Authorized Agent _____
Date

REQUIRED PLANTING	Quantity	Unit Cost	Total Cost
<input type="checkbox"/> Whip & Seedling Stock	Sq. ft.		
<input type="checkbox"/> Trees > 1.5 in. caliber	#		
<input type="checkbox"/> Trees < 1.5 in. caliber	#		
<input type="checkbox"/> Evergreens	#		
<input type="checkbox"/> Shrubs	#		
<input type="checkbox"/> Other	#		
<input type="checkbox"/> Other	#		
		Bond Amount	
		(non-refundable administration fee) x 1.25 =	
		Total Amount	

OFFICIAL USE ONLY		
Check <input type="checkbox"/>	Letter of Credit <input type="checkbox"/>	
Account # (Bond): 0001-80150* <i>* Use current & updated Account No.</i>	Total: \$	
Prepared and approved by:		
Date of initial inspection:	Date of final inspection:	
Work satisfactorily completed, bond may be released: Yes No (circle one)		
Comments:		
_____ <i>Department of Planning & Zoning Signature</i>		_____ <i>Date</i>
Refund to:		
Address:		
TREASURER OFFICIAL USE ONLY		
Received by:	Check #:	Letter of Credit #:
Bond accepted in the amount stated above:		
_____ <i>Treasurer's Signature</i>		_____ <i>Date</i>