

Chapter 48

FOREST CONSERVATION

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[HISTORY: Adopted by the Town Commissioners of the Town of Perryville 1-5-1993 as Ord. No. 92-1. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds – See Chapter 30.

Fire and burning regulations – See Chapter 43.

Soil erosion and sediment control – See Chapter 71.

Zoning – See Comprehensive Zoning Enactment of 2005 [Adopted 1-20-2005 by Ordinance 2000-1]

§ 48-1. Purpose.

The following regulations have been developed for the purpose of implementing a Forest Conservation Program required under Natural Resources Article, §§ 5-1601 through 5-1613, Annotated Code of Maryland. Regulations are set for the cutting, clearing or grading of forested areas which are proposed to undergo land use change. Regulations are also set for the restoration of degraded or long-absent forest environments in an effort to enhance the quality of life of the citizens of Perryville both current and future. The Perryville Forest Conservation Program seeks to protect from disturbance those forested areas of Perryville which exhibit functions and features necessary for the health and welfare of the citizens of Perryville by retaining a healthy and ecologically diverse environment.

§ 48-2. Definitions.

Within these regulations, the following terms have the meanings indicated:

AFFORESTATION:

- A. The establishment of a forest on an area from which forest cover has been absent for a long period of time.
- B. The planting of open areas which are not presently in forest cover.

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- C. The establishment of a forest according to procedures set forth in the Perryville Forest Conservation Technical Manual.

AGRICULTURAL ACTIVITY – Farming activities, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards, nursery and other products cultivated as part of a recognized commercial enterprise.

AGRICULTURAL AND RESOURCE AREAS – Undeveloped areas designated or regulated for densities of less than or equal to one (1) dwelling unit per five (5) acres.

APPLICANT – A person who is applying for subdivision or project plan approval or a grading or sediment control permit, or who has received approval of a forest stand delineation or forest conservation plan.

APPROVED FOREST MANAGEMENT PLAN – A document:

- A. Approved by the Department of Natural Resources forester assigned to the county in which the property is located; and
- B. Which operates as a protective agreement for forest conservation as described in the Natural Resources Article, § 5-1607(e) through (f), Annotated Code of Maryland.

CALIPER – The diameter measured at two (2) inches above the root collar.

CHAMPION TREE – The largest tree of its species within the United States, the state, the county or the municipality.

CHAMPION TREE OF THE STATE – A tree which appears in the State Forest Conservation Manual list of state champion trees.

COMMERCIAL AND INDUSTRIAL USES – Those uses allowed under the commercial and industrial zoning categories of the Perryville Zoning Ordinance, excluding those uses specifically defined in “institutional development area.”

COMMERCIAL LOGGING OR TIMBER HARVESTING OPERATIONS – The cutting and removing of tree stems from a site for commercial purposes, leaving the root mass intact.

CRITICAL HABITAT AREA – A critical habitat for an endangered species and its surrounding protection area. A “critical habitat area” shall:

- A. Be likely to contribute to the long-term survival of the species.

- B. Be likely to be occupied by the species for the foreseeable future.
- C. Constitute a habitat of the species which is considered critical under Natural Resources Article, §§ 4-2A-04 and 10-2A-06, Annotated Code of Maryland.

CRITICAL HABITAT FOR ENDANGERED SPECIES – A habitat occupied by an endangered species as determined or listed under Natural Resources Article, §§ 4-2A-04 and 10-2A-04, Annotated Code of Maryland.

DECLARATION OF INTENT:

- A. A signed and notarized statement by a landowner or the landowner's agent, certifying that the activity on the landowner's property:
 - (1) Is for certain activities exempted under these regulations or Natural Resources Article, §§ 5-103 and 5-1601 through 5-1612, Annotated Code of Maryland.
 - (2) Does not circumvent the requirements of these regulations or Natural Resources Article, §§ 5-103 and 5-1601 through 5-1613, Annotated Code of Maryland.
 - (3) Does not conflict with the purposes of any other declaration of intent.
- B. The document required under COMAR 08.19.01.05 or these regulations.

DEPARTMENT – The Perryville Planning and Zoning Board.

DEVELOPMENT PROJECT:

- A. The grading or construction activities occurring on a specific tract that is forty thousand (40,000) square feet or greater.
- B. Includes redevelopment.

DEVELOPMENT PROJECT COMPLETION – For the purposes of afforestation, reforestation or payment into a fund:

- A. The release of the development bond, if required.
- B. Acceptance of the project's streets, utilities and services by the Department of Public Works of Perryville.
- C. A designation by the Department that a:

- (1) Development project has been completed; or
- (2) Particular stage of a staged development project, including a planned unit development, has been completed.

FOREST:

- A. A biological community dominated by trees and other woody plants covering a land area of ten thousand (10,000) square feet or greater.
- B. Includes:
 - (1) Areas that have a least one hundred (100) live trees per acre with at least fifty percent (50%) of those trees having two-inch or greater diameter, at four and five-tenths (4.5) feet above the ground, and larger.
 - (2) Areas that have been cut but not cleared.
- C. “Forest” does not include orchards.

FOREST CONSERVANCY DISTRICT BOARD – The forestry board created for each state forest conservancy district under Natural Resources Article, §§ 5-601 through 5-610, Annotated Code of Maryland.

FOREST CONSERVATION – The retention of existing forest or the creation of new forest at the levels set by the Department.

FOREST CONSERVATION AND MANAGEMENT AGREEMENT – An agreement as stated in the Tax-Property Article, § 8-211, Annotated Code of Maryland.

FOREST CONSERVATION PLAN – A plan approved pursuant to Natural Resources Article, §§ 5-1605 through 5-1607, Annotated Code of Maryland.

FOREST CONSERVATION TECHNICAL MANUAL – The technical manual adopted by the Mayor and Town Commissioners, used to establish standards of performance required in preparing forest stand delineations and forest conservation plans.

FOREST COVER – The area of a site meeting the definition of “forest”.

FOREST MANAGEMENT PLAN – A plan establishing best conservation and management practices for a landowner in assessment of the resource values of forested property.

FOREST STAND DELINEATION – The methodology for evaluating the existing vegetation on a site proposed for development, as provided in the Forest Conservation Technical Manual.

GROWING SEASON – The period of consecutive frost-free days as stated in the current soil survey for this county published by the National Cooperative Soil Survey Program, 16 U.S.C. § 590(a) through (f).

HIGH-DENSITY RESIDENTIAL AREAS – Areas zoned for densities greater than one (1) dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities and water and sewer service, and corresponds to the Town of Perryville zoning classifications of R-1, R-2 and R-3.

INSTITUTIONAL DEVELOPMENT AREA – Schools, colleges and universities, military installations, transportation facilities, utility and sewer projects, government offices and facilities, golf courses, recreation areas and buildings, parks, post offices, cemeteries and churches and other religious establishments, and corresponds to the Town of Perryville zoning classifications of C-1, C-2, L-1, L-2 and NB.

INTERMITTENT STREAM – A stream in which surface water is absent during a part of the year as shown on the most recent seven-and-five-tenths-minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification.

LANDSCAPING PLAN – A plan:

- A. Drawn to scale, showing dimensions and details for reforesting an area at least thirty-five (35) feet wide and covering two thousand five hundred (2,500) square feet or greater in size.
- B. Using native or indigenous plants when appropriate.
- C. Which is made part of an approved forest conservation plan.

LOCAL AGENCY – Each unit in the executive, legislative or judicial branch of a county or municipal government, including an office or Department of Public Works.

LOT – A unit of land, the boundaries of which have been established as a result of a deed or previous subdivision of a larger parcel, and which will not be the subject of further subdivision, as defined by Natural Resources Article, § 5-1601, Annotated Code of Maryland, and these regulations without an approved forest stand delineation and forest conservation plan.

MAINTENANCE AGREEMENT – The short-term management agreement associated with afforestation or reforestation plans required under Natural Resources Article, § 5-1650(c)(9), Annotated Code of Maryland, and these regulations.

MEDIUM-DENSITY RESIDENTIAL AREAS – Areas regulated for densities greater than one (1) dwelling unit per five (5) acres and less than or equal to one (1) dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities and water and sewer service.

MINOR DEVELOPMENT PROJECT – A project:

- A. On less than five (5) acres of land, containing not more than four (4) lots per acre.
- B. Substantively similar, as defined by the Department and approved by the State.

MIXED-USE DEVELOPMENT – A single, relatively high-density development project, usually commercial in nature, which includes two (2) or more types of uses and is permitted by the Cecil County Zoning Ordinance.

NATURAL GENERATION – The natural establishment of trees and other vegetation with at least four hundred (400) woody, free-to-grow seedlings per acre, which are capable of reaching a height of at least twenty (20) feet at maturity.

NET TRACT AREA:

- A. Except in agriculture and resource areas, the total area of the site, including both forested and nonforested areas, to the nearest one-tenth (1/10) acre, reduced by the area found to be within the boundaries of the one-hundred-year floodplain.
- B. In agriculture and resource areas, the part of the total tract for which land use will be changed or will no longer be used for primarily agricultural activities, reduced by the area found to be within the boundaries of the one-hundred-year floodplain.

NONTIDAL WETLANDS:

- A. An area that is:
 - (1) Inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does

support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as “hydrophytic vegetation.”

- (2) Considered a nontidal wetland in accordance with the publication known as the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands,” published in 1989, and as may be amended and interpreted by the United States Environmental Protection Agency.

- (3) Regulated under COMAR 08.05.04.

B. “Nontidal wetlands” does not include tidal wetlands regulated under Natural Resources Article, Title 9, Annotated Code of Maryland.

OFF-SITE – Outside of the boundaries of the area encompassed by the tract.

ON-SITE – Within the boundaries of the area encompassed by the tract, including an area classified as a one-hundred-year floodplain.

ONE-HUNDRED-YEAR FLOOD – A flood which has a one percent (1%) chance of being equaled or exceeded in any given year.

ONE-HUNDRED-YEAR FLOODPLAIN – An area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwater during a one-hundred-year-frequency storm event or a one-hundred-year flood. Except for Class III waters (natural trout streams), a body of water with a watershed of less than four hundred (400) acres is excluded.

PERENNIAL STREAM – A stream containing surface water throughout an average rainfall year, as shown on the most recent seven-and-five-tenths-minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification.

PERSON – The federal government, the state, a county, municipal corporation or other political subdivision of the state, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind, or any partnership, firm, association, public or private corporation or any of their affiliates, or any other entity.

PLANNED UNIT DEVELOPMENT – A form of development comprised of a combination of land uses or varying intensities of land use in accordance with an integrated plan and unified site design that is intended to provide flexibility in land use design with at least twenty percent (20%) of the land permanently dedicated to open space, and is developed in accordance with the planned unit

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development guidelines set forth in the Perryville Subdivision Regulations and Perryville Zoning Ordinance¹.

PROJECT PLAN – A construction, grading or sediment control activity, on an area of forty thousand (40,000) square feet or greater, by a local or state agency.

PUBLIC UTILITY – Any:

- A. Transmission line or electric generating station; or
- B. Water, sewer, electric, gas, telephone or television cable service line.

REFORESTATION:

- A. The creation of a biological community dominated by trees and other woody plants containing at least one hundred (100) live trees per acre, with at least fifty percent (50%) of those trees having the potential of attaining a two-inch or greater diameter, measure at four and five-tenths (4.5) feet above the ground, within seven (7) years; or established according to procedures set forth in the Forest Conservation Technical Manual.
- B. Includes landscaping of areas under an approved landscaping plan establishing a forest at least thirty-five (35) feet wide and covering two thousand five hundred (2,500) square feet or more of area.

REGULATED ACTIVITY – Any of the following activities, when that activity occurs on a unit of land which is forty thousand (40,000) square feet or greater:

- A. Subdivision.
- B. Grading.
- C. An activity that requires a sediment control permit.
- D. The project plan of a local agency.

RETENTION – The deliberate holding and protecting of existing trees, shrubs or plants on the site according to established standards as provided in the Forest Conservation Technical Manual.

SEDIMENT CONTROL PERMIT – The authorization of an activity regulated under a sediment control plan as provided in the Environment Article, Title 4, Annotated Code of Maryland.

¹ Editor's Note: See Chapter 74, Subdivision and Ordinance 2005-1 Comprehensive Zoning Enactment of 2005 adopted January 20, 2005.

SEEDLING – An unbranched woody plant, less than twenty-four (24) inches in height and having a diameter of less than one-half (1/2) inch measured at two (2) inches above the root collar.

SELECTIVE CLEARING – The careful and planned removal of trees, shrubs and plants using specific standards and protection measures under an approved forest conservation plan.

SITE PLAN – A drawing or plat which describes and locates required improvements of a development tract in accordance with the Perryville Zoning Ordinance.

STREAM BUFFER – All lands lying within fifty (50) feet, measured from the top of each normal bank, of a perennial stream or intermittent stream.

SUBDIVISION – Any division of a unit of land into two (2) or more lots or parcels for the purpose, whether immediate or future, of transfer of ownership, sale, lease, rent or development.

TIMBER HARVESTING:

- A. A tree-cutting operation affecting one (1) or more acres of forest or developed woodland within a one-year interval that disturbs five thousand (5,000) square feet or more of forest floor.
- B. “Timber harvesting” does not include the grubbing and clearing of root mass.

TRACT – The property or unit of land subject to an application for a grading or sediment control permit, subdivision approval, project plan approval or areas subject to this chapter.

TRACT FOR A PLANNED UNIT DEVELOPMENT – The entire property subject to a planned unit development.

TREE – A large, branched, woody plant having one (1) or several self-supporting stems or trunks that reach a height of at least twenty (20) feet at maturity.

VARIANCE:

- A. Relief from Natural Resources Article, Title 5, Subtitle 16, Annotated Code of Maryland, or these regulations.
- B. “Variance,” for the purposes of these regulations, does not mean a zoning variance.

WATERSHED – All land lying within an area described as a sub basin in the water quality regulations adopted by the Department of the Environment under COMAR 26.08.02.08.

WHIP – An unbranched woody plant greater than twenty-four (24) inches in height and having a diameter of less than one (1) inch measured at two (2) inches above the root collar.

§ 48-3. Applicability.

Except as provided in § 48-4, these regulations apply to:

- A. A person making application for a subdivision, project plan, grading permit or sediment control permit on units of land of forty thousand (40,000) square feet or greater, after the effective date of these regulations.
- B. A public utility not exempt under § 48-4E and F.
- C. A unit of county or municipal government, including a public utility or public works project, making application for a subdivision, project plan, grading or sediment control approval on areas of forth thousand (40,000) square feet or greater.

§ 48-4. Exceptions.

These regulations do not apply to:

- A. Highway construction activities under Natural Resources Article, 5-103, Annotated Code of Maryland.
- B. Areas governed by the Chesapeake Bay Critical Area Protection Law, Natural Resources Article 8, Subtitle 18, Annotated Code of Maryland.
- C. Commercial logging and timber harvesting operations, including harvesting conducted subject to the forest conservation and management program under Tax-Property Article, § 8-211, Annotated Code of Maryland, that are completed either:
 - (1) Before July 1, 1991; or
 - (2) After July 2, 1991, on property which is:

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- (a) Not the subject of an application for a grading permit for development within five (5) years after the logging or harvesting operation; and
 - (b) The subject of a declaration of intent as provided for in § 48-5 and approved by the Department.
- D. Agricultural activities, including agricultural support buildings and other related structures built using best management practices, provided that less than forty thousand (40,000) square feet of forest is disturbed. An agricultural activity involving the clearing, cutting or disturbing of more than forty thousand (40,000) square feet of forest in a one-year period must file a declaration of intent as provided for in § 48-5, which includes:
 - (1) A statement that the landowner or landowner's agent will practice agriculture on that portion of the property for five (5) years from the date of the execution of the declaration of intent; and
 - (2) A sketch map of the property which shows the area to be cleared.
- E. The cutting or clearing of public utility rights-of-way licensed under Article 78, §§ 54A and 54B or 54-1, Annotated Code of Maryland, or land for electric generating stations licensed under Article 78, §§ 54A and 54B or 54-1, Annotated Code of Maryland, if:
 - (1) Required certificates of public convenience and necessity have been issued in accordance with Natural Resources Article, § 5-1603(f), Annotated Code of Maryland; and
 - (2) Cutting or clearing of the forest is conducted to minimize the loss of forest.
- F. Routine maintenance or emergency repairs of public utility rights-of-way licensed under Article 78, §§ 54A and 54B or 54-1, Annotated Code of Maryland.
- G. Except for a public utility subject to Subsection F above, routine maintenance or emergency repairs of a public utility right-of-way if:
 - (1) The right-of-way existed before the effective date of these regulations; or
 - (2) The right-of-way's initial construction was approved under these regulations.
- H. An activity conducted on an existing single lot of any size if the activity:
 - (1) Is for residential use and:

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- (a) Does not result in the cumulative cutting, clearing or grading of more than forty thousand (40,000) square feet of forest.
 - (b) Does not result in the cutting, clearing or grading of a forest that is subject to the requirements of a previous forest conservation plan approved under these regulations.
 - (c) Is the subject of a declaration of intent filed with the Department, as provided for in § 48-5, stating that the lot will not be the subject of a regulated activity within five (5) years of the cutting, clearing or grading of forest.
- (2) Is for industrial, commercial or institutional use and:
 - (a) Does not result in the cutting, clearing or grading of greater than three thousand (3,000) square feet.
 - (b) Does not result in the cutting, clearing or grading of a forest that is subject to the requirements of a previous forest conservation plan approved under these regulations.
 - (c) Is the subject of a declaration of intent filed with the Department, as provided for in § 48-5, stating that the lot will not be the subject of a regulated activity within five (5) years of the cutting, clearing or grading of forest.
- I. Strip or deep mining of coal regulated under Natural Resources Article, Title 7, Subtitle 5 or 5A, Annotated Code of Maryland.
- J. Noncoal surface mining regulated under Natural Resources Article, Title 7, Subtitle 6A, Annotated Code of Maryland.
- K. An activity required for the purpose of constructing a dwelling intended for the use of the owner, or a child or a grandchild of the owner, if the activity:
 - (1) Does not result in the cutting, clearing or grading of more than forty thousand (40,000) square feet of forest.
 - (2) Is the subject of a declaration of intent filed with the Department, as provided for in § 48-5, which states that transfer of ownership may result in a loss of exemption.

- (3) Is conducted pursuant to requirements of the Perryville Subdivision Regulations and the Perryville Zoning Ordinance².
- L. A preliminary plan of subdivision or a grading or sediment control plan approved before July 1, 1991.
- M. A planned unit development that, by December 31, 1991, has:
 - (1) Met all requirements for planned unit development approval.
 - (2) Obtained preliminary plan approval by the Perryville Planning Commission.
- N. Resubdivision, add-on, subtraction, agricultural transfer, title transfer or other real estate transfer to provide security, leasehold or other legal or equitable interest, including a transfer of title, of a portion of a lot or parcel, provide that:
 - (1) This action does not involve new development or redevelopment with associated land-disturbance activities.
 - (2) Both the grantor and grantee file a declaration of intent, as provided for in § 48-5.
 - (3) The transfer is permitted pursuant to the Perryville Subdivision Regulations and the Perryville Zoning Ordinance³.

§ 48-5. Declaration of intent.

- A. The purpose of the declaration of intent is to verify that the proposed activity is exempt under § 48-4.
- B. A person seeking an exemption under § 48-4C, D, H, K and N shall file a declaration of intent with the Department.
- C. The declaration of intent is effective for five (5) years.

² Editor's Note: See Chapter 74, Subdivision and Ordinance 2005-1 Comprehensive Zoning Enactment of 2005 adopted January 20, 2005.

³ Editor's Note: See Chapter 74, Subdivision and Ordinance 2005-1 Comprehensive Zoning Enactment of 2005 adopted January 20, 2005.

- D. The existence of a declaration of intent does not preclude another exempted activity on the property subject to a declaration of intent, if the activity:
 - (1) Does not conflict with the purpose of any existing declaration of intent.
 - (2) Complies with the applicable requirements for an exempted activity as in § 48-4.
- E. If a regulated activity occurs on the area covered by the declaration of intent within five (5) years of the effective date of the declaration of intent:
 - (1) There shall be an immediate loss of exemption.
 - (2) There may be noncompliance action taken by the Department, as appropriate, under these regulations.
- F. An applicant may apply for a regulated activity on that area of the property not covered under the declaration of intent if the requirements of these regulations are satisfied.
- G. The Department shall require a person failing to file a declaration of intent or found in noncompliance with a declaration of intent to:
 - (1) Meet the retention, afforestation and reforestation requirements established in §§ 48-3 through 48-18 of these regulations and the Forest Conservation Technical Manual; or
 - (2) Pay a noncompliance fee of five dollars (\$5.) per square foot of forest cut or cleared under the declaration of intent.
 - (3) Be subject to other enforcement actions appropriate under § 48-21 of these regulations; or
 - (4) File a declaration of intent with the Department.
- H. In its determination of appropriate enforcement action, the Department may consider whether failure to file a declaration of intent by a person required to file is a knowing violation of this chapter.
- I. The declaration of intent is effective for five (5) years.

§ 48-6. Requirements.

- A. Unless exempt under the provisions of § 48-4 above, a person making application after the effective date of January 1, 1993, for subdivision, site plan approval, local

agency project plan approval, a grading permit or a sediment control permit for an area of land of forty thousand (40,000) square feet or greater shall:

- (1) Submit to the Department a forest stand delineation and a forest conservation plan for the lot or parcel on which the development is located.
 - (2) Use methods approved by the Department, as provided in the Forest Conservation Technical Manual, to protect retained forests and trees during construction.
- B. If a local agency or person using state funds makes application to conduct a regulated activity, the provisions of COMAR 08.19.04.01D through G apply.

§ 48-7. Forest stand delineation.

- A. A forest stand delineation shall be submitted for all regulated activities not exempt under § 48-4.
- B. A standard forest stand delineation shall be prepared by a licensed forester, licensed landscape architect or a qualified professional who meets the requirements stated in COMAR 08.19.06.01B.
- C. The standard forest stand delineation shall be used during the review process to determine the most suitable and practical areas for forest conservation and shall contain the following components:
- (1) A topographic map delineating intermittent and perennial streams and steep slopes over twenty-five percent (25%).
 - (2) A soils map delineating soils with structural limitations, hydric soils or soils with a soil K value greater than thirty-five hundredths (0.35) on slopes of fifteen percent (15%) or more.
 - (3) Forest stand maps indicating species, location and size of specimen trees and showing dominant and codominant forest types.
 - (4) The location of the one-hundred-year floodplain.
 - (5) Information required by the Forest Conservation Technical Manual.
 - (6) Other information the Department determines is necessary to implement these regulations.
- D. Simplified forest stand delineation.

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- (1) A simplified forest stand delineation may be submitted for minor development projects.
 - (2) A simplified forest stand delineation may be submitted for other regulated activities which:
 - (a) Propose no disturbance to existing forest cover.
 - (b) Place the entire forested area under a long-term protective agreement.
 - (3) A simplified forest stand delineation shall consist of a map with the following information:
 - (a) Streams and stream buffers.
 - (b) The one-hundred-year floodplain.
 - (c) Existing forest cover.
 - (d) An indication of contiguous forested area with neighboring parcels (including approximate acreage amounts).
 - (e) Steep slopes.
 - (f) Sensitive soils.
 - (g) Topography.
 - (h) The critical habitat area as supplied by Maryland Resource Conservation Service.
 - (i) Other information as required by this chapter.
 - (4) A simplified forest stand delineation may be submitted with a preliminary forest conservation plan.
- E. An approved forest stand delineation shall remain in effect for a period not longer than five (5) years.
- F. Time period for review:
- (1) Within thirty (30) calendar days after receipt of the forest stand delineation, the Department shall notify the applicant whether the forest stand delineation is complete and correct.

- (2) If the Department fails to notify the applicant within thirty (30) days, the delineation shall be treated as complete and correct.
- (3) The Department may require further information or provide for an additional fifteen (15) calendar days under extenuating circumstances. In such cases, the Department shall notify the applicant at least five (5) days prior to the thirty-day deadline.

§ 48-8. Conservation plan.

- A. In developing a forest conservation plan, the applicant shall give priority to techniques for retaining existing forest on the site.
- B. If existing forest on the site subject to a forest conservation plan cannot be retained, the applicant shall demonstrate to the satisfaction of the Department:
 - (1) How techniques for forest retention have been exhausted.
 - (2) Why the priority forests and priority areas specified in Natural Resources Article, § 5-1607(c), Annotated Code of Maryland, cannot be left in an undisturbed condition.
 - (3) If priority forests and priority areas cannot be left undisturbed, how the sequence for afforestation or reforestation will be followed in compliance with Natural Resources Article § 5-1607, Annotated Code of Maryland.
 - (4) Where on the site in priority areas afforestation or reforestation will occur in compliance with Natural Resources Article, § 5-1607, Annotated Code of Maryland.
- C. The applicant shall demonstrate to the satisfaction of the Department that the requirements for afforestation or reforestation on site or off site cannot be reasonably accomplished if the applicant proposes to make a payment into the local Forest Conservation Fund instead of afforestation or reforestation.
- D. Nontidal wetlands. A regulated activity within the net tract area that occurs wholly or partly in areas regulated as nontidal wetlands under Natural Resources Article, §§ 8-1201 through 8-1211, Annotated Code of Maryland, and COMAR 08.05.04 is subject to both the nontidal wetlands regulatory requirements and the requirements of these regulations, conditioned on the following:
 - (1) Any area of forest in the net tract area, including forest in nontidal wetlands that is retained, shall be counted towards forest conservation requirements under these regulations.

- (2) For the purpose of calculating reforestation mitigation under these regulations, a forested nontidal wetland permitted to be cut or cleared and required to be mitigated under COMAR 08.05.04 shall be shown on the forest conservation plan and subtracted on an acre-for-acre basis from the total amount of forest to be cut or cleared as part of a regulated activity.
- (3) Nontidal wetlands shall be considered to be priority areas for retention and replacement.
- (4) Forested nontidal wetland identification and delineation should be included at the earliest stage of planning to assist the applicant in avoidance and reduction of impacts to the nontidal wetlands and to avoid delay in the approval process.

§ 48-9. Preliminary plan.

- A. A preliminary forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect or a qualified professional who meets the requirements stated in COMAR 08.19.06.01B.
- B. A preliminary forest conservation plan shall be prepared in accordance with the guidelines established in the Forest Conservation Technical Manual and:
 - (1) Be submitted with the preliminary plan of subdivision or proposed project plan.
 - (2) Include the approved forest stand delineation for the site.
 - (3) Include a table that lists the proposed values of the following, in square feet:
 - (a) The net tract area.
 - (b) The area of forest conservation required.
 - (c) The area of forest conservation that the applicant proposes to provide, including both on-site and off-site areas.
 - (4) Include a clear graphic indication of:
 - (a) The site drawn to scale, showing areas where retention of existing forest or afforestation or reforestation is proposed.
 - (b) The proposed limits of disturbance.

- (c) Proposed stockpile areas.
 - (5) Include an explanation of how the provisions of § 48-8 have been met.
 - (6) Include a proposed afforestation or reforestation plan, when applicable.
 - (7) Include a proposed construction timetable showing the sequence of forest conservation procedures.
 - (8) Include a proposed maintenance agreement that shows how areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment.
 - (9) Include information required in the Forest Conservation Technical Manual.
 - (10) Include other information the Department determines is necessary to implement these regulations.
- C. The review of the preliminary forest conservation plan shall be concurrent with the review of the preliminary site plan or the review of the preliminary subdivision plat.
- D. During the different stages of the review process, the preliminary forest conservation plan may be modified. Modification shall be reviewed by the Department for consistency with the intent and requirements of these regulations.

§ 48-10. Final plan.

- A. A final forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect or a qualified professional who meets the requirements stated in COMAR 08.19.06.01B.
- B. A final forest conservation plan shall:
- (1) Be submitted with the following:
 - (a) A final subdivision plan;
 - (b) A final project plan;
 - (c) A site plan;
 - (d) An application for a grading permit; or

- (e) An application for a sediment control permit.
- (2) Show proposed locations and types of protective devices to be used during construction activities to protect trees and forests designated for conservation.
- (3) In the case of afforestation or reforestation, include an afforestation or reforestation plan, with a timetable and description of needed site and soil preparation, species, size and spacing to be used.
- (4) Incorporate a binding two-year maintenance agreement specified in COMAR 08.19.05.01 that details how the areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment, including:
 - (a) Watering.
 - (b) A reinforcement planting provision if survival rates fall below required standards, as provided in the Forest Conservation Technical Manual.
- (5) Incorporate a long-term binding protective agreement as specified in COMAR 08.19.05.02 that:
 - (a) Provides protection for areas of forest conservation, including areas of afforestation, reforestation and retention.
 - (b) Limits uses in areas of forest conservation to those uses that are designated and consistent with forest conservation, including recreational activities and forest management practices that are used to preserve forests.
- (6) Include the substantive elements required under § 48-9B(2) through (5), (7) through (9) and (10), as finalized elements of the forest conservation plan.
- (7) Include other information the Department determines is necessary to implement these regulations.

C. Time period for review.

- (1) Within forty-five (45) calendar days after receipt of the final forest conservation plan, the Department shall notify the applicant whether the forest conservation plan is complete and approved.

- (2) If the Department fails to notify the applicant within forty-five (45) calendar days, the plan shall be treated as complete and approved.
 - (3) The Department may require further information or extend the deadline for an additional fifteen (15) calendar days under extenuating circumstances.
 - (4) At the request of the applicant, the Department may extend the deadline under extenuating circumstances.
- D. The Department's review of a final forest conservation plan shall be concurrent with the review of the final subdivision plan, site plan, project plan, grading permit application or sediment control application associated with the project.
- E. The Department may revoke an approved forest conservation plan if it finds that:
 - (1) A provision of the plan has been violated.
 - (2) Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement or omission of a relevant or material fact.
 - (3) Changes in the development or in the condition of the site necessitate preparation of a new or amended plan.
- F. The Department may issue a stop-work order against a person who violates a provision of this chapter or a regulation, order, approved forest conservation plan or maintenance agreement.
- G. Before revoking approval of a forest conservation plan, the Department shall notify the violator in writing and provide an opportunity for a hearing.

§ 48-11. Afforestation.

Except for activities exempted in § 48-4, a person making application after the effective date of these regulations for subdivisions for subdivision, site plan or project plan approval, a grading permit or a sediment control permit for an area involving land of forty thousand (40,000) square feet or greater shall:

- A. Conduct afforestation on the lot or parcel in accordance with the following:
 - (1) A tract having less than twenty percent (20%) of the net tract area in forest cover shall be afforested up to at least twenty percent (20%) of the net tract area for the following land use categories:
 - (a) Agriculture and resource areas.

(b) Medium-density residential areas.

(2) A tract with less than fifteen percent (15%) of its net tract area in forest cover shall be afforested up to at least fifteen percent (15%) of the net tract area for the following land use categories:

(a) Institutional development areas.

(b) High-density residential areas.

(c) Mixed-use and planned unit development areas.

(d) Commercial and industrial use areas.

B. Comply with the following when cutting into forest cover that is currently below the afforestation percentages described in Subsection A:

- (1) The required afforestation level shall be determined by the amount of forest existing before cutting or clearing begins.
- (2) Forest cut or cleared below the required afforestation level shall be reforested or afforested at a two-to-one ratio and added to the amount of afforestation necessary to reach the minimum required afforestation level, as determined by the amount of forest existing before cutting or clearing began.

§ 48-12. Retention.

The following specific areas are considered priority protection areas and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan for that regulated activity cannot be reasonably altered:

- A. Trees, shrubs and plants located in sensitive areas, including the one-hundred-year floodplain, intermittent and perennial stream buffers, steep slopes, nontidal wetlands and critical habitats.
- B. Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site.
- C. Trees, shrubs or plants determined to be rare, threatened or endangered under:
 - (1) The Federal Endangered Species Act of 1973 in 16 U.S.C. § 1531 through 1544 and in 50 CFR Part 17.

(2) The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§ 10-2A-01 through 10-2A-09, Annotated Code of Maryland.

(3) COMAR 08.03.08.

D. Trees that:

(1) Are part of a historic site.

(2) Are associated with a historic structure.

(3) Have been designated by the State or the Department as a national, state or county champion tree.

E. Any tree having a diameter measured at four and five-tenths (4.5) feet above the ground of:

(1) Thirty (30) inches or more.

(2) Seventy-five percent (75%) or more of the diameter, measured at four and five-tenths (4.5) feet above the ground, of the current state champion tree of that species, as designated by the Department of Natural Resources.

F. Areas classified as having priority forest structure by the forest structure analysis methodology as described in the Forest Conservation Technical Manual.

§ 48-13. Reforestation.

A. There is a forest conservation threshold established for all land use categories, as provided in Subsection B. The “forest conservation threshold” means the percentage of the net tract area at which the reforestation requirement changes from a ratio of one-fourth (1/4) acre planted for each acre removed above the threshold to a ratio of two (2) acres planted for each acre removed below the threshold.

B. After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a subdivision or project plan, grading and sediment control activities and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation or payment into the Forest Conservation Fund according to the formula set forth in Subsections B and C and consistent with § 48-8. The following forest conservation thresholds for the applicable land use category:

Category of Use	Threshold Percentage
Agricultural and resource areas	50%
Medium-density residential areas	25%
Institutional development areas	20%
High-density residential areas	20%
Mixed-use and planned unit development areas	15%
Commercial and industrial use areas	15%

C. Calculations.

- (1) For all existing forest cover measured to the nearest one-tenth (1/10) acre cleared on the net tract area above the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of one-fourth (1/4) acre planted for each acre removed.
- (2) Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited towards the total number of acres required to be reforested under Subsection C(1) of this section. The calculation of the credit shall be according to the criteria provided in the Forest Conservation Technical Manual.
- (3) For all existing forest cover measured to the nearest one-tenth (1/10) acre cleared on the net tract area below the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of two (2) acres planted for each acre removed below the threshold.

§ 48-14. Time requirements.

- A. After techniques for retaining existing forest on the site have been exhausted, the preferred sequence for afforestation and reforestation, as determined by the Department, is as follows:
- (1) Selective clearing and supplemental planting on site.
 - (2) On-site afforestation or reforestation, if economically feasible, using transplanted or nursery stock that is greater than one and five-tenths (1.5) inches in diameter measured at four and five-tenths (4.5) feet above the ground.
 - (3) On-site afforestation or reforestation using whip and seedling stock.
 - (4) Landscaping of areas under an approved landscaping plan which establishes a forest that is at least thirty-five (35) feet wide and covering two thousand five hundred (2,500) square feet or more of area.

- (5) Off-site afforestation or reforestation, using transplanted or nursery stock that is greater than one and five-tenths (1.5) inches diameter measured at four and five-tenths (4.5) feet above the ground.
 - (6) Off-site afforestation or reforestation, using whip and seedling stock.
 - (7) Natural regeneration on site.
 - (8) Natural regeneration off site.
- B. A sequence other than the one described in Subsection A may be used for a specific project, if approved by the Department, to achieve the objectives of the county land use plan or county land use policies or to take advantage of opportunities to consolidate forest conservation efforts.
- C. The following are considered a priority for afforestation and reforestation to:
- (1) Establish or enhance forest buffers adjacent to intermittent streams and perennial streams to widths of at least fifty (50) feet.
 - (2) Establish or enhance forested areas on the one-hundred-year floodplain, when appropriate.
 - (3) Establish or increase existing forested corridors to connect existing forests within or adjacent to the site, and, where practical, forested corridors should be a minimum of three hundred (300) feet in width to facilitate wildlife movement.
 - (4) Establish or enhance forest buffers adjacent to critical habitats where appropriate.
 - (5) Establish plantings to stabilize slopes of twenty-five percent (25%) or greater and slopes of fifteen percent (15%) or greater with a soil K value greater than thirty-five hundredths (0.35), including the slopes of ravines or other natural depressions.
 - (6) Establish buffers between areas of differing land use, when appropriate, or adjacent to highways or utility rights-of-way.
 - (7) Establish forest areas adjacent to existing forest to increase the overall area of contiguous forest cover, when appropriate.
 - (8) Use native plant materials for afforestation or reforestation, when appropriate.

- D. A person required to conduct afforestation or reforestation under this chapter shall accomplish it within one (1) year or two (2) growing seasons, whichever is a greater time period, following development project completion.

§ 48.15. Forest Conservation Fund.

- A. There is established a Forest Conservation Fund in the local program.
- B. If a person subject to these regulations demonstrates to the satisfaction of the Department that requirements for reforestation or afforestation on site or off site cannot be reasonably accomplished, the person shall contribute money at a rate of fifty cents (\$.50) per square foot of the area of required planting into the Perryville Forest Conservation Fund. **[Amended 3-5-2002 by Ord. No. 2002-01]**
- C. Money contributed instead of afforestation or reforestation under this section shall be paid prior to the recordation of a subdivision or approval of any activity regulated under these regulations.
- D. The Town shall accomplish the reforestation or afforestation for which the money is deposited within five (5) years after receipt of the money.
- E. Money contributed under this section shall remain in the account for a maximum period of five (5) years. At the end of that time, any part that has not been used to meet the afforestation or reforestation requirements shall be returned to the person who provided the money.
- F. Money deposited in the local Forest Conservation Fund:
 - (1) May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition and preparation.
 - (2) Shall be deposited in a separate Forest Conservation Fund.
 - (3) May not revert to the general fund.
- G. Sites for afforestation or reforestation using fund money.
 - (1) Except as provided in Subsection G(2) of this section, the reforestation or afforestation requirement shall occur in the county and watershed in which the project is located.
 - (2) If the reforestation or afforestation cannot be reasonably accomplished in the county and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the state in which the project is located.

- H. If there is no local Forest Conservation Fund established, a person may contribute to the state fund. The Department of Natural Resources shall determine when contribution is allowable under COMAR 08.19.02.021.

§ 48-16. Recommended tree species.

- A. Tree species used for afforestation or reforestation shall be native to the county, when appropriate, and selected from a list of approved species established by the Department.
- B. The Department has adopted a list of tree species to be used for any required afforestation or reforestation and has incorporated it into the Forest Conservation Technical Manual.
- C. This section shall in no way prohibit the use of nonnative species for ornamental and landscaping purposes when such plantings are in addition to the required reforestation or afforestation.

§ 48-17. Bond.

- A. A person required to conduct afforestation or reforestation under this chapter shall furnish financial security in the form of a bond, an irrevocable letter of credit or other security approved by the Department. The surety shall:
 - (1) Assure that the afforestation, reforestation and the associated maintenance agreement are conducted and maintained in accordance with the approved forest conservation plan.
 - (2) Be in an amount equal to one hundred twenty percent (120%) of the estimated cost, as determined by the Department, of afforestation, reforestation and the associated maintenance agreement.
 - (3) Be in a form and of a content approved by the Department and consistent with the requirements of COMAR 08.19.05.01B.
- B. After two (2) growing seasons, not to be less than sixteen (16) months from the date all plant material has been planted, the person required to file a bond under Subsection A may request reduction of the amount of the bond or other financial security by submitting a written request to the Department with a justification for reducing the bond or other financial security amount, including estimated or actual costs to ensure that afforestation or reforestation requirements are met. The amount may be reduced by more than fifty percent (50%) of the initial bond or

other financial security amount. At the time of the reduction request, the person may also change the type of guaranty with the approval of the Department.

- C. The Department shall determine whether a lesser amount is sufficient to cover the cost of afforestation or reforestation, taking into account the following:
 - (1) The number of lots.
 - (2) The proposed method of afforestation or reforestation.
 - (3) The cost of planting materials or replacement materials.
 - (4) The cost of maintenance of the afforestation or reforestation project.
 - (5) Other relevant factors.
- D. If after three (3) growing seasons, not to be less than twenty-seven (27) months from the date all plant material has been planted, the plantings associated with the afforestation or reforestation meet or exceed the standards of the Conservation Technical Manual, the amount of the cash bond, letter of credit, surety bond or other security shall be returned or released.
- E. A local forest conservation program may incorporate the financial security set forth in § 48-17A through D or in COMAR 08.19.05.01B.

§ 48-18. Protection devices.

- A. The Town has adopted standards for the protection of trees from construction activity. These devices and procedures are defined and described in § 3-5 and Appendix J of the Forest Conservation Technical Manual.
- B. Before cutting, clearing, grading or construction begins on a site for which a forest conservation plan is required by these regulations, the applicant shall demonstrate to the Department that protective devices have been established.

§ 48-19. Variance.

- A. A person may request a variance from these regulations or the requirements of Natural Resources Article 5, Subtitle 16, Annotated Code of Maryland, if the person demonstrates that enforcement would result in unwarranted hardship.
- B. An applicant for a variance shall:

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- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship.
 - (2) Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in surrounding areas.
 - (3) Verify that the granting of the variance will not confer on the applicant a special privilege that would be denied to other applicants.
 - (4) Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.
 - (5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, or a neighboring property.
 - (6) Verify that the granting of a variance will not adversely affect water quality.
- C. The Department shall make findings that the applicant has met the requirements in Subsections A and B before the Department may grant a variance.
- D. Notice of a request for a variance shall be given to the Department of Natural Resources within fifteen (15) days of receipt of a request for a variance.
- E. There is established by these regulations the right and authority of the Department of Natural Resources to initiate or intervene in an administrative, judicial or other original proceeding or appeal in the State concerning an approval of a variance under Natural Resources Article, Title 5, Subtitle 16, Annotated Code of Maryland, or this chapter.

§ 48-20. Inspections.

The Department, or its agent, shall make at least the following field inspections of a site subject to the provision of these regulations:

- A. An inspection shall take place following the submittal of the forest stand delineation to verify the information presented in that report.
- B. An inspection shall take place before a construction activity begins to determine whether forest-protection measures have been installed and conservation areas are clearly marked on site.

- C. An inspection shall take place following completion of all construction activities to determine the level of compliance with the provisions of the final forest conservation plan.

§ 48-21. Violations and penalties.

A. Noncompliance fees.

- (1) A person found to be in noncompliance with these regulations, the forest conservation plan or the associated three-year maintenance agreement shall be assessed by the Department the penalty of five dollars (\$5.) per square foot of the area found to be in noncompliance with required forest conservation.
- (2) Money collected under Subsection A(1) shall be deposited in the Forest Conservation Fund as required by § 48-15 and may be used by the Department for purposes related to implementing these regulations. Money collected for noncompliance shall not be returned to the violator.

B. Violation.

- (1) In addition to the provisions under Subsection A of this chapter, a person who violates a provision of these regulations or administrative order adopted or issued under these regulations is liable for a penalty not to exceed one thousand dollars (\$1,000.), which may be recovered in a civil action brought by the Department.
- (2) Each day a violation continues is a separate violation.

- C. The Department may seek an injunction requiring the person to cease violation of these regulations and take corrective action to restore or reforest an area.

- D. The following enforcement action may be taken when a violation occurs.

(1) Complaints and orders.

- (a) The Department may serve a written complaint on an alleged violator if the Department determines that there has been a violation of:

[1] A provision of these regulations.

[2] A forest stand delineation or forest conservation plan.

[3] An administrative order issued under these regulations.

(b) The complaint shall:

- [1] State the provision violated.
- [2] Provide an opportunity to request a hearing to contest the complaint.

(2) Corrective action.

(a) The Department may issue an administrative order requiring the violator to take corrective action within a certain time period.

(b) The corrective action may include an order to:

- [1] Stop the violations.
- [2] Stabilize the site.
- [3] Stop all construction work at the site of a regulated activity.
- [4] Restore or rectify unlawfully cleared areas.

(3) Service.

(a) A complaint, order or other administrative notice issued by the Department shall be served:

- [1] On the owner of the property (the “violator”) on which the alleged violation is occurring.
- [2] On the violator’s agent at the activity site.
- [3] By certified mail to the violator’s last known address.

(b) An order issued under this regulation is effective immediately, according to its terms, when it is served.

(4) Administrative action for a forest conservation plan or bond. The Department may suspend or revoke a forest conservation plan or forfeit a bond on a forest conservation plan on failure of the violator to comply with the requirements of an administrative order.

(5) Plan suspension and revocation. The Department may suspend or revoke a plan after notice to the violator and opportunity for a hearing has been

provided if the Department determines that one or more of the following has occurred:

- (a) Failure of a violator to insure a financial security in accordance with the requirements and procedures set forth in § 48-17.
 - (b) Failure to comply with the requirements of an administrative action or order issued under these regulations.
 - (c) Misrepresentation in the application process or failure to disclose a relevant or material fact.
 - (d) Violation of a forest conservation plan requirement.
 - (e) Deviation from the conditions, specifications or requirements of a plan.
 - (f) Changes in site conditions, new information or amended regulatory requirements necessitate revocation prior to the approval of the final forest conservation plan.
- (6) Notice. Except as provided under Subsection D(8), the Department may not suspend or revoke a forest conservation plan unless the Department first gives the violator written notice by certified mail of the specific facts that warrant suspension or revocation and an opportunity to be heard.
- (7) Statutory remedies. The provisions of these regulations may not be construed to limit or affect the authority of the Department to proceed against violators under Natural Resources Article, § 5-1612, Annotated Code of Maryland.
- (8) Emergency action.
- (a) The Department may order the immediate suspension of a forest conservation plan if the Department finds that the public health, safety or welfare imperatively requires the emergency suspension.
 - (b) The Department shall promptly give the violator written notice that the emergency action has been taken.
 - (c) A notice of emergency action shall include a statement of:
 - [1] Specific facts on which the emergency suspension is based;
and

[2] The violator's opportunity to be heard by the appropriate agency.

§ 48-22. Commercial timber harvests.

A. Any commercial timber harvesting activity involving greater than one (1) acre of forest in a one-year period shall submit a timber harvest plan before the cutting begins.

B. Procedure for a timber harvesting plan.

(1) An individual may harvest timber on forested, reforested or afforested areas protected under an approved forest conservation plan, provided that the harvest is:

(a) Consistent with the intent of an approved forest management plan, forest conservation management agreement or other long-term protective agreement.

(b) Consistent with the intent and requirements of the approved forest conservation plan.

(c) Subject to a timber harvest plan:

[1] Prepared by a licensed professional forester.

[2] Submitted to the local Forest Conservancy District Board for review and approval according to the standards set in Appendix F of the Forest Conservation Technical Manual.

[3] That remains in effect for two (2) years.

(2) The local Forest Conservancy District Board shall notify the individual and the Department whether the timber harvest plan under Subsection B(1) of these regulations has been approved.

§ 48-23. Annual report.

On or before July 1 of each year, the Department shall submit to the Senate Economic and Environmental Affairs Committee and the House Environmental Matters Committee a report on:

A. The number, location and type of projects subject to the provisions of these regulations.

- B. The amount and location of acres cleared, conserved and planted in connection with a development project.
- C. The amount of reforestation and afforestation fees and noncompliance penalties collected and expended.
- D. The costs of implementing the forest conservation program.

§ 48-24. Compliance with Department of Natural Resources.

The Department shall submit the necessary documentation to comply with COMAR 08.19.02.04.

§ 48-25. Amendments to regulations.

- A. These regulations may be amended as required. All amendments to these regulations are subject to the approval of the Department of Natural Resources.
- B. The following procedure is established for the submission, review and approval of amendments to these regulations.
 - (1) Submission. The Department, either on its own initiative or at the request of a third person, may develop amendments to these regulations. A proposed amendment shall be submitted by the Department to the Perryville Planning Commission for their review at their regularly scheduled monthly public hearing. The amendment shall be advertised in accordance with procedures currently established for amendments to the County Zoning Ordinance.
 - (2) Review.
 - (a) The Perryville Planning Commission shall develop a recommendation on the amendment. The Perryville Planning Commission shall recommend approval only if the amendment complies with the intent of the Forest Conservation Program.
 - (b) Upon a favorable recommendation, the amendment shall be submitted to the Department of Natural Resources, Forestry Division, for its review and approval.
 - (c) Upon approval by the Department of Natural Resources, Forestry Division, the amendment shall be submitted for adoption to the Perryville Board of Commissioners. The proposed amendment

shall be advertised in accordance with current procedures for amendments to the Town Zoning Ordinance.⁴ The Mayor and Town Commissioners shall provide concerned persons an opportunity to make comments on the amendment at a regularly scheduled public meeting.

⁴ Editor's Note: See Ordinance 2005-1 Comprehensive Zoning Enactment of 2005 adopted January 20, 2005.