



St. Mary's County
Department of Land Use and Growth Management
Customer Assistance Guide

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Forest Conservation Act and Development

General Requirements:

Submit to the Dept. of Land Use and Growth Management a Forest Stand Delineation (FSD) and a Forest Conservation Plan (FCP) for the property proposed for development. These requirements apply to forest which is defined as a biological community dominated by trees and other woody plants of 10,000 sq. ft. or greater.

Applicants must prepare an FSD using methods approved by the County (Zoning Ordinance, Chapter 75) to protect retained forests and trees during construction.

Applicability:

The Forest Conservation Act (FCA) applies to any person, corporation or public utility, not exempt under the Annotated Code of Maryland, who applies for development approval (including applications for subdivision, site plan rezoning, variance, conditional use) or grading, and sediment control approvals on land comprised of 20,000 square feet or more.

Exemptions:

There are some development activities which are exempt from the requirements of the FCA. Applications will be reviewed for exemption eligibility when the applicant files a building permit application. Exemptions (under certain conditions) include, but are not limited to, the following:

1. Development in the Chesapeake Bay Critical Area
2. Timber harvesting
3. Mining
4. Agricultural uses and buildings
5. Public utilities

Exemptions Subject to Execution of a “Declaration of Intent”:

Other exemptions are permitted (with the execution of a “declaration of intent” and “zoning permit) and include but are not limited to the following development activities:

1. A person making application for: a subdivision creating new building lots, site plan, grading, or sediment control approval on units of land up to 20,000 square feet after the effective date of this Ordinance.
2. A unit of county or municipal government, including a public utility or public works agency, making application for a subdivision, site plan, grading, or sediment control approval on areas of land up to 20,000 square.

Forest Stand Delineation (FSD):

The FSD is a package of information, prepared by a qualified professional, which describes existing site characteristics and vegetation. The FSD includes site analysis maps, an inventory of forest stands, data on these forest stands, and a forest conservation report or narrative summary detailing forest stand conditions.

Forest Conservation Plan (FCP):

The FCP is a plan and series of documents, prepared by a qualified professional, which identifies the amount and location of existing forest to be retained, required mitigation (if necessary), and areas of afforestation (if required). The FCP also includes construction timetables, limits of disturbance, short-term maintenance agreements and long-term binding protective agreements to ensure permanent preservation of these areas.

Reforestation:

Reforestation is required when the amount of clearing results in the remaining forest area fall below the required forest conservation threshold. The cleared area shall be reforested at a ratio of two (2) acres planted for each acre removed below the threshold and one quarter (0.25) acre planted for each acre removed above the threshold.

Afforestation:

Afforestation is required when the forested area of the property is already below the afforestation threshold. The site must be afforested (i.e. planted with new vegetation) in order to meet the required forest conservation threshold.

Required Forest Conservation Thresholds

<u>Zone Dist.</u>	<u>RPD</u>	<u>RSC</u>	<u>RCL</u>	<u>RL</u>	<u>RL-T</u>	<u>RH</u>	<u>RNC</u>	<u>RMX</u>	<u>VMX</u>	<u>TMX</u>	<u>PUD</u>	<u>CC</u>	<u>DMX</u>	<u>CMX</u>	<u>OBP</u>	<u>I</u>
% Reforest.	50	50	50	20	20	20	20	20	15	15	15	15	15	15	15	15
% Afforest	20	20	20	15	15	15	15	15	15	15	15	15	15	15	15	15

Fees-in-Lieu of Reforestation/Afforestation:

If the requirements for reforestation or afforestation cannot be reasonably accomplished on the site or off the site, a fee-in-lieu may be paid into the county forest conservation fund at a rate of \$0.30 cents per square foot of the area of required planting

Penalties:

Any applicant who fails to implement the conditions of the forest conservation plan approval or maintenance agreement shall be required to pay a fine at a rate of \$0.30 cents per square foot of the area found to be in noncompliance. Violations of the provisions of the county’s ordinance are liable for a penalty not to exceed \$1,000.00.

Qualified Professionals:

Persons qualified to perform an FSD or prepare an FCP include licensed foresters, licensed landscape architects, and others who (at a minimum) possess a degree in natural resources or environmental planning and have been qualified by the Dept. of Land Use and Growth Management and the MD Dept. of Natural Resources based upon a combination of education and experience as required by FCA regulations.