

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No # 15

Bill No. 66 -2021

Introduced by Liz Walsh

AN ACT removing exemptions from the Forest Conservation Plan requirements for certain Planned Unit Developments and Planned Business Parks; and generally relating to forest conservation in the County.

Introduced and read first time _____, 2021. Ordered posted and hearing scheduled.

By order _____
Michelle R. Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2021.

By order _____
Michelle R. Harrod, Administrator

This Bill was read the third time on _____, 2021 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2021 at ___ a.m./p.m.

By order _____
Michelle R. Harrod, Administrator

Approved by the County Executive _____, 2021

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the
2 Howard County Code is amended as follows:

3 *By amending:*

4 *Title 16. Planning, Zoning, and Subdivisions and Land Development Regulations*

5 *Subtitle 12. Forest Conservation.*

6 *Section 16.1202. Applicability; exemptions; declaration of intent.*

7 *Subsection (b) Exemptions to Requirement for Forest Conservation*
8 *Plans.*

9 *Number (1) Exemptions not requiring a Declaration of Intent.*

10

11 **Title 16. Planning, Zoning, and Subdivisions and Land Development Regulations.**

12 **Subtitle 12. Forest Conservation.**

13

14 **Sec. 16.1202. Applicability; exemptions; declaration of intent.**

15 (a) *Forest Conservation Plan Required for Subdivision Plan, Site Development Plan or*
16 *Grading Permit.* Unless exempted by subsection (b) of this section, any person or
17 unit of local government developing land 40,000 square feet or greater in area shall
18 file a forest conservation plan with the Department. Plan approval is required prior
19 to development and prior to approval of a:

20 (1) Subdivision plan;

21 (2) Site development plan;

22 (3) Grading permit; or

23 (4) County road and utility construction plans.

24 (b) *Exemptions to Requirement for Forest Conservation Plans.*

25 (1) *Exemptions not requiring a Declaration of Intent.* The following development
26 is exempt from the requirement of this subtitle:

- 1 (i) Development activity on a single lot smaller than 40,000 square feet, as
2 long as the cutting, clearing or grading does not include any area already
3 subject to a previously approved forest conservation plan.
- 4 [[(ii) A Planned Unit Development which has preliminary development plan
5 approval and 50 percent or more of the land is recorded and substantially
6 developed before December 31, 1992. If new land area is added to the
7 planned unit development, that new land area is subject to this subtitle;
- 8 (iii) A planned business park of at least 75 acres which has preliminary plan
9 approval before December 31, 1992, and which meets the intent of this
10 subtitle by retaining forest in high-priority locations (floodplains,
11 wetlands, wetland and stream buffers, steep slopes, and/or wildlife
12 corridors/green infrastructure network);]
- 13 ([[iv]]II) Any agricultural activity, including agricultural support buildings
14 and structures built using accepted best management practice unless it
15 involves the clearing of 40,000 square feet or greater of forest within a 1-
16 year period;
- 17 ([[v]]III) Agricultural preservation subdivision, unless it involves the
18 clearing of 20,000 square feet or greater of forest;
- 19 ([[vi]]IV) Resubdivisions, that do not create additional lots, deed adjoiners,
20 property consolidations, reconfigurations and correction plats as provided
21 for in sections 16.102 and 16.103 of this title;
- 22 ([[vii]]V) Minor subdivisions that create one additional lot and have no
23 further subdivision potential;
- 24 ([[viii]]VI) Mining or other extractive activity exempted by state law from the
25 forest conservation requirements;

1 so long as the maintenance or retrofitting is within the original limits of
2 disturbance for construction of the existing structure, or within any
3 maintenance easement for access to the structure; or

4 ([[xv]]XIII) Stream restoration project, as defined in this subtitle, for which the
5 applicant for a grading or sediment control permit has executed a binding
6 maintenance agreement of at least five years with the affected property
7 owner or owners.

8 (2) *Exemptions requiring a Declaration of Intent.* The following development is
9 exempt from the requirements of this subtitle, provided that the developer files
10 a Declaration of Intent with the Department as provided in subsection (c)
11 below:

12 (i) Residential development on an existing single lot of any size if:

13 a. The total cutting, clearing or grading of forest resources is less than
14 20,000 square feet; and

15 b. The forest resources affected by the development are not subject to a
16 previously approved forest conservation plan;

17 (ii) Commercial logging and timber harvesting operations conducted subject
18 to the forest conservation and management program under the Tax-
19 Property Article section 8-211, Annotated Code of Maryland;

20 (iii) Any agricultural activity, including agricultural support buildings and
21 structures built using accepted best management practice involving the
22 clearing of 40,000 square feet or greater of forest within a one-year period;

23 (iv) Subdivision in connection with real estate transactions to provide a
24 security, leasehold, or other legal or equitable interest, including a transfer
25 of title, of a portion of a lot or parcel, if:

- 1 a. The transaction does not involve a change in land use, or new
2 development or redevelopment, with associated land-disturbing
3 activities; and
- 4 b. Both the grantor and grantee file the declaration of intent; and
- 5 (v) Linear projects that are not exempt and that disturb less than 20,000 square
6 feet of forest, if the impacted forest is not subject to a previously approved
7 forest conservation plan.

8 (c) *Declaration of Intent.*

- 9 (1) A person seeking an exemption under subsection (b) above shall submit a
10 declaration of intent to the Department to verify that the proposed activity is
11 exempt.
- 12 (2) No regulated activity may occur on the area covered by the Declaration of
13 Intent within five years of the completion of cutting, clearing or grading of
14 forest resources, or in the case of real estate transactions, within five years of
15 the effective date of the declaration of intent.
- 16 (3) The Department may require a person failing to file a declaration of intent or
17 found not in compliance with a declaration of intent to perform one or any
18 combination of the following:
- 19 (i) Meet the retention, reforestation and afforestation requirements established
20 by this subtitle;
- 21 (ii) Pay a penalty fee established by fee schedules approved by resolution of
22 the County Council per square foot of forest cut or cleared, but in no case
23 less than the minimum set by state law;
- 24 (iii) Be subject to other enforcement actions appropriate under title 5, subtitle
25 16 of the Natural Resources Article of the Annotated Code of Maryland,
26 and this subtitle; or

1 (iv) File a declaration of intent with the Department.

2

3

4 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County,
5 *Maryland that this Act shall become effective 61 days after its enactment.*