

Chapter 794

(Senate Bill 29)

AN ACT concerning

Natural Resources – Forest Conservation Act – Forest Conservation Thresholds and Afforestation and Reforestation Requirements

FOR the purpose of clarifying the authority of certain units of local government to adopt certain forest conservation thresholds and afforestation and reforestation requirements that are more stringent than certain forest conservation thresholds and reforestation requirements in State law; and generally relating to forest conservation thresholds and afforestation and reforestation requirements under the Forest Conservation Act.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1606
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Natural Resources

5–1606.

(a) (1) For the following land use categories, tracts having less than 20% of the net tract area in forest cover shall be afforested up to 20% of the net tract area:

- (i) Agriculture and resource areas; and
- (ii) Medium density residential areas.

(2) For the following land use categories, tracts having less than 15% of the net tract area in forest cover shall be afforested up to 15% of the net tract area:

- (i) Institutional development areas;
- (ii) High density residential areas;
- (iii) Mixed use and planned unit development areas; and
- (iv) Commercial and industrial use areas.

(3) Afforestation requirements must conform to the conditions in §§ 5–1607 and 5–1610 of this subtitle, including payment into the Forest Conservation Fund, if afforestation on–site or off–site cannot be reasonably accomplished.

(4) (i) The afforestation requirements under this subsection shall be accomplished within 1 year or 2 growing seasons after the completion of the development project.

(ii) If afforestation cannot be reasonably accomplished on–site or off–site, the requirement to contribute money to a Forest Conservation Fund under § 5–1610 of this subtitle shall be met within 90 days after the completion of the development project.

(5) Linear projects that involve no change in land use may not be subject to afforestation requirements.

(b) There is a forest conservation threshold established for all land use categories as provided in subsection (c) of this section. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of 1/4 acre planted for every 1 acre removed to a ratio of 2 acres planted for every 1 acre removed.

(c) After every reasonable effort to minimize the cutting or clearing of trees and other woody plants is exhausted in the development of a subdivision plan and 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 subsection (b) of this section and consistent with the following forest conservation thresholds for the applicable land use category:

(1) Agricultural and resource areas: 50% of net tract area;

(2) Medium density residential areas: 25% of net tract area;

(3) Institutional development areas: 20% of net tract area;

(4) High density residential areas: 20% of net tract area;

(5) Mixed use and planned unit development areas: 15% of net tract area;

and

(6) Commercial and industrial use areas: 15% of net tract area.

(d) (1) Subject to the provisions of paragraph (2) of this subsection, for all existing forest cover measured to the nearest 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 1/4 acre planted for every 1 acre removed.

(2) Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under paragraph (1) of this subsection.

(e) For all existing forest cover measured to the nearest 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 2 acres planted for every 1 acre removed.

(f) (1) The reforestation requirements under this section shall be accomplished within 1 year or 2 growing seasons after completion of the development project.

(2) If reforestation cannot be reasonably accomplished on-site or off-site, the requirement to contribute money to a Forest Conservation Fund under § 5-1610 of this subtitle shall be met within 90 days after completion of the development project.

(G) A UNIT OF LOCAL GOVERNMENT WITH PLANNING AND ZONING AUTHORITY MAY ADOPT FOREST CONSERVATION THRESHOLDS AND AFFORESTATION AND REFORESTATION REQUIREMENTS AS PART OF ITS LOCAL FOREST CONSERVATION PROGRAM THAT ARE MORE STRINGENT THAN THE FOREST CONSERVATION THRESHOLDS AND AFFORESTATION AND REFORESTATION REQUIREMENTS IN THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.