
By: Senator Derr (Frederick County Delegation)

Introduced and read first time: January 31, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Forest Conservation Act - Exemption**

3 FOR the purpose of exempting land classified in a certain manner in Frederick County
4 from the requirements of the Forest Conservation Act.

5 BY repealing and reenacting, with amendments,
6 Article - Natural Resources
7 Section 5-1602
8 Annotated Code of Maryland
9 (1989 Replacement Volume and 1995 Supplement)

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

12 **Article - Natural Resources**

13 5-1602.

14 (a) Except as provided in subsection (b) of this section, this subtitle shall apply to
15 any public or private subdivision plan or application for a grading or sediment control
16 permit by any person, including a unit of State or local government on areas 40,000 square
17 feet or greater.

18 (b) The provisions of this subtitle do not apply to:

19 (1) Any construction activity that is subject to § 5-103 of this title;

20 (2) Any cutting or clearing of forest in areas governed by the Chesapeake
21 Bay Critical Area Protection Law (Title 8, Subtitle 18 of this article);

22 (3) Commercial logging and timber harvesting operations, including any
23 harvesting conducted under the forest conservation and management program under §
24 8-211 of the Tax - Property Article:

25 (i) That were completed before July 1, 1991; or

26 (ii) That were completed on or after July 1, 1991 on property that is
27 not the subject of an application for a grading permit for development within 5 years after
28 the logging or harvesting operation. However, after this 5-year period, the property shall
29 be subject to this subtitle;

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1 (4) Any agricultural activity that does not result in a change in land use
2 category, including agricultural support buildings and other related structures built using
3 accepted best management practices;

4 (5) The cutting or clearing of public utility rights-of-way or land for electric
5 generating stations licensed pursuant to §§ 54A and 54B or § 54-I of Article 78 of the
6 Code, provided that:

7 (i) Any required certificates of public convenience and necessity have
8 been issued in accordance with § 5-1603(f) of this subtitle; and

9 (ii) The cutting or clearing of the forest is conducted so as to minimize
10 the loss of forest;

11 (6) Any routine maintenance of public utility rights-of-way;

12 (7) Any activity conducted on a single lot of any size provided that:

13 (i) The activity does not result in the cutting, clearing, or grading of
14 more than 40,000 square feet of forest; and

15 (ii) The activity on the lot will not result in the cutting, clearing, or
16 grading of any forest that is subject to the requirements of a previous forest conservation
17 plan prepared under this subtitle;

18 (8) Any strip or deep mining of coal regulated under Title 15, Subtitle 5 or
19 6 of the Environment Article and any noncoal surface mining regulated under Title 15,
20 Subtitle 8 of the Environment Article;

21 (9) Any activity required for the purpose of constructing a dwelling house
22 intended for the use of the owner, or a child or grandchild of the owner, if the activity
23 does not result in the cutting, clearing, or grading of more than 40,000 square feet of
24 forest;

25 (10) A county that has and maintains 200,000 acres or more of its land area in
26 forest cover; [and]

27 (11) The cutting or clearing of trees to comply with the requirements of 14
28 C.F.R. § 77.25 relating to objects affecting navigable airspace, provided that the Federal
29 Aviation Administration has determined that the trees are a hazard to aviation; AND

30 (12) IN FREDERICK COUNTY, ANY LAND CLASSIFIED IN A COMMERCIAL
31 OR ZONING DISTRICT.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 1996.