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**By: Senators Derr and Ferguson (Frederick County Senators)**

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Forest Conservation - Afforestation Requirements - Exemption in Frederick County**

3 FOR the purpose of prohibiting the application of certain afforestation requirements to  
4 certain areas in Frederick County; and generally relating to afforestation  
5 requirements.

6 BY repealing and reenacting, with amendments,  
7 Article - Natural Resources  
8 Section 5-1606  
9 Annotated Code of Maryland  
10 (1989 Replacement Volume and 1996 Supplement)

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

13 **Article - Natural Resources**

14 5-1606.

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

17 (i) Agriculture and resource areas; and

18 (ii) Medium density residential areas.

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

21 (i) Institutional development areas;

22 (ii) High density residential areas;

23 (iii) Mixed use and planned unit development areas; and

24 (iv) Commercial and industrial use areas.

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

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

4 (ii) If afforestation cannot be reasonably accomplished on-site or  
 5 off-site, the requirement to contribute money to a Forest Conservation Fund under §  
 6 5-1610 of this subtitle shall be met within 90 days after the completion of the  
 7 development project.

8 (5) THE AFFORESTATION REQUIREMENTS UNDER PARAGRAPH (2) OF  
 9 THIS SUBSECTION DO NOT APPLY TO COMMERCIAL AND INDUSTRIAL USE AREAS IN  
 10 FREDERICK COUNTY.

11 (b) There is a forest conservation threshold established for all land use categories  
 12 as provided in subsection (c) of this section. The forest conservation threshold means the  
 13 percentage of the net tract area at which the reforestation requirement changes from a  
 14 ratio of 1/4 acre planted for every 1 acre removed to a ratio of 2 acres planted for every  
 15 1 acre removed.

16 (c) After every reasonable effort to minimize the cutting or clearing of trees and  
 17 other woody plants is exhausted in the development of a subdivision plan and grading and  
 18 sediment control activities and implementation of the forest conservation plan, the forest  
 19 conservation plan shall provide for reforestation, or payment into the Forest  
 20 Conservation Fund, according to the formula set forth in subsection (b) of this section  
 21 and consistent with the following forest conservation thresholds for the applicable land  
 22 use category:

- 23 (1) Agricultural and resource areas: 50% of net tract area;
- 24 (2) Medium density residential areas: 25% of net tract area;
- 25 (3) Institutional development areas: 20% of net tract area;
- 26 (4) High density residential areas: 20% of net tract area;
- 27 (5) Mixed use and planned unit development areas: 15% of net tract area;
- 28 and
- 29 (6) Commercial and industrial use areas: 15% of net tract area.

30 (d) (1) Subject to the provisions of paragraph (2) of this subsection, for all  
 31 existing forest cover measured to the nearest 1/10 acre cleared on the net tract area above  
 32 the applicable forest conservation threshold, the area of forest removed shall be  
 33 reforested at a ratio of 1/4 acre planted for every 1 acre removed.

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

37 (e) For all existing forest cover measured to the nearest 1/10 acre cleared on the  
 38 net tract area below the applicable forest conservation threshold, the area of forest  
 39 removed shall be reforested at a ratio of 2 acres planted for every 1 acre removed.

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 1997.