

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 20-4

BY: Commissioners Nordstrom and Purnell
INTRODUCED: May 19, 2020
AMENDED: JUNE 16, 2020

A BILL ENTITLED

AN ACT Concerning

Natural Resources - Forest Conservation Law

For the purpose of amending the Worcester County Forest Conservation Law to comply with revisions to the Maryland Forest Conservation Act adopted by the Maryland General Assembly in 2019.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection NR 1-413(c) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

(c) Amount of payment. If a person subject to this ordinance demonstrates to the satisfaction of the Department ~~or Board of Zoning Appeals~~ that requirements for reforestation or afforestation onsite or offsite cannot be reasonably accomplished AND APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK IN THE COUNTY OR THE SAME WATERSHED ARE NOT AVAILABLE, the person shall contribute money into the Forest Conservation Fund. Such payment must be received by the County Commissioners prior to recordation of a subdivision plat, approval of a site plan, or issuance of a grading permit or sediment control permit for the subject area. The payment will be calculated as follows:

(1) For a project located inside a priority funding area, AS DEFINED IN NATURAL RESOURCES ARTICLE § 5-1610, ANNOTATED CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED, at a rate of 30.5 cents per square foot, which may be adjusted for inflation as determined by annual State regulation; of the area of required planting WHICH MAY BE ADJUSTED FOR INFLATION AS DETERMINED BY ANNUAL STATE REGULATION; or

(2) For a project located outside a priority funding area, at a rate that is 20 percent higher than the rate set under NR 1-413(c)(1) hereof, of the area of required planting.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection NR 1-413(d) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

(d) Use of payments.

- (1) All payments made to the Forest Conservation Fund pursuant to this section shall be used by the County Commissioners only on the costs directly related to reforestation and afforestation projects, including site acquisition and preparation, maintenance of existing forests and achieving urban canopy goals. However no more than ten percent of said payments may be used for the purchase of equipment necessary to accomplish reforestation and afforestation.
- (2) The Department must accomplish the reforestation or afforestation for the equivalent number of acres for which the money is deposited within 2 years or 3 growing seasons, whichever is a greater time period, after the receipt of the money. Any portion that has not been used to meet the afforestation or reforestation requirements shall be returned to the person who provided the money.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection NR 1-416(a)(1) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland regarding the power to grant adjustments and exceptions be repealed and reenacted to read as follows:

(a) Power to grant.

- (1) The Board of Zoning Appeals may grant, upon specific appeal, such adjustments of and exceptions to the requirements of this Subtitle as will not be contrary to the purposes hereof, where, owing to special or unique conditions, a literal enforcement of the provisions of this Subtitle would result in unnecessary hardship. An adjustment of or exception to the terms of this Subtitle shall not be granted unless the applicant has demonstrated each of the following:
 - A. Specifically how the unwarranted hardship would be caused;
 - B. How enforcement of this Subtitle will deprive the applicant of rights commonly enjoyed by others;
 - C. How the case, which is subject to the appeal, is unique and what special conditions apply;
 - D. How the intent of the Subtitle will be satisfied;

E. How the adjustment or exception may not adversely affect water quality; and

F. That appropriate credits generated by a forest mitigation bank in the County or watershed are not available before an applicant may pay money into the Forest Conservation Fund.

Section 4 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this 16th day of June, 2020.

ATTEST:



Harold L. Higgins
Chief Administrative Officer

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

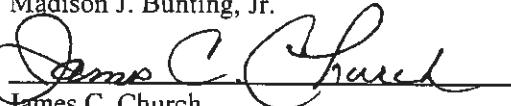


Joseph M. Mitrecic, President

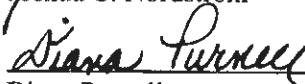
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