

COUNTY ORDINANCE NO. 06-22

A BILL ENTITLED

AN ACT CONCERNING Commercial Forestry in the Agricultural (AG) and Countryside (CS) Zoning Districts of Queen Anne s County.

FOR THE PURPOSE of providing consistency between the Forest Conservation Act (Chapter 18:2 of the Code of Public Local Laws) and the Queen Anne s County Zoning Ordinance (Chapter 18:1 of the Code); clarifying that the Queen Anne s County Planning Commission shall be the approving authority with respect to commercial forestry in the AG and CS zones; and generally clarifying the provisions regarding Commercial Forestry in the Code of Public Local Laws.

BY AMENDING Sections 18:1-12, 18:2-16, 18:2-19 and 18:2-23 of the Code of Public Local Laws of Queen Anne s County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE S COUNTY, MARYLAND that Sections 18:1-12, 18:2-16, 18:2-19 and 18:2-23 of the Code of Public Local Laws of Queen Anne s County be amended to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46th) day following its enactment.

CITIZEN SPOSORED

INTRODUCED BY: Commissioner Wargotz on behalf of the Board of County Commissioners

DATE INTRODUCED: May 8, 2007

PUBLIC HEARING HELD: May 29, 2007 @ 6:45 p.m.

VOTE: 3 YEA 2 NAY

DATE OF ADOPTION: June 12, 2007

AFFECTIVE DATE: July 28, 2007

§ 18:1-12. Permitted uses in open space.

A. The following are permitted or conditional uses allowed in open space areas required by this Chapter 18:1. Any use not specifically listed below is not permitted in required open space areas.

	A	B	C		
	Non-contiguous Open space/TDR	Multifamily/ Manufactured Home Community/ Master Planned Residential Development	Single-Family Cluster Development		
Allowable Uses			AG/CS	NC	All Other
Agricultural uses	Y	N	Y	Y	Y
Fields or pastures	Y	Y	Y	Y	Y
Accessory building	Y	Y	Y	Y	C
Commercial forestry	Y	N	C Y***	C	C
Non-commercial forestry	Y	N	Y	Y	Y
Commercial stables	Y	N	Y	C	C
Public recreation	Y*	N	N	N	N
Private stables	Y	N	Y	Y	Y
Nurseries	Y	C	Y	C	Y
Farm employee dwelling	Y/N	N	Y	N	Y
Drainage structures	Y	C	Y	Y	Y
Minor extraction and dredge disposal uses	Y	N	Y	C	Y
Shooting clubs	C	N	C	C	C
Outdoor recreation	C	Y**	Y	C	C

NOTES:

* Public recreational uses that include more than 10,000 square feet of enclosed floor area or are greater than one story in height shall be allowed only as a conditional use.

** See § 18:1-26 to 18:1-33, district regulations, for additional open space requirements.

*** Commercial forestry requires Planning Commission review and approval in accordance with paragraph G of this section and §18:2-16, §18:2-19, and §18:2-23 of this Chapter 18.

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G. Commercial forestry located in deed-restricted open space in the AG and CS Districts will require Planning Commission review and approval with a formal recommendation from the County Forestry Board and/or a Department of Natural Resource Forester. The proposed commercial harvest shall be outlined in a timber harvest plan that has been prepared by a licensed professional forester and approved by a Department of

Natural Resources Forester and/or the County Forestry Board, as appropriate.

§18:2 FOREST CONSERVATION ACT

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§18:2-16. *Payments by credits into an approved forest mitigation bank.*

...

B. Establishing forest mitigation banks on vacant land.

...

(2) The forest mitigation bank shall:

...

*(d) Commercial forestry in the AG and CS Districts will require Planning Commission review and approval with a formal recommendation from the County Forestry Board and/or a Department of Natural Resource Forester. **[Amended 9-7-2004 by Ord. No. 04-34]***

...

D. Establishing forest mitigation banks on existing forested properties.

...

(2) The forest mitigation bank shall:

...

*(d) Commercial forestry in the AG and CS Districts will require Planning Commission review and approval with a formal recommendation from the County Forestry Board and/or a Department of Natural Resource Forester. **[Amended 9-7-2004 by Ord. No. 04-34]***

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§ 18:2-19. *Protective agreements.*

A. In general.

(1) Long-term protective agreements are legally binding devices in effect at all times that will ensure those areas retained, afforested, and/or reforested are limited to uses that are consistent with forest conservation.

(2) Protective agreements include:

*(a) Forest conservation and management agreements: **[Amended 9-7-2004 by Ord. No. 04-34]***

[1] Long-term protective agreements associated with a subdivision or site plan shall only permit the harvesting of the protected existing or proposed forest which is protected under the agreement as outlined in a timber harvest plan which has been prepared by a licensed, professional forester and approved by a Department of Natural

Resources Forester and/or the County Forestry Board, as appropriate.

[2] Commercial forestry in the AG and CS Districts on existing or proposed forest that is protected under a long-term protected agreement and located in deed restricted open space will require Planning Commission review and approval with a formal recommendation from the County Forestry Board and/or the Department of Natural Resources Forester. The proposed commercial harvest shall be outlined in a timber harvest plan that has been prepared by a licensed professional forester and approved by a Department of Natural Resources Forester and/or the County Forestry Board, as appropriate.

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§ 18:2-23. Commercial timber harvests.

- A. *Timber harvest plan; general requirements. Any commercial timber harvesting activity involving more than one acre of forest in a one-year period shall submit a timber harvest plan before the cutting begins.*
- B. *Procedure. A person may harvest timber on forested, reforested, or afforested areas protected under an approved forest conservation plan, provided that the harvest: **[Amended 9-7-2004 by Ord. No. 04-34]***
 - (1) *Is consistent with the intent of an approved forest management plan, forest conservation and management agreement, or other long-term protective agreement;*
 - (2) *Is consistent with the intent and requirements of the approved FCP;*
 - (3) *Is subject to a timber harvest plan that:*
 - (a) *Is prepared by a licensed professional forester; and*
 - (b) *Remains in effect for two years.*
- C. *Long-term protective agreements and deed-restricted open space in the AG and CS Districts. Commercial forestry in the AG and CS Districts on existing or proposed forest that is protected under a long-term protective agreement and located in deed-restricted open space will require Planning Commission review and approval with a formal recommendation from the County Forestry Board and/or a Department of Natural Resource Forester. The proposed commercial harvest shall be outlined in a timber harvest plan that has been prepared by a licensed professional forester and approved by a Department of Natural Resources Forester and/or the County Forestry Board, as appropriate.**[Amended 9-7-2004 by Ord. No. 04-34]***
- D. *Long-term protective agreements in association with approved subdivisions or site plans in the AG and CS Districts. Commercial forestry in the AG and CS Districts on existing or proposed forest that is protected under a long-term protective agreement in association with an approved subdivision or site plan will require Planning Commission*

review and approval with a formal recommendation from the County Forestry Board and/or a Department of Natural Resource Forester. The proposed commercial harvest shall be outlined in a timber harvest plan that has been prepared by a licensed professional forester and approved by a Department of Natural Resources Forester and/or the County Forestry Board, as appropriate. [Added 9-7-2004 by Ord. No. 04-34]

FISCAL IMPACT NOTE

Legislation No: O-06-22
Date Introduced: 5-8-07

Hearing Date: 5-29-07
Note Date: 5-18-07

Legislation Title: Commercial Forestry in the Agricultural and Countryside Zoning Districts of Queen Anne's County

Description:

The purpose of this legislation is to provide consistency between the Forest Conservation Act and the Queen Anne's County Zoning Ordinance, and clarifying the provisions regarding Commercial Forestry in the Code of Public Local Laws.

Analysis of Fiscal Impact:

This legislation produces no significant fiscal impact as it simply clarifies certain provisions in the Code.