

COUNTY ORDINANCE NO. 04-34

A BILL ENTITLED

AN ACT CONCERNING Amendments to the Queen Anne's County Forest Conservation Act, Subtitle 2 of Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of adding a definition of "100-year flood- plain", exempting minor site plans from the Forest Conservation Act under certain circumstances and establishing standards and requirements for commercial forestry or clear-cutting under Subtitle 2 of Title 18 of the Code;

BY AMENDING Sections 18-2-1(b), 18-2-4(b), 18-2-16(b) and (d), 18-2-19(a)(2) and 18-2-23(b) and (c) of Subtitle 2 of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Subsection (43) be added to Section 18-2-1(b) of the Code to read as follows:

§18-2-1 Definitions.

(b) Additional Definitions

(43) 100-year floodplain

"100-year floodplain" means an area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwaters during a 100-year frequency storm event or a 100-year flood.

And that the subsections following (43) be renumbered accordingly.

SECTION II

BE IT FURTHER ENACTED that Section 18-2-4(b) (13) of Title 18 be repealed and reenacted to read as follows:

§18-2-4 Application of Subtitle

(b) Exemptions.

The regulations set forth in this Subtitle do not apply to the following:

(13) Any minor site plan or minor subdivision that:

- (i) Does not result in the cutting, clearing, or grading of more than 40,000 square feet of forest;
- (ii) Does not result in the cutting, clearing, or grading of a forest that is subject to the requirements of a previous forest conservation plan approved under this Subtitle; and
- (iii) Meets minimum afforestation threshold requirements and protects the minimum afforestation threshold requirements through protective signage and long-term protective agreements.

SECTION III

BE IT FURTHER ENACTED that Sections 18-2-16(b)(2)(iv) and (d)(2)(iv) be repealed and reenacted to read as follows:

§18-2-16 Payments by Credits Into an Approved Forest Mitigation Bank.

(b) Establishing forest mitigation bank on vacant land.

(2) The forest mitigation bank shall:

- (iv) Commercial forestry will require Planning Commission review and approval with a formal recommendation from the County Forestry Board and/or a Department of Natural Resource Forester.

(d) Establishing forest mitigation banks on existing forested properties.

(2) The forest mitigation bank shall:

- (iv) Commercial forestry will require Planning Commission review and approval with a formal recommendation from the County Forestry Board and/or a Department of Natural Resource Forester.

SECTION IV

BE IT FURTHER ENACTED that Section 18-2-19(a)(2)(i)(1) and (2) be repealed and reenacted to read as follows:

§18-2-19 Protective Agreements.

(a) In general

(2) Protective agreements include:

(i) Forester conservation and management agreements.

(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 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.

SECTION V

BE IT FURTHER ENACTED that Section 18-2-23(b) be repealed and new Sections 18-2-23(b), (c) and (d) to Title 18 of the Code be enacted to read as follows:

§18-2-23 Commercial Timber Harvests.

(b) Same -- Procedure

A person may harvest timber on forested, reforested, or afforested areas protected under an approved forest conservation plan, provided that the harvest:

- (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:
 - (i) Is prepared by a licensed professional forester; and
 - (ii) Remains in effect for two (2) years.

(c) Long Term Protective Agreements and Deed Restricted Open Space

Commercial forestry 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.

(d) Long Term Protective Agreements in Association with Approved Subdivisions or Site Plans

Commercial forestry 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.

SECTION VI

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Commissioner Ransom

DATE: 6-15-04

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea _____ Nay

DATE OF ADOPTION: 9-7-04