

THE EFFECTIVE DATE OF THIS ORDINANCE IS AUGUST 11, 2011

ORDINANCE NO. 11-19-585

AMENDMENTS TO THE FREDERICK COUNTY FOREST RESOURCE ORDINANCE

BACKGROUND

On December 15, 1992, as required by the Maryland Forest Conservation Act of 1991 ("FCA"), the BOCC enacted the original Forest Resource Ordinance ("FRO") by Ordinance No. 92-29-064.

In September 2001, the BOCC adopted significant changes to the Forest Resource Ordinance, in accordance with recommendations from the State of Maryland. Because of the extensive nature of the revisions, the Forest Resource Ordinance was repealed and reenacted in its entirety.

On July 19, 2007, the BOCC adopted Ordinance No. 07-25-465, which made a number of changes to the FRO, including: applicability of the FRO; changes to afforestation values; terms of protective agreements; one-to-one reforestation replacement requirement; and certain administrative and ecological changes.

On August 6, 2008, the BOCC adopted Ordinance No. 08-22-498, which enacted a few additional administrative changes.

On September 29, 2009, the BOCC adopted Ordinance No. 09-26-530 in compliance with Senate Bill 666, titled "No Net Loss of Forestry Policy-Forest Conservation Act".

On June 16, 2011, the BOCC considered proposed text amendments to the Forest Resource Ordinance to more closely match the County's requirements to the State minimum requirements, and voted to initiate the public hearing process for this Ordinance.

On July 13, 2011, the Frederick County Planning Commission held a public hearing on this Ordinance and voted to recommend denial. On July 28, 2011, the BOCC held a duly advertised public hearing to discuss and hear public comment on this Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREDERICK COUNTY, MARYLAND, that the Forest Resource Ordinance (Chapter 1-21 of the Frederick County Code) is hereby amended as follows:

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§ 1-21-24. FEE-IN-LIEU PROGRAM.

[Subsections 1-21-24 (A) through (C) remain unchanged]

(D) *Expenditure of fees.*

(1) The county shall expend or encumber the fee-in-lieu money ~~within 3 growing seasons after receipt of the money~~ IN ACCORDANCE WITH SUBSECTION (2) AND (3) BELOW.

(2) Money contributed under this section:

(a) May be used for forestation, including site identification, acquisition, preparation, and maintenance; for maintenance of existing forests ~~that are protected by a long term protective agreement as defined in this chapter~~; and for achieving urban canopy goals;

(b) Shall be deposited in a separate fee-in-lieu account; and

(c) Shall not revert to the General Fund and shall not be used to administer the forest banking program, but may be used to purchase forest banking credits.

(3) Sites for forestation using fee-in-lieu money will be sought in the county and watershed in which the original project is located. If this cannot be reasonably achieved, the monies may be used to accomplish forestation anywhere in the county or the state or to buy forest banking credits.

§ 1-21-25. GUARANTEES FOR FOREST IMPROVEMENTS.

[(Subsection 1-21-25 (A) remains unchanged)]

(B) *Return of guarantees.*

(1) To be eligible for partial or full return or release of financial guarantees, a substantial amount of living seedlings/trees must exist in forest easement areas for the duration of the FIPA maintenance period. The determination of "substantial amount of living seedlings/trees" shall be made by Department inspectors, with consideration of the stocking and survival rates prescribed in § 1-21-43(D) and (E). The seedlings/trees must meet or exceed the standards of the technical manual, or this chapter, whichever applies.

(2) For development projects requiring a 2-year FIPA (per § 1-21-10) the following provisions shall apply:

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(a) For projects requiring only protective fencing and/or signage, but no forestation; and for which the required improvements have been erected by the applicant and approved by Department inspectors, 50% of the financial guarantee may be returned or released upon approval by the Department inspectors. If the protective features remain in good repair for the duration of the forest improvements and protection agreement (FIPA), the remaining 50% shall be returned or released when the applicant has fulfilled all of the requirements of the FIPA.

(b) For projects requiring 1" or 2" caliper tree planting, 50% of the financial guarantee may be returned or released after 1 complete growing season if the conditions of § 1-21-25(B)(1) are met. If after 2 complete growing seasons the conditions of § 1-21-25(B)(1) are met, the balance of the guarantee shall be returned.

(3) For development projects requiring a 3-year FIPA (per § 1-21-10):

(a) If after 1 complete growing season the required forestation or regeneration area meets the conditions of § 1-21-25(B)(1), 25% of the amount of any guarantee that has been posted shall be returned or released;

(b) If after 2 complete growing seasons the forestation or regeneration area meets the conditions of § 1-21-25(B)(1), an additional 25% of the guarantee shall be returned or released;

(c) If after 3 complete growing seasons the forestation or regeneration area meets the conditions of § 1-21-25(B)(1) the balance of the guarantee shall be returned or released.

(4) FOR PROJECTS CONTAINING EXISTING FOREST RETENTION, FORESTATION, OR A COMBINATION OF RETENTION AND FORESTATION, 50% OF THE FINANCIAL GUARANTEE REQUIREMENT FOR TREE PLANTING, FENCING, AND SIGNAGE MAY BE WAIVED IF THE FOLLOWING CONDITIONS ARE MET PRIOR TO THE SUBMITTAL OF THE REQUIRED PROTECTIVE AGREEMENTS OUTLINED IN § 1-21-10;

(A) TREE PLANTING, FENCING, AND SIGNAGE IS INSTALLED IN ACCORDANCE WITH THE APPROVED FOREST CONSERVATION PLAN, AND

(B) THE INSTALLATION OF TREES, FENCING, AND SIGNAGE IS INSPECTED AND APPROVED BY THE DEPARTMENT INSPECTORS, AND

(C) A COPY OF THE INSPECTION REPORT IS SUPPLIED WITH THE SUBMITTAL OF THE PROTECTIVE AGREEMENTS OUTLINED IN § 1-21-10.

(5) FOR PROJECTS UTILIZING THE 50% REDUCTION OUTLINED IN (4) ABOVE;

(A) FOR DEVELOPMENT PROJECTS REQUIRING A 2-YEAR FIPA (PER § 1-21-10), THE FINANCIAL GUARANTEE SHALL BE RETURNED OR RELEASED WHEN THE

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APPLICANT HAS FULFILLED ALL OF THE REQUIREMENTS OF THE FIPA. PARTIAL RELEASES DURING THE FIPA PERIOD ARE NOT PERMITTED.

(B) FOR DEVELOPMENT PROJECTS REQUIRING A 3-YEAR FIPA (PER § 1-21-10) THE FINANCIAL GUARANTEE SHALL BE RETURNED OR RELEASED WHEN THE APPLICANT HAS FULFILLED ALL OF THE REQUIREMENTS OF THE FIPA. PARTIAL RELEASES DURING THE FIPA PERIOD ARE NOT PERMITTED.

* * *

§ 1-21-29. FOREST BANKING PROGRAM.

[Subsection 1-21-29 (A) remains unchanged]

(B) *Forest banking areas.* Only the following target areas may be admitted into the forest banking program:

(1) New or existing forests that provide buffers for streams, creeks, floodplains, wetlands or other hydrologically-sensitive areas on lands that either are zoned Agriculture or in the judgment of the Department are primarily in bona fide agricultural use, as defined by the Frederick County Zoning Ordinance, Chapter 1-19. The extent of the forest buffers acceptable for inclusion in the forest banking program shall be the largest allowed by the following, unless otherwise approved by the Department for reasons pertaining to ecological benefit or improvement:

(a) Where floodplain(s) exist, forest buffers shall be limited to 25 feet outside of the floodplain(s).

(b) Where no floodplain(s) exist, forest buffers shall be limited to 100 feet in width on each side of a stream bank.

(c) Where moderate slopes of 15% or more are immediately adjacent to hydrologically-sensitive area(s), forest buffers shall be limited to the extent of the steep slopes within the area that is 200 feet in width on each side of a stream bank or hydrologically-sensitive area.

(d) Where steep slopes of 25% or more are immediately adjacent to hydrologically-sensitive area(s), forest buffers shall be limited to the extent of the steep slopes within the area that is 500 feet in width on each side of a stream bank or hydrologically-sensitive area.

(2) Existing forest that is critical habitat for threatened or endangered plant or sedentary animal species. Determination of the presence of threatened or endangered species shall be made by the Department of Natural Resources.

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(3) Other areas that are:

(a) Water re-charge zones for municipal or county public water supplies as designated by bona fide hydrological studies, or are listed in § 1-21-40(B) of this chapter;

(b) Not owned by a municipality or other local, state or federal governmental entity;

(c) Not otherwise substantially protected by either this chapter or the Frederick County Zoning Ordinance requirements; and

(d) Of such significance that loss of forest or the lack of creation of forests on such areas would cause a deleterious effect on the health, safety and welfare of the citizens.

(4) For all subsection (B)(3), the first 50 acres shall be credited at a 1:2.52 ratio, as described in subsection (E) of this section. For all areas that exceed 50 acres, the mitigation ratio shall be 1:4, meaning that for every 1 acre of required forestation, 4 acres of off-site, existing forest must be protected and conserved. In no case shall the total acres of such an application exceed 200 acres.

(5) All applications under this subsection (B) shall provide substantial protection of substantially all of the target areas on a parcel or a set of contiguous parcels owned by the applicant, unless otherwise approved by the Department or the Planning Commission for reasons pertaining to ecological benefit or improvement, other hydrological protection measures implemented by other governmental programs, accommodation of existing farm buildings and residences, or drinking water access for grazing animals. The requirements of "substantial protection" shall be determined by the Department. Applications that offer protection of only unserviceable or unusable areas for inclusion in the banking program, but omit other substantial target areas, such as stream buffers, within a subject parcel or set of contiguous parcels owned by the applicant, shall not be accepted into the banking program.

[Subsections 1-21-29 (C) and (D) remain unchanged]

(E) *Credit ratios.* Forest bank transfers of:

(1) "Existing forest" shall be credited at a 1:2.52 ratio, meaning that for every 1 acre of required forestation, 2.52 acres of existing forest must be acquired;

(2) "New forest" shall be credited at a 1:1 ratio, meaning that for every 1 acre of required forestation, only 1 acre of new forest must be acquired.

(F) *Species diversity requirements.* The acres of existing forest combined with new forest shall meet the species diversity requirements stipulated in § 1-21-43(B)(2).

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§ 1-21-30. PLANS IN GENERAL.

[Subsections 1-21-30 (A) through (D) remain unchanged]

(E) *Requirements of plan preparers.*

(1) Except as noted below in this subsection, licensed foresters, licensed landscape architects, or qualified professionals who meet the requirements stated in COMAR 08.19.06.01 must prepare all required forest stand delineations and all preliminary and final forest conservation plans.

(2) Maryland licensed surveyors or other individuals, who by a combination of relevant work experience and education meet the general level of expertise as expressed in COMAR 08.19.06.01, as determined by the Department, may prepare required forest plans for:

(a) All minor subdivisions; and

(b) Site plan projects and major subdivisions that:

~~1. Are not in areas zoned PUD, MXD, PDR or PDE;~~

1. Do not require a full forest stand delineation as determined by the technical manual standards; and

2. Comprise not more than 50 acres.

(3) All persons may submit simplified forest stand delineations, worksheets, and forest conservation plans for site plan or subdivision development projects, provided that:

(a) The submissions are accompanied by a site plan or subdivision plan prepared in accordance with the zoning or subdivision ordinances, as appropriate;

(b) There is no existing forest or shrub cover on the subject tract;

(c) The tract does not include any priority areas; and

(d) The applicant proposes to mitigate any forestation requirements through either the forest banking program or the fee-in-lieu program.

(4) All persons, including the applicant, may submit information showing that this chapter does not apply to certain development projects or that a project is exempt under §§ 1-21-6 or 1-21-7 of this chapter.

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(F) *Use of state funds.* If a local agency or person using state funds makes application to conduct a regulated activity, the provisions of COMAR 08.19.04.01 D-G, shall apply.

§ 1-21-31. FOREST STAND DELINEATION.

(A) *Timing of submissions.*

(1) A forest stand delineation ("FSD") shall be used during the initial review process to determine the most suitable and beneficial areas for forest conservation. Except as provided in subsection (A)(2) of this section, an FSD shall be submitted simultaneously with the first submission of a development project, whether it be a MXD, PDR, or PDE Phase I Plan, a PUD Phase II Plan, a cluster concept plan, a co-housing plan, preliminary subdivision plan, a site plan, or a grading permit application, but before a sediment and erosion control application is submitted for the tract or development project in question.

(2) Exceptions:

(a) *Septic testing.* In subdivisions classified for individual well and septic service, an applicant may submit for septic percolation testing simultaneously with a partial FSD showing the existing forest canopy line and other environmental features required by the Frederick County Subdivision Ordinance (Chapter 1-16) or Zoning Ordinance (Chapter 1-19), provided that the applicant shall:

1. Protect all historic, champion, and specimen trees; habitats for threatened and endangered species; and hydrologically-sensitive areas during the septic testing process;
2. Not remove 40,000 square feet or greater of forest; and
3. Submit normal FSD information that includes forest canopy conditions prior to removal for septic testing, before proceeding beyond septic testing.

(b) *Survey lines.* A licensed surveyor may cut trees if necessary to see property or other required survey information, provided that the applicant shall:

1. Protect all historic, champion, and specimen trees; habitats for threatened and endangered species; and hydrologically-sensitive areas during surveying; and
2. Submit normal FSD information if 40,000 square feet or greater of forest area is cut, even if no development project is proposed.

(c) *GEOTECHNICAL TESTING. AN APPLICANT MAY PERFORM GEOTECHNICAL TESTING WITH A PARTIAL FSD SHOWING THE EXISTING FOREST CANOPY LINE AND OTHER ENVIRONMENTAL FEATURES REQUIRED BY THE*

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FREDERICK COUNTY SUBDIVISION ORDINANCE (CHAPTER 1-16) OR ZONING ORDINANCE (CHAPTER 1-19), PROVIDED THAT THE APPLICANT SHALL:

1. PROTECT ALL HISTORIC, CHAMPION, AND SPECIMEN TREES; HABITATS FOR THREATENED AND ENDANGERED SPECIES; AND HYDROLOGICALLY-SENSITIVE AREAS DURING THE TESTING PROCESS;

2. NOT REMOVE 40,000 SQUARE FEET OR GREATER OF FOREST; AND

3. BEFORE PROCEEDING BEYOND TESTING, SUBMIT NORMAL FSD INFORMATION THAT INCLUDES FOREST CANOPY CONDITIONS AS THEY WERE PRIOR TO REMOVAL FOR TESTING.

[The balance of §1-21-31 remains unchanged]

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§ 1-21-40. CONSERVATION AND FORESTATION PRIORITIES.

[Subsections 1-21-40 (A) through (C) remain unchanged]

(D) *Priority sequence for forestation or mitigation off-site.* After every reasonable effort has been made to minimize the clearing of trees and other woody plants in on-site priority areas listed in § 1-21-40(B), and after every reasonable effort has been made to afforest or reforest priority areas listed in § 1-21-40(C), the following shall be considered the priority sequence for forestation or mitigation off-site:

- (1) Purchase of credits through the Frederick County Forest Banking Program;
- (2) Forestation of hydrologically-sensitive areas, preferably in agriculturally zoned or used land;
- (3) Protection of existing off-site forest at a ~~1:2.5~~ 2 ratio, as provided in subsection (G) of this section, in areas closely associated with streams, wetlands, or floodplains, preferably in agriculturally zoned or used land, when such land is not already substantially protected by the Zoning Ordinance or other long-term protective instruments in perpetuity; and
- (4) Payment into the fee-in-lieu program.

(E) *Flexibility of priorities.* A sequence other than the one described in subsections (C) and (D) of this section may be used for a specific project, if necessary, to achieve the objectives of the County Comprehensive Plan or county land use policies or to take advantage of opportunities to consolidate forest conservation efforts.

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(F) *Minimum forest areas.*

(1) Forest areas to be retained or created by means of forestation shall be a minimum of 10,000 square feet and shall be at least 35 feet wide. Disjointed or noncontiguous forest areas shall be used only when more continuous forest areas cannot be practically preserved or created, as determined by the Department.

(2) Forest areas that utilize miscellaneous credits as provided in § 1-21-44 shall be a minimum of 2,500 square feet for each area, except for individual trees in nonforested areas, which may be credited on a tree-by-tree basis.

(G) *Off-site existing forest mitigation.* When off-site existing forest is used to mitigate forestation requirements, the applicant must mitigate at a 1:~~2.52~~ ratio, meaning that for every 1 acre of required forestation, ~~2.52~~ acres of off-site existing forest must be protected and conserved.

(H) *Easement restrictions.* No FRO easements (long-term protection) shall be allowed:

(1) Over septic areas or wells; or

(2) On lots less than 40,000 square feet. However, forest in these areas may be protected as “tree save area,” as provided in § 1-21-44.

§ 1-21-41. AFFORESTATION AND AFFORESTATION THRESHOLD.

[Subsections 1-21-41 (A) and (B) remain unchanged]

(C) *Exceptions.* Afforestation requirements shall not apply to the following.

(1) Utility and linear projects that involve no change in land use.

(2) Those portions of residential subdivision lots over 3.0 acres, in which:

(a) A pre-existing agricultural or open space land use will remain unchanged for a period of at least 5 years; and

(b) The area over 3.0 acres is approved by the Department.

(D) *Afforestation requirements.* ~~A tract or development project having less than 20% of the net tract area in forest cover shall be afforested to at least 20% of the net tract~~
AREA AFFORESTATION ON A TRACT OR DEVELOPMENT PROJECT SHALL BE IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

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(1) A TRACT OR DEVELOPMENT PROJECT HAVING LESS THAN 20% OF THE NET TRACT AREA IN FOREST COVER SHALL BE AFFORESTED TO AT LEAST 20% OF THE NET TRACT AREA FOR THE FOLLOWING ZONING CATEGORIES:

(A) AGRICULTURE;

(B) RESOURCE CONSERVATION; AND

(C) R-1 RESIDENTIAL.

(2) A TRACT OR DEVELOPMENT PROJECT HAVING LESS THAN 15% OF THE NET TRACT AREA IN FOREST COVER SHALL BE AFFORESTED TO AT LEAST 15% OF THE NET TRACT AREA FOR THE FOLLOWING ZONING CATEGORIES:

(A) INSTITUTIONAL USES IN ANY ZONE;

(B) R-3, R-5, R-8, R-12, R-16 RESIDENTIAL ZONES AND MOBILE HOME PARKS;

(C) MIXED USE AND PLANNED DEVELOPMENT ZONES; AND

(D) COMMERCIAL AND INDUSTRIAL USE ZONES.

(E) *Forest removal below afforestation thresholds.* Replacement requirements for removal of forest, even if below the afforestation threshold, are addressed in the reforestation formulas listed in § 1-21-42(D)(3) and applicants do not need to calculate replacement values separately under this section.

§ 1-21-42. REFORESTATION AND CONSERVATION THRESHOLD.

[Subsection 1-21-42 (A) remains unchanged]

~~(B) *Calculation of requirements.* There shall be two methods to calculate reforestation requirements. The method that results in the more stringent requirement shall be used. The first method shall require a 1:1 replacement meaning for every one acre of forest removed, one acre must be planted. The second method shall be the method of calculating reforestation requirements described in subsection 1-21-42(C). This method shall be called the "Standard Method".~~

~~(B)~~ *Definitions restated for the Standard Method.* **REFORESTATION** under this section means the planting of trees to replace forest that has been recently or is proposed to be removed by development. **CONSERVATION THRESHOLD** means the percentage of the net tract area at which the reforestation requirement changes from a ratio of one-quarter acre planted for every 1

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acre removed to a ratio of 2 acres planted for every 1 acre removed according to the land use categories as listed below:

<i>Category of Use</i>	<i>Threshold Percentage</i>
(1) Agricultural and Resource Conservation Zones, except for cluster developments therein which shall utilize R-1 values	50
(2) R-1 Residential zoned areas	25
(3) Institutional use areas in any zone	20
(4) R-3, R-5, R-8, R-12, R-16 and Mobile Home Park zoned areas	20
(5) Mixed Use and Planned Unit Development, Planned Development Residential and Planned Development Employment zoned areas	15
(6) Commercial and Industrial Use zoned areas	15

Required reforestation under the Standard Method shall be calculated according to the formulas provided in subsection ~~(D)~~(C) of this section.

~~(D)~~(C) *Calculations for the Standard Method.*

(1) For all existing forest cover cleared on the net tract area above the applicable conservation threshold established by subsection (A) of this section, the area of forest removed shall be reforested at a ratio of one quarter acre planted for every acre removed.

(2) For all existing forest cover cleared on the net tract area below the applicable conservation threshold, the area of forest removed shall be reforested at a ratio of 2 acres planted for each acre removed.

(3) For each acre of forest retained on the net tract area above the applicable conservation threshold, credit shall be given against the total number of acres required to be reforested under subsection ~~(D)~~(C)(1) of this section.

~~(D)~~(B) *Accuracy Standards.* All calculations of reforestation requirements shall be calculated to the nearest one-hundredth acre and shall be in accordance with the worksheet provided in the Technical Manual and approved by the Department. However, forest field measurements may be measured to the nearest one-tenth acre.

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§ 1-21-44. MISCELLANEOUS CREDITS.

[Subsections 1-21-44 (A) and (B) remain unchanged]

(C) *Eligible types of tree or shrub canopy area.* The canopy area of the following types of trees or shrubs may be used at a 1:1/4 ratio, meaning that for every one acre of canopy area, .25 acres of credit may be given toward meeting forestation requirements:

(1) Proposed NATIVE landscaping or street trees not in forest settings at their expected 20 year growth. The standard canopy area for each landscape and street tree planted shall be calculated at a diameter of 30 feet unless otherwise approved by the Department.

(2) Existing trees and shrubs that are healthy and structurally sound are designated as “tree save area” in forest conservation plans; and meet any of the following criteria:

(a) Individual trees and shrubs associated with historic places;

(b) Specimen and champion trees not part of a forest setting; or

(c) Forest areas that are not part of priority areas that are counted as “removed/cleared” forest for purposes of worksheet calculations.

~~(B)~~ *Required protection.* The trees and forest areas listed in subsection (A) of this section shall be required to be protected by short-term protective agreements, as provided in §§ 1-21-10 and 1-21-34, but shall not be subject to long-term protective agreements.

~~(E)~~ *Credit ratio.* Trees and forest authorized to receive miscellaneous credits shall be given credit for only one-quarter of the canopy area toward fulfillment of forestation requirements.

~~(F)~~ *Required protection of tree and shrub canopy area.* The trees and forest areas listed in subsection (C) of this section shall be required to be protected by short-term protective agreements, as provided in §§ 1-21-10 and 1-21-34, but shall not be subject to long-term protective agreements.

~~(G)~~ *Limitations in the use of miscellaneous credits.* Miscellaneous credits used in a development project shall not account for more than 25% of the total REforestation requirements of a tract or development project. MISCELLANEOUS CREDITS MAY BE USED TO MEET UP TO 100% OF ANY AFFORESTATION REQUIREMENT, SUBJECT TO MEETING THE REQUIREMENTS OF (A) THROUGH (F) ABOVE.

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§ 1-21-51. SITE WORK, IN GENERAL.

(A) *Preconstruction meeting.* Before cutting, clearing, grading, or construction begins on a tract or development project for which a final forest conservation plan (FFCP) is required by this chapter, the applicant shall demonstrate to the Department inspector that the protective devices for retained forest and trees have been erected in accordance with the FFCP; and a preconstruction meeting shall be held on-site with a Department inspector.

(B) *Restriction on site clearing.* Excepting the cases of septic percolation testing, GEOTECHNICAL ANALYSIS, and survey lines as provided in § 1-21-31(A)(2), if a forest conservation plan is required by this chapter for a tract or development project, a person may not cut, clear, or grade on the development site until the Department has approved the FFCP or provided written agreement to proceed with tree cutting, or the person will be in violation of this chapter.

[The balance of §1-21-51 remains unchanged]

AND BE IT FURTHER ENACTED AND ORDAINED that the following transitional provisions shall apply:

(1) The amendments and revisions to the FRO enacted by this Ordinance shall apply to:

(a) Any Forest Stand Delineation, Preliminary Forest Conservation Plan, Final Forest Conservation Plan, or any combination thereof, and any exemption application, received by the Department for approval, reapproval, or extension on or after the effective date of this Ordinance.

(b) Any revised Forest Stand Delineation, Preliminary Forest Conservation Plan, Final Forest Conservation Plan, or any combination thereof, and any exemption application, received by the Department for approval, reapproval, or extension on or after the effective date of this Ordinance, provided that the required mitigation has not been provided.

(2) The provisions of the FRO as they existed before the adoption of this Ordinance shall apply to:

(a) Any Forest Stand Delineation, Preliminary Forest Conservation Plan, Final Forest Conservation Plan, or any combination thereof, and any exemption application, received by the Department for approval, reapproval, or extension before the effective date of this Ordinance.

(b) Any revised Forest Stand Delineation, Preliminary Forest Conservation Plan, Final Forest Conservation Plan, or any combination thereof, and any exemption application, received

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by the Department for approval, reapproval, or extension before the effective date of this Ordinance.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall be effective on August 1, 2011.

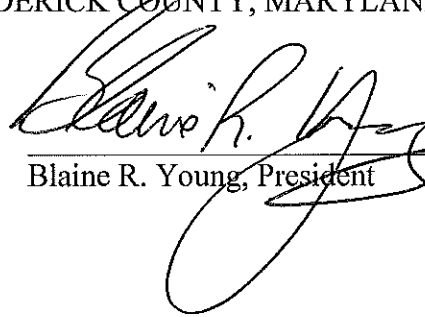
The undersigned hereby certify that this Ordinance was approved and adopted on the 28th day of July, 2011.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
FREDERICK COUNTY, MARYLAND


David Dunn, Acting County Manager

BY:


Blaine R. Young, President (SEAL)

KAM
7/28/11

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