

## ANNAPOLIS FOREST CONSERVATION ACT (FCA) SIDE-BY-SIDE

5/3/16

Notes:

1. This is a summary of significant changes between different drafts of the City of Annapolis Forest Conservation Act. Not all changes are highlighted. See original documents for the definitive language.
2. This document uses the First Reader (“As Introduced”) drafts of O-27-15 and O-22-16.
3. The Planning Commission recommended language for a re-write of O-32-14 as an amendment to the bill. This document uses the final version (v2.4) of that re-write as prepared by Alderman Littmann and Mr. Waldman.
4. For the most part changes from “County” to “City” and numbering of Articles, Sections, Chapters, and Paragraphs are ignored in this summary.
5. **Blue** is used to highlight additions, **red** to highlight deletions and typos
6. **Bold** is used to highlight Section headings and some differences between O-27-15, v2.4, and O-22-16
7. ALL CAPS have no meaning – that’s how text was copied over from the source documents

FCA Model Act (COMAR 8.19.03)	Annapolis 2013 FCA Working Group (from Summary)	O-27-15	O-32-14 Planning Commission Proposed Amendment v2.4	O-22-16
		<b>Chapter 17.09 – TREES IN DEVELOPMENT AREAS</b>	<b>Chapter 17.09 – TREES IN DEVELOPMENT AREAS</b>	Same as O-27-15
		Section 17.09.025 – Applicability.	Section 17.09.025 – Applicability.	Same as O-27-15
		A. The requirements of this chapter shall apply for any application for a building and grading permit, or any application for a development project requiring site design plan review in accordance with the requirements of Chapter 21.22.	A. The requirements of this chapter shall apply for any application for a building and grading permit, or any application for a development project requiring site design plan review in accordance with the requirements of Chapter 21.22.  Except as provided in Annotated Code of Maryland, Natural Resources Article, Section 5-1602(b) (or its successors), CHAPTER 21.71 OF THE CITY CODE SHALL APPLY TO <b>ALL</b> SUBDIVISION PLANS, APPLICATIONS FOR A GRADING PERMIT, AND ALL APPLICATIONS FOR ANY DEVELOPMENT PROJECT REQUIRING SITE DESIGN REVIEW, ON AREAS 40,000 SQUARE FEET OF GREATER. Where any provision of the Forest Conservation Act and a provision of the City Code both apply, the more restrictive requirements may be employed.	Same as O-27-15

		<p>B. The Maryland Forest Conservation Act, Annotated Code of Maryland, Natural Resources Article, Title 5, Subtitle 16 (or its successors) shall apply to any public or private subdivision plan, or application for a grading permit, or any application for a development project requiring site design review, on areas forty thousand square feet or greater, Except as provided in Annotated Code of Maryland, Natural Resources Article, Section 5-1602(b) (or its successors), CHAPTER 21.71 OF THE CITY CODE shall apply to any public or private subdivision plan, or application for a grading permit, or any application for a development project requiring site design review, on areas 40,000 square feet of greater. Where any provision of the Forest Conservation Act and a provision of the City Code both apply, the more restrictive requirements may be employed.</p>	<p>Omitted</p>	<p>B. The Maryland Forest Conservation Act, Annotated Code of Maryland, Natural Resources Article, Title 5, Subtitle 16 (or its successors) shall apply to any public or private subdivision plan, or application for a grading permit, or any application for a development project requiring site design review, on areas forty thousand square feet or greater, Except as provided in Annotated Code of Maryland, Natural Resources Article, Section 5-1602(b) (or its successors), CHAPTER 21.71 OF THE CITY CODE shall apply to any public or private subdivision plan, or application for a grading permit, or any application for a development project requiring site design review, <b>OR ANY APPLICATION FOR A SPECIAL EXCEPTION</b>, on areas 40,000 square feet of greater. Where any provision of the Forest Conservation Act and a provision of the City Code both apply, the more restrictive requirements may be employed.</p>
				<p><b>Section 21.24.090</b> - Planned development review criteria and findings.</p>
				<p>In deciding planned development applications the Planning Commission shall make written findings based on the following:</p>
				<p>A. The planned development is compatible with the character of the surrounding neighborhood and consistent with the Comprehensive Plan and the purposes of planned developments.</p>
				<p>B. The proposed locations of buildings, structures, open spaces, landscape elements, and</p>

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				pedestrian and vehicular circulation systems are adequate, safe, and efficient and designed to minimize any adverse impact upon the surrounding area.
				C. The planned development will promote high quality design and will not result in greater adverse impacts to the surrounding area compared to the development that may otherwise be permitted pursuant to the Zoning Code if a planned development were not approved.
				D. The planned development complies with the planned development use standards and bulk and density standards.
				E. The planned development complies with the Site Design Plan Review criteria provided in Section 21.22.080.
				F. The planned development plan includes adequate provision of public facilities and the proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and adequately interconnect with existing public facilities.
			<p><b>SECTION 21.24 – PLANNED DEVELOPMENTS</b></p> <p>...ADD TO 21.24, PLANNED DEVELOPMENT REVIEW CRITERIA AND FINDINGS, SUBSECTION F.:</p> <p>“THE PLANNED DEVELOPMENT COMPLIES WITH CHAPTER 21.71 OF THE ANNAPOLIS CITY CODE.”</p>	<p><b>G. THE PLANNED DEVELOPMENT COMPLIES WITH CHAPTER 21.71 OF THE ANNAPOLIS CITY CODE.</b></p>
			<p><b>SECTION 21.24 – MODIFICATION OF APPROVED PLANS</b></p>	<p>Omitted</p>

			<p><b>SECTION 21.24.130 – APPEALS</b></p> <p>ANY PERSON AGGRIEVED BY A DECISION OF THE PLANNING COMMISSION OR THE ZONING BOARD OF APPEALS MAY APPEAL THAT DECISION TO THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY IN ACCORDANCE WITH THE LAWS OF THE STATE OF MARYLAND.</p>	Omitted
<p><b>Article I – Purpose</b></p> <p>1.1 Purpose.</p> <p>The County Council has determined that to meet the requirements of Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland, the provisions of this Ordinance must be enacted.</p>	Same as Model Act	<p><b>SECTION 21.71.010 – PURPOSE AND GENERAL PROVISIONS</b></p> <p>THE CITY COUNCIL HAS DETERMINED THAT TO MEET THE REQUIREMENTS OF NATURAL RESOURCES ARTICLE, §§5-1601---5-1612, ANNOTATED CODE OF MARYLAND, THE PROVISIONS OF THIS ORDINANCE MUST BE ENACTED TO PROTECT FORESTS AND ENVIRONMENTALLY SENSITIVE AREAS IN THE CITY.</p>	Same as O-27-15	Same as O-27-15
<p><b>Article II – Forest and Tree Conservation Definitions</b></p> <p>In this Ordinance the following terms have the meanings indicated.</p>	All references to “county” in the model ordinance have been changed to City of Annapolis in the COA FCA. All references to “Department” are meant to refer to the Dept. of Neighborhood and Environmental Programs.	<p><b>SECTION 21.71.020 – FOREST AND TREE CONSERVATION DEFINITIONS.</b></p> <p>FOR THE PURPOSES OF THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:</p>	Same as O-27-15	Same as O-27-15
<p>2.1 "Afforestation" means:</p> <p>A. Establishment of a forest on an area from which forest cover has been absent for a long period of time; or</p> <p>B. Planting of open areas which are not presently in forest cover.</p>	Same as Model Act	Same as Model Act	<p>A. “AFFORESTATION” MEANS:</p> <p>1. ESTABLISHMENT OF a forest TREE COVER ON AN AREA FROM WHICH FOREST COVER HAS BEEN ABSENT FOR A LONG PERIOD OF TIME; OR</p> <p>2. PLANTING ON OPEN AREAS which are not presently in WHERE NO FOREST COVER EXISTS</p>	<p>A. “AFFORESTATION” MEANS:</p> <p>1. ESTABLISHMENT OF a forest TREE COVER ON AN AREA FROM WHICH FOREST COVER HAS BEEN ABSENT FOR A LONG PERIOD OF TIME; OR</p> <p>2. PLANTING ON OPEN AREAS which are not presently in ON WHICH THERE IS NO EXISTING FOREST COVER</p>

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2.2 "Agricultural activity" means farming activities including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise.	Sec. 2.2 "Agricultural Activity", removed from COA FCA. No large scale agricultural activity in Annapolis.	Omitted	Omitted	Omitted
2.3 "Agricultural and resource areas" means undeveloped areas zoned for densities of less than or equal to one dwelling unit per 5 acres and corresponds to (Name of County) County Zoning Classification(s) _____.	Same as Model Act	Omitted	Omitted	"Agricultural and resource areas" means undeveloped areas zoned for densities of less than or equal to one dwelling unit per 5 acres <del>and corresponds to (Name of County) County Zoning Classification(s)</del> _____.
2.4 "Applicant" means a person who is applying for subdivision or project plan approval or a grading or sediment control permit, or who has received approval of a forest stand delineation or forest conservation plan.	Same as Model Act	B. "APPLICANT" MEANS A PERSON WHO HAS SUBMITTED AN APPLICATION FOR APPROVAL OF A PLANNED DEVELOPMENT, SPECIAL EXCEPTION, SUBDIVISION, SITE DESIGN PLAN, OR PROJECT PLAN, OR A GRADING OR SEDIMENT CONTROL PERMIT, OR WHO HAS SUBMITTED A FOREST STAND DELINEATION FOR REVIEW, A PRELIMINARY FOREST CONSERVATION PLAN FOR REVIEW, OR A FINAL FOREST CONSERVATION PLAN FOR APPROVAL FOR A TRACT OF LAND THAT, IN ITS EXISTING OR REDEVELOPED STATE, IS 40,000 SQUARE FEET OR GREATER Person who has received approval of FSD or FCA omitted.	Same as O-27-15	B. "APPLICANT" MEANS A PERSON WHO HAS <b>LAWFULLY</b> SUBMITTED AN APPLICATION FOR APPROVAL OF A PLANNED DEVELOPMENT, SPECIAL EXCEPTION, SUBDIVISION, SITE DESIGN PLAN, OR PROJECT PLAN, OR A GRADING OR SEDIMENT CONTROL PERMIT, OR WHO HAS SUBMITTED A FOREST STAND DELINEATION FOR REVIEW, A PRELIMINARY FOREST CONSERVATION PLAN FOR REVIEW, OR A FINAL FOREST CONSERVATION PLAN FOR APPROVAL FOR A TRACT OF LAND THAT, IN ITS EXISTING OR REDEVELOPED STATE, IS 40,000 SQUARE FEET OR GREATER , OR WHO HAS RECEIVED APPROVAL OF A FOREST STAND DELINEATION OR FOREST CONSERVATION PLAN.

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<p>2.5 "Approved forest management plan" means a document:</p> <p>A. Approved by the Department of Natural Resources forester assigned to the county in which the property is located; and</p> <p>B. Which operates as a protective agreement for forest conservation as described in the Natural Resources Article, §§5-1607(e)–(f), Annotated Code of Maryland.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
			<p>"BREAK-EVEN POINT" MEANS THE AMOUNT OF FOREST THAT, ACCORDING TO THIS CHAPTER, MUST BE RETAINED SO THAT NO MITIGATION IS REQUIRED.</p>	<p>Omitted</p>
<p>2.6 "Caliper" means the diameter measured at 2 inches above the root collar.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>2.7 "Champion tree" means the largest tree of its species within the United States, the State, county, or municipality;</p>	<p>Same as Model Act</p>	<p>E. "CHAMPION TREE" MEANS THE LARGEST TREE OF ITS SPECIES WITHIN THE UNITED STATES, THE STATE, COUNTY, OR THE CITY, AS APPLICABLE</p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>
		<p>F. "COMAR" MEANS THE MARYLAND CODE OF REGULATIONS.</p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>
<p>2.9 "Commercial and industrial uses" means manufacturing operations, office complexes, shopping centers, and other similar uses and their associated storage areas, yarding and parking areas, and corresponds to (Name of County) County Zoning Classification(s) _____ .</p>	<p>Same as Model Act</p>	<p>G. "COMMERCIAL AND INDUSTRIAL USES" MEANS MANUFACTURING OPERATIONS, OFFICE COMPLEXES, SHOPPING CENTERS, AND OTHER SIMILAR USES AND THEIR ASSOCIATED STORAGE AREAS, YARDING AND PARKING AREAS, MORE SPECIFICALLY DESCRIBED AND DELINEATED IN CITY CODE SECTION 21.48.020, TABLES OF USES</p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>

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<p>2.10 "Commercial logging or timber harvesting operations" means the cutting and removing of tree stems from a site for commercial purposes, leaving the root mass intact.</p>	<p>Sec. 2.10 "Commercial logging or timber harvesting operations", removed from COA FCA. Use does not exist in Annapolis.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
			<p>"CONTIGUOUS FOREST" MEANS A FOREST THAT CONNECTS THE LARGEST UNDEVELOPED OR MOST VEGETATED TRACTS OF LAND WITHIN, AND ADJACENT TO, A SITE.</p>	<p>"CONTIGUOUS FOREST" MEANS A FOREST OF 20 ACRES OR MORE THAT CONNECTS THE LARGEST UNDEVELOPED OR MOST VEGETATED TRACTS OF LAND WITHIN, AND ADJACENT TO, A SITE.</p>
<p>2.11 "Critical habitat area" means a critical habitat for an endangered species and its surrounding protection area. A critical habitat area shall:</p> <p>A. Be likely to contribute to the long-term survival of the species;</p> <p>B. Be likely to be occupied by the species for the foreseeable future; and</p> <p>C. Constitute habitat of the species which is considered critical under Natural Resources Article, §§4-2A-04 and 10-2A-06, Annotated Code of Maryland.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>2.12 "Critical habitat for endangered species" means a habitat occupied by an endangered species as determined or listed under Natural Resources Article, §§4-2A-04 and 10-2A-04, Annotated Code of Maryland.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
			<p>"DBH" MEANS DIAMETER AT BREAST HEIGHT, TREE DIAMETER MEASURED AT 4.5 FEET ABOVE THE GROUND.</p>	<p>Same as V2.4</p>

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<p>2.13 "Declaration of intent" means:</p> <p>A. A signed and notarized statement by a landowner or the landowner's agent certifying that the activity on the landowner's property:</p> <p>(1) Is for certain activities exempted under this Ordinance or Natural Resources Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland,</p> <p>(2) Does not circumvent the requirements of this Ordinance or Natural Resources Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland, and</p> <p>(3) Does not conflict with the purposes of any other declaration of intent; or</p> <p>B. The document required under COMAR 08.19.01.05 or this Ordinance.</p>	<p>Same as Model Act</p>	<p>"DECLARATION OF INTENT" MEANS:</p> <p>A. A SIGNED AND NOTARIZED STATEMENT OF A LANDOWNER OR A LANDOWNER'S AGENT'S CERTIFYING THAT THE ACTIVITY ON THE LANDOWNER'S PROPERTY:</p> <p>1. IS FOR CERTAIN ACTIVITIES EXEMPTED PURSUANT TO THIS CHAPTER OR THE NATURAL RESOURCES ARTICLE, §§5-103 AND 5-10 1601---5-1612;</p> <p>2. DOES NOT CIRCUMVENT THE REQUIREMENTS OF THIS CHAPTER OR THE NATURAL RESOURCES ARTICLE, §§5-103 AND 5-1601—5-1612; AND</p> <p>3. DOES NOT CONFLICT WITH THE PURPOSES OF ANY OTHER DECLARATION OF INTENT.</p> <p>B. THE DOCUMENT REQUIRED UNDER COMAR 08.19.01.05 OR THIS CHAPTER.</p>	<p>DECLARATION OF INTENT" MEANS:</p> <p>1. A SIGNED AND NOTARIZED STATEMENT BY A LANDOWNER OR THE LANDOWNER'S AGENT CERTIFYING THAT THE ACTIVITY ON THE LANDOWNER'S PROPERTY:</p> <p>i. IS FOR CERTAIN ACTIVITIES EXEMPTED UNDER THE ANNAPOLIS CITY CODE OR NATURAL RESOURCES ARTICLE, §§5-103 AND 5-1601---5-1612, ANNOTATED CODE OF MARYLAND,</p> <p>ii. DOES NOT CIRCUMVENT THE REQUIREMENTS OF THE ANNAPOLIS CITY CODE OR NATURAL RESOURCES ARTICLE, §§5-103 AND 5-1601—5-1612, ANNOTATED CODE OF MARYLAND, AND</p> <p>iii. DOES NOT CONFLICT WITH THE PURPOSES OF ANY OTHER DECLARATION OF INTENT; OR</p> <p>2. THE DOCUMENT REQUIRED UNDER COMAR 08.19.01.05 OR THIS CHAPTER.</p>	<p>Same as V2.4</p>
<p>2.14 "Department" means the Department charged with implementing the local forest conservation program</p>	<p>Sec. 2.14 "Department" means Dept. of Neighborhood and Environmental Programs in COA FCA.</p>	<p>L. "DEPARTMENT" MEANS THE CITY DEPARTMENT OF PLANNING AND ZONING.</p>	<p>"DEPARTMENT" MEANS THE CITY DEPARTMENT OF PLANNING AND ZONING</p>	<p>"DEPARTMENT" MEANS THE CITY DEPARTMENT OF NEIGHBORHOODS AND ENVIRONMENTAL PROGRAMS.</p>
			<p>"DEVELOPMENT PLAN" MEANS A DRAWING OR DRAWINGS WHICH DELINEATE A PLANNED DEVELOPMENT, SPECIAL EXCEPTION, SUBDIVISION, SITE DESIGN PLAN, OR PROJECT PLAN, OR A GRADING OR SEDIMENT CONTROL PERMIT, OR A FOREST STAND DELINEATION FOR REVIEW, A PRELIMINARY FOREST CONSERVATION PLAN FOR REVIEW,</p>	<p>"DEVELOPMENT PLAN" MEANS A DRAWING OR DRAWINGS WHICH DELINEATE A PLANNED DEVELOPMENT, SPECIAL EXCEPTION, SUBDIVISION, SITE DESIGN PLAN, OR PROJECT PLAN, OR A GRADING OR SEDIMENT CONTROL PERMIT, <del>OR A FOREST STAND DELINEATION FOR REVIEW, A PRELIMINARY FOREST CONSERVATION PLAN FOR REVIEW,</del></p>



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<p>2.15 Development Project.</p> <p>A. "Development project" means the grading or construction activities occurring on a specific tract that is 40,000 square feet or greater.</p> <p>B. "Development project" includes redevelopment.</p>	Same as Model Act	Same as Model Act	<p>OR A FINAL FOREST CONSERVATION PLAN FOR APPROVAL FOR A TRACT OF LAND THAT, IN ITS EXISTING OR REDEVELOPED STATE, IS 40,000 SQUARE FEET OR GREATER.</p>	<p><del>OR A FINAL FOREST CONSERVATION PLAN FOR APPROVAL</del> FOR A TRACT OF LAND THAT, IN ITS EXISTING OR REDEVELOPED STATE, IS 40,000 SQUARE FEET OR GREATER.</p>
<p>2.16 "Development project completion" means for the purposes of afforestation, reforestation, or payment into a fund:</p> <p>A. The release of the development bond, if required;</p> <p>B. Acceptance of the project's streets, utilities, and public services by the Department; or</p> <p>C. Designation by the Department or State that a:</p> <p>(1) Development project has been completed, or</p> <p>(2) Particular stage of a staged development project, including a planned unit development, has been completed.</p>	Same as Model Act	Same as Model Act	<p>"Development project completion" means for the purposes of afforestation, reforestation, <del>or payment into a fund:</del></p> <p>A. The release of the development bond, if required;</p> <p>B. Acceptance of the project's streets, utilities, and public services by the Department; or</p> <p>C. Designation <b>IN WRITING</b> by the Department or State that a:</p> <p>(1) Development project has been completed, or</p> <p>(2) Particular stage of a staged development project, including a planned unit development, has been completed.</p>	Same as V2.4
			<p>"DNEP" MEANS THE CITY OF ANNAPOLIS DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS.</p>	Omitted

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			“ENVIRONMENT ARTICLE” MEANS THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED FROM TIME TO TIME.	Same as V2.4
			EPHEMERAL STREAM” MEANS A STREAM THAT FLOWS ONLY IN DIRECT RESPONSE TO PRECIPITATION IN THE IMMEDIATE WATERSHED OR IN RESPONSE TO THE MELTING OF A COVER OF SNOW OR ICE, AND WHICH HAS A CHANNEL BOTTOM THAT IS ALWAYS ABOVE THE LOCAL WATER TABLE.	Same as V2.4
<p>2.17 Forest.</p> <p>A. "Forest" means a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater.</p> <p>B. "Forest" includes:</p> <p>(1) Areas that have at least 100 live trees per acre with at least 50 percent of those trees having a 2-inch or greater diameter at 4.5 feet above the ground and larger; and</p> <p>(2) Areas that have been cut but not cleared.</p> <p>C. "Forest" does not include orchards.</p>	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
2.18 "Forest Conservancy District Board" means the forestry board created for each State forest conservancy district under Natural Resources Article, §§5-601—5-610, Annotated Code of Maryland.	Sec. 2.18 “Forest Conservancy District Board”, removed from COA FCA. This board provides oversight for forestry operations, non-existent in Annapolis.	Omitted	Omitted	Omitted

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<p>2.19 "Forest conservation" means the retention of existing forest or the creation of new forest at the levels set by the State or Department.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>FOREST CONSERVATION" MEANS THE RETENTION OF EXISTING FOREST OR THE CREATION OF NEW FOREST AT THE LEVELS SET BY THE STATE OR THE DEPARTMENT, <b>WHICHEVER IS GREATER</b></p>	<p>"Forest conservation" means the retention of existing forest or the creation of new forest at the levels set by the <del>State or</del> Department.</p>
<p>2.20 "Forest Conservation and Management Agreement" means an agreement as stated in Tax-Property Article, §8-211, Annotated Code of Maryland.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>2.21 "Forest Conservation Technical Manual" means the (Name of county) County technical manual incorporated by reference, used to establish standards of performance required in preparing forest stand delineations and forest conservation plans.</p>	<p><a href="#">Sec. 2.21 "Forest Conservation Technical Manual" changed to refer to the "City of Annapolis Forest Conservation Technical Manual"</a></p>	<p>S. "FOREST CONSERVATION TECHNICAL MANUAL" MEANS <b>THE CITY OF ANNAPOLIS FOREST CONSERVATION</b> TECHNICAL MANUAL, USED TO ESTABLISH STANDARDS OF PERFORMANCE REQUIRED IN PREPARING FOREST STAND DELINEATIONS AND FOREST CONSERVATION PLANS. <del>Incorporation by reference omitted</del></p>	<p>"FOREST CONSERVATION TECHNICAL MANUAL" MEANS <b>THE FOREST CONSERVATION</b> TECHNICAL MANUAL, USED TO ESTABLISH STANDARDS OF PERFORMANCE REQUIRED IN PREPARING FOREST STAND DELINEATIONS AND FOREST CONSERVATION PLANS. <del>Incorporation by reference omitted</del></p>	<p>"FOREST CONSERVATION TECHNICAL MANUAL" MEANS THE <b>CITY</b> TECHNICAL MANUAL, INCORPORATED BY REFERENCE <b>HEREIN</b>, USED TO ESTABLISH STANDARDS OF PERFORMANCE REQUIRED IN PREPARING FOREST STAND DELINEATIONS AND FOREST CONSERVATION PLANS.</p>
<p>2.22 "Forest conservation plan" means a plan approved pursuant to Natural Resources Article, §§5-1606 and 5-1607, Annotated Code of Maryland.</p>	<p>Same as Model Act</p>	<p>T. "FOREST CONSERVATION PLAN" MEANS A PLAN APPROVED PURSUANT TO NATURAL RESOURCES ARTICLE, §§5-1606 AND 5-1607, ANNOTATED CODE OF MARYLAND <b>AND THIS CHAPTER</b></p>	<p>Same as O-27-15</p>	<p>"FOREST CONSERVATION PLAN" MEANS A PLAN APPROVED PURSUANT TO <del>NATURAL RESOURCES ARTICLE, §§5-1606 AND 5-1607, ANNOTATED CODE OF MARYLAND AND SECTIONS 21.71.070, 21.71.080, 21.71.090 AND 21.71.100 OF THIS CHAPTER</del></p>
<p>2.23 "Forest cover" means the area of a site meeting the definition of forest.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>2.24 "Forest management plan" means a plan establishing best conservation and management practices for a landowner in assessment of the resource values of forested property.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>2.24-1 "Forest mitigation bank" means an area of land which has been intentionally afforested or reforested for the express purpose of providing credits for reforestation requirements.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>

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2.24-2 "Forest mitigation bank agreement" means an agreement entered into by an individual owning a forest mitigation bank and the Department or local government which commits the banker to certain procedures and requirements when creating and operating the forest mitigation bank.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
2.24-3 "Forest mitigation bank plan" means a plan submitted for approval of a forest mitigation bank to the Department, or a local government with an approved local program, by an individual proposing to establish a forest mitigation bank.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
2.25 "Forest stand delineation" means the methodology for evaluating the existing vegetation on a site proposed for development, as provided in the (Name of County) County Forest Conservation Technical Manual.	Same as Model Act	Z. "FOREST STAND DELINEATION" MEANS THE METHODOLOGY FOR EVALUATING THE EXISTING VEGETATION ON A SITE PROPOSED FOR DEVELOPMENT, AS PROVIDED IN THE FOREST CONSERVATION TECHNICAL MANUAL. Name of jurisdiction omitted.	"FOREST STAND DELINEATION" MEANS THE METHODOLOGY FOR EVALUATING THE EXISTING VEGETATION AND OTHER NATURAL RESOURCES ON A SITE PROPOSED FOR DEVELOPMENT, AS PROVIDED IN THE FOREST CONSERVATION TECHNICAL MANUAL AND INCLUDING BUT NOT LIMITED TO HYDRIC SOILS, SOILS WITH K FACTORS OF .35 OR GREATER, SLOPES OF 15% OR GREATER ON A SITE PROPOSED FOR DEVELOPMENT .Name of jurisdiction omitted	Same as O-27-15
2.26 "Growing season" means the period of consecutive frost-free days as stated in the current soil survey for this county published by the National Cooperative Soil Survey Program, 16 U.S.C. §590 (a)—(f).	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
		BB. "HEALTHY FORESTS" MEANS A BIOLOGICAL COMMUNITY WHERE TREES AND OTHER WOODY PLANTS DOMINATE AND COVER A LAND AREA OF 10,000 SQUARE FEET OR GREATER, WITH AT LEAST 70%	"HEALTHY FORESTS" MEANS A BIOLOGICAL COMMUNITY WHERE TREES AND OTHER WOODY PLANTS DOMINATE AND COVER A LAND AREA OF 10,000 SQUARE FEET OR GREATER, WITH AT LEAST 70%	Same as V2.4

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		CANOPY CLOSURE, ADEQUATE TREE STOCKING, NOTICEABLE TREE RECRUITMENT (INCLUDING MID-TO-LATE SUCCESSIONAL SPECIES), LESS THAN 35% AREA COVERAGE OF INVASIVE SPECIES, AND RELATIVELY FREE OF INSECT, DISEASE, STORM, AND OTHER DAMAGE (LESS THAN 45% CANOPY MORTALITY), AS THE DEPARTMENT SHALL SO DETERMINE.	CANOPY CLOSURE, ADEQUATE TREE STOCKING, NOTICEABLE <b>NATURAL REGENERATION</b> (INCLUDING MID-TO-LATE SUCCESSIONAL SPECIES), LESS THAN 35% AREA COVERAGE OF INVASIVE SPECIES, AND RELATIVELY FREE OF INSECT, DISEASE, STORM, AND OTHER DAMAGE (LESS THAN 45% CANOPY MORTALITY), AS THE DEPARTMENT SHALL SO DETERMINE.	
2.27 "High density residential areas" means areas zoned for densities greater than 1 dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service, and corresponds to the (Name of County) County Zoning Classification(s) of _____ .	Same as Model Act	HIGH DENSITY RESIDENTIAL AREAS" MEANS AREAS ZONED FOR DENSITIES GREATER THAN ONE DWELLING UNIT PER ACRE, INCLUDING BOTH EXISTING AND PLANNED DEVELOPMENT AND THEIR ASSOCIATED INFRASTRUCTURE, SUCH AS ROADS, UTILITIES, AND WATER AND SEWER SERVICE  Reference to zoning classification omitted.	HIGH DENSITY RESIDENTIAL AREAS" MEANS AREAS ZONED FOR DENSITIES GREATER THAN ONE DWELLING UNIT PER ACRE, INCLUDING BOTH EXISTING AND PLANNED DEVELOPMENT AND THEIR ASSOCIATED INFRASTRUCTURE, SUCH AS ROADS, UTILITIES, AND WATER AND SEWER SERVICE <b>IDENTIFIED AS ALL RESIDENTIAL ZONES IN THE ANNAPOLIS CITY CODE, Chapter 21.40</b>	Same as V2.4
				"HISTORIC SITE" OR "HISTORIC STRUCTURE" MEANS ANY SITE OR STRUCTURE THAT IS:  a. INDIVIDUALLY LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES (A LISTING MAINTAINED BY THE U.S. DEPARTMENT OF INTERIOR) OR PRELIMINARILY DETERMINED BY THE SECRETARY OF THE INTERIOR AS MEETING THE REQUIREMENTS FOR INDIVIDUAL LISTINGS ON THE NATIONAL REGISTER; b. CERTIFIED OR PRELIMINARILY DETERMINED BY THE SECRETARY OF THE INTERIOR AS CONTRIBUTING TO THE HISTORICAL SIGNIFICANCE OF A REGISTERED HISTORIC DISTRICT OR A DISTRICT PRELIMINARILY DETERMINED BY

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<p>2.28 "Institutional development area" means schools, colleges and universities, military installations, transportation facilities, utility and sewer projects, government offices and facilities, golf courses, recreation areas, parks, and cemeteries and corresponds to the (Name of County) County Zoning Classification(s) of _____ .</p>	<p>Same as Model Act</p>	<p>INSTITUTIONAL DEVELOPMENT AREA" MEANS SCHOOLS, COLLEGES, AND UNIVERSITIES, MILITARY INSTALLATIONS, TRANSPORTATION FACILITIES, UTILITY AND SEWER PROJECTS, GOVERNMENT OFFICES AND FACILITIES, GOLF COURSES, RECREATION AREAS, PARKS, AND CEMETERIES.</p> <p>Reference to zoning classification omitted</p>	<p>Same as Model Act</p>	<p>THE SECRETARY TO QUALIFY AS A REGISTERED HISTORIC DISTRICT; c. INDIVIDUALLY LISTED ON THE MARYLAND REGISTER OF HISTORIC PLACES; OR d. INDIVIDUALLY LISTED ON THE INVENTORY OF HISTORIC PLACES MAINTAINED BY THE CITY OF ANNAPOLIS WHOSE HISTORIC PRESERVATION PROGRAM HAS BEEN CERTIFIED BY THE MARYLAND HISTORIC TRUST OR THE SECRETARY OF THE INTERIOR.</p> <p>"INSTITUTIONAL DEVELOPMENT AREA" MEANS AREAS ZONED TO ALLOW THE INCLUSION OF SCHOOLS, COLLEGES AND UNIVERSITIES, MILITARY INSTALLATIONS, TRANSPORTATION FACILITIES, UTILITY AND SEWER PROJECTS, GOVERNMENT OFFICES AND FACILITIES, GOLF COURSES, RECREATION AREAS, PARKS, AND CEMETERIES AS IS APPLIED IN THE ANNAPOLIS CITY CODE.</p>
<p>2.29 "Intermittent stream" means a stream in which surface water is absent during a part of the year as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey as confirmed by field verification.</p>	<p>Sec. 2.26 "Intermittent Stream", reference added in COA FCA to State of Maryland Code 26.23.01.01</p>	<p>EE. "INTERMITTENT STREAM" MEANS A STREAM IN WHICH SURFACE WATER IS ABSENT DURING A PART OF THE YEAR AS SHOWN ON THE MOST RECENT 7.5 MINUTE TOPOGRAPHIC QUADRANGLE PUBLISHED BY THE UNITED STATES GEOLOGIC SURVEY OR AS DEFINED IN COMAR 26.23.01.01 AND CONFIRMED BY FIELD VERIFICATION</p>	<p>Same as Model Act</p>	<p>Same as O-27-15</p>
<p>2.30 "Landscaping plan" means a plan:</p> <p>A. Drawn to scale, showing dimensions and details for reforesting an area at least 35 feet wide and covering 2,500 square</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>"Landscaping plan" FOR PURPOSES OF THIS SECTION means a plan:</p> <p>A. Drawn to scale, showing dimensions and details for reforesting an area at least 35 feet wide and covering 2,500 square</p>	<p>Same as V2.4</p>

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<p>feet or greater in size;</p> <p>B. Using native or indigenous plants when appropriate; and</p> <p>C. Which is made part of an approved forest conservation plan.</p>			<p>feet or greater in size;</p> <p>B. Using native or indigenous plants when appropriate; and</p> <p>C. Which is made part of an approved forest conservation plan.</p>	
<p>2.30-1 "Linear project" means a project which:</p> <p>A. Is elongated with nearly parallel sides;</p> <p>B. Is used to transport a utility product or public service not otherwise contained in an application for subdivision, such as electricity, gas, water, sewer, communications, trains, and vehicles; and</p> <p>C. May traverse fee simple properties through defined boundaries, or established easement rights.</p>	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<p>2.31 "Local agency" means each unit in the executive, legislative, or judicial branch of a county or municipal government, including an office or department of public works.</p>	<p>2.31 "Local Agency", delete reference to "public works" in COA FCA.</p>	<p>HH. "LOCAL AGENCY" MEANS EACH UNIT IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF A COUNTY OR MUNICIPAL GOVERNMENT, INCLUDING AN OFFICE OR DEPARTMENT <del>of public works.</del></p>	<p>"LOCAL AGENCY" MEANS <del>EACH UNIT IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF A COUNTY OR MUNICIPAL GOVERNMENT, INCLUDING AN OFFICE OR DEPARTMENT OF PUBLIC WORKS</del> THE CITY'S DEPARTMENT OF PLANNING AND ZONING</p>	Same as O-27-15
<p>2.32 "Lot" means a unit of land, the boundaries of which have been established by subdivision of a larger parcel, and which will not be the subject of further subdivision, as defined by Natural Resources Article, §5-1601, Annotated Code of Maryland, and this Ordinance without an approved forest stand delineation and forest conservation plan.</p>	Same as Model Act	<p>II. "LOT" MEANS A UNIT OF LAND, THE BOUNDARIES OF WHICH HAVE BEEN ESTABLISHED BY SUBDIVISION OF A LARGER PARCEL, AND WHICH WILL NOT BE THE SUBJECT OF FURTHER SUBDIVISION, AS DEFINED BY NATURAL RESOURCES ARTICLE, §5-1601, ANNOTATED CODE OF MARYLAND AND THIS CHAPTER, WITHOUT AN APPROVED FOREST</p>	<p>II. "LOT" MEANS A UNIT OF LAND, THE BOUNDARIES OF WHICH HAVE BEEN ESTABLISHED BY SUBDIVISION OF A LARGER PARCEL, AND WHICH WILL NOT BE THE SUBJECT OF FURTHER SUBDIVISION, AS DEFINED BY NATURAL RESOURCES ARTICLE, §5-1601, ANNOTATED CODE OF MARYLAND, AS DEFINED BY THIS CHAPTER, <del>WITHOUT AN</del></p>	<p>"LOT" MEANS A UNIT OF LAND, THE BOUNDARIES OF WHICH HAVE BEEN ESTABLISHED BY SUBDIVISION OF A LARGER PARCEL, AND WHICH WILL NOT BE THE SUBJECT OF FURTHER SUBDIVISION, AS DEFINED BY NATURAL RESOURCES ARTICLE, §5-1601, ANNOTATED CODE OF MARYLAND AND THIS CHAPTER, <del>AND</del> WITHOUT AN APPROVED</p>

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		STAND DELINEATION AND FOREST CONSERVATION PLAN	APPROVED FOREST STAND DELINEATION AND FOREST CONSERVATION PLAN	FOREST STAND DELINEATION AND FOREST CONSERVATION PLAN
2.33 "Maintenance agreement" means the short-term management agreement associated with afforestation or reforestation plans required under Natural Resources Article, §5-1605, Annotated Code of Maryland, and this Ordinance.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
2.34 "Medium density residential areas" means areas zoned for densities greater than 1 dwelling unit per 5 acres and less than or equal to 1 dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service, and corresponds to the (Name of County) County Zoning Classification(s) of ____ .	Same as Model Act	KK. "MEDIUM DENSITY RESIDENTIAL AREAS" MEANS AREAS ZONED FOR DENSITIES GREATER THAN 1 DWELLING UNIT PER 5 ACRES AND LESS THAN OR EQUAL TO 1 DWELLING UNIT PER ACRE, INCLUDING BOTH EXISTING AND PLANNED DEVELOPMENT AND THEIR ASSOCIATED INFRASTRUCTURE, SUCH AS ROADS, UTILITIES, AND WATER AND SEWER SERVICE. Zoning classification omitted.	Same as Model Act	Same as O-27-15
2.35 "Minor development project" means a project:  A. On less than 5 acres of land containing not more than four lots per acre; or  B. Substantively similar as defined by the Department and approved by the State.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
2.36 "Mixed use development" means a single, relatively high density development project, usually commercial in nature, which includes two or more types of uses, and corresponds to the (Name of County) County Zoning Classification(s) of ____ .	Same as Model Act	MM. "MIXED USE DEVELOPMENT" MEANS A SINGLE, HIGH DENSITY DEVELOPMENT PROJECT WHICH INCLUDES TWO OR MORE TYPES OF USES, MORE SPECIFICALLY DESCRIBED AND DELINEATED IN CITY CODE SECTION 21.48.030, TABLES OF USES. "usually commercial in nature" omitted	Same as O-27-15	Same as O-27-15



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<p>2.37 "Natural regeneration" means the natural establishment of trees and other vegetation with at least 400 woody, free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
			<p>"NATURAL RESOURCES INVENTORY" MEANS A COMPILATION OF NATURAL SITE FEATURES INCLUDING BUT NOT LIMITED TO FOREST DELINEATION, GEOLOGICAL DATA, TOPOGRAPHY, SOILS SERIES AND PROPERTIES, WATERSHED DATA INCLUDING FLOODPLAINS, WATER RESOURCES INCLUDING SURFACE WATER, GROUND WATER AND WETLANDS, WILDLIFE HABITATS AND CONNECTIONS, HYDRIC SOILS, SOILS WITH K FACTORS OF .35 OR GREATER, AND SLOPES OF 15% OR GREATER.</p>	<p>Same as V2.4</p>
<p>2.38 "Net tract area" means:</p> <p>A. Except in agriculture and resource areas, the total area of a site, including both forested and nonforested areas, to the nearest 1/10 acre, reduced by that area where forest clearing is restricted by another local ordinance or program;</p> <p>B. In agriculture and resource areas, the part of the total tract for which land use will be changed or will no longer be used for primarily agricultural activities, reduced by that area where forest clearing is restricted by another local ordinance or program; and</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>

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<p>C. For a linear project:</p> <p>(1) The area of a right-of-way width, new access roads, and storage; or</p> <p>(2) The limits of disturbance as shown on an application for sediment and erosion control approval or in a capital improvements program project description.</p>				
<p>2.39 Nontidal Wetlands.</p> <p>A. "Nontidal wetlands" means an area that is:</p> <p>(1) Inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; and</p> <p>(2) Considered a nontidal wetland in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended and interpreted by the U.S. Environmental Protection Agency.</p> <p>B. "Nontidal wetlands" does not include tidal wetlands regulated under Natural Resources Article, Title 9, Annotated Code of Maryland.</p>	Same as Model Act	Same as Model Act	Same as Model Act, except reference to Natural Resources Article is to <b>Title 16</b> not <del>Title 9</del> .	Same as V2.4

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<p>2.40 "Offsite" means outside of the limits of the area encompassed by the tract</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>"OFFSITE" MEANS OUTSIDE OF THE LIMITS OF THE AREA ENCOMPASSED BY THE TRACT OR PARCEL OF RECORD ON WHICH THE ACTIVITY IS PROPOSED.</p>	<p>Same as V2.4</p>
<p>2.41 "Onsite" means within the limits of the area encompassed by the tract, including an area classified as a 100-year floodplain</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>"ON-SITE" MEANS ANY LAND WITHIN THE LIMITS OF THE AREA ENCOMPASSED BY THE TRACT OR PARCEL OF RECORD ON WHICH THE ACTIVITY IS PROPOSED, INCLUDING AN AREA CLASSIFIED AS A 100-YEAR FLOODPLAIN,</p>	<p>Same as V2.4</p>
<p>2.42 "100-year flood" means a flood which has a 1 percent chance of being equalled or exceeded in any given year. Except for Class III waters (natural trout streams), a body of water with a watershed less than 400 acres is excluded</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>2.43 "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.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>2.44 "Perennial stream" means a stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification.</p>	<p><a href="#">2.44 "Perennial Stream", reference added in COA FCA to State of Maryland Code 26.23.01.01.</a></p>	<p>UU. "PERENNIAL STREAM" MEANS A STREAM CONTAINING SURFACE WATER THROUGHOUT AN AVERAGE RAINFALL YEAR, AS SHOWN ON THE MOST RECENT 7.5 MINUTE TOPOGRAPHIC QUADRANGLE PUBLISHED BY THE UNITED STATES GEOLOGIC SURVEY, OR AS DEFINED IN COMAR <a href="#">26.23.01.01</a> AND CONFIRMED BY FIELD VERIFICATION</p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>
<p>2.45 "Person" means the federal government, the State, a county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>

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any partnership, firm, association, public or private corporation, or any of their affiliates, or any other entity.				
2.46 "Planned unit development" means a development comprised of a combination of land uses or varying intensities of the same land use in accordance with an integrated plan that provides flexibility in land use design approved by (Name of County) County with at least 20 percent of the land permanently dedicated to open space and corresponds to (Name of County) County Zoning Classification ____ .	Same as Model Act	WW. "PLANNED UNIT DEVELOPMENT" OR "PLANNED DEVELOPMENT" MEANS A DEVELOPMENT COMPRISED OF A COMBINATION OF LAND USES OR VARYING INTENSITIES OF THE SAME LAND USE IN ACCORDANCE WITH AN NTEGRATED PLAN THAT PROVIDES FLEXIBILITY IN LAND USE DESIGN APPROVED BY THE CITY WITH AT LEAST TWENTY PERCENT OF THE LAND PERMANENTLY DEDICATED TO OPEN SPACE IN RESIDENTIAL PLANNED DEVELOPMENTS AND AT LEAST FIVE PERCENT OF THE LAND PERMANENTLY DEDICATED TO OPEN SPACE IN COMMERCIAL, MIXED USE AND OTHER PLANNED DEVELOPMENTS	DDD. "PLANNED UNIT DEVELOPMENT" OR "PLANNED DEVELOPMENT" FOR PURPOSES OF THIS SECTION MEANS A DEVELOPMENT COMPRISED OF A COMBINATION OF LAND USES OR VARYING INTENSITIES OF THE SAME LAND USE IN ACCORDANCE WITH AN INTEGRATED PLAN THAT PROVIDES FLEXIBILITY IN LAND USE DESIGN APPROVED BY THE CITY WITH AT LEAST TWENTY PERCENT OF THE LAND PERMANENTLY DEDICATED TO OPEN SPACE IN RESIDENTIAL PLANNED DEVELOPMENTS AND AT LEAST FIVE PERCENT OF THE LAND PERMANENTLY DEDICATED TO OPEN SPACE IN COMMERCIAL, MIXED USE AND OTHER PLANNED DEVELOPMENTS IDENTIFIED AS ZONES _____ IN THE ANNAPOLIS CITY CODE, § _____.	Same as O-27-15
			"PLANTING PLAN" MEANS A LABELED DIAGRAM THAT SHOWS THE QUANTITIES, LOCATION, SIZE, SHAPE, COLOR, DETAILS AND SPECIFICATIONS OF SPECIFIC PLANTS TO BE USED IN THE LANDSCAPE.	Same as V2.4
2.47 "Priority funding area" means an area designated as a priority funding area under State Finance and Procurement Article, §5-7b-02, Annotated Code of Maryland.	Same as Model Act	No Definition	No Definition	No Definition
			PRIORITY RETENTION AREA" MEANS: A. SPECIFIC AREAS WITH TREES, SHRUBS AND PLANTS LOCATED IN SENSITIVE AREAS INCLUDING, BUT NOT LIMITED TO, 100-YEAR FLOODPLAINS, INTERMITTENT,	PRIORITY RETENTION AREA" MEANS: A. SPECIFIC AREAS WITH TREES, SHRUBS AND PLANTS LOCATED IN SENSITIVE AREAS INCLUDING, <del>BUT</del> NOT LIMITED TO, 100-YEAR FLOODPLAINS, INTERMITTENT,

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2.48 "Project plan" means a construction, grading, or sediment control activity on an area of 40,000 square feet or greater by a local agency.	Same as Model Act	XX. "PROJECT PLAN" MEANS A CONSTRUCTION, GRADING, OR SEDIMENT CONTROL ACTIVITY ON AN AREA OF 40,000 SQUARE FEET OR GREATER BY A LOCAL AGENCY OR A "SITE DESIGN PLAN" AS SPECIFIED IN CITY CODE SECTION 21.22.020	PERENNIAL AND EPHEMERAL STREAMS AND THEIR BUFFERS, COASTAL BAYS AND THEIR BUFFERS, NON-TIDAL WETLANDS AND THEIR BUFFERS, STEEP SLOPES, HYDRIC SOILS AND CRITICAL HABITATS; B. AREAS CONTAINING TREES, SHRUBS, OR PLANTS IDENTIFIED ON THE LIST OF RARE, THREATENED, AND ENDANGERED SPECIES OF THE U.S. FISH AND WILDLIFE SERVICE OR THE DEPARTMENT; C. TREES THAT ARE PART OF A HISTORIC SITE OR ASSOCIATED WITH A HISTORIC STRUCTURE OR DESIGNATED BY THE DEPARTMENT AS A NATIONAL, STATE, OR CITY CHAMPION TREE; D. TREES HAVING A DBH OF 30 INCHES OR A DBH OF 75% OF THE CURRENT CHAMPION TREE OR ARE DETERMINED TO BE A SIGNIFICANT TREE.	PERENNIAL AND EPHEMERAL STREAMS AND THEIR BUFFERS, COASTAL BAYS AND THEIR BUFFERS, NON-TIDAL WETLANDS AND THEIR BUFFERS, STEEP SLOPES, HYDRIC SOILS AND CRITICAL HABITATS <b>AS FURTHER DEFINED IN THE FOREST CONSERVATION TECHNICAL MANUAL DESCRIBED IN PARAGRAPH X OF THESE DEFINITIONS;</b> B. AREAS CONTAINING TREES, SHRUBS, OR PLANTS IDENTIFIED ON THE LIST OF RARE, THREATENED, AND ENDANGERED SPECIES OF THE U.S. FISH AND WILDLIFE SERVICE OR THE DEPARTMENT; C. TREES THAT ARE PART OF A HISTORIC SITE OR ASSOCIATED WITH A HISTORIC STRUCTURE OR DESIGNATED BY THE DEPARTMENT AS A NATIONAL, STATE, OR CITY CHAMPION TREE; <del>D. TREES HAVING A DBH OF 30 INCHES OR A DBH OF 75% OF THE CURRENT CHAMPION TREE OR ARE DETERMINED TO BE A</del> <b>AREAS CONTAINING ONE OR MORE SIGNIFICANT TREES.</b> <b>E. AREAS OF CONTIGUOUS FOREST; AND</b> <b>F. AREAS OF HEALTHY FOREST.</b>

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<p>2.49 "Public utility" means any:</p> <p>A. Transmission line or electric generating station; or</p> <p>B. Water, sewer, electric, gas, telephone, or television cable service line</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>HHH. "PUBLIC UTILITY" MEANS ANY:</p> <p>1. TRANSMISSION LINE OR ELECTRIC GENERATING STATION; OR</p> <p>2. WATER, SEWER, ELECTRIC, GAS, TELEPHONE, OR TELEVISION CABLE SERVICE LINE <u>AS DEFINED IN _____.</u></p>	<p>HHH. "PUBLIC UTILITY" MEANS ANY:</p> <p><del>A. Transmission line or electric generating station; or</del></p> <p><del>B. Water, sewer, electric, gas, telephone, or television cable service line</del></p> <p>1. FACILITY, FIXTURE OR MEANS OF TRANSMISSION OPERATED IN ASSOCIATION WITH A PUBLIC SERVICE COMPANY AS DEFINED IN Md. PUBLIC UTILITIES Code Ann. § 1-101(X);</p> <p>2. WATER AND SEWER SERVICES AS SPECIFIED IN TITLE 16 OF THE ANNAPOLIS CITY CODE; OR</p> <p>3. CABLE TELEVISION SYSYTEMS AS DEFINED IN Md. LOCAL GOVERNMENT Code Ann. § 1-708 (A)</p>
<p>2.50 Reforestation.</p> <p>A. "Reforestation" or "reforested" means the:</p> <p>(1) Creation of a biological community dominated by trees and other woody plants containing at least 100 live trees per acre with at least 50 percent of those trees having the potential of attaining a 2-inch or greater diameter measured at 4.5 feet above the ground, within 7 years; or</p> <p>(2) Establishment of a forest according to procedures set forth in</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>"REFORESTATION" OR "REFORESTED" MEANS THE:</p> <p>1. CREATION OF A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS CONTAINING AT LEAST 100 LIVE TREES PER ACRE WITH AT LEAST 50 PERCENT OF THOSE TREES HAVING THE POTENTIAL OF ATTAINING A TWO INCH OR GREATER DIAMETER MEASURED AT 4.5 FEET ABOVE THE GROUND, WITHIN SEVEN YEARS; OR</p> <p>2. ESTABLISHMENT OF A FOREST ACCORDING TO PROCEDURES SET FORTH IN THE FOREST</p>	<p>Same as V2.4</p>

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<p>the (Name of county) County Forest Conservation Technical Manual.</p> <p>B. "Reforestation" or "reforested" includes landscaping of areas under an approved landscaping plan establishing a forest at least 35 feet wide and covering 2,500 square feet or more of area.</p> <p>C. "Reforestation" or "reforested" for a linear project involving overhead transmission lines may consist of a biological community dominated by trees and woody shrubs with no minimum height or diameter criteria.</p>			<p>CONSERVATION TECHNICAL MANUAL.</p> <p>3. LANDSCAPING OF AREAS UNDER AN APPROVED LANDSCAPING PLAN <del>establishing a forest at least 35 feet wide and covering 2,500 square feet or more of area.</del></p> <p>4. FOR A LINEAR PROJECT INVOLVING OVERHEAD TRANSMISSION LINES MAY CONSIST OF A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND WOODY SHRUBS WITH NO MINIMUM HEIGHT OR DIAMETER CRITERIA.</p>	
<p>2.51 "Regulated activity" means any of the following activities, when that activity occurs on a unit of land which is 40,000 square feet or greater:</p> <p>A. Subdivision;</p> <p>B. Grading;</p> <p>C. An activity that requires a sediment control permit; or</p> <p>D. Project plan of a local agency.</p>	Same as Model Act	<p>AAA. "REGULATED ACTIVITY" MEANS ANY OF THE FOLLOWING ACTIVITIES, WHEN THAT ACTIVITY OCCURS ON A UNIT OF LAND WHICH IS 40,000 SQUARE FEET OR GREATER:</p> <ol style="list-style-type: none"> <li>1. SUBDIVISION;</li> <li>2. GRADING;</li> <li>3. AN ACTIVITY THAT REQUIRES A SEDIMENT CONTROL PERMIT;</li> <li>4. PROJECT PLAN; OR</li> <li>5. <b>A PLANNED DEVELOPMENT</b></li> </ol> <p><del>"of a local agency" omitted</del></p>	Same as O-27-15	<p>"REGULATED ACTIVITY" MEANS ANY OF THE FOLLOWING ACTIVITIES, WHEN THAT ACTIVITY OCCURS ON A UNIT OF LAND WHICH IS 40,000 SQUARE FEET OR GREATER:</p> <ol style="list-style-type: none"> <li>1. SUBDIVISION;</li> <li>2. GRADING;</li> <li>3. AN ACTIVITY THAT REQUIRES A SEDIMENT CONTROL PERMIT;</li> <li>4. PROJECT PLAN; OR</li> <li>5. <b>A PLANNED DEVELOPMENT OR A SPECIAL EXCEPTION</b></li> </ol> <p><del>"of a local agency" omitted</del></p>
<p>2.52 "Retention" means the deliberate holding and protecting of existing trees, shrubs, or plants on the site according to established standards as provided in the (Name of County) County Forest Conservation Technical Manual.</p>	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act

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<p>2.53 "Sediment control permit" means the authorization of an activity regulated under a sediment control plan as provided in Environment Article, Title 4, Annotated Code of Maryland.</p>	<p>Same as Model Act</p>	<p>CCC. "SEDIMENT CONTROL PLAN" MEANS THE AUTHORIZATION OF AN ACTIVITY REGULATED UNDER A SEDIMENT CONTROL PLAN AS PROVIDED IN.</p> <p>"Environment Article, Title 4, Annotated Code of Maryland" omitted</p>	<p>"SEDIMENT CONTROL PLAN" MEANS THE AUTHORIZATION OF AN ACTIVITY REGULATED UNDER A SEDIMENT CONTROL that shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation PLAN AS PROVIDED IN. CITY CODE SECTION 17.08.060</p> <p>"Environment Article, Title 4, Annotated Code of Maryland" omitted</p>	<p>"SEDIMENT CONTROL PERMIT" MEANS THE AUTHORIZATION OF AN ACTIVITY REGULATED UNDER A SEDIMENT CONTROL PLAN AS PROVIDED IN ENVIRONMENT ARTICLE, TITLE 4, ANNOTATED CODE OF MARYLAND OR A GRADING PERMIT AS PROVIDED IN CHAPTERS 17.08 AND 17.10 OF THE ANNAPOLIS CITY CODE.</p>
<p>2.54 "Seedling" means an unbranched woody plant, less than 24 inches in height and having a diameter of less than 1/2 inch measured at 2 inches above the root collar.</p>	<p>Same as Model Act</p>	<p>DDD. "SEEDLING" MEANS AN UNBRANCHED WOODY PLANT, LESS THAN 24 INCHES IN HEIGHT AND HAVING A DIAMETER OF LESS THAN ½ INCH MEASURED AS 2 INCHES ABOVE THE ROOT COLLAR.</p>	<p>"SEEDLING" MEANS AN UNBRANCHED WOODY PLANT, LESS THAN 24 INCHES IN HEIGHT AND HAVING A DIAMETER OF LESS THAN ½ INCH MEASURED AS 2 INCHES ABOVE THE ROOT COLLAR.</p>	<p>Same as Model Act</p>
<p>2.55 "Selective clearing" means the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures under an approved forest conservation plan.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>See definition of Sediment Control Permit above</p>	<p>See definition of Sediment Control Permit above</p>	<p>See definition of Sediment Control Permit above</p>	<p>"SEDIMENT CONTROL PERMIT" MEANS THE AUTHORIZATION OF AN ACTIVITY REGULATED UNDER A SEDIMENT CONTROL PLAN AS PROVIDED IN ENVIRONMENT ARTICLE, TITLE 4, ANNOTATED CODE OF MARYLAND AND CHAPTERS 17.08 and 17.10 of the City Code.</p> <p>This is a repetition of "Sediment Control Permit" that is out of alphabetical order and very different from the other definition of the term.</p>	<p>See definition of Sediment Control Permit above</p>



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			<p>“SIGNIFICANT TREE” MEANS A CHAMPION TREE OR A TREE OF A DIAMETER OF 24 INCHES OR MORE OR WHICH IS AT LEAST 75% OF THE DIAMETER OF THE STATE CHAMPION TREE OR WHICH IS A TREE WHICH HAS BEEN DETERMINED BY THE DEPARTMENT DIRECTOR TO BE OF NOTABLE QUALITY AND OR HIGH VALUE BECAUSE OF ITS TYPE, SIZE, AGE, HISTORICAL SIGNIFICANCE, CANOPY BENEFITS, OR WHICH OTHERWISE WARRANTS SPECIAL CONSIDERATION FOR PRESERVATION.</p>	<p>“SIGNIFICANT TREE” MEANS:  a. A CHAMPION TREE;  b. OR A TREE WHICH IS AT LEAST 75% OF THE DIAMETER OF THE STATE CHAMPION TREE;  c. OR A TREE <b>WHICH IS OF 24 INCHES DBH OR MORE AND</b> WHICH HAS BEEN DETERMINED BY THE DEPARTMENT DIRECTOR TO BE OF NOTABLE QUALITY AND OR HIGH VALUE BECAUSE OF ITS TYPE, SIZE, AGE, HISTORICAL SIGNIFICANCE, CANOPY BENEFITS, OR WHICH OTHERWISE WARRANTS SPECIAL CONSIDERATION FOR PRESERVATION.</p>
		<p>“STEEP SLOPE” MEANS A SLOPE OF 15% OR GREATER.</p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>
				<p>“STEEP SLOPE BUFFER” MEANS A PROTECTIVE SETBACK FROM THE STEEP SLOPE ITSELF, REQUIRED BY THE ANNE ARUNDEL COUNTY SOIL CONSERVATION DISTRICT, THAT IS PROVIDED TO MAINTAIN THE INTEGRITY OF THE STEEP SLOPE.</p>
<p>2.56 "Stream buffer" means all lands lying within 50 feet, measured from the top of each normal bank of a perennial or intermittent stream.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>“STREAM BUFFER” MEANS ALL LANDS LYING WITHIN <u>100</u> FEET, MEASURED FROM THE TOP OF EACH NORMAL BANK OF A PERENNIAL OR INTERMITTENT STREAM</p>	<p>“STREAM BUFFER” MEANS ALL LANDS LYING <b>UP TO 100 FEET AND NO LESS THAN 50 FEET</b>, MEASURED FROM THE TOP OF EACH NORMAL BANK OF A PERENNIAL OR INTERMITTENT STREAM. <b>THE WIDTH OF THE BUFFER IS TO BE DETERMINED BY THE DIRECTOR TO PREVENT ACTIVITY FROM HAVING A DELETERIOUS EFFECT ON THE STREAM.</b></p>
<p>2.57 "Stream restoration project" means an activity that:</p> <p>A. Is designed to stabilize stream banks or enhance stream function or habitat located within an existing stream, waterway, or</p>	<p>Same as Model Act</p>	<p>III. "STREAM RESTORATION</p> <p>Remainder of definition omitted  Follows "Subdivision"</p>	<p>Omitted</p>	<p>Same as Model Act</p>

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<p>floodplain;</p> <p>B. Avoids and minimizes impacts to forests and provides for replanting on-site an equivalent number of trees to the number removed by the project;</p> <p>C. Maybe performed under a municipal separate storm sewer system permit, a watershed implementation plan growth offset, or another plan administered by the State or local government to achieve or maintain water quality standards; and</p> <p>D. Is not performed to satisfy stormwater management, wetlands mitigation, or any other regulatory requirement associated with proposed development activity.</p>				
<p>2.58 "Subdivision" means any division of a unit of land into 2 or more lots or parcels for the purpose, whether immediate or future, of transfer of ownership, sale, lease, or development.</p>	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
			<p>"TAX PROPERTY ARTICLE" MEANS THE TAX PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED FROM TIME TO TIME.</p>	Same as V2.4
<p>2.59 Timber Harvesting.</p> <p>A. "Timber harvesting" means a tree-cutting operation affecting 1 or more acres of forest or developed woodland within a 1-year interval that disturbs 5,000 square feet or more of forest floor.</p> <p>B. "Timber harvesting" does not include grubbing and clearing of root mass.</p>	<p>2.57 "Timber harvesting", removed from COA FCA.</p>	Omitted	Same as Model Act	Same as Model Act

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2.60 "Tract" means property or unit of land subject to an application for a grading or sediment control permit, subdivision approval, project plan approval, or areas subject to this law.	Same as Model Act	JJJ. "TRACT" MEANS PROPERTY OR UNIT OF LAND SUBJECT TO AN APPLICATION FOR A GRADING OR SEDIMENT CONTROL PERMIT, SUBDIVISION APPROVAL, PROJECT PLAN APPROVAL, <b>OR AN AREA OF LAND THAT IS 40,000 SQUARE FEET OR GREATER.</b>	Same as O-27-15	Same as O-27-15
2.61 "Tract for a planned unit development" means the entire property subject to a planned unit development.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
2.62 "Tree" means a large, branched woody plant having one or several self-supporting stems or trunks that reach a height of at least 20 feet at maturity.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
			"UNWARRANTED HARDSHIP" MEANS THAT, WITHOUT A VARIANCE, AN APPLICANT SHALL BE DENIED REASONABLE AND SIGNIFICANT USE OF THE ENTIRE PARCEL OR LOT FOR WHICH THE VARIANCE IS REQUESTED	"UNWARRANTED HARDSHIP" MEANS THE APPLICANT HAS DEMONSTRATED:  <b>(1) THAT THE LAND IN QUESTION CANNOT YIELD A RETURN IF THE REQUIREMENT FROM WHICH THE SPECIAL VARIANCE IS REQUESTED IS IMPOSED AND WILL DEPRIVE THE APPLICANT OF ALL BENEFICIAL USE OF THE APPLICANT'S PROPERTY;</b> <b>(2) THAT THE PLIGHT OF THE APPLICANT IS DUE TO UNIQUE CIRCUMSTANCES AND NOT THE GENERAL CONDITIONS IN THE NEIGHBORHOOD; OR</b> <b>(3) THAT THE SPECIAL VARIANCE REQUESTED WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD.</b>
2.63 Variance.  A. "Variance" means relief from Natural Resources Article, §§5-1601—5-1612, Annotated Code of	2.58 "Variance", amended in COA FCA to refer to Article 14 of the new ordinance.	MMM. VARIANCE.  1. "VARIANCE" MEANS AN EXEMPTION GRANTED TO A PERSON WITH THE OWNERSHIP INTEREST IN A TRACT FROM ONE OR MORE REQUIREMENTS OF THIS	VARIANCE.  1. "VARIANCE" MEANS AN EXEMPTION FROM ONE OR MORE REQUIREMENTS OF THIS CHAPTER GRANTED TO A PERSON WITH AN OWNERSHIP INTEREST IN A	VARIANCE.  1. "VARIANCE" MEANS AN EXEMPTION GRANTED TO A <del>PERSON WITH THE OWNERSHIP INTEREST IN A TRACT</del> AN APPLICANT FROM ONE OR MORE

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Maryland, or this Ordinance.  B. "Variance" does not mean a zoning variance.		CHAPTER.  2. "VARIANCE" DOES NOT MEAN A ZONING VARIANCE.	TRACT.  2. "VARIANCE" DOES NOT MEAN A ZONING VARIANCE.	REQUIREMENTS OF THIS CHAPTER.  2. "VARIANCE" DOES NOT MEAN A ZONING VARIANCE.
2.64 "Watershed" means all land lying within an area described as a subbasin in water quality regulations adopted by the Department of the Environment under COMAR 26.08.02.08.	Same as Model Act	Same as Model Act	SAME AS MODEL ACT	Same as Model Act
2.65 "Whip" means an unbranched woody plant greater than 24 inches in height and having a diameter of less than 1 inch measured at 2 inches above the root collar.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<b>Article III – Application</b>		<b>SECTION 21.71.030 – APPLICATION</b>	Same as O-27-15	Same as O-27-15
3.1 Except as provided in §3.2 of this article, this Ordinance applies to:	Same as Model Act	A. THIS CHAPTER IS APPLICABLE TO:  Reference to exceptions omitted	Same as O-27-15	Same as O-27-15
A. A person making application for a subdivision, project plan, grading, or sediment control approval on units of land 40,000 square feet or greater after the effective date of this Ordinance;	3.1 A. Reference to effective date of the ordinance is removed from COA FCA.	1. A PERSON MAKING APPLICATIONS FOR A SUBDIVISION, PROJECT PLAN, GRADING, SEDIMENT CONTROL, PLANNED DEVELOPMENT, SPECIAL EXCEPTION OR SITE PLAN APPROVAL ON UNITS OF LAND OF 40,000 SQUARE FEET OR GREATER. after the effective date of this Ordinance;	Same as O-27-15	Same as O-27-15
B. A public utility not exempt under §3.2E and F of this article;	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
C. A unit of county or municipal government, including a public utility or public works project, making application for a subdivision, project plan, grading, or sediment control approval on areas 40,000 square feet or greater.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
3.2 This Ordinance does not apply to:	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act

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<p>A. Highway construction activities under Natural Resources Article, §5-103, Annotated Code of Maryland;</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>B. Areas governed by the Chesapeake Bay Critical Area Protection Law, Natural Resources Article, §§8-1801—8-1817, Annotated Code of Maryland, including those areas into which Critical Area forest protection measures have been extended under Natural Resources Article, §5-1602(c), Annotated Code of Maryland;</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>C. Commercial logging and timber harvesting operations, including harvesting conducted subject to the forest conservation and management program under Tax-Property Article, §8-211, Annotated Code of Maryland, that are completed:</p> <p>(1) Before July 1, 1991; or</p> <p>(2) After July 1, 1991, on property which:</p> <p>(a) Has not been the subject of application for a grading permit for development within 5 years after the logging or harvesting operation, and</p> <p>(b) Is the subject of a declaration of intent as provided for in §3.3 of this article, approved by the Department;</p>	<p>3.2 C. Commercial logging and timber harvesting operations: This section removed from COA FCA</p>	<p>Omitted</p>	<p>Omitted</p>	<p>Same as Model Act</p>

<p>D. Agricultural activities not resulting in a change in land use category, including agricultural support buildings and other related structures built using accepted best management practices, except that a person engaging in an agricultural activity clearing 40,000 square feet or greater of forest within a 1-year period, may not receive an agricultural exemption, unless the person files a declaration of intent as provided for in §3.3 of this article which includes:</p> <p>(1) A statement that the landowner or landowner's agent will practice agriculture on that portion of the property for 5 years from the date of the declaration; and</p> <p>(2) A sketch map of the property which shows the area to be cleared;</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>E. The cutting or clearing of public utility rights-of-way licensed under Public Utility Companies, <del>007</del>-207 and 7-208 or 7-205, Annotated Code of Maryland, or land for electric generating stations licensed under Public Utility Companies, <del>007</del>-207 and 7-208 or 7-205, Annotated Code of Maryland, if:</p> <p>(1) Required certificates of public convenience and necessity have been issued in accordance with Natural Resources Article, §5-1603(f), Annotated Code of Maryland; and</p> <p>(2) Cutting or clearing of the forest is conducted to minimize the loss of forest;</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>

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<p>F. Routine maintenance or emergency repairs of public utility rights-of-way licensed under Public Utility Companies, <del>007</del>-207 and 7-208 or 7-205, Annotated Code of Maryland;</p>	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<p>G. Except for a public utility subject to §3.2F of this article, routine maintenance or emergency repairs of a public utility right-of-way if:</p> <p>(1) The right-of-way existed before the effective date of this Ordinance; or</p> <p>(2) The right-of-way's initial construction was approved under this Ordinance;</p>	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<p>H. A residential construction activity conducted on an existing single lot of any size of record at the time of application, or a linear project not otherwise exempted under this Ordinance, if the activity:</p> <p>(1) Does not result in the cumulative cutting, clearing, or grading of more than 20,000 square feet of forest;</p> <p>(2) 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 Ordinance; and</p> <p>(3) Is the subject of a declaration of intent filed with the Department, as provided for in §3.3 of this article, stating that the lot will not be the subject of a regulated activity within 5 years of the cutting, clearing, or grading of forest;</p>	Same as Model Act	Same as Model Act	<p>Same as Model Act except changes <del>20,000</del> to 10,000 square feet of forest</p> <p>Reference changes to fit the logic of the Ordinance</p>	Same as Model Act

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I. Strip or deep mining of coal regulated under Environment Article, Title 15, Subtitle 5 or 6, Annotated Code of Maryland;	3.2 I, Reference to strip or deep mining of coal deleted from COA FCA.	Omitted	Omitted	Same as Model Act
J. Noncoal surface mining regulated under Environment Article, Title 15, Subtitle 8, Annotated Code of Maryland;	3.2 J, Reference to noncoal surface mining deleted from COA FCA.	Omitted	Omitted	Same as Model Act
K. An activity required for the purpose of constructing a dwelling house intended for the use of the owner, or a child of the owner, if the activity:  (1) Does not result in the cutting, clearing, or grading of more than 20,000 square feet of forest; and  (2) Is the subject of a declaration of intent filed with the Department, as provided for in §3.3 of this article, which states that transfer of ownership may result in a loss of exemption;	Same as Model Act	Same as Model Act	Same as Model Act except changes <del>20,000</del> to 10,000 square feet of forest	Same as Model Act
L. A preliminary plan of subdivision or a grading or sediment control plan approved before July 1, 1991;	Same as Model Act	9. A PRELIMINARY PLAN OF SUBDIVISION OR A GRADING OR SEDIMENT CONTROL PLAN APPROVED BEFORE <del>JULY 1, 1991</del> THE EFFECTIVE DATE OF THIS CHAPTER;	Same as O-27-15	A <del>PRELIMINARY</del> PLAN OF SUBDIVISION OR A GRADING OR SEDIMENT CONTROL PLAN ADMINISTRATIVELY APPROVED BEFORE <del>JULY 1, 1991</del> THE EFFECTIVE DATE OF THIS CHAPTER SO LONG AS THE PROJECT COMPLIES WITH THE PREVIOUSLY APPROVED FOREST CONSERVATION PLAN;



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<p>M. A planned unit development that, by December 31, 1991, has:</p> <p>(1) Met all requirements for planned unit development approval; and</p> <p>(2) Obtained initial development plan approval by the Department;</p>	<p>Same as Model Act</p>	<p>10. A PLANNED UNIT DEVELOPMENT <del>THAT</del>, PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER, HAS:</p> <p>i. MET ALL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT APPROVAL; AND</p> <p>ii. OBTAINED <del>INITIAL</del> DEVELOPMENT PLAN APPROVAL FROM THE DEPARTMENT;</p>	<p>Same as O-27-15</p>	<p>A PLANNED <del>UNIT</del> DEVELOPMENT <del>THAT</del>, PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER, HAS:</p> <p>i. MET ALL REQUIREMENTS FOR PLANNED DEVELOPMENT APPROVAL; AND</p> <p>ii. OBTAINED <del>INITIAL DEVELOPMENT PLAN APPROVAL BY THE DEPARTMENT</del> FINAL PLANNED DEVELOPMENT APPROVAL FROM THE PLANNING COMMISSION IN ACCORDANCE WITH SECTION 21.24.070;</p>
<p>N. A real estate transfer to provide a security, leasehold, or other legal or equitable interest, including a transfer of title, of a portion of a lot or parcel, if:</p> <p>(1) The transfer does not involve a change in land use, or new development or redevelopment, with associated land-disturbing activities; and</p> <p>(2) Both the grantor and grantee file a declaration of intent, as provided for in §3.3 of this article;</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>O. An activity on a previously developed area covered by impervious surface and located in the priority funding area;</p>	<p>Same as Model Act</p>	<p>Omitted</p>	<p>Omitted</p>	<p>Omitted</p>

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P. Maintenance or retrofitting of a stormwater management structure that may include clearing of vegetation or removal and trimming of trees, if the maintenance or retrofitting is within the original limits of disturbance for construction of the existing structure, or within any maintenance easement for access to the structure; or	Same as Model Act	Omitted	Omitted	Same as Model Act
Q. A stream restoration project, as defined in Article II 2.57 of this ordinance, for which the applicant for a grading or sediment control permit has executed a binding maintenance agreement of at least 5 years with the affected property owner or owners.	Same as Model Act	Omitted	Omitted	Same as Model Act
				A SPECIAL EXCEPTION APPLICATION THAT IS ONLY A CHANGE OF USE THAT DOES NOT INVOLVE NEW DEVELOPMENT OR REDEVELOPMENT WITH ASSOCIATED LAND-DISTURBING ACTIVITIES.
3.3 Declaration of Intent.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
A. The purpose of the declaration of intent is to verify that the proposed activity is exempt under Natural Resources Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland, and this Ordinance.	Same as Model Act	1. The purpose of the declaration of intent is to verify that the proposed activity is exempt under Natural Resources Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland, and this CHAPTER.	Same as O-27-15	Same as O-27-15
B. A person seeking an exemption under §3.2C, D, H, K, and N of this article shall file a declaration of intent with the Department.	Same as Model Act	Same as Model Act	A PERSON SEEKING AN EXEMPTION UNDER SUBSECTION (B)(3),(4),(8),(11), AND (14) OF THIS CHAPTER SHALL FILE A DECLARATION OF INTENT WITH THE DEPARTMENT.	Same as V2.4
C. The declaration of intent is effective for 5 years.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act

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<p>D. The existence of a declaration of intent does not preclude another exempted activity on the property subject to a declaration of intent, if the activity:</p> <p>(1) Does not conflict with the purpose of any existing declaration of intent; and</p> <p>(2) Complies with the applicable requirements for an exempted activity.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>E. If a regulated activity on the area covered by the declaration of intent occurs within 5 years of the effective date of the declaration of intent:</p> <p>(1) There shall be an immediate loss of exemption; or</p> <p>(2) There may be a noncompliance action taken by the Department</p>	<p>Same as Model Act</p>	<p>5. If a regulated activity on the area covered by the declaration of intent occurs within 5 years of the effective date of the declaration of intent:</p> <p>(1) There shall be an immediate loss of exemption; or</p> <p>(2) There may be a noncompliance action taken, <b>AS APPROPRIATE</b> by the Department</p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>
<p>F. An applicant may apply for a regulated activity on that area of the property not covered under the declaration of intent if the requirements of this Ordinance are satisfied.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>G. The Department may require a person failing to file a declaration of intent or found in noncompliance with a declaration of intent to:</p> <p>(1) Meet the retention, afforestation, and reforestation requirements established in Articles III—XIII of this Ordinance;</p> <p>(2) Pay a noncompliance fee of 30</p>	<p>Same as Model Act</p>	<p>7. The Department may require a person failing to file a declaration of intent or found in noncompliance with a declaration of intent to:</p> <p>i. Meet the retention, afforestation, and reforestation requirements established in <b>SECTION 7.21.030 THROUGH SECTION 7.21.160 OF THIS CHAPTER.</b>;</p>	<p>Same as O-27-15</p>	<p>7. THE DEPARTMENT MAY REQUIRE A PERSON FAILING TO FILE A DECLARATION OF INTENT OR A PERSON FOUND IN NONCOMPLIANCE WITH A DECLARATION OF INTENT TO:</p> <p>i. MEET THE RETENTION, AFFORESTATION, AND REFORESTATION REQUIREMENTS ESTABLISHED IN <b>SECTION 7.21.030 THROUGH SECTION 7.21.160 OF THIS CHAPTER.</b></p>

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<p>cents per square foot of forest cut or cleared under the declaration of intent;</p> <p>(3) Be subject to other enforcement actions appropriate under Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland, and this Ordinance; or</p> <p>(4) File a declaration of intent with the Department.</p>		<p>ii. Pay a noncompliance fee of 30 cents per square foot of forest cut or cleared under the declaration of intent;</p> <p>iii. Be subject to other enforcement actions appropriate under Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland, and this CHAPTER; or</p> <p>iv. File a declaration of intent with the Department.</p>		<p>ii. PAY A NONCOMPLIANCE FEE OF <del>30-CENTS</del> TEN DOLLARS PER SQUARE FOOT OF FOREST CUT OR CLEARED UNDER THE DECLARATION OF INTENT OR AS SET BY RESOLUTION OF THE CITY COUNCIL, WHICHEVER IS GREATER;</p> <p>iii. BE SUBJECT TO OTHER ENFORCEMENT ACTIONS APPROPRIATE UNDER NATURAL RESOURCES ARTICLE, §§5-1601—5-1612, ANNOTATED CODE OF MARYLAND AND THIS CHAPTER; OR</p> <p>iv. FILE A DECLARATION OF INTENT WITH THE DEPARTMENT.</p>
<p>H. In its determination of appropriate enforcement action, the Department may consider whether failure to file a declaration of intent by a person required to file is a knowing violation of this Ordinance.</p>	<p>Same as Model Act</p>	<p>8. In its determination of appropriate enforcement action, the Department may consider whether failure to file a declaration of intent by a person required to file is a knowing violation of this CHAPTER.</p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>
<p>I. Commercial Logging and Timber Harvesting. The requirements for a declaration of intent may be satisfied by a forest management plan for the entire tract, prepared by a forester licensed in Maryland according to Business Occupations and Professions Article, Title 7, Annotated Code of Maryland, which outlines management practices needed to meet the stated objectives for a minimum of 5 years.</p>	<p>Same as Model Act</p>	<p>Omitted</p>	<p>Omitted</p>	<p>Omitted</p>

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<p>J. Agricultural Activities or Commercial Logging and Timber Harvesting. A declaration of intent may be part of an amended sediment and erosion control plan which ensures that the activity meets the conditions for an exemption as stated in Article III, §3.2C and D of this Ordinance.</p>	<p>3.3 J, Agricultural Activities or Commercial Logging and Timber Harvesting - section removed as it does not apply to the City of Annapolis</p>	<p>Omitted</p>	<p>Omitted</p>	<p>Omitted</p>
	<p>Article IV(A) – Technical Manual Section added to COA FCA to define a City of Annapolis Forest Conservation Technical Manual and its use. In the absence of a COA FC Technical Manual, the State Manual is referenced.</p>	<p><b>SECTION 21.71.040 – TECHNICAL MANUAL</b></p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>
		<p>A. THE DIRECTOR OF THE DEPARTMENT HAS THE AUTHORITY, AFTER CONSULTATION WITH THE DIRECTOR OF DNEP, TO PUBLISH A FOREST CONSERVATION TECHNICAL MANUAL, TO AMEND IT FROM TIME TO TIME, AND TO USE REASONABLE DISCRETION IN APPLYING THE GUIDELINES SET FORTH IN THE MANUAL. UNTIL SUCH TIME THAT THE DIRECTOR PUBLISHES A FOREST CONSERVATION TECHNICAL MANUAL, THE DIRECTOR HAS THE AUTHORITY TO USE REASONABLE DISCRETION IN APPLYING THE GUIDELINES SET FOR IN THE STATE OF MARYLAND FOREST CONSERVATION TECHNICAL MANUAL. ANY CHANGES, MODIFICATIONS, OR REVISIONS TO THE CITY FOREST CONSERVATION TECHNICAL MANUAL SHALL BECOME EFFECTIVE UPON THE REVIEW, APPROVAL, AND RATIFICATION OF SUCH CHANGED BY THE CITY COUNCIL.</p>	<p>A. THE DEPARTMENT SHALL ADOPT WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS ORDINANCE A FOREST CONSERVATION TECHNICAL MANUAL. THE DEPARTMENT MAY AMEND THE FOREST CONSERVATION TECHNICAL MANUAL FROM TIME TO TIME. UNTIL SUCH TIME AS THE DEPARTMENT ADOPTS A FOREST CONSERVATION TECHNICAL MANUAL, THE DEPARTMENT SHALL USE THE STATE OF MARYLAND FOREST CONSERVATION TECHNICAL MANUAL.</p>	<p>A. THE DEPARTMENT SHALL ADOPT WITHIN <b>SIX MONTHS</b> OF THE EFFECTIVE DATE OF THIS ORDINANCE A FOREST CONSERVATION TECHNICAL MANUAL. THE DEPARTMENT MAY AMEND THE FOREST CONSERVATION TECHNICAL MANUAL FROM TIME TO TIME. UNTIL SUCH TIME AS THE DEPARTMENT ADOPTS A FOREST CONSERVATION TECHNICAL MANUAL, THE DEPARTMENT SHALL USE THE STATE OF MARYLAND FOREST CONSERVATION TECHNICAL MANUAL.</p>

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		<p>B. THE DEPARTMENT SHALL PREPARE AND SUBMIT TO THE CITY COUNCIL WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS CHAPTER, A FOREST CONSERVATION TECHNICAL MANUAL, WHICH SHALL PROVIDE SPECIFICATIONS CONSISTENT WITH THIS CHAPTER AND SHALL OTHERWISE INCLUDE, WITHOUT LIMITATION:</p> <p>1. ANY METHODS THE DEPARTMENT APPROVES TO PROTECT RETAINED FORESTS AND TREES DURING CONSTRUCTION;</p> <p>2. A DEFINITION OF “HEALTHY FORESTS” AS A BIOLOGICAL COMMUNITY WHERE TREES AND OTHER WOODY PLANTS DOMINATE AND COVER A LAND AREA OF 10,000 SQUARE FEET OR GREATER, WITH AT LEAST 70% CANOPY CLOSURE, ADEQUATE TREE STOCKING, NOTICEABLE TREE RECRUITMENT (INCLUDING MID-TO- LATE SUCCESSIONAL SPECIES), LESS THAN 35% AREA COVERAGE OF INVASIVE SPECIES, AND RELATIVELY FREE OF INSECT, DISEASE, STORM, AND OTHER DAMAGE (LESS THAN 45% CANOPY MORTALITY), AS THE DEPARTMENT SHALL SO DETERMINE;</p> <p>3. A REQUIREMENT THAT ENVIRONMENTAL FEATURES MAPS OR NATURAL RESOURCES INVENTORY SHALL INCLUDE TOPOGRAPHIC CONTOURS (AT FOOT INTERVALS), STEEP SLOPES, SOIL CLASSIFICATIONS (INCLUDING HYDRIC PROPERTIES), “HEALTHY FORESTS,” AND TREES MEASURING THIRTY INCHES OR</p>	<p>B. THE FOREST CONSERVATION TECHNICAL MANUAL SHALL PROVIDE SPECIFICATIONS CONSISTENT WITH THIS CHAPTER INCLUDING BUT NOT LIMITED TO:</p> <p>1. ANY METHODS THE DEPARTMENT APPROVES TO PROTECT RETAINED FORESTS AND TREES DURING CONSTRUCTION;</p> <p>2. A REQUIREMENT THAT ENVIRONMENTAL FEATURES MAPS OR NATURAL RESOURCES INVENTORY SHALL INCLUDE TOPOGRAPHIC CONTOURS (AT TWO FOOT INTERVALS OR LESS IF REQUIRED BY THE DEPARTMENT), STEEP SLOPES, SOIL CLASSIFICATIONS (INCLUDING HYDRIC PROPERTIES), “HEALTHY FORESTS,” SIGNIFICANT TREES AND TREES MEASURING TWENTY FOUR INCHES OR GREATER DBH, STREAMS (INTERMITTENT, PERENNIAL, EPHEMERAL), STREAM BUFFERS, CRITICAL HABITATS, NATURAL DRAINAGE COURSES, AND WETLANDS AND THEIR BUFFERS.</p>	<p>B. THE FOREST CONSERVATION TECHNICAL MANUAL SHALL PROVIDE SPECIFICATIONS CONSISTENT WITH THIS CHAPTER INCLUDING BUT NOT LIMITED TO:</p> <p>1. ANY METHODS THE DEPARTMENT APPROVES TO PROTECT RETAINED FORESTS AND TREES DURING CONSTRUCTION;</p> <p>2. A REQUIREMENT THAT ENVIRONMENTAL FEATURES MAPS OR NATURAL RESOURCES INVENTORY SHALL INCLUDE TOPOGRAPHIC CONTOURS (AT TWO FOOT INTERVALS OR LESS IF REQUIRED BY THE DEPARTMENT), STEEP SLOPES <b>AND THEIR BUFFERS</b>, SOIL CLASSIFICATIONS (INCLUDING HYDRIC PROPERTIES), “HEALTHY FORESTS,” SIGNIFICANT TREES, <del>AND</del> TREES MEASURING TWENTY FOUR INCHES OR GREATER DBH, STREAMS (INTERMITTENT, PERENNIAL, EPHEMERAL), STREAM BUFFERS, CRITICAL HABITATS, NATURAL DRAINAGE COURSES, AND WETLANDS AND THEIR BUFFERS.</p>

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<p><b>Article IV – General Requirements</b></p> <p>4.1 A person making application after the effective date of _____, for subdivision or local agency project plan approval, a grading permit, or a sediment control permit for an area of land of 40,000 square feet or greater shall:</p>	<p>Addressed by Law Office and Dept. of Planning and Zoning</p>	<p>GREATER DBH, STREAMS (INTERMITTENT, PERENNIAL, EPHEMERAL), STREAM BUFFERS, CRITICAL HABITATS, NATURAL DRAINAGE COURSES, AND WETLANDS AND THEIR BUFFERS.</p> <p>C. GENERAL REQUIREMENTS.</p> <p>1. A PERSON SUBMITTING AN APPLICATION TO THE DEPARTMENT AFTER THE EFFECTIVE DATE OF THIS CHAPTER FOR APPROVAL OF A PLANNED DEVELOPMENT SPECIAL EXCEPTION, SUBDIVISION SITE DESIGN PLAN, OR PROJECT PLAN, OR A GRADING OR SEDIMENT CONTROL PERMIT, OR WHO HAS SUBMITTED A FOREST STAND DELINEATION FOR REVIEW, A PRELIMINARY FOREST CONSERVATION PLAN FOR REVIEW, OR A FINAL FOREST CONSERVATION PLAN FOR APPROVAL FOR A TRACT OF LAND THAT, IN ITS EXISTING OR REDEVELOPED STATE, IS 40,000 SQUARE FEET OR GREATER, SHALL:</p>	<p>C. GENERAL REQUIREMENTS.</p> <p>1. AFTER THE EFFECTIVE DATE OF THIS CHAPTER, A PERSON SUBMITTING AN APPLICATION TO THE DEPARTMENT FOR APPROVAL OF A PLANNED DEVELOPMENT, SPECIAL EXCEPTION, SUBDIVISION SITE DESIGN PLAN, OR PROJECT PLAN, OR A GRADING OR SEDIMENT CONTROL PERMIT, OR WHO HAS SUBMITTED A FOREST STAND DELINEATION FOR REVIEW, A PRELIMINARY FOREST CONSERVATION PLAN FOR REVIEW, OR A FINAL FOREST CONSERVATION PLAN FOR APPROVAL FOR <del>an area</del> A TRACT OF LAND THAT, IN ITS EXISTING OR REDEVELOPED STATE, IS 40,000 SQUARE FEET OR GREATER, SHALL:</p>	<p><b>21.71.045</b> GENERAL REQUIREMENTS.</p> <p>A. AFTER THE EFFECTIVE DATE OF THIS CHAPTER, A PERSON MAKING APPLICATIONS FOR A SUBDIVISION, <del>OR LOCAL AGENCY</del> PROJECT PLAN <del>APPROVAL</del>, GRADING, SEDIMENT CONTROL, <del>PLANNED DEVELOPMENT, SPECIAL EXCEPTION OR SITE PLAN APPROVAL</del> ON UNITS OF LAND 40,000 SQUARE FEET OR GREATER, SHALL:</p>
<p>A. Submit to the Department a forest stand delineation and a forest conservation plan for the lot or parcel on which the development is located; and</p>		<p>i. Submit to the Department a forest stand delineation and a forest conservation plan for the lot or <del>TRACT</del> on which the development is located; and</p>	<p>i. SUBMIT TO THE DEPARTMENT A FOREST STAND DELINEATION AND <del>A PRELIMINARY AND FINAL</del> FOREST CONSERVATION PLAN FOR THE LOT OR <del>parcel</del> <del>TRACT</del> ON WHICH THE DEVELOPMENT IS <del>TO BE</del> LOCATED; AND</p>	<p>Same as Model Act</p>

<p>B. Use methods approved by the Department, as provided in the (Name of County) County Forest Conservation Technical Manual, to protect retained forests and trees during construction.</p>		<p>ii. USE METHODS THE DEPARTMENT APPROVES, AS DETAILED IN THE FOREST CONSERVATION TECHNICAL MANUAL, TO PROTECT RETAINED FORESTS AND TREES DURING CONSTRUCTION. UNTIL SUCH TIME THAT THE CITY PUBLISHES ITS OWN FOREST CONSERVATION TECHNICAL MANUAL, THE DEPARTMENT SHALL APPLY THE STANDARDS SET FORTH IN THE STATE FOREST CONSERVATION TECHNICAL MANUAL.</p>	<p>ii. USE METHODS approved by the Department AS PROVIDED IN THIS CHAPTER AND AS DETAILED IN THE FOREST CONSERVATION TECHNICAL MANUAL, TO PROTECT RETAINED FORESTS AND TREES DURING CONSTRUCTION.</p>	<p>ii. USE METHODS THE DEPARTMENT APPROVES, AS DETAILED IN THE FOREST CONSERVATION TECHNICAL MANUAL, TO PROTECT RETAINED FORESTS AND TREES DURING CONSTRUCTION.</p>
				<p>B. NOTICE REQUIREMENTS.</p>
				<p>POSTING OF PROPERTY. UPON INITIAL APPLICATION FOR A FOREST CONSERVATION ACT REVIEW, THE FOLLOWING POSTING MUST BE DONE:</p>
				<p>1. NOTICE MUST BE POSTED ON THE PROPERTY THAT IS THE SUBJECT OF AN APPLICATION NO LESS THAN FIVE BUSINESS DAYS FOLLOWING AN APPLICATION FOR FOREST STAND DELINEATION REVIEW.</p>
				<p>2. FAILURE TO POST WITHIN FIVE BUSINESS DAYS MAY RESULT IN THE APPLICANT'S APPLICATION BEING DETERMINED TO BE INVALID BY THE DEPARTMENT AND A NEW APPLICATION WILL NEED TO BE SUBMIT BEFORE THE PROJECT WILL BE REVIEWED.</p>
				<p>3. IT IS THE RESPONSIBILITY OF AN APPLICANT TO POST ANY NOTICE REQUIRED UNDER THIS SECTIONS ON THE PROPERTY THAT IS THE SUBJECT OF AN APPLICATION, UNLESS THE APPLICANT IS NOT THE PROPERTY OWNER, IN WHICH CASE IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER.</p>
				<p>4. THE POSTED NOTICE MUST BE</p>



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				OBTAINED FROM THE DEPARTMENT AND INCLUDE LANGUAGE INDICATING THAT THE PROPERTY IS UNDER FOREST CONSERVATION ACT REVIEW AND WHERE INTERESTED PARTIES MAY FIND INFORMATION ABOUT THE APPLICATION AND A COPY OF THE PLANS UNDER REVIEW.
				5. THE PROPERTY MUST REMAIN POSTED UNTIL A FINAL ADMINISTRATIVE DECISION IS RENDERED ON THE FOREST CONSERVATION ACT APPLICATION.
				6. ANY SIGN POSTED ON A PROPERTY BY AN APPLICANT MUST BE REMOVED BY THE APPLICANT WITHIN SEVEN DAYS FOLLOWING THE APPROVAL OF THE FOREST CONSERVATION PLAN.
		<b>SECTION 21.71.050 – LOCAL AGENCY APPLICATION.</b>	Same as O-27-15	Same as O-27-15
4.2 If a local agency or person using state funds makes application to conduct a regulated activity, the provisions of COMAR 08.19.04.01D—G apply	Article IV(B) Section added to COA FCA to clarify that state funded projects are subject to state regulations and not COA.	Same as Model Act	Same as Model Act	Same as Model Act
<b>Article V – Forest Stand Delineation</b>		<b>SECTION 21.71.060 – FOREST STAND DELINEATION.</b>	Same as O-27-15	Same as O-27-15
5.1 Criteria.		A. CRITERIA.	Same as O-27-15	Same as O-27-15
A. A forest stand delineation shall be submitted at the initial stages of subdivision or project plan approval, before a grading permit application, or before a sediment control application is submitted for the tract being developed.	5.1 A Clarifies that the FOREST STAND DELINIATION is submitted to DNEP prior to any permit applications.	1. A FOREST STAND DELINEATION AND NATURAL RESOURCES INVENTORY, WHEN REQUIRED, SHALL BE SUBMITTED TO THE DEPARTMENT PRIOR TO THE INITIAL STAGES OF DEVELOPMENT PLAN APPROVAL AND PRIOR TO THE SUBMISSION TO THE DEPARTMENT OF A GRADING OR SEDIMENT CONTROL PERMIT APPLICATION FOR THE LAND BEING DEVELOPED.	1. A FOREST STAND DELINEATION AND NATURAL RESOURCES INVENTORY, WHEN REQUIRED, SHALL BE SUBMITTED TO THE DEPARTMENT PRIOR TO THE INITIAL STAGES OF DEVELOPMENT PLAN APPROVAL AND PRIOR TO THE SUBMISSION TO THE DEPARTMENT OF A GRADING OR SEDIMENT CONTROL PERMIT APPLICATION FOR THE LAND BEING DEVELOPED.	1. A FOREST STAND DELINEATION SHALL BE SUBMITTED TO THE DEPARTMENT AS THE FIRST STEP OF MAKING APPLICATION FOR THE PLANS OR PERMITS SPECIFIED IN SECTION 21.71.045.

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B. The delineation shall be prepared by a licensed forester, licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01A.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
C. The delineation shall be used during the preliminary review process to determine the most suitable and practical areas for forest conservation and shall contain the following components:	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
(1) A topographic map delineating intermittent and perennial streams, and steep slopes over 25 percent;	5.1 C(1) Steep slopes defined as 25% grade in Model Ordinance are amended to 15% in the COA FCA for consistency with COA grading permit requirements.	A TOPOGRAPHIC MAP DELINEATING INTERMITTENT AND PERENNIAL STREAMS, AND STEEP SLOPES OVER FIFTEEN PERCENT	Omitted	i. A TOPOGRAPHIC MAP DELINEATING INTERMITTENT AND PERENNIAL STREAMS, AND STEEP SLOPES <del>OVER 25 PERCENT</del>
			ii. A NATURAL RESOURCES INVENTORY	Same as V2.4
(2) A soils map delineating soils with structural limitations, hydric soils, or soils with a soil K value greater than 0.35 on slopes of 15 percent or more;	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
(3) Forest stand maps indicating species, location, and size of trees and showing dominant and codominant forest types;	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
(4) Location of 100-year floodplains;	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
			vi. THE LOCATION AND DELINEATION OF ALL TIDAL AND NON-TIDAL WETLANDS AND THEIR BUFFERS;	Same as v2.4
(5) Information required by the (Name of county) County Forest Conservation Technical Manual; and		INFORMATION REQUIRED BY THE CITY FOREST CONSERVATION TECHNICAL MANUAL; AND	INFORMATION REQUIRED BY THE FOREST CONSERVATION TECHNICAL MANUAL; AND	Same as v2.4

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<p>(6) Other information the Department determines is necessary to implement this Ordinance.</p>	<p>5.1C(6) Reference to a non-tidal wetlands plan is included in the COA FCA.</p>	<p>OTHER INFORMATION THE DEPARTMENT DETERMINES IS NECESSARY TO IMPLEMENT THIS CHAPTER, INCLUDING A NONTIDAL WETLANDS PLAN UPON REQUEST</p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>
		<p>4. WITHIN THREE CALENDAR BUSINESS DAYS AFTER RECEIPT OF A FOREST STAND DELINEATION, THE DEPARTMENT SHALL REFER THE FOREST STAND DELINEATION TO DNEP FOR REVIEW, AND DNEP SHALL POST THE FOREST STAND DELINEATION ON ITS WEBSITE FOR AT LEAST FIFTEEN CALENDAR DAYS AND PROVIDE DIRECTIONS AS TO HOW THE PUBLIC MAY SEND OR DELIVER WRITTEN COMMENTS, TESTIMONY, OR DOCUMENTATION PERTAINING TO THE FOREST STAND DELINEATION. THE WEBSITE POSTING REQUIREMENT SHALL APPLY TO ANY AMENDMENTS OR REVISIONS TO THE FOREST STAND DELINEATION. THE DEPARTMENT AND DNEP SHALL PROMPTLY EXCHANGE ALL COMMENTS, TESTIMONY, AND DOCUMENTATION RECEIVED FROM THE PUBLIC.</p>	<p>4. WITHIN THREE BUSINESS DAYS AFTER RECEIPT OF A FOREST STAND DELINEATION, THE DEPARTMENT SHALL REFER THE FOREST STAND DELINEATION TO DNEP FOR REVIEW, AND DNEP SHALL PROMPTLY POST THE FOREST STAND DELINEATION ON ITS WEBSITE FOR AT LEAST FIFTEEN CALENDAR DAYS AND PROVIDE DIRECTIONS AS TO HOW THE PUBLIC MAY SEND OR DELIVER WRITTEN COMMENTS, TESTIMONY, OR DOCUMENTATION PERTAINING TO THE FOREST STAND DELINEATION. THE WEBSITE POSTING REQUIREMENT SHALL APPLY TO ANY AMENDMENTS OR REVISIONS TO THE FOREST STAND DELINEATION. THE DEPARTMENT AND DNEP SHALL PROMPTLY EXCHANGE ALL COMMENTS, TESTIMONY, AND DOCUMENTATION RECEIVED FROM THE PUBLIC <b>AND SHALL PROMPTLY POST ALL CORRESPONDENCE BETWEEN THE DEPARTMENT, DNEP, AND THE APPLICANT. ALL DOCUMENTS SHALL BE RETAINED BY THE DEPARTMENT AS PART OF THE RECORD OF THE APPLICATION.</b></p>	<p>4. THE DEPARTMENT SHALL POST THE FOREST STAND DELINEATION ON ITS WEBSITE WITHIN THREE BUSINESS DAYS OF RECEIPT FOR AT LEAST FIFTEEN CALENDAR DAYS AND PROVIDE DIRECTIONS AS TO HOW THE PUBLIC MAY SEND OR DELIVER WRITTEN COMMENTS, TESTIMONY, OR DOCUMENTATION PERTAINING TO THE FOREST STAND DELINEATION. THE WEBSITE POSTING REQUIREMENT SHALL APPLY TO ANY AMENDMENTS OR REVISIONS TO THE FOREST STAND DELINEATION. THE DEPARTMENT SHALL PROMPTLY POST ALL CORRESPONDENCE BETWEEN THE DEPARTMENT, AND THE APPLICANT. ALL DOCUMENTS SHALL BE RETAINED BY THE DEPARTMENT AS PART OF THE RECORD OF THE APPLICATION.</p>
		<p>5. NO LATER THAN TWENTY CALENDAR DAYS AFTER THE RECEIPT OF THE FOREST STAND DELINEATION, DNEP SHALL SENT WRITTEN NOTIFICATION TO THE DEPARTMENT WHETHER IT CERTIFIES THAT THE FOREST STAND DELINEATION IS COMPLETE AND</p>	<p>Omitted</p>	<p>Omitted</p>

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		<p>CORRECT. IF SO, THE WRITTEN NOTIFICATION SHALL INDICATE HOW THE FOREST STAND DELINEATION IS COMPLETE AND CORRECT AND HOW IT MEETS ALL THE REQUIREMENTS OF THIS CHAPTER. THE DEPARTMENT SHALL SEND WRITTEN NOTIFICATION OF THE CERTIFICATION TO THE APPLICANT WITHIN 30 DAYS OF RECEIPT OF THE FOREST STAND DELINEATION.</p>		
		<p>6. IF DNEP DOES NOT CERTIFY A FOREST STAND DELINEATION AS COMPLETE AND CORRECT, DNEP SHALL SEND WRITTEN NOTIFICATION TO THE DEPARTMENT TO THIS EFFECT AND INDICATE THE DEFICIENCIES IN THE FOREST STAND DELINEATION. THE DEPARTMENT SHALL SEND WRITTEN NOTIFICATION TO THE APPLICANT OF DNEP'S LACK OF CERTIFICATION AND INDICATE THE DEFICIENCIES IN THE FOREST STAND DELINEATION, AND OF THE RIGHT TO RESUBMIT.</p>	Omitted	Omitted
		<p>7. DNEP SHALL POST ITS DIRECTOR'S REVIEW COMMENTS APPLICABLE TO A FOREST STAND DELINEATION WITHIN TWENTY-FOUR HOURS OF THEIR REDUCTION TO WRITING. DNEP SHALL ALSO PROVIDE AN OPPORTUNITY TO THE PUBLIC TO REVIEW AND COMMENT UPON A FOREST STAND DELINEATION SUBMISSION AND RETAIN SUCH COMMENTS AS A PART OF EACH APPLICATION RECORD.</p>	Omitted	Omitted

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<p>D. If approved by the Department, a simplified delineation, a concept plan or plat, preliminary plat or plan, sediment control plan, or other appropriate document, verified by a site visit, if appropriate, may substitute for the forest stand delineation if:</p> <p>(1) No forest cover is disturbed during a construction activity; and</p> <p>(2) Designated to be under a long term protective agreement.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>i. IF APPROVED BY THE DEPARTMENT, A SIMPLIFIED FOREST STAND DELINEATION, A CONCEPT PLAN OR PLAT, PRELIMINARY PLAT OR PLAN, SEDIMENT CONTROL PLAN, OR OTHER APPROPRIATE DOCUMENT, VERIFIED BY A SITE VISIT, IF APPROPRIATE, MAY SUBSTITUTE FOR THE FOREST STAND DELINEATION IF NO FOREST COVER IS DISTURBED DURING A CONSTRUCTION ACTIVITY ; <del>and (2) Designated to be under a long term protective agreement.</del></p> <p>Note: Formatted as sub-section under 4 instead of own section.</p>	<p>Same as Model Act</p>
<p>E. The Department shall consider a simplified forest stand delineation, or other substitute plan described in §5.1D, complete if it includes:</p> <p>(1) All requirements under §5.1C(1), (2), (4), and (5) of this article;</p> <p>(2) A map showing existing forest cover as verified by field inspection; and</p> <p>(3) Other information required by this Ordinance.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
				<p>7. AN APPROVED FOREST STAND DELINEATION IS VALID FOR FIVE YEARS EXCEPT THAT THE DEPARTMENT MAY REQUIRE SUBMISSION OF A REVISED FOREST STAND DELINEATION IF SITE CONDITIONS CHANGE DURING THE FIVE-YEAR PERIOD.</p>

<p>G. Time for Submittal.</p> <p>(1) Within 30 calendar days after receipt of the forest stand delineation, the Department shall notify the applicant whether the forest stand delineation is complete and correct.</p> <p>(2) If the Department fails to notify the applicant within 30 days, the delineation shall be treated as complete and correct.</p> <p>(3) The Department may require further information or provide for an additional 15 calendar days under extenuating circumstances.</p>	<p>Same as Model Act</p>	<p>11. TIME FOR SUBMITTAL.</p> <p>i. WITHIN THIRTY CALENDAR DAYS AFTER TRANSMISSION OF THE FOREST STAND DELINEATION TO DNEP FOR REVIEW AND CERTIFICATION, THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING (BY EMAIL OR POSTAL LETTER) WHETHER THE FOREST STAND DELINEATION IS COMPLETE AND CORRECT. IN THE EVENT A FOREST STAND DELINEATION IS NOT COMPLETE AND CORRECT, DNEP SHALL PROVIDE TO THE DEPARTMENT AND THE DEPARTMENT SHALL TRANSMIT TO THE APPLICANT A DETAILED AND SPECIFIC LISTING OF ANY ALLEGED DEFICIENCIES AND REFERENCE TO OPTIONS AVAILABLE TO THE APPLICANT TO ADDRESS THE DEFICIENCIES.</p> <p>ii. IF THE DEPARTMENT FAILS TO NOTIFY THE APPLICANT IN WRITING WITHIN THIRTY DAYS, THE DELINEATION SHALL BE TREATED AS COMPLETE AND CORRECT.</p> <p>iii. THE DEPARTMENT MAY REQUIRE FURTHER INFORMATION OR PROVIDE FOR AN ADDITIONAL FIFTEEN CALENDAR DAYS UNDER EXTENUATING CIRCUMSTANCES. THE DEPARTMENT SHALL PROVIDE AN APPLICANT WITH WRITTEN NOTICE DETAILING ADDITIONAL INFORMATION REQUIRED OR THE NATURE OF THE EXTENUATING CIRCUMSTANCES NECESSITATING THE FIFTEEN CALENDAR DAY EXTENSION.</p>	<p>11. TIME FOR SUBMITTAL.</p> <p>i. WITHIN THIRTY CALENDAR DAYS AFTER RECEIPT OF THE FSD BY THE DEPARTMENT, THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING (BY EMAIL OR POSTAL LETTER) WHETHER THE FOREST STAND DELINEATION IS COMPLETE AND CORRECT. IN THE EVENT A FOREST STAND DELINEATION IS NOT COMPLETE AND CORRECT, DNEP SHALL PROVIDE TO THE DEPARTMENT AND THE DEPARTMENT SHALL TRANSMIT TO THE APPLICANT A DETAILED AND SPECIFIC LISTING OF ANY ALLEGED DEFICIENCIES AND REFERENCE TO OPTIONS AVAILABLE TO THE APPLICANT TO ADDRESS THE DEFICIENCIES.</p> <p>ii. IF THE DEPARTMENT FAILS TO NOTIFY THE APPLICANT IN WRITING WITHIN THE THIRTY CALENDAR DAY REVIEW PERIOD, THE DELINEATION SHALL BE TREATED AS COMPLETE AND CORRECT.</p> <p>iii. THE DEPARTMENT MAY REQUIRE FURTHER INFORMATION OR PROVIDE FOR AN ADDITIONAL FIFTEEN CALENDAR DAYS UNDER EXTENUATING CIRCUMSTANCES AS DETERMINED BY THE DEPARTMENT. THE DEPARTMENT SHALL PROVIDE AN APPLICANT WITH WRITTEN NOTICE DETAILING ADDITIONAL INFORMATION REQUIRED OR THE NATURE OF THE EXTENUATING CIRCUMSTANCES NECESSITATING THE FIFTEEN CALENDAR DAY EXTENSION.</p>	<p>8. TIME FOR SUBMITTAL.</p> <p>i. WITHIN THIRTY CALENDAR DAYS AFTER RECEIPT OF THE FSD, THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING (BY EMAIL OR POSTAL LETTER) WHETHER THE FOREST STAND DELINEATION IS COMPLETE AND CORRECT. IN THE EVENT A FOREST STAND DELINEATION IS NOT COMPLETE AND CORRECT, THE DEPARTMENT SHALL TRANSMIT TO THE APPLICANT A DETAILED AND SPECIFIC LISTING OF DEFICIENCIES.</p> <p>ii. IF THE DEPARTMENT FAILS TO NOTIFY THE APPLICANT IN WRITING WITHIN THIRTY DAYS, THE DELINEATION SHALL BE TREATED AS COMPLETE AND CORRECT.</p> <p>iii. THE DEPARTMENT MAY REQUIRE IN WRITING FURTHER INFORMATION OR PROVIDE FOR AN ADDITIONAL FIFTEEN CALENDAR DAYS UNDER EXTENUATING CIRCUMSTANCES AS DETERMINED BY THE DEPARTMENT.</p>
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			iv. IF AN APPLICANT HAS SUBMITTED TWO FOREST STAND DELINEATIONS WHICH ARE NOT APPROVED BY DNEP, THE DEPARTMENT SHALL MAY HIRE A QUALIFIED EXPERT TO PREPARE A FOREST STAND DELINEATION AT APPLICANT'S EXPENSE. THE APPLICANT SHALL BE EXCLUSIVELY RESPONSIBLE AND LIABLE FOR ALL FEES, COSTS, AND EXPENSES OF THE PERSON RETAINED BY THE DEPARTMENT AND SHALL PAY THE FULL AMOUNT DUE DIRECTLY TO THE DEPARTMENT, OR DIRECTLY TO THE PERSON RETAINED IF THE DEPARTMENT DIRECTS, WITHIN 30 DAYS AFTER INVOICING	9. IF THE APPLICANT SUBMITS TWO FOREST STAND DELINEATIONS WHICH ARE NOT FOUND TO BE COMPLETE AND CORRECT BY THE DEPARTMENT, THE DEPARTMENT SHALL, AT THE APPLICANT'S EXPENSE, ENGAGE A LICENSED FORESTER, LICENSED LANDSCAPE ARCHITECT, OR A QUALIFIED PROFESSIONAL WHO MEETS THE REQUIREMENTS STATED IN COMAR 08.19.06.01A TO COMPLETE AND SUBMIT A FOREST STAND DELINEATION ON THE APPLICANT'S BEHALF.
	5.1 H Added to COA FCA to clarify that FOREST STAND DELINIATION submittal precedes submittal of a Forest Conservation Plan.	Omitted	Omitted	Omitted
	5.1 I Added to COA FCA to clarify that an applicant may appeal a DNEP decision regarding an FOREST STAND DELINIATION to the Building Board of Appeals.	Omitted	Omitted	Omitted
<b>Article VI – Forest Conservation Plan</b>		<b>SECTION 21.71.070</b> – FOREST CONSERVATION PLAN.	Same as O-27-15	Same as O-27-15
6.1 General Provisions.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
			1. A PRELIMINARY AND FINAL FOREST CONSERVATION PLAN SHALL BE BASED ON A FOREST STAND DELINEATION OR SIMPLIFIED FOREST STAND DELINEATION THAT DNEP HAS CERTIFIED AS COMPLETE AND CORRECT; HOWEVER, SUCH CERTIFICATION SHALL NOT CONSTITUTE A FINAL ADMINISTRATIVE ACTION SUBJECT TO APPEAL	1. A PRELIMINARY FOREST CONSERVATION PLAN CANNOT BE APPEALED. A FINAL FOREST CONSERVATION PLAN IS APPEALABLE AS PART OF THE APPEAL OF A FINAL ADMINISTRATIVE DECISION, PLANNING COMMISSION DECISION OR BOARD OF APPEALS DECISION SPECIFIED IN CHAPTER 21.08.

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<p>A. In developing a forest conservation plan, the applicant shall give priority to techniques for retaining existing forest on the site.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>2. IN DEVELOPING A FOREST CONSERVATION PLAN, THE APPLICANT SHALL GIVE PRIORITY TO TECHNIQUES FOR RETAINING EXISTING FOREST ON THE SITE.  <b>THERE IS A REBUTTABLE PRESUMPTION THAT PRIORITY RETENTION AREAS SHALL BE RETAINED.</b></p>
<p>B. If existing forest on the site subject to a forest conservation plan cannot be retained, the applicant shall demonstrate to the satisfaction of the Department:</p> <p>(1) How techniques for forest retention have been exhausted;</p> <p>(2) Why the priority forests and priority areas specified in Natural Resources Article, §5-1604(c)(1), Annotated Code of Maryland, cannot be left in an undisturbed condition:</p> <p>(a) If priority forests and priority areas cannot be left undisturbed, how the sequence for afforestation or reforestation will be followed in compliance with Natural Resources Article, §5-1607, Annotated Code of Maryland;</p> <p>(b) Where on the site in priority areas afforestation or reforestation will occur in compliance with Natural Resources Article, §5-1607, Annotated Code of Maryland; and</p> <p>(3) How the disturbance to the priority forests and priority areas specified in Natural Resources Article, §5-1607(c)(2), Annotated</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>B. If existing forest on the site subject to a forest conservation plan cannot be retained, the applicant shall demonstrate to the satisfaction of the Department:</p> <p>(1) How techniques for forest retention have been exhausted;</p> <p>(2) Why the priority forests and priority areas specified in Natural Resources Article, §5-1604(c)(1), Annotated Code of Maryland, cannot be left in an undisturbed condition:</p> <p>(a) If priority forests and priority areas cannot be left undisturbed, how the sequence for afforestation or reforestation will be followed in compliance with Natural Resources Article, §5-1607, Annotated Code of Maryland <b>AND THE NO NET LOSS PROVISIONS OF THIS CHAPTER;</b></p> <p>(b) Where on the site in priority areas afforestation or reforestation will occur in compliance with Natural Resources Article, §5-1607, Annotated Code of Maryland; and</p> <p>(3) How the disturbance to the priority forests and priority areas specified in Natural Resources</p>	<p>Same as Model Act</p>



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Code of Maryland, qualifies for a variance.			Article, §5-1607(c)(2), Annotated Code of Maryland, qualifies for a variance.	
C. The applicant shall demonstrate to the satisfaction of the Department that the requirements for afforestation or reforestation onsite or offsite cannot be reasonably accomplished if the applicant proposes to make a payment into the local forest conservation fund or to purchase credits from a forest mitigation bank.	Same as Model Act	3. THE APPLICANT SHALL DEMONSTRATE TO THE SATISFACTION OF THE DEPARTMENT, AFTER CONSULTATION WITH DNEP AND DNEP REVIEW AND COMMENT UPON REQUIRED ELEMENTS OF A FOREST CONSERVATION PLAN, THAT THE REQUIREMENTS FOR AFFORESTATION OR REFORESTATION ONSITE OR OFFSITE CANNOT BE REASONABLY ACCOMPLISHED IF THE APPLICANT PROPOSES TO MAKE A PAYMENT INTO THE LOCAL FOREST CONSERVATION FUND OR TO PURCHASE CREDITS FROM A FOREST MITIGATION BANK.	IF THE APPLICANT PROPOSES TO PURCHASE CREDITS FROM A FOREST MITIGATION BANK, THE APPLICANT SHALL DEMONSTRATE TO THE SATISFACTION OF THE DEPARTMENT, AFTER CONSULTATION WITH DNEP AND DNEP REVIEW AND COMMENT UPON REQUIRED ELEMENTS OF A FOREST CONSERVATION PLAN, THAT THE REQUIREMENTS FOR AFFORESTATION OR REFORESTATION ONSITE OR OFFSITE CANNOT BE REASONABLY ACCOMPLISHED <del>if the applicant proposes to make a payment into the local forest conservation fund or to purchase credits from a forest mitigation bank</del>	Same as Model Act
D. Nontidal Wetlands. A regulated activity within the net tract area that occurs wholly or partly in areas regulated as nontidal wetlands under Environment Article, Title 9, Annotated Code of Maryland, is subject to both the nontidal wetlands regulatory requirements and the requirements of this law, subject to the following:  (1) Any area of forest in the net tract area, including forest in nontidal wetlands that is retained, shall be counted towards forest conservation requirements under this law;  (2) For the purpose of calculating reforestation mitigation under this Ordinance, a forested nontidal wetland permitted to be cut or cleared and required to be	Same as Model Act	Same as Model Act	Same as Model Act, <del>except strikes, "Nontidal Wetlands" from title of (D)</del>	Same as Model Act

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<p>mitigated under Environment Article, Title 9, Annotated Code of Maryland, shall be shown on the forest conservation plan and subtracted on an acre-for-acre basis from the total amount of forest to be cut or cleared as part of a regulated activity;</p> <p>(3) Nontidal wetlands shall be considered to be priority areas for retention and replacement;</p> <p>(4) Forested nontidal wetland identification and delineation should be included at the earliest stage of planning to assist the applicant in avoidance and reduction of impacts to the nontidal wetlands and to avoid delay in the approval process.</p>				
				<p>6. AN APPROVED FOREST CONSERVATION PLAN IS VALID FOR FIVE YEARS EXCEPT THE DEPARTMENT MAY REQUIRE SUBMISSION OF A REVISED FOREST CONSERVATION PLAN IF THERE IS A SIGNIFICANT CHANGE TO THE HEALTHY FOREST DURING THE PERIOD.</p>
<p>6.2 Preliminary Forest Conservation Plan.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>A. A preliminary forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01A.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>B. A preliminary forest conservation plan shall:</p> <p>(1) Be submitted with the preliminary plan of subdivision or</p>	<p>6.2B(11) Reference added to City of Annapolis Forest Conservation Act Technical Manual.</p>	<p>Same as Model Act</p>	<p>B. A preliminary forest conservation plan shall:</p> <p>(1) Be submitted with the preliminary plan of subdivision or</p>	<p>B. A preliminary forest conservation plan shall:</p> <p>(1) Be submitted with the preliminary plan of subdivision or</p>

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<p>proposed project plan;</p> <p>(2) Include the approved forest stand delineation for the site;</p> <p>(3) Include a table that lists the proposed values of the following, in square feet:</p> <p>(a) Net tract area,</p> <p>(b) Area of forest conservation required, and</p> <p>(c) Area of forest conservation that the applicant proposes to provide, including both onsite and offsite areas;</p> <p>(4) Include a clear graphic indication of the forest conservation provided on the site drawn to scale, showing areas where retention of existing forest or afforestation or reforestation is proposed;</p> <p>(5) Include an explanation of how the provisions of §6.1 of this article have been met;</p> <p>(6) In the case of afforestation or reforestation, include a proposed afforestation or reforestation plan;</p> <p>(7) Include a proposed construction timetable showing the sequence of forest conservation procedures;</p> <p>(8) Show the proposed limits of disturbance;</p>			<p>proposed project plan;</p> <p>(2) Include the approved forest stand delineation for the site;</p> <p>(3) Include a table that lists the proposed values of the following, in square feet:</p> <p>(a) Net tract area,</p> <p>(b) Area of forest conservation required, and</p> <p>(c) Area of forest conservation that the applicant proposes to provide, including both onsite and offsite areas;</p> <p>(4) Include a clear graphic indication of the forest conservation provided on the site drawn to <b>THE SAME SCALE AS THE PROJECT PLAN</b> scale, showing areas where retention of existing forest or afforestation or reforestation is proposed;</p> <p>(5) Include an explanation of how the provisions of §6.1 of this article have been met;</p> <p>(6) In the case of afforestation or reforestation, include a proposed afforestation or reforestation plan;</p> <p>(7) Include a proposed construction timetable showing the sequence of forest conservation procedures;</p> <p>(8) Show the proposed limits of disturbance;</p>	<p>proposed project plan;</p> <p>(2) Include the approved forest stand delineation for the site;</p> <p>(3) Include a table that lists the proposed values of the following, in square feet:</p> <p>(a) Net tract area,</p> <p>(b) Area of forest conservation required, and</p> <p>(c) Area of forest conservation that the applicant proposes to provide, including both onsite and offsite areas;</p> <p>(4) Include a clear graphic indication of the forest conservation provided on the site drawn to <b>THE SAME SCALE AS THE PROJECT PLAN</b> scale, showing areas where retention of existing forest or afforestation or reforestation is proposed;</p> <p>(5) Include an explanation of how the provisions of §6.1 of this article have been met;</p> <p>(6) In the case of afforestation or reforestation, include a proposed afforestation or reforestation plan;</p> <p>(7) Include a proposed construction timetable showing the sequence of forest conservation procedures;</p> <p>(8) Show the proposed limits of disturbance;</p>

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<p>(9) Show proposed stockpile areas;</p> <p>(10) Incorporate a proposed 2-year maintenance agreement that shows how areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment; and</p> <p>(11) Other information the Department determines is necessary to implement this Ordinance.</p>			<p>(9) Show proposed stockpile areas;</p> <p><del>(10) Incorporate a proposed 2-year maintenance agreement that shows how areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment; and</del></p> <p>(11) Other information the Department determines is necessary to implement this CHAPTER.</p>	<p>(9) Show proposed stockpile areas;</p> <p>(10) Incorporate a proposed <del>2-year</del> <b>FIVE YEAR</b> maintenance agreement that shows how areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment; and</p> <p>(11) Other information the Department determines is necessary to implement this CHAPTER.</p>
<p>C. The review of the preliminary forest conservation plan shall be concurrent with the review of the preliminary site plan.</p>	<p>Same as Model Act</p>	<p>Omitted</p>	<p>Omitted</p>	<p>Same as Model Act</p>
		<p>3. WITHIN THREE BUSINESS DAYS AFTER RECEIPT OF A PRELIMINARY FOREST CONSERVATION PLAN, THE DEPARTMENT SHALL REFER THE PRELIMINARY FOREST CONSERVATION PLAN TO DNEP FOR REVIEW AND DNEP SHALL POST THE PRELIMINARY FOREST CONSERVATION PLAN ON THEIR WEBSITE FOR AT LEAST FIFTEEN CALENDAR DAYS AND PROVIDE DIRECTIONS AS TO HOW THE PUBLIC MAY SEND OR DELIVER WRITTEN COMMENTS, TESTIMONY, OR DOCUMENTATION PERTAINING TO THE PRELIMINARY FOREST CONSERVATION PLAN. THE DEPARTMENT AND DNEP SHALL PROMPTLY EXCHANGE ALL COMMENTS, TESTIMONY, AND DOCUMENTATION RECEIVED FROM THE PUBLIC. AT LEAST FIVE CALENDAR DAYS PRIOR TO THE SUBMISSION OF A PROPOSED PRELIMINARY FOREST CONSERVATION PLAN, THE APPLICANT SUBMITTING IT SHALL</p>	<p>3. WITHIN THREE BUSINESS DAYS AFTER RECEIPT OF A PRELIMINARY FOREST CONSERVATION PLAN, THE DEPARTMENT SHALL REFER THE PRELIMINARY FOREST CONSERVATION PLAN TO DNEP FOR REVIEW AND DNEP SHALL POST THE PRELIMINARY FOREST CONSERVATION PLAN ON THEIR WEBSITE FOR AT LEAST FIFTEEN CALENDAR DAYS AND PROVIDE DIRECTIONS AS TO HOW THE PUBLIC MAY SEND OR DELIVER WRITTEN COMMENTS, TESTIMONY, OR DOCUMENTATION PERTAINING TO THE PRELIMINARY FOREST CONSERVATION PLAN. THE DEPARTMENT AND DNEP SHALL PROMPTLY EXCHANGE ALL COMMENTS, TESTIMONY, AND DOCUMENTATION RECEIVED FROM THE PUBLIC. THE APPLICANT SUBMITTING A PROPOSED FOREST CONSERVATION PLAN SHALL HOLD A PUBLIC MEETING AND MAKE A PRESENTATION INDICATING THE CONTENTS OF THE PROPOSED</p>	<p>4. <b>THE DEPARTMENT SHALL POST THE PRELIMINARY FOREST CONSERVATION PLAN ON THEIR WEBSITE FOR AT LEAST FIFTEEN CALENDAR DAYS AND PROVIDE DIRECTIONS AS TO HOW THE PUBLIC MAY SEND OR DELIVER WRITTEN COMMENTS, TESTIMONY, OR DOCUMENTATION PERTAINING TO THE PRELIMINARY FOREST CONSERVATION PLAN.</b></p>

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		<p>HOLD A PUBLIC MEETING AND MAKE A PRESENTATION INDICATING IN DETAIL THE ANTICIPATED CONTENTS OF THE PROPOSED PRELIMINARY FOREST CONSERVATION PLAN. THE GENERAL PUBLIC AND MEMBERS OF THE ANNAPOLIS ENVIRONMENTAL COMMISSION, THE DEPARTMENT, AND DNEP MAY PARTICIPATE IN THE PUBLIC MEETING.</p>	<p>PRELIMINARY FOREST CONSERVATION PLAN AND THE PROPOSED SITE DESIGN PLAN. THE GENERAL PUBLIC AND MEMBERS OF THE ANNAPOLIS ENVIRONMENTAL COMMISSION, THE DEPARTMENT, AND DNEP MAY PARTICIPATE IN THE PUBLIC MEETING. <b>IN THE EVENT THERE ARE MAJOR SIGNIFICANT MODIFICATIONS TO THE PRELIMINARY FOREST CONSERVATION PLAN,</b> THE DEPARTMENT MAY REQUIRE AN ADDITIONAL PUBLIC MEETING IF IT DETERMINES SUCH A MEETING WOULD SERVE THE PUBLIC INTEREST.</p>	
		<p>4. NO LATER THAN THIRTY-FIVE CALENDAR DAYS AFTER THE RECEIPT OF THE PRELIMINARY FOREST CONSERVATION PLAN, DNEP SHALL SEND WRITTEN NOTIFICATION TO THE DEPARTMENT WHETHER IT RECOMMENDS APPROVAL OF THE PRELIMINARY FOREST CONSERVATION PLAN. IF SO, THE WRITTEN NOTIFICATION SHALL INDICATE HOW THE PRELIMINARY FOREST CONSERVATION PLAN MEETS ALL REQUIREMENTS OF THIS CHAPTER. IF THE DEPARTMENT AGREES WITH DNEP, THE DEPARTMENT SHALL SEND WRITTEN NOTIFICATION OF THE APPROVAL TO THE APPLICANT WITHIN THIRTY-FIVE DAYS OF RECEIPT OF THE PRELIMINARY FOREST CONSERVATION PLAN. A PRELIMINARY FOREST CONSERVATION PLAN THAT HAS BEEN RECOMMENDED FOR APPROVAL BY THE DEPARTMENT AND DNEP AS FINAL SHALL BE</p>	<p>4. <b>UNLESS DNEP REQUIRES ADDITIONAL TIME AS PROVIDED HEREIN,</b> NO LATER THAN THIRTY FIVE CALENDAR DAYS AFTER THE RECEIPT OF THE PRELIMINARY FOREST CONSERVATION PLAN, DNEP SHALL SEND WRITTEN NOTIFICATION TO THE DEPARTMENT WHETHER IT RECOMMENDS APPROVAL OF THE PRELIMINARY FOREST CONSERVATION PLAN. <del>IF SO, THE WRITTEN NOTIFICATION SHALL INDICATE HOW THE PRELIMINARY FOREST CONSERVATION PLAN MEETS ALL REQUIREMENTS OF THIS CHAPTER</del> IF THE DEPARTMENT AGREES WITH DNEP, THE DEPARTMENT SHALL SEND WRITTEN NOTIFICATION OF THE APPROVAL TO THE APPLICANT WITHIN THIRTY FIVE DAYS OF THE INITIAL RECEIPT OF THE PRELIMINARY FOREST CONSERVATION PLAN, <b>UNLESS THE DEPARTMENT REQUIRES ADDITIONAL TIME AS PROVIDED HEREIN.</b> <del>A PRELIMINARY FOREST</del></p>	<p>5. <b>THE DEPARTMENT SHALL HOLD A PUBLIC MEETING AT WHICH THE DEPARTMENT SHALL DESCRIBE THE APPROVAL PROCESS AND THE APPLICANT SHALL MAKE A PRESENTATION INDICATING THE CONTENTS OF THE PROPOSED PRELIMINARY FOREST CONSERVATION PLAN AND THE PROPOSED SITE DESIGN PLAN. THE GENERAL PUBLIC MAY PARTICIPATE IN THE DISCUSSION OF THE APPLICATION. THE MEETING SHALL BE RECORDED AND THE RECORDING SHALL BE RETAINED UNTIL SUCH TIME AS THE APPEALATE PERIOD TOLLS AND MADE PUBLICLY AVAILABLE. IN THE EVENT THERE ARE SIGNIFICANT MODIFICATIONS TO THE PRELIMINARY FOREST CONSERVATION PLAN, THE DEPARTMENT MAY REQUIRE AN ADDITIONAL PUBLIC MEETING IF IT DETERMINES SUCH A MEETING WOULD SERVE THE PUBLIC INTEREST.</b></p>

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		<p>SUBMITTED TO THE PLANNING COMMISSION OR THE ZONING BOARD OF APPEALS WITH THE APPLICABLE APPLICATION FOR A DEVELOPMENT PLAN, FOR FINAL DETERMINATION. IF THE DEPARTMENT DOES NOT AGREE WITH DNEP'S RECOMMENDATION, THE DEPARTMENT SHALL OVERRIDE DNEP'S RECOMMENDATION, AND, WITHIN THIRTY-FIVE DAYS AFTER THE RECEIPT OF THE PRELIMINARY FOREST CONSERVATION PLAN, RETURN THE PRELIMINARY FOREST CONSERVATION PLAN TO THE APPLICANT WITH WRITTEN NOTIFICATION OF THE DISAPPROVAL AND THE REASONS FOR THE DISAPPROVAL. IN THE EVENT DNEP FINDS THAT THE PRELIMINARY FOREST CONSERVATION PLAN DOES NOT MEET THE REQUIREMENTS OF THIS CHAPTER, DNEP SHALL TRANSMIT NOTICE TO THE DEPARTMENT OF THE REASONS FOR ITS DETERMINATION. IN THE EVENT THE DEPARTMENT DETERMINES THAT THE REASONS FOR DNEP'S NON-APPROVAL RECOMMENDATION ARE CONSISTENT WITH THIS CHAPTER, THE DEPARTMENT SHALL SO NOTIFY THE APPLICANT. UPON RECEIPT OF SUCH NOTICE, AN APPLICANT MAY RESUBMIT ITS PRELIMINARY FOREST CONSERVATION PLAN ADDRESSING ALL NOTED DEFICIENCIES. TO THE EXTENT THE DEPARTMENT DISAGREES WITH DNEP'S REASONS TO NOT RECOMMEND APPROVAL, THE DEPARTMENT MAY RECOMMEND APPROVAL OF THE PRELIMINARY FOREST</p>	<p><del>CONSERVATION PLAN THAT HAS BEEN RECOMMENDED FOR APPROVAL BY THE DEPARTMENT AND DNEP AS FINAL SHALL BE SUBMITTED TO THE PLANNING COMMISSION OR THE ZONING BOARD OF APPEALS WITH THE APPLICABLE APPLICATION FOR A DEVELOPMENT PLAN, FOR FINAL DETERMINATION. IF THE DEPARTMENT DOES NOT AGREE WITH DNEP'S RECOMMENDATION, THE DEPARTMENT MAY MAKE ITS OWN DECISION. IN ANY CASE, THE DEPARTMENT MUST NOTIFY THE APPLICANT OF THE DECISION, THE REASONS FOR THE DECISION, THE DEFICIENCIES IN THE PROPOSED PLAN IF ANY, AND ANY PROPOSED CHANGES WITHIN THIRTY FIVE DAYS OF THE INITIAL RECEIPT OF THE PROPOSED PRELIMINARY FOREST CONSERVATION PLAN, UNLESS ADDITIONAL TIME IS REQUIRED AS PROVIDED HEREIN. AN APPLICANT MAY SUBMIT AN AMENDED PRELIMINARY FOREST CONSERVATION PLAN. IF DNEP OR THE DEPARTMENT REQUESTS ADDITIONAL TIME IN WHICH TO REVIEW ANY SUBMITTED PLAN, THE REQUEST MUST BE MADE BEFORE THE THIRTY FIFTH DAY AFTER THE PLAN SUBMISSION.</del></p>	
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D. During the different stages of the review process, the preliminary forest conservation plan may be modified provided the Department approves of the changes.	6.2(D) COA FCA amended to require that a preliminary FCP and amendments be posted on the DNEP website for at least 15 days to facilitate public comment.	CONSERVATION PLAN WITHOUT FURTHER REVIEW, PROVIDED THE DEPARTMENT CREATES AND MAINTAINS A WRITTEN RECORD OF THE REASONS FOR ITS DECISION. Same as Model Act	5. DURING DIFFERENT STAGES OF THE REVIEW PROCESS, THE PRELIMINARY FOREST CONSERVATION PLAN MAY BE MODIFIED, PROVIDED THE DEPARTMENT APPROVES OF THE CHANGES. ALL SIGNIFICANT MODIFICATIONS MUST BE POSTED FOR PUBLIC REVIEW AND COMMENT	Same as V2.4
			6. ALL CORRESPONDENCE BETWEEN THE APPLICANT, THE DEPARTMENT, AND DNEP AND ALL MAJOR SIGNIFICANT MODIFICATIONS OF THE PRELIMINARY FOREST CONSERVATION PLAN AND THE CONCEPTUAL SITE DESIGN PLAN SHALL BE POSTED ON THE DEPARTMENT WEBSITE. COMMENTS RECEIVED SHALL BE MADE PART OF THE APPLICATION RECORD. DNEP AND THE DEPARTMENT MAY, BUT ARE NOT REQUIRED TO, POST STAFF COMMENTS ON THE WEBSITE.	7. ALL CORRESPONDENCE MATERIAL TO AN APPLICATION SHALL BE POSTED ON THE DEPARTMENT WEBSITE. COMMENTS RECEIVED SHALL BE MADE PART OF THE APPLICATION RECORD. <del>DNEP AND THE DEPARTMENT MAY, BUT ARE NOT REQUIRED TO, POST STAFF COMMENTS ON THE WEBSITE.</del>
6.3 The Final Forest Conservation Plan.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
A. A final forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01A.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act

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<p>B. A final forest conservation plan shall:</p> <p>(1) Be submitted with the following:</p> <p>(a) A final subdivision plan,</p> <p>(b) A final project plan,</p> <p>(c) An application for a grading permit, or</p> <p>(d) An application for a sediment control permit;</p> <p>(2) Show proposed locations and types of protective devices to be used during construction activities to protect trees and forests designated for conservation;</p> <p>(3) In the case of afforestation or reforestation, include an afforestation or reforestation plan, with a timetable and description of needed site and soil preparation, species, size, and spacing to be used;</p> <p>(4) Incorporate a binding 2-year maintenance agreement specified in COMAR 08.19.05.01 that details how the areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment, including:</p> <p>(a) Watering, and</p> <p>(b) A reinforcement planting</p>	<p>Same as Model Act</p>	<p>B. A final forest conservation plan shall:</p> <p>(1) Be submitted <del>with</del> <b>PRIOR TO</b> the following:</p> <p>(a) A final subdivision plan,</p> <p>(b) A final project plan,</p> <p>(c) An application for a grading permit, or</p> <p>(d) An application for a sediment control permit;</p> <p>(2) Show proposed locations and types of protective devices to be used during construction activities to protect trees and forests designated for conservation;</p> <p>(3) In the case of afforestation or reforestation, include an afforestation or reforestation plan, with a timetable and description of needed site and soil preparation, species, size, and spacing to be used;</p> <p>(4) Incorporate a binding 2-year maintenance agreement specified in COMAR 08.19.05.01 that details how the areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment, including:</p> <p>(a) Watering, and</p> <p>(b) A reinforcement planting</p>	<p>2. A FINAL FOREST CONSERVATION PLAN SHALL:</p> <p>i. BE SUBMITTED <del>with</del> <b>PRIOR TO</b> THE FOLLOWING:</p> <p>a. A FINAL SUBDIVISION PLAN,</p> <p>b. A FINAL PROJECT PLAN,</p> <p>c. AN APPLICATION FOR A GRADING PERMIT, OR</p> <p>d. AN APPLICATION FOR A SEDIMENT CONTROL PERMIT;</p> <p>ii. SHOW PROPOSED LOCATIONS AND TYPES OF PROTECTIVE DEVICES TO BE USED DURING CONSTRUCTION ACTIVITIES TO PROTECT TREES AND FORESTS DESIGNATED FOR CONSERVATION;</p> <p>iii. IN THE CASE OF AFFORESTATION OR REFORESTATION, INCLUDE AN AFFORESTATION OR REFORESTATION PLAN, WITH A TIMETABLE AND DESCRIPTION OF NEEDED SITE AND SOIL PREPARATION, SPECIES, SIZE, AND SPACING TO BE USED;</p> <p>iv. <b>JUSTIFICATION FOR ANY PROPOSED DISTURBANCE OF PRIORITY RETENTION AREAS, INCLUDING REASONS WHY SUCH PRIORITY RETENTION AREAS CANNOT BE RETAINED AND HOW THE APPLICANT SHALL REPLACE PROPOSED DISTURBED PRIORITY RETENTION AREAS THROUGH AFFORESTATION AND REFORESTATION, IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER.</b></p>	<p>2. A FINAL FOREST CONSERVATION PLAN SHALL:</p> <p>i. BE SUBMITTED <b>BY THE APPLICANT CONSISTENT WITH REQUIREMENTS ESTABLISHED BY THE DEPARTMENT AND THE LAW</b> WITH THE FOLLOWING:</p> <p>a. A FINAL SUBDIVISION PLAN,</p> <p>b. A FINAL PROJECT PLAN,</p> <p>c. AN APPLICATION FOR A GRADING PERMIT, OR</p> <p>d. AN APPLICATION FOR A SEDIMENT CONTROL PERMIT;</p> <p>ii. SHOW PROPOSED LOCATIONS AND TYPES OF PROTECTIVE DEVICES TO BE USED DURING CONSTRUCTION ACTIVITIES TO PROTECT TREES AND FORESTS DESIGNATED FOR CONSERVATION;</p> <p>iii. IN THE CASE OF AFFORESTATION OR REFORESTATION, INCLUDE AN AFFORESTATION OR REFORESTATION PLAN, WITH A TIMETABLE AND DESCRIPTION OF NEEDED SITE AND SOIL PREPARATION, SPECIES, SIZE, AND SPACING TO BE USED;</p> <p>iv. <b>INCORPORATE JUSTIFICATION FOR ANY PROPOSED DISTURBANCE OF PRIORITY RETENTION AREAS, INCLUDING REASONS WHY SUCH PRIORITY RETENTION AREAS CANNOT BE RETAINED AND HOW THE APPLICANT SHALL REPLACE PROPOSED DISTURBED PRIORITY RETENTION AREAS THROUGH AFFORESTATION AND</b></p>
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<p>provision if survival rates fall below required standards, as provided in the (Name of County) County Forest Conservation Technical Manual;</p> <p>(5) Incorporate a long-term binding protective agreement as specified in COMAR 08.19.05.02 that:</p> <p>(a) Provides protection for areas of forest conservation, including areas of afforestation, reforestation, and retention, and</p> <p>(b) Limits uses in areas of forest conservation to those uses that are designated and consistent with forest conservation, including recreational activities and forest management practices that are used to preserve forest;</p> <p>(6) Include the substantive elements required under §6.2B(2)—(5), (7)—(9), and (11) of this article, as finalized elements of the forest conservation plan; and</p> <p>(7) Other information the Department determines is necessary to implement this Ordinance</p>		<p>provision if survival rates fall below required standards, as provided in the (Name of County) County Forest Conservation Technical Manual;</p> <p>(5) Incorporate a long-term binding protective agreement as specified in COMAR 08.19.05.02 that:</p> <p>(a) Provides protection for areas of forest conservation, including areas of afforestation, reforestation, and retention, and</p> <p>(b) Limits uses in areas of forest conservation to those uses that are designated and consistent with forest conservation, including recreational activities and forest management practices that are used to preserve forest;</p> <p>vi. INCLUDE THE SUBSTANTIVE ELEMENTS REQUIRED UNDER <b>SUBSECTION (B)(2)(II)-(V), (VII)-(IX), AND (XI) OF THIS SECTION</b>, AS FINALIZED ELEMENTS OF THE FOREST CONSERVATION PLAN; AND</p> <p>(7) Other information the Department determines is necessary to implement this Ordinance</p>	<p>v. INCORPORATE A BINDING <del>TWO</del> <b>FIVE</b> YEAR MAINTENANCE AGREEMENT SPECIFIED IN COMAR 08.19.05.01 THAT DETAILS HOW THE AREAS DESIGNATED FOR AFFORESTATION OR REFORESTATION WILL BE MAINTAINED TO ENSURE PROTECTION AND SATISFACTORY ESTABLISHMENT, INCLUDING:</p> <p>a. WATERING, AND</p> <p>b. A REINFORCEMENT PLANTING PROVISION IF SURVIVAL RATES FALL BELOW REQUIRED STANDARDS, AS PROVIDED IN THE FOREST CONSERVATION TECHNICAL MANUAL;</p> <p>ii. INCORPORATE A LONG-TERM BINDING PROTECTIVE AGREEMENT AS SPECIFIED IN COMAR 08.19.05.02 THAT:</p> <p>a. PROVIDES PROTECTION FOR AREAS OF FOREST CONSERVATION, INCLUDING AREAS OF AFFORESTATION, REFORESTATION, AND RETENTION, AND</p> <p>i. FOR AFFORESTATION OR REFORESTATION WILL BE MAINTAINED TO ENSURE PROTECTION AND SATISFACTORY ESTABLISHMENT, INCLUDING:</p> <p>A. WATERING, AND</p> <p>B. A REINFORCEMENT PLANTING PROVISION IF SURVIVAL RATES FALL BELOW REQUIRED STANDARDS, AS PROVIDED IN THE FOREST CONSERVATION TECHNICAL MANUAL;</p>	<p><b>REFORESTATION, IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER.</b></p> <p>v. INCORPORATE A BINDING FIVE YEAR MAINTENANCE AGREEMENT SPECIFIED IN COMAR 08.19.05.01 THAT DETAILS HOW THE AREAS DESIGNATED FOR AFFORESTATION OR REFORESTATION WILL BE MAINTAINED TO ENSURE PROTECTION AND SATISFACTORY ESTABLISHMENT, INCLUDING:</p> <p>a. WATERING, AND</p> <p>b. A REINFORCEMENT PLANTING PROVISION IF SURVIVAL RATES FALL BELOW REQUIRED STANDARDS, AS PROVIDED IN THE FOREST CONSERVATION TECHNICAL MANUAL;</p> <p>vi. INCORPORATE A LONG-TERM BINDING PROTECTIVE AGREEMENT AS SPECIFIED IN COMAR 08.19.05.02 THAT:</p> <p>a. PROVIDES PROTECTION FOR AREAS OF FOREST CONSERVATION, INCLUDING AREAS OF AFFORESTATION, REFORESTATION, AND RETENTION, AND</p> <p>b. LIMITS USES IN AREAS OF FOREST CONSERVATION TO THOSE USES THAT ARE DESIGNATED AND CONSISTENT WITH FOREST CONSERVATION, INCLUDING RECREATIONAL ACTIVITIES AND FOREST MANAGEMENT PRACTICES THAT ARE USED TO PRESERVE FOREST;</p> <p><b>vii. INCLUDE A STATEMENT OF</b></p>

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			<p>vi. INCORPORATE A LONG-TERM BINDING PROTECTIVE AGREEMENT AS SPECIFIED IN COMAR 08.19.05.02 THAT:</p> <p>a. PROVIDES PROTECTION FOR AREAS OF FOREST CONSERVATION, INCLUDING AREAS OF AFFORESTATION, REFORESTATION, AND RETENTION, AND</p> <p>b.</p> <p>b. LIMITS USES IN AREAS OF FOREST CONSERVATION TO THOSE USES THAT ARE DESIGNATED AND CONSISTENT WITH FOREST CONSERVATION, INCLUDING RECREATIONAL ACTIVITIES AND FOREST MANAGEMENT PRACTICES THAT ARE USED TO PRESERVE FOREST;</p> <p>vii. INCLUDE THE SUBSTANTIVE ELEMENTS REQUIRED UNDER <a href="#">SUBSECTION (B)(2)(II)-(V), (VII)-(IX), AND (XI) OF THIS SECTION</a>, AS FINALIZED ELEMENTS OF THE FOREST CONSERVATION PLAN; AND</p> <p>viii. OTHER INFORMATION THE DEPARTMENT DETERMINES IS NECESSARY TO IMPLEMENT THIS CHAPTER <a href="#">INCLUDING A STATEMENT OF HOW THE PROJECT WILL FURTHER THE CITY'S TREE CANOPY COVERAGE GOALS.</a></p>	<p><a href="#">HOW THE PROJECT WILL IMPACT THE CITY'S TREE CANOPY GOALS.</a></p> <p>viii. INCLUDE THE SUBSTANTIVE ELEMENTS REQUIRED UNDER <a href="#">SUBSECTION (B)(2)(ii)-(v), (vii)-(ix), AND (xi) OF THIS SECTION</a>, AS FINALIZED ELEMENTS OF THE FOREST CONSERVATION PLAN; AND</p> <p>ix. INCLUDE OTHER INFORMATION THE DEPARTMENT DETERMINES IS NECESSARY TO IMPLEMENT THIS <a href="#">CHAPTER.</a></p>

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<p>C. Time for Submittal.</p> <p>(1) Within 45 calendar days after receipt of the final forest conservation plan, the Department shall notify the applicant whether the forest conservation plan is complete and approved.</p> <p>(2) If the Department fails to notify the applicant within 45 calendar days, the plan shall be treated as complete and approved.</p> <p>(3) The Department may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.</p> <p>(4) At the request of the applicant, the Department may extend the deadline under extenuating circumstances</p>	<p>Same as Model Act</p>	<p>C. Time for Submittal.</p> <p>(1) Within 45 calendar days after receipt of the final forest conservation plan, the Department shall notify the applicant whether the forest conservation plan is complete and <del>approved</del> <b>ACCEPTABLE</b>.</p> <p>(2) If the Department fails to notify the applicant within 45 calendar days, the plan shall be treated as complete and approved.</p> <p>(3) The Department may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances.</p> <p>(4) At the request of the applicant, the Department may extend the deadline under extenuating circumstances</p>	<p>3. TIME FOR SUBMITTAL.</p> <p>i. WITHIN FORTY-FIVE CALENDAR DAYS AFTER RECEIPT OF THE FINAL FOREST CONSERVATION PLAN, THE DEPARTMENT SHALL NOTIFY THE APPLICANT <b>IN WRITING</b> WHETHER THE FOREST CONSERVATION PLAN IS COMPLETE AND <del>approved</del> <b>ACCEPTABLE</b>.</p> <p>ii. IF THE DEPARTMENT FAILS TO NOTIFY THE APPLICANT WITHIN FORTY-FIVE CALENDAR DAYS, THE PLAN SHALL BE TREATED AS COMPLETE AND APPROVED.</p> <p>iii. THE DEPARTMENT MAY REQUIRE FURTHER INFORMATION OR EXTEND THE DEADLINE FOR AN ADDITIONAL 15 CALENDAR DAYS UNDER EXTENUATING CIRCUMSTANCES <b>IN ITS OWN DISCRETION</b>.</p> <p>iv. AT THE REQUEST OF THE APPLICANT, THE DEPARTMENT MAY EXTEND THE DEADLINE <del>under extenuating circumstances</del>.</p>	<p>3. TIME FOR <del>SUBMITTAL</del> <b>NOTIFICATION</b>.</p> <p>i. WITHIN FORTY-FIVE CALENDAR DAYS AFTER <b>INCORPORATION OF THE PROSPECTIVE FINAL FOREST CONSERVATION PLAN INTO A COMPLETE PLAN OR PERMIT APPLICATION ASSOCIATED WITH A REGULATED ACTIVITY, THE DECISION MAKING AUTHORITY FOR SUCH PLANS SHALL NOTIFY THE APPLICANT IN WRITING WHETHER THE FOREST CONSERVATION PLAN IS COMPLETE AND ACCEPTABLE</b>.</p> <p>ii. IF THE <del>DEPARTMENT</del> <b>DECISION MAKING AUTHORITY</b> FAILS TO NOTIFY THE APPLICANT WITHIN FORTY-FIVE CALENDAR DAYS, THE PLAN SHALL BE TREATED AS COMPLETE AND APPROVED.</p> <p>iii. THE <del>DEPARTMENT</del> <b>DECISION MAKING AUTHORITY</b> MAY REQUIRE FURTHER INFORMATION OR EXTEND THE DEADLINE FOR AN ADDITIONAL FIFTEEN CALENDAR DAYS UNDER EXTENUATING CIRCUMSTANCES <b>IN ITS OWN DISCRETION</b>.</p> <p>iv. AT THE REQUEST OF THE APPLICANT, THE <del>DEPARTMENT</del> <b>DECISION MAKING AUTHORITY</b> MAY EXTEND THE DEADLINE UNDER EXTENUATING CIRCUMSTANCES.</p>
<p>D. The Department's review of a final forest conservation plan shall be concurrent with the review of the final subdivision or project plan, grading permit application, or</p>	<p>Same as Model Act</p>	<p><del>Omitted</del></p>	<p><del>Omitted</del></p>	<p>Same as Model Act</p>

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<p>sediment control application associated with the project.</p> <p>E. The Department may revoke an approved forest conservation plan if it finds that:</p> <p>(1) A provision of the plan has been violated;</p> <p>(2) Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement, or omission of a relevant or material fact; or</p> <p>(3) Changes in the development or in the condition of the site necessitate preparation of a new or amended plan.</p>	Same as Model Act	Same as Model Act	<p>4. THE DEPARTMENT MAY REVOKE AN APPROVED FOREST CONSERVATION PLAN IF IT FINDS THAT:</p> <p>i. A PROVISION OF THE PLAN HAS BEEN VIOLATED;</p> <p>ii. APPROVAL OF THE PLAN WAS OBTAINED THROUGH FRAUD, MISREPRESENTATION, A FALSE OR MISLEADING STATEMENT, OMISSION OF A RELEVANT OR MATERIAL FACTOR; OR</p> <p>iii. CHANGES IN THE DEVELOPMENT OR IN THE CONDITION OF THE SITE NECESSITATE PREPARATION OF A NEW OR AMENDED PLAN.; OR</p> <p>iv. THE PROJECT PLAN APPROVAL IS TERMINATED THROUGH INACTION BY OPERATION OF THE CITY CODE.</p>	Same as V2.4
<p>F. The Department may issue a stop work order against a person who violates a provision of this Ordinance or a regulation, order, approved forest conservation plan, or maintenance agreement.</p>	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<p>G. Before revoking approval of a forest conservation plan, the Department shall notify the violator in writing and provide an opportunity for a hearing.</p>	Same as Model Act	<p>6. BEFORE REVOKING APPROVAL OF A FOREST CONSERVATION PLAN, THE DEPARTMENT SHALL NOTIFY THE VIOLATOR IN WRITING AND PROVIDE AN OPPORTUNITY FOR A HEARING BEFORE THE DEPARTMENT DIRECTOR OR DESIGNEE</p>	Same as O-27-15	Same as O-27-15

		7. UPON RECEIPT OF THE COMPLETED FOREST CONSERVATION PLAN AND ANY FURTHER AMENDMENTS OR CHANGES TO THE SAME, THE DEPARTMENT SHALL IMMEDIATELY POST SAID PLAN, AMENDMENTS, AND CHANGES ON THE DEPARTMENT'S WEBSITE FOR A MINIMUM OF FIFTEEN DAYS AND ACCEPT WRITTEN COMMENTS FROM THE PUBLIC.	7. UPON RECEIPT OF THE COMPLETED FOREST CONSERVATION PLAN AND ANY FURTHER AMENDMENTS OR CHANGES TO THE SAME, THE DEPARTMENT SHALL IMMEDIATELY POST SAID PLAN, AMENDMENTS, AND CHANGES ON THE DEPARTMENT'S WEBSITE FOR A MINIMUM OF FIFTEEN DAYS AND ACCEPT WRITTEN COMMENTS FROM THE PUBLIC.	8. UPON APPROVAL OF THE FINAL FOREST CONSERVATION PLAN THE DEPARTMENT SHALL POST THE PLAN ON THE DEPARTMENT'S WEBSITE WITHIN THREE BUSINESS DAYS.
<b>Article VII – Afforestation and Retention</b>		<b>SECTION 21.71.080 – AFFORESTATION AND RETENTION</b>	Same as O-27-15	Same as O-27-15
7.1 Afforestation Requirement. A person making application after the effective date of this Ordinance for subdivision or project plan approval, a grading permit, or a sediment control permit for an area of land of 40,000 square feet or greater, shall:	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
A. Conduct afforestation on the lot or parcel in accordance with the following:  (1) A tract having less than 20 percent of the net tract area in forest cover shall be afforested up to at least 20 percent of the net tract area for the following land use categories:  (a) Agriculture and resource areas, and  (b) Medium density residential areas;  (2) A tract with less than 15 percent of its net tract area in forest cover shall be afforested up to at least 15 percent of the net tract area for the	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act

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<p>following land use categories:</p> <p>(a) Institutional development areas,</p> <p>(b) High density residential areas,</p> <p>(c) Mixed use and planned unit development areas, and</p> <p>(d) Commercial and industrial use areas;</p>				
<p>B. Comply with the following when cutting into forest cover that is currently below the afforestation percentages described in §7.1A(1) and (2) of this article:</p> <p>(1) The required afforestation level shall be determined by the amount of forest existing before cutting or clearing begins; and</p> <p>(2) Forest cut or cleared below the required afforestation level shall be reforested or afforested at a 2 to 1 ratio and added to the amount of afforestation necessary to reach the minimum required afforestation level, as determined by the amount of forest existing before cutting or clearing began.</p>	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
		<b>B. Retention.</b>	Same as O-27-15	Same as O-27-15
<p>7.2 Retention. The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot reasonably be altered:</p>	Same as Model Act	<p>1. The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot reasonably be <del>altered</del>:</p>	Same as Model Act	Same as Model Act

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<p>A. Trees, shrubs, and plants located in sensitive areas including the 100-year floodplain, intermittent and perennial streams and their buffers, coastal bays and their buffers, steep slopes, nontidal wetlands, and critical habitats; and</p>	<p>7.2A Reference added to COA FCA for Healthy Forests as a priority for retention. Healthy Forests will be further defined in the City of Annapolis FCA Technical Manual.</p>	<p>i. TREES, SHRUBS, AND PLANTS LOCATED IN SENSITIVE AREAS INCLUDING THE 100-YEAR FLOODPLAIN, INTERMITTENT AND PERENNIAL STREAMS AND THEIR BUFFERS, COASTAL BAYS AND THEIR BUFFERS, STEEP SLOPES, NONTIDAL WETLANDS, CRITICAL HABITATS, AND HEALTHY FORESTS AS DEFINED IN THE FOREST CONSERVATION TECHNICAL MANUAL; AND</p>	<p>i. TREES, SHRUBS, AND PLANTS LOCATED IN SENSITIVE AREAS INCLUDING THE 100-YEAR FLOODPLAIN, INTERMITTENT AND PERENNIAL STREAMS AND THEIR BUFFERS, COASTAL BAYS AND THEIR BUFFERS, STEEP SLOPES AND THEIR BUFFERS, NONTIDAL WETLANDS, CRITICAL HABITATS, AND HEALTHY FORESTS; AND</p>	<p>i. TREES, SHRUBS, AND PLANTS LOCATED IN SENSITIVE AREAS INCLUDING THE 100-YEAR FLOODPLAIN, INTERMITTENT AND PERENNIAL STREAMS AND THEIR BUFFERS, COASTAL BAYS AND THEIR BUFFERS, STEEP SLOPES AND THEIR BUFFERS, NONTIDAL WETLANDS, CRITICAL HABITATS, AND HEALTHY FORESTS; AND</p>
<p>B. Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site.</p>	<p>Same as Model Act</p>	<p>Contiguous forest that connects the largest undeveloped or most vegetated tracts of land <del>within</del> and adjacent to the site.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
			<p>iii. TREES DESIGNATED AS SIGNIFICANT PURSUANT TO THIS CHAPTER</p>	<p>Omitted</p>
<p>7.2-1 Retention. The following trees, shrubs, plants, and specific areas are considered priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Department, that the applicant qualifies for a variance in accordance with Section 14.1 of this article:</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>

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<p>A. Trees, shrubs, or plants determined to be rare, threatened, or endangered under:</p> <p>(1) The federal Endangered Species Act of 1973 in 16 U.S.C. §§1531—1544 and in 50 CFR 17,</p> <p>(2) The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§10-2A-01—10-2A-09, Annotated Code of Maryland, and</p> <p>(3) COMAR 08.03.08;</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>B. Trees that:</p> <p>(1) Are part of an historic site,</p> <p>(2) Are associated with an historic structure, or</p> <p>(3) Have been designated by the State or the Department as a national, State, or county champion tree; and</p>	<p>7.2-1B(1) Reference added to COA FCA to Maryland Historic Trust and National Park Service. 7.2-1B(2) Reference added to COA FCA to Maryland Historic Trust and National Park Service.</p>	<p>ii. TREES THAT:</p> <p>a. ARE PART OF A SITE DESIGNATED AS HISTORIC BY THE MARYLAND HISTORIC TRUST OR THE NATIONAL PARK SERVICE,</p> <p>b. ARE ASSOCIATED WITH A STRUCTURE DESIGNATED AS HISTORIC BY THE MARYLAND HISTORIC TRUST OR THE NATIONAL PARK SERVICE, OR</p> <p>c. HAVE BEEN DESIGNATED BY THE STATE, COUNTY, OR THE DEPARTMENT AS A NATIONAL, STATE, COUNTY OR MUNICIPALITY CHAMPION TREE; AND</p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>



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<p>C. Any tree having a diameter measured at 4.5 feet above the ground of:</p> <p>(1) 30 inches or more, or</p> <p>(2) 75 percent or more of the diameter, measured at 4.5 feet above the ground, of the current State champion tree of that species as designated by the Department of Natural Resources.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>iii. ANY TREE HAVING A DBH OF:</p> <p>a. THIRTY INCHES OR MORE, OR</p> <p>b. SEVENTY-FIVE PERCENT OR MORE OF THE DIAMETER, MEASURED AT 4.5 FEET ABOVE THE GROUND, OF THE CURRENT STATE CHAMPION TREE OF THAT SPECIES AS DESIGNATED BY THE DEPARTMENT OF NATURAL RESOURCES, OR</p> <p>c. OR WHICH HAS BEEN DESIGNATED AS A SIGNIFICANT TREE PURSUANT TO THIS CHAPTER</p>	<p>iii. ANY TREE HAVING A DBH OF:</p> <p>a. THIRTY INCHES OR MORE, OR</p> <p>b. <del>SEVENTY-FIVE PERCENT OR MORE OF THE DIAMETER, MEASURED AT 4.5 FEET ABOVE THE GROUND, OF THE CURRENT STATE CHAMPION TREE OF THAT SPECIES AS DESIGNATED BY THE DEPARTMENT OF NATURAL RESOURCES</del> WHICH HAS BEEN DESIGNATED AS A SIGNIFICANT TREE PURSUANT TO THIS CHAPTER.</p>
	<p>7.2-2 Section on Additional Retention added to COA FCA. Identifies trees 24 inches or greater in diameter as trees to be considered for retention. (Note: Section 7.2-1C(1) requires that removal of trees 30 inches or greater in diameter requires a variance. Section 7.2-2 does not stipulate that trees 24 inches up to 30 inches in diameter require a variance, only consideration for retention).</p>	<p>Omitted</p>	<p>Omitted</p>	<p>Omitted</p>
<p><b>Article VIII – Reforestation</b></p>		<p><b>SECTION 21.71.090 – REFORESTATION</b></p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>
<p>8.1 Forest Conservation Threshold.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>A. There is a forest conservation threshold established for all land use categories, as provided in Subsection B of this article. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of 1/4 acre planted for each acre removed above the threshold to a ratio of 2 acres planted for each acre removed</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>

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<p>below the threshold.</p> <p>B. After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a subdivision or project plan, grading and sediment control activities, and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, purchase of credits from a forest mitigation bank, or payment into the forest conservation fund, according to the formula set forth in Subsections B and C of this article and consistent with §6.1 of this article, and the following forest conservation thresholds for the applicable land use category:</p>	<p><b>8.1B Category of Uses. B(5) and B(6) are amended for consistency with the Annapolis Zoning Code:</b></p> <p><b>B(5) Model Ordinance: “Mixed use and planned use development areas 15%” COA FCA: “Planned development areas 20%”</b></p> <p><b>B(6) Model Ordinance: “Commercial and Industrial use areas 15%”</b></p> <p><b>COA FCA: “ Mixed use and commercial and industrial use areas 15%”</b></p>	<p>B. After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a subdivision or project plan, grading and sediment control activities, and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, purchase of credits from a forest mitigation bank, or payment into the forest conservation fund, according to the formula set forth in Subsections B and C of this article and consistent with §6.1 of this article, and the following forest conservation thresholds for the applicable land use category:</p>	<p>2. After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a subdivision or project plan, grading and sediment control activities, and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, purchase of credits from a forest mitigation bank, or payment into the forest conservation fund, according to the formula set forth <b>BELOW AND IN SUBSECTION (A)(3) OF THIS SECTION AND CONSISTENT WITH SECTION 21.71.070(A) OF THIS CHAPTER</b>, and the following forest conservation thresholds for the applicable land use category:</p>	<p>Same as Model Act</p>																																										
<table border="1"> <thead> <tr> <th>Category of Use</th> <th>Threshold Percentage</th> </tr> </thead> <tbody> <tr> <td>(1) Agricultural and resource areas</td> <td>50 percent;</td> </tr> <tr> <td>(2) Medium density residential areas</td> <td>25 percent;</td> </tr> <tr> <td>(3) Institutional development areas</td> <td>20 percent;</td> </tr> <tr> <td>(4) High density residential areas</td> <td>20 percent;</td> </tr> <tr> <td>(5) Mixed use and planned unit development areas</td> <td>15 percent;</td> </tr> <tr> <td>(6) Commercial and industrial use areas</td> <td>15 percent.</td> </tr> </tbody> </table>	Category of Use	Threshold Percentage	(1) Agricultural and resource areas	50 percent;	(2) Medium density residential areas	25 percent;	(3) Institutional development areas	20 percent;	(4) High density residential areas	20 percent;	(5) Mixed use and planned unit development areas	15 percent;	(6) Commercial and industrial use areas	15 percent.		<table border="1"> <thead> <tr> <th>Category of Use</th> <th>Threshold Percentage</th> </tr> </thead> <tbody> <tr> <td>(1) Agricultural and resource <del>areas</del></td> <td>50 percent;</td> </tr> <tr> <td>(2) Medium density residential areas</td> <td>25 percent;</td> </tr> <tr> <td>(3) Institutional development areas</td> <td>20 percent;</td> </tr> <tr> <td>(4) High density residential areas</td> <td>20 percent;</td> </tr> <tr> <td>(5) <del>Mixed use and</del> planned <del>unit</del> development areas</td> <td>15 percent;</td> </tr> <tr> <td>(6) Mixed use and Commercial and industrial use areas</td> <td>15 percent.</td> </tr> </tbody> </table>	Category of Use	Threshold Percentage	(1) Agricultural and resource <del>areas</del>	50 percent;	(2) Medium density residential areas	25 percent;	(3) Institutional development areas	20 percent;	(4) High density residential areas	20 percent;	(5) <del>Mixed use and</del> planned <del>unit</del> development areas	15 percent;	(6) Mixed use and Commercial and industrial use areas	15 percent.	<table border="1"> <thead> <tr> <th>Category of Use</th> <th>Threshold Percentage</th> </tr> </thead> <tbody> <tr> <td>(1) Agricultural <b>RESOURCE</b> and resource areas</td> <td>50 percent;</td> </tr> <tr> <td>(2) Medium density residential areas</td> <td>25 percent;</td> </tr> <tr> <td>(3) Institutional development areas</td> <td>20 percent;</td> </tr> <tr> <td>(4) High density residential areas</td> <td>20 percent;</td> </tr> <tr> <td>(5) <del>Mixed use and</del> planned <del>unit</del> development areas</td> <td>15 percent;</td> </tr> <tr> <td>(6) Mixed use and Commercial and industrial use areas</td> <td>15 percent.</td> </tr> </tbody> </table>	Category of Use	Threshold Percentage	(1) Agricultural <b>RESOURCE</b> and resource areas	50 percent;	(2) Medium density residential areas	25 percent;	(3) Institutional development areas	20 percent;	(4) High density residential areas	20 percent;	(5) <del>Mixed use and</del> planned <del>unit</del> development areas	15 percent;	(6) Mixed use and Commercial and industrial use areas	15 percent.	
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(2) Medium density residential areas	25 percent;																																													
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(4) High density residential areas	20 percent;																																													
(5) <del>Mixed use and</del> planned <del>unit</del> development areas	15 percent;																																													
(6) Mixed use and Commercial and industrial use areas	15 percent.																																													

<p>C. Calculations.</p> <p>(1) For all existing forest cover measured to the nearest 1/10th acre cleared on the net tract area above the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 1/4 acre planted for each acre removed.</p> <p>(2) Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under paragraph (1) of this subsection. The calculation of the credit shall be according to the criteria provided in the (Name of County) County Forest Conservation Technical Manual.</p> <p>(3) For all existing forest cover measured to the nearest 1/10th acre cleared on the net tract area below the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 2 acres planted for each acre removed below the threshold.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p><b>Article IX – Priorities and Time Requirements for Afforestation and Reforestation</b></p>		<p><b>SECTION 21.71.100 – PRIORITIES AND TIME REQUIREMENTS FOR AFFORESTATION AND REFORESTATION</b></p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>
<p>9.1 Sequence for Afforestation and Reforestation.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>

<p>A. After techniques for retaining existing forest on the site have been exhausted, the preferred sequence for afforestation and reforestation, as determined by the Department, is as follows:</p> <p>(1) Forest creation in accordance with a forest conservation plan using one or more of the following:</p> <p>(a) Transplanted or nursery stock,</p> <p>(b) Whip and seedling stock, or</p> <p>(c) Natural regeneration where it can be adequately shown to meet the objective of the State Forest Conservation Technical Manual;</p> <p>(2) In a municipal corporation with a tree management plan and in an existing population center designated in a county master plan that has been adopted to conform with the Economic Growth, Resource Protection, and Planning Act of 1992, or in any other designated area approved by the Department, the use of:</p> <p>(a) Street trees as a permissible step in the priority sequence for afforestation or reforestation and with a mature canopy coverage may be granted full credit as a mitigation technique, and</p> <p>(b) Acquisition of an off-site protection easement on existing forested areas not currently protected in perpetuity as a mitigation technique, in which case</p>	<p>Same as Model Act</p>	<p>Same as Model Act except <del>State</del> Forest Conservation Technical Manual</p>	<p>Same as O-27-15</p>	<p>Same as O-27-15</p>
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<p>the afforestation or reforestation credit granted may not exceed 50 percent of the area of forest cover protected;</p> <p>(3) When all other options, both on-site and off-site, have been exhausted, landscaping as a mitigation technique conducted under an approved landscaping plan that establishes a forest at least 35 feet wide and covering at least 2,500 square feet of area.</p>				
<p>B. A sequence other than the one described in Subsection A of this article may be used for a specific project, if necessary, to achieve the objectives of the county land use plan or county land use policies, or to take advantage of opportunities to consolidate forest conservation efforts.</p>	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act except <del>County</del> City
<p>C. The following are considered a priority for afforestation and reforestation:</p> <p>(1) Those techniques that enhance existing forest and involve selective clearing or supplemental planting on-site;</p> <p>(2) On-site afforestation or reforestation where the retention options have been exhausted, using methods selected in accordance with Subsection F of this section, and the location being selected in accordance with this subsection;</p> <p>(3) Off-site afforestation or reforestation in the same watershed or in accordance with an approved master plan where the applicant has demonstrated that no reasonable alternative on-site</p>	Same as Model Act	Same as Model Act, except in 21.71.100.A.3.ii: <del>USING</del> SUING	Same as Model Act, except fixed “suing” and:  (1) Those techniques that enhance existing forest <del>and involve</del> BY selective clearing or supplemental planting on-site;	Same as V2.4

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<p>exists, or where:</p> <p>(a) Any on-site priority areas for afforestation or reforestation have been planted in accordance with this subsection; and</p> <p>(b) The applicant has justified to the Department's satisfaction that environmental benefits associated with off-site afforestation or reforestation exceed those derived from on-site planting.</p>				
<p>D. In the cases cited in Subsection C of this section, the method shall be selected in accordance with Subsection F of this section and the location shall be selected in accordance with Subsection C of this section.</p>	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<p>E. Off-site afforestation or reforestation may include the use of forest mitigation banks which have been so designated in advance by the Department.</p>	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<p>F. Standards for meeting afforestation or reforestation requirements shall be established using one or more of the following methods:</p> <p>(1) Establish or enhance forest buffers adjacent to intermittent and perennial streams, and coastal bays and their buffers, to widths of at least 50 feet;</p> <p>(2) Establish or increase existing forested corridors to connect existing forests within or adjacent to the site and, where practical, forested corridors should be a minimum of 300 feet in width to facilitate wildlife movement;</p>	Same as Model Act	<p>Same as Model Act, except:</p> <p>(1) Establish or enhance forest buffers adjacent to intermittent and perennial streams, and COASTAL bays and their buffers, to widths of at least 50 feet;</p>	<p>Same as Model Act, except:</p> <p>(1) Establish or enhance forest buffers adjacent to intermittent and perennial streams, and COASTAL bays and their buffers, to widths of at least <del>50</del> 100 feet;</p>	<p>Same as Model Act, except:</p> <p>i. ESTABLISH OR ENHANCE FOREST BUFFERS ADJACENT TO INTERMITTENT AND PERENNIAL STREAMS, AND COASTAL BAYS AND THEIR BUFFERS, TO WIDTHS OF AT LEAST FIFTY TO 100 FEET TO PREVENT ACTIVITY CAUSING A DETRIMENTAL EFFECT TO THE WATERWAY AS DETERMINED BY THE DIRECTOR;</p>

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<p>(3) Establish or enhance forest buffers adjacent to critical habitats where appropriate;</p> <p>(4) Establish or enhance forested areas in the 100-year floodplains;</p> <p>(5) Establish plantings to stabilize slopes of 25 percent or greater and slopes of 15 percent or greater with a soil K value greater than 0.35 including the slopes of ravines or other natural depressions;</p> <p>(6) Establish buffers adjacent to areas of differing land use when appropriate, or adjacent to highways or utility rights-of-way;</p> <p>(7) Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate; and</p> <p>(8) Use native plant materials for afforestation or reforestation, when appropriate.</p>				
<p>G. A person required to conduct afforestation or reforestation under this article shall accomplish it within 1 year or two growing seasons, whichever is a greater time period, following development project completion.</p>		Same as Model Act	Same as Model Act	Same as Model Act
<p><b>Article X – Payment Instead of Afforestation or Reforestation</b></p>		<p><b>SECTION 21.71.110</b> – PAYMENT INSTEAD OF AFFORESTATION AND REFORESTATION</p>	Omitted	Same as O-27-15
<p>10.1 Forest Conservation Fund.</p>	Same as Model Act	Same as Model Act	Omitted	Same as Model Act
<p>A. There is established a forest conservation fund in the local program.</p>	<p>10.1 A COA FCA clarifies that DNEP has the authority to establish a forest conservation fund.</p>	<p>1. THE DEPARTMENT SHALL HAVE AUTHORITY TO ESTABLISH A FOREST CONSERVATION FUND IN THE LOCAL PROGRAM.</p>	Omitted	<p>There is established a forest conservation fund <del>in the local program.</del></p>

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<p>B. If a person subject to this Ordinance demonstrates to the satisfaction of the Department that requirements for reforestation or afforestation onsite or offsite cannot be reasonably accomplished, the person shall contribute money into the county forest conservation fund:</p> <p>(1) For a project inside a priority funding area, as defined in Natural Resources Article, §5-1610, Annotated Code of Maryland, at a rate of 30.5 cents per square foot of the area of required planting with the amount adjusted by the Department based on the previous year's inflation rate; and</p> <p>(2) For a project outside a priority funding area, at a rate of 36.6 cents per square foot of the area of required planting.</p>	Same as Model Act	<p>2. IF A PERSON SUBJECT TO THIS CHAPTER DEMONSTRATES TO THE SATISFACTION OF THE DEPARTMENT THAT REQUIREMENTS FOR AFFORESTATION OR REFORESTATION ONSITE OR OFFSITE CANNOT BE REASONABLY ACCOMPLISHED, THE PERSON SHALL CONTRIBUTE MONEY INTO THE CITY FOREST CONSERVATION FUND:</p> <p>i. FOR A PROJECT INSIDE A PRIORITY FUNDING AREA, AS DEFINED IN NATURAL RESOURCES ARTICLE, §5-1610, ANNOTATED CODE OF MARYLAND, AT A RATE PER SQUARE FOOT OF THE AREA OF REQUIRED PLANTING <b>TO BE SET BY RESOLUTION OF THE CITY COUNCIL IN THE FEE SCHEDULE, AND</b></p> <p>ii. FOR A PROJECT OUTSIDE A PRIORITY FUNDING AREA, AT A RATE OF <del>36.6</del> CENTS PER SQUARE FOOT OF THE AREA OF REQUIRED PLANTING <b>UNTIL SEPTEMBER 30, 2014, WHEN THE AMOUNT SHALL BE TWENTY PERCENT HIGHER THAN THE RATE ESTABLISHED FOR A PROJECT INSIDE A PRIORITY FUNDING AREA.</b></p>	Omitted	<p>2. IF A PERSON SUBJECT TO THIS CHAPTER DEMONSTRATES TO THE SATISFACTION OF THE DEPARTMENT THAT REQUIREMENTS FOR AFFORESTATION OR REFORESTATION ONSITE OR OFFSITE CANNOT BE REASONABLY ACCOMPLISHED, THE PERSON SHALL CONTRIBUTE MONEY INTO THE <b>CITY</b> FOREST CONSERVATION FUND:</p> <p>i. FOR A PROJECT INSIDE A PRIORITY FUNDING AREA, AS DEFINED IN NATURAL RESOURCES ARTICLE, §5-1610, ANNOTATED CODE OF MARYLAND, AT A RATE <b>PER SQUARE FOOT OF THE AREA OF REQUIRED PLANTING TO BE SET BY RESOLUTION OF THE CITY COUNCIL AFTER CONSIDERATION OF LAND ACQUISITION COSTS, ONGOING MAINTENANCE COSTS AND OVERHEAD, AND</b></p> <p>ii. FOR A PROJECT OUTSIDE A PRIORITY FUNDING AREA, AT A RATE <b>TWENTY PERCENT HIGHER THAN THE RATE ESTABLISHED FOR A PROJECT INSIDE A PRIORITY FUNDING AREA.</b></p>
<p>C. Money contributed instead of afforestation or reforestation under this article shall be paid within 90 calendar days after development project completion.</p>	Same as Model Act	Same as Model Act	Omitted	Same as Model Act
<p>D. The county shall accomplish the reforestation or afforestation for which the money is deposited within 2 years or 3 growing seasons, whichever is a greater time period, after receipt of the money.</p>	Same as Model Act	Same as Model Act	Omitted	Same as Model Act



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<p>E. Money deposited in the local forest conservation fund:</p> <p>(1) May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, preparation, maintenance of existing forests, and achieving urban canopy goals;</p> <p>(2) Shall be deposited in a separate forest conservation fund; and</p> <p>(3) May not revert to the general fund.</p>	Same as Model Act	Same as Model Act	Omitted	Same as Model Act
<p>F. Sites for Afforestation or Reforestation Using Fund Money.</p> <p>(1) Except as provided in Subsection G(2) of this section, the reforestation or afforestation requirement under this article shall occur in the county and watershed in which the project is located.</p> <p>(2) If the reforestation or afforestation cannot be reasonably accomplished in the county and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the state in which the project is located.</p>	Same as Model Act	<p>6. SITES FOR AFFORESTATION OR REFORESTATION USING FUND MONEY:</p> <p>i. EXCEPT AS PROVIDED IN SUBSECTION (A)(6)(2) OF THIS SECTION, THE AFFORESTATION OR REFORESTATION REQUIREMENT UNDER THIS CHAPTER SHALL OCCUR IN THE <del>county and</del> WATERSHED IN WHICH THE PROJECT IS LOCATED WITH PRIORITY THAT THE REQUIREMENT BE MET ON LAND IN THE CITY BEFORE CONSIDERATION OF LAND OUTSIDE THE CITY.</p> <p>ii. IF THE AFFORESTATION OR REFORESTATION CANNOT BE REASONABLY ACCOMPLISHED IN THE CITY AND WATERSHED IN WHICH THE PROJECT IS LOCATED, THEN THE AFFORESTATION OR REFORESTATION SHALL OCCUR IN THE CITY OR WATERSHED IN THE STATE IN WHICH THE PROJECT IS LOCATED.</p>	Omitted	<p>6. SITES FOR AFFORESTATION OR REFORESTATION USING FUND MONEY:</p> <p>i. EXCEPT AS PROVIDED IN SUBSECTION (A)(6)(2) OF THIS SECTION, THE AFFORESTATION OR REFORESTATION REQUIREMENT UNDER THIS CHAPTER SHALL OCCUR IN THE <del>COUNTY AND</del> WATERSHED IN WHICH THE PROJECT IS LOCATED WITH PRIORITY THAT THE REQUIREMENT BE MET ON LAND IN THE CITY BEFORE CONSIDERATION OF LAND OUTSIDE THE CITY.</p> <p>ii. IF THE AFFORESTATION OR REFORESTATION CANNOT BE REASONABLY ACCOMPLISHED IN THE CITY OR WATERSHED IN WHICH THE PROJECT IS LOCATED, THEN THE AFFORESTATION OR REFORESTATION SHALL OCCUR IN <del>THE CITY OR</del> A WATERSHED IN <del>THE STATE IN WHICH THE PROJECT IS LOCATED</del> ANNE ARUNDEL COUNTY.</p>

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G. If there is no local forest conservation fund established, a person may contribute to the State fund. The Department of Natural Resources shall determine when contribution is allowable under COMAR 08.19.02.02I.	Same as Model Act		Omitted	Omitted
<b>Article X.1 – Payments by Credits from a Forest Mitigation Bank</b>	Same as Model Act	<b>SECTION 21.71.120</b> – PAYMENT BY CREDITS FROM A FOREST MITIGATION BANK	Same as O-27-15	Same as O-27-15
10.1.1 Use of Forest Mitigation Bank	Same as Model Act	Omitted	Omitted	Omitted
A. If a person subject to this Ordinance demonstrates to the satisfaction of the Department that requirements for reforestation or afforestation onsite or offsite cannot be reasonably accomplished, the person may contribute credits from a forest mitigation bank. A credit is required for each tenth of an acre of an area of required planting.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
B. The credits shall be debited from an approved forest mitigation bank within 90 calendar days after development project completion.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<b>Article X.2 – Establishing Forest Mitigation Banks</b>	<b>10.1.2 A COA FCA clarifies that DNEP must approve the creation of a forest mitigation bank.</b>	<b>SECTION 21.71.130</b> – ESTABLISHING FOREST MITIGATION BANKS	Same as O-27-15	Same as O-27-15
10.1.2 Forest Mitigation Banks.		Omitted	Omitted	Omitted
A. A person may create a forest mitigation bank from which applicants may purchase credits to meet the afforestation and reforestation requirements of this Ordinance.		A. <b>UPON APPROVAL OF DNEP</b> , A PERSON MAY CREATE A FOREST MITIGATION BANK FROM WHICH APPLICANTS MAY PURCHASE CREDITS TO MEET THE AFFORESTATION AND REFORESTATION REQUIREMENTS OF THIS CHAPTER	Same as O-27-15	A. <b>UPON APPROVAL BY THE DEPARTMENT</b> , A PERSON MAY CREATE A FOREST MITIGATION BANK FROM WHICH APPLICANTS MAY PURCHASE CREDITS TO MEET THE AFFORESTATION AND REFORESTATION REQUIREMENTS OF THIS CHAPTER.

<p>B. The forest mitigation bank shall:</p> <p>(1) Afforest or reforest an area of land in accordance with a forest mitigation bank agreement;</p> <p>(2) Be protected by an easement, deed restrictions, or covenants which require the land in the bank to remain forested in perpetuity and are enforceable by the Department and the Department of Natural Resources;</p> <p>(3) Limit the use of the land in the bank to those activities which are not inconsistent with forest conservation such as recreational activities, forest management under a forest conservation and management program under Tax-Property Article, §8-211, Annotated Code of Maryland, or activities specified in a forest management plan prepared by a licensed forester and approved by the Department;</p> <p>(4) Use native plant materials for afforestation or reforestation unless inappropriate; and</p> <p>(5) Cause trees to be planted which:</p> <p>(a) Establish or enhance forested buffers adjacent to intermittent and perennial streams and coastal bays to widths of at least 50 feet;</p> <p>(b) Establish or increase existing forested corridors, which, where practical, should be a minimum of</p>		<p>Same as Model Act, except in B(3) “not inconsistent” changed to “not <del>in</del>consistent”</p>	<p>Same as Model Act, except in B(3) “not inconsistent” changed to “not <del>in</del>consistent”</p>	<p>Same as Model Act</p>
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<p>300 feet in width to facilitate wildlife movement, to connect existing forests within or adjacent to the site;</p> <p>(c) Establish or enhance forest buffers adjacent to critical habitats where appropriate;</p> <p>(d) Establish or enhance forested areas in 100-year floodplains;</p> <p>(e) Stabilize slopes of 25 percent or greater;</p> <p>(f) Stabilize slopes of 15 percent or greater with a soil K value greater than 0.35 including the slopes of ravines or other natural depressions;</p> <p>(g) Establish buffers adjacent to areas of differing land use where appropriate, or adjacent to highways or utility rights-of-way; or</p> <p>(h) Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate.</p>				
<p>C. A person proposing to create a forest mitigation bank shall submit to the Department a:</p> <p>(1) Completed application on a form approved by the Department which has been signed by an authorized individual in conformance with COMAR 08.19.04.02I;</p> <p>(2) Forest mitigation bank plan which contains a:</p>		Same as Model Act	Same as Model Act, except <del>TWO</del> year plan changed to FIVE	Same as V2.4

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<p>(a) Vicinity map of the proposed mitigation bank site;</p> <p>(b) Simplified forest stand delineation which meets the criteria in COMAR 08.19.04.02;</p> <p>(c) Detailed afforestation or reforestation plan, which shall include a timetable and description of the site and soil preparation needed, species, size, and spacing to be utilized, prepared by a licensed Maryland forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01A; and</p> <p>(d) Proposed 2-year maintenance agreement that:</p> <p>(i) Sets forth how the areas afforested or reforested will be maintained to ensure protection and satisfactory establishment,</p> <p>(ii) Complies with COMAR 08.19.04.05C(4)(a), and</p> <p>(iii) Includes watering and reinforcement planting provisions if survival falls below required standards;</p> <p>(3) Copy of the deed to the property;</p> <p>(4) Survey or other legally sufficient description of the bank site for inclusion in the deeds of easement, deed restrictions, or covenants;</p> <p>(5) Title report or other assurance</p>				
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<p>that:</p> <p>(a) The property is not encumbered by any covenants or other types of restrictions which would impair the property's use as a forest mitigation bank; and</p> <p>(b) There is legally sufficient access to the forest mitigation bank site which can be used by the Department and its assignees to inspect the forest mitigation bank; and</p> <p>(6) Description of the system to be used by the person owning and operating the forest mitigation bank to identify and keep track of which portions of the bank have been debited to meet an applicant's offsite afforestation or reforestation requirements.</p>				
<p>D. The owner of an approved forest mitigation bank shall enter into an agreement with the Department which contains:</p> <p>(1) The approved reforestation or afforestation plan;</p> <p>(2) The approved system for marking and tracking which portions of the bank have been debited; and</p> <p>(3) An acknowledgment that the bank may not debit any portion of the afforested or reforested land until 2 years of successful growth has been achieved unless the banker has posted a bond or alternate form of security.</p>		Same as Model Act	Same as Model Act, except <del>TWO</del> year successful growth period changed to FIVE	Same as V2.4

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<b>Article XI – Recommended Tree Species</b>  11.1 Recommended Tree Species List.	Same as Model Act	<b>SECTION 21.71.140</b> – RECOMMENDED TREE SPECIES	Same as O-27-15	Same as O-27-15
A. Tree species used for afforestation or reforestation shall be native to the county, when appropriate, and selected from a list of approved species established by the Department.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
B. The Department shall adopt a list of tree species to be used for any required afforestation or reforestation and incorporate it into the (Name of county) County Forest Conservation Technical Manual.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<b>Article XII – Financial Security for Afforestation and Reforestation</b>		<b>SECTION 21.71.150</b> – FINANCIAL SECURITY FOR AFFORESTATION AND REFORESTATION	Same as O-27-15	Same as O-27-15
12.1 Bonding.	Same as Model Act	<b>Omitted</b>	<b>Omitted</b>	<b>Omitted</b>
A. A person required to conduct afforestation or reforestation under this article shall furnish financial security in the form of a bond, an irrevocable letter of credit, or other security approved by the Department. The surety shall:  (1) Assure that the afforestation, reforestation, and the associated maintenance agreement are conducted and maintained in accordance with the approved forest conservation plan;  (2) Be in an amount equal to the estimated cost, as determined by the Department, of afforestation and reforestation; and  (3) Be in a form and of a content	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act

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<p>approved by the Department.</p> <p>B. After one growing season, the person required to file a bond under §12.1A of this article may request reduction of the amount of the bond or other financial security by submitting a written request to the Department with a justification for reducing the bond or other financial security amount, including estimated or actual costs to ensure afforestation or reforestation requirements are met.</p>	Same as Model Act	Same as Model Act	Same as Model Act, except <del>ONE</del> growing season changed to <del>ONE</del> <b>THREE</b>	Same as V2.4
<p>C. The Department shall determine whether a lesser amount is sufficient to cover the cost of afforestation or reforestation, taking into account the following:</p> <p>(1) The number of acres;</p> <p>(2) The proposed method of afforestation or reforestation;</p> <p>(3) The cost of planting materials or replacement materials;</p> <p>(4) The cost of maintenance of the afforestation or reforestation project; and</p> <p>(5) Other relevant factors.</p>	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<p>D. If, after two growing seasons, the plantings associated with the afforestation or reforestation meet or exceed the standards of the (Name of County) County Forest Conservation Technical Manual, the amount of the cash bond, letter of credit, surety bond, or other security shall be returned or released.</p>	Same as Model Act	Same as Model Act	Same as Model Act, except <del>TWO</del> growing seasons changed to <del>TWO</del> <b>FIVE</b>	Same as V2.4



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E. A local forest conservation program may incorporate the financial security set forth in §12.1A—D of this article or in COMAR 08.19.05.01B.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<b>Article XIII – Standards for Protecting Trees from Construction Activities</b>	Same as Model Act	<b>SECTION 21.71.160 – STANDARDS FOR PROTECTING TREES FROM CONSTRUCTION ACTIVITIES.</b>	Same as O-27-15	Same as O-27-15
13.1 Protection Devices.  A. The County shall adopt standards for the protection of trees from construction activity.  B. Before cutting, clearing, grading, or construction begins on a site for which a forest conservation plan is required by this article, the applicant shall demonstrate to the Department that protective devices have been established.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<b>Article XIV – Variances</b>		<b>SECTION 21.71.170 – VARIANCES</b>	Same as O-27-15	Same as O-27-15
14.1 Procedure.  A. A person may request a variance from this Ordinance or the requirements of Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland, if the person demonstrates that enforcement would result in unwarranted hardship to the person.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
B. An applicant for a variance shall:  (1) Describe the special conditions peculiar to the property which would cause the unwarranted	Same as Model Act	Same as Model Act	B. AN APPLICANT FOR A VARIANCE SHALL:  1. DESCRIBE THE SPECIAL CONDITIONS PECULIAR TO THE PROPERTY WHICH WOULD CAUSE	B. AN APPLICANT FOR A VARIANCE SHALL:  1. DESCRIBE THE SPECIAL CONDITIONS PECULIAR TO THE PROPERTY WHICH WOULD CAUSE

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<p>hardship;</p> <p>(2) Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;</p> <p>(3) Verify that the granting of the variance will not confer on the applicant a special privilege that would be denied to other applicants;</p> <p>(4) Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;</p> <p>(5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and</p> <p>(6) Verify that the granting of a variance will not adversely affect water quality.</p>			<p>THE UNWARRANTED HARDSHIP;</p> <p>2. DESCRIBE HOW ENFORCEMENT OF THESE RULES WILL DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHERS IN SIMILAR AREAS;</p> <p>3. JUSTIFY WHETHER THE VARIANCE IS THE MINIMUM VARIANCE NECESSARY TO AFFORD RELIEF;</p> <p>4. VERIFY THAT THE GRANTING OF THE VARIANCE WILL NOT CONFER ON THE APPLICANT A SPECIAL PRIVILEGE THAT WOULD BE DENIED TO OTHER APPLICANTS;</p> <p>5. VERIFY THAT THE VARIANCE REQUEST IS NOT BASED ON CONDITIONS OR CIRCUMSTANCES WHICH ARE THE RESULT OF ACTIONS BY THE APPLICANT OR BY ANY PREVIOUS INDIVIDUAL OR ENTITY OWNERS OF THE PROPERTY;</p> <p>6. VERIFY THAT THE REQUEST DOES NOT ARISE FROM A CONDITION RELATING TO LAND OR BUILDING USE, EITHER PERMITTED OR NONCONFORMING, ON A NEIGHBORING PROPERTY; AND</p> <p>7. VERIFY THAT THE GRANTING OF A VARIANCE WILL NOT ADVERSELY AFFECT WATER QUALITY OR SIGNIFICANTLY AFFECT WILDLIFE HABITAT AND TREE CANOPY COVERAGE.</p>	<p>THE UNWARRANTED HARDSHIP;</p> <p>2. DESCRIBE HOW ENFORCEMENT OF THESE RULES WILL DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHERS IN SIMILAR AREAS;</p> <p>3. VERIFY THAT THE GRANTING OF THE VARIANCE WILL NOT CONFER ON THE APPLICANT A SPECIAL PRIVILEGE THAT WOULD BE DENIED TO OTHER APPLICANTS;</p> <p>4. VERIFY THAT THE VARIANCE REQUEST IS NOT BASED ON CONDITIONS OR CIRCUMSTANCES WHICH ARE THE RESULT OF ACTIONS BY THE APPLICANT OR BY ANY PREVIOUS OWNER OF THE PROPERTY;</p> <p>5. VERIFY THAT THE REQUEST DOES NOT ARISE FROM A CONDITION RELATING TO LAND OR BUILDING USE, EITHER PERMITTED OR NONCONFORMING, ON A NEIGHBORING PROPERTY; AND</p> <p>6. VERIFY THAT THE GRANTING OF A VARIANCE WILL NOT ADVERSELY AFFECT WATER QUALITY.</p>

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<p>C. The Department shall make findings that the applicant has met the requirements in Subsections A and B of this article before the Department may grant a variance.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>C. THE DEPARTMENT SHALL MAKE WRITTEN FINDINGS THAT THE APPLICANT HAS MET THE REQUIREMENTS IN SUBSECTIONS (A) AND (B) OF THIS SECTION BEFORE THE DEPARTMENT MAY GRANT A VARIANCE.</p>	<p>Same as V2.4</p>
<p>D. Notice of a request for a variance shall be given to the Department of Natural Resources within 15 days of receipt of a request for a variance.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>E. There is established by this Ordinance the right and authority of the Department of Natural Resources to initiate or intervene in an administrative, judicial, or other original proceeding or appeal in the State concerning an approval of a variance under Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland, or this Ordinance.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
			<p>G. ANY VARIANCE RECOMMENDED BY THE DEPARTMENT MUST BE SUBMITTED TO THE PLANNING COMMISSION OR THE ZONING BOARD OF APPEALS, WHICHEVER THE CASE MAY BE, WITH THE PROJECT OR DEVELOPMENT PLAN APPLICATION FOR FINAL DETERMINATION. IF THE VARIANCE IS SOUGHT IN CONNECTION WITH A SITE DESIGN PLAN APPLICATION NOT REQUIRING PLANNING COMMISSION OR ZONING BOARD OF APPEALS APPROVAL, THE DEPARTMENT SHALL ISSUE A FINAL DETERMINATION ON THE VARIANCE APPLICATION. NO APPEALS TO THE CIRCUIT COURT CAN BE TAKEN UNTIL A FINAL DETERMINATION HAS BEEN ISSUED.</p>	<p>F. ANY VARIANCE RECOMMENDED BY THE DEPARTMENT MUST BE SUBMITTED TO THE PLANNING COMMISSION OR THE ZONING BOARD OF APPEALS, WHICHEVER THE CASE MAY BE, WITH THE PROJECT OR DEVELOPMENT PLAN APPLICATION FOR FINAL DETERMINATION. IF THE VARIANCE IS SOUGHT IN CONNECTION WITH A SITE DESIGN PLAN APPLICATION NOT REQUIRING PLANNING COMMISSION OR ZONING BOARD OF APPEALS APPROVAL, THE DEPARTMENT SHALL ISSUE A FINAL DETERMINATION ON THE VARIANCE APPLICATION. <del>NO APPEALS TO THE CIRCUIT COURT CAN BE TAKEN UNTIL A FINAL DETERMINATION HAS BEEN ISSUED.</del></p>

				G. A VARIANCE CAN ONLY BE APPEALED AS PART OF THE FINAL ADMINISTRATIVE DECISION OR APPROVAL OF THE APPLICATION.
<b>Article XV – Penalties</b>		<b>SECTION 21.71.180 – PENALTIES ENFORCEMENT</b>	Same as O-27-15	Same as O-27-15
15.1 Enforcement.				
A. Noncompliance Fees.  (1) A person found to be in noncompliance with this Ordinance, regulations adopted under this Ordinance, the forest conservation plan, or the associated 2-year maintenance agreement, shall be assessed by the Department the penalty of 30 cents per square foot of the area found to be in noncompliance with required forest conservation.  (2) Money collected under Subsection A(1) of this article shall be deposited in the forest conservation fund as required by Article X of this Ordinance, and may be used by the Department for purposes related to implementing this Ordinance.	Same as Model Act	Same as Model Act	A. NONCOMPLIANCE <del>FEES</del> FINES.  1. A PERSON FOUND TO BE IN NONCOMPLIANCE WITH THIS CHAPTER, REGULATIONS ADOPTED UNDER THIS CHAPTER, THE FOREST CONSERVATION PLAN, OR THE ASSOCIATED TWO YEAR MAINTENANCE AGREEMENT, SHALL BE ASSESSED BY THE DEPARTMENT A PENALTY OF THIRTY CENTS PER SQUARE FOOT OF THE AREA FOUND TO BE IN NONCOMPLIANCE WITH THE REQUIRED FOREST CONSERVATION.  2. MONEY COLLECTED UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL BE DEPOSITED IN THE FOREST CONSERVATION FUND AUTHORIZED BY SECTION 21.71.130 OF THIS CHAPTER, AND MAY BE USED BY THE DEPARTMENT FOR PURPOSES RELATED TO IMPLEMENTING THIS CHAPTER CITY FOR TREE AND PARK MAINTENANCE.	A. NONCOMPLIANCE FEES.  1. A PERSON FOUND TO BE IN NONCOMPLIANCE WITH THIS CHAPTER, REGULATIONS ADOPTED UNDER THIS CHAPTER, THE FOREST CONSERVATION PLAN, OR THE ASSOCIATED <del>TWO</del> FIVE YEAR MAINTENANCE AGREEMENT, SHALL PAY A NONCOMPLIANCE FEE OF TEN DOLLARS PER SQUARE FOOT OF THE AREA FOUND TO BE IN NONCOMPLIANCE WITH THE REQUIRED FOREST CONSERVATION OR AS SET BY RESOLUTION OF THE CITY COUNCIL, WHICHEVER IS GREATER.  2. IN SETTING THE NONCOMPLIANCE FEE, THE CITY COUNCIL SHALL CONSIDER LAND ACQUISITION COSTS, PLANTING COSTS, ONGOING MAINTENANCE COSTS AND OVERHEAD REQUIRED TO MITIGATE THE NONCOMPLIANCE.  3. MONEY COLLECTED UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL BE DEPOSITED IN THE FOREST CONSERVATION FUND AUTHORIZED BY SECTION 21.71.130 OF THIS CHAPTER, AND MAY BE USED BY THE DEPARTMENT FOR PURPOSES

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<p>B. Violation.</p> <p>(1) In addition to the provisions under Subsection A of this article, a person who violates a provision of this Ordinance or a regulation or order adopted or issued under this Ordinance is liable for a penalty not to exceed \$1,000, which may be recovered in a civil action brought by the Department.</p> <p>(2) Each day a violation continues is a separate violation.</p>	<p>15.1 B(1) Language added in COA FCA for consistency with the City Code. Reference to Municipal Infraction as the citation for a violation of the FCA, with the fee set by resolution of the city council.</p>	<p>B. Violation.</p> <p>(1) In addition to the provisions under Subsection A of this article, a person who violates a provision of this Ordinance or a regulation or order adopted or issued under this Ordinance <del>is liable for a penalty not to exceed \$1,000, which may be recovered in a civil action brought by the Department.</del> MAY BE SERVED A MUNICIPAL INFRACTION CITATION BY THE DEPARTMENT. UPON A FINDING BY A COURT THAT A VIOLATION HAS OCCURRED, OR UPON AN ACKNOWLEDGEMENT OF THE PERSON THAT A VIOLATION HAS OCCURRED AS STATED IN A CITATION, OR UPON SUCH ACKNOWLEDGMENT PRIOR TO THE ISSUANCE OF A CITATION, THE PERSON SHALL ABATE THE VIOLATION AND SHALL BE SUBJECT TO A FINE TO BE SET BY RESOLUTION OF THE CITY COUNCIL</p> <p>(2) Each day a violation continues is a separate violation.</p>	<p>B. Violation.</p> <p>(1) In addition to the provisions under Subsection A of this article, a person who violates a provision of this Ordinance or a regulation or order adopted or issued under this Ordinance <del>is liable for a penalty not to exceed \$1,000, which may be recovered in a civil action brought by the Department.</del> MAY BE SERVED A MUNICIPAL INFRACTION CITATION BY THE DEPARTMENT. UPON A FINDING BY A COURT THAT A VIOLATION HAS OCCURRED, OR UPON AN ACKNOWLEDGEMENT OF THE PERSON THAT A VIOLATION HAS OCCURRED AS STATED IN A CITATION, OR UPON SUCH ACKNOWLEDGMENT PRIOR TO THE ISSUANCE OF A CITATION, THE PERSON SHALL ABATE THE VIOLATION AND SHALL BE SUBJECT TO A FINE TO BE SET BY RESOLUTION OF THE CITY COUNCIL</p> <p>(2) Each day a violation continues is a separate violation.</p>	<p>RELATED TO IMPLEMENTING THIS CHAPTER.</p> <p>B. VIOLATION.</p> <p>1. A VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL CONSTITUTE A MUNICIPAL INFRACTION AND FOR EACH VIOLATION THE PERSON OR ENTITY IN VIOLATION IS SUBJECT TO A FINE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.</p> <p>2. EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION FOR WHICH A SEPARATE CITATION MAY BE SERVED.</p>
<p>C. The Department may seek an injunction requiring the person to cease violation of this Ordinance and take corrective action to restore or reforest an area.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>D. The local program may adopt the enforcement provisions under COMAR 08.19.06.03.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>
<p>E. The local program shall provide to the Department notice of an enforcement action within 15 days after the commencement of enforcement by the local program.</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>	<p>Same as Model Act</p>

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<b>Article XVI – Annual Report</b>		<b>SECTION 21.71.190</b> – ANNUAL REPORT	Same as O-27-15	Same as O-27-15
16.1 On or before March 1 of each year, the Department shall submit to the Department of Natural Resources a report which contains the:	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
A. Number, location, and type of projects subject to the provisions of this Ordinance;	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
B. Amount and location of acres cleared, conserved, and planted, including any areas located in the 100 year floodplain, in connection with a development project;	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
C. Amount of reforestation and afforestation fees and noncompliance penalties collected and expended;	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
D. Costs of implementing the Forest Conservation Program;	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
E. Location and size of all forest mitigation banks approved during the past year with a description of the priority areas afforested or reforested by the bank;	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
F. Number of acres debited from each forest mitigation bank since the last annual report; and	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
G. Forest mitigation banks inspected since the last annual report.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
H. Number, location, and types of violations and types of enforcement activities conducted; and	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
I. The size and location of all conserved and planted forest areas shall be submitted in an electronic geographic information system or computer aided design format if possible. If not possible, the location shall be given by Maryland State Plane Grid Coordinates and 8 digit subwatershed.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act

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<b>Article XVII – Biennial Review by DNR</b>		<b>SECTION 21.71.200</b> – BIENNIAL REVIEW BY THE DEPARTMENT OF NATURAL RESOURCES	Same as O-27-15	Same as O-27-15
17.1 The Department shall submit the necessary documentation to comply with COMAR 08.19.02.04.	Same as Model Act	Same as Model Act	Same as Model Act	Same as Model Act
<b>Article XVIII – Effective Date and Subsequent Amendments</b>	18.1 COA FCA clarifies that the effective date is determined by the city council.	<b>SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage</b>	Same as O-27-15	<b>SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the later of the date of its passage or the date of approval by the Department of Natural Resources.</b>
18.1 This Ordinance is hereby enacted and becomes effective _____, 20____. This Ordinance may be amended as required. All amendments to this Ordinance are subject to the approval of the Department of Natural Resources.				