



# Department of Planning and Zoning



## The Forest Conservation Program

### WHAT IS THE PURPOSE OF THE FOREST CONSERVATION PROGRAM?

Howard County's Forest Conservation Program was enacted pursuant to the requirements of the Maryland Forest Conservation Act of 1991. This law requires local governments to protect and maintain forest resources by requiring subdivision and land development projects to have an approved Forest Conservation Plan as a condition of approval for development. The goal of the program is to protect and preserve trees and other natural vegetation in Howard County by promoting environmentally sensitive design.

### WHAT ARE THE BASIC CONCEPTS OF THE PROGRAM?

The program goals are achieved through retention of existing forests, reforestation, and afforestation.

- **Retention**

When developing a site, preserve as much of the existing forest as possible. The emphasis of the program is on protecting environmentally sensitive forest areas and maintaining large contiguous undisturbed forest stands. A "forest" as defined by the program is a natural ecological community dominated by trees and other woody plants covering an area of at least 10,000 square feet with a minimum width of 35 feet.

- **Reforestation**

If areas of forest must be cleared, compensate by planting new woodland stands to replace some of the existing forest resources lost because of development activities.

- **Afforestation**

On sites where little or no forest resources exist, plant new forest stands to create the minimum level of forest required by the program.

### WHEN DOES THE FOREST CONSERVATION PROGRAM APPLY?

A Forest Conservation Plan must be submitted to the County by any person seeking approval of a Subdivision Plan, unless exempted by the law. In addition, a Forest Conservation Plan is

required for a Site Development Plan or Grading Permit on parcels that have not met forest conservation requirements through the subdivision process.

### **ARE THERE EXEMPTIONS?**

Yes, the main exemptions are for:

- A subdivision, site development plan or grading permit for development of land which is less than 40,000 square feet in area.
- Development which had an approved preliminary plan, site development plan, or grading permit before January 1, 1993.
- An approved Planned Unit Development that was 50% or more developed prior to January 1, 1993 (Columbia).
- Planned Business Park of at least 75 acres that received preliminary plan approval prior to January 1, 1993.
- Agricultural preservation and agricultural activity with clearing of greater than 40,000 square feet of forest.
- A minor subdivision which creates one additional lot and has no further subdivision potential.
- Correction plats, parcel divisions and resubdivisions plats provided that no additional lots are created.
- Routine maintenance of existing roads and public utility rights-of-way.
- Mining and other extractive activities exempted by State law.

*The law also provides for conditional exemptions, that require a signed and notarized Declaration of Intent, placing on record the terms of the conditional exemption. Conditional exemptions are limited to:*

- Residential development on a single lot of any size provided the total cutting, clearing and grading of forest resources is less than 40,000 square feet.
- Clearing for agricultural activities, commercial timber harvesting and certain real estate transactions.

Declaration of Intent forms are available at the Department of Planning and Zoning (DPZ) Public Service Desk.

### **WHAT IS REQUIRED FOR SUBMITTAL TO THE COUNTY?**

The Forest Conservation Program requires the following:

- A Forest Stand Delineation (FSD) documenting the location, size and condition of all existing forest resources on a site proposed for development.

- A Forest Conservation Worksheet with written narrative as applicable.
- A Forest Conservation Plan (FCP) showing what forest areas will be retained, cleared or planted as a result of the proposed development.
- Recording of a deed of Forest Conservation Easement for all areas that must be protected to meet the requirements of the program.
- Agreements and surety for installation of plant materials and maintenance during the construction period and a two year post-construction period.

In the typical subdivision process, the FSD is part of the Sketch Plan; the FCP is part of the Preliminary and Final Plans; and the Forest Conservation Easements are part of the Final Plan. For minor subdivisions and site development plans, all plan requirements (FSD, FCP, Deed agreements and surety) need to be addressed simultaneously.

### **HOW DO I APPLY?**

A Forest Conservation Application with a checklist may be obtained at the Department of Planning and Zoning (DPZ) Public Service Desk, which will assist applicants with the preparation of the information for Forest Stand Delineation and Forest Conservation Plan submissions.

Applications and checklists are also available at Planning and Zoning's website under *Forms, Fees and Applications* ([www.howardcountymd.gov](http://www.howardcountymd.gov)). Forest Stand Delineation and Forest Conservation Plans are evaluated by DPZ during the subdivision or site development plan review process.

Details on how to prepare such submissions, basic requirements of the program and worksheets to determine forest conservation obligations are contained in the Forest Conservation Manual. Copies of the manual may be purchased at the DPZ Public Service Desk. Please note, only an authorized professional (as approved by DNR) may produce Forest Conservation delineations and plans.

### **WHAT FEES ARE REQUIRED?**

The fees that must accompany a Forest Stand Delineation or Forest Conservation Plan submission are based on a Schedule of Fees adopted each year by Resolution of the County Council. The Schedule of Fees is available at the DPZ Public Service Desk. The fee schedule can also be found under *Forms, Fees and Applications* at the Planning and Zoning's website ([www.howardcountymd.gov](http://www.howardcountymd.gov))

### ***AN IMPORTANT NOTE . . .***

This brochure is meant to provide a basic understanding of the Forest Conservation Program in Howard County. It is not intended as a substitute for the Howard County Forest Conservation Manual or Regulations.

For more information contact:  
The Howard County Department of Planning and Zoning

(410) 313-2350, TTY 410-313-2323 or [www.howardcountymd.gov](http://www.howardcountymd.gov) or visit Planning & Zoning's Customer Service Center on the first floor of the George Howard Building, 3430 Courthouse Drive, Ellicott City, Maryland, 212043.

Office Hours are:  
Monday through Friday  
8:00 a.m. to 5:00 p.m.

Written inquiries may also be sent to our office at the above address.

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