

**CECIL COUNTY COMMISSIONERS**

**AMENDMENT TO THE CECIL COUNTY  
FOREST CONSERVATION REGULATIONS**

WHEREAS, Sections 5-1601 through 5-1612 of the Natural Resources Article, Annotated Code of Maryland enact Forest Conservation Regulations and a Forest Conservation Technical Manual and provide for the administration, enforcement, and amendment of same, and

WHEREAS, the Planning Commission has recommended amendments to the Cecil County Forest Conservation Regulations and Forest Conservation Technical Manual regarding the provisions of said Regulations, and

WHEREAS, a public hearing regarding said proposed amendments was held before the Planning Commission on Monday, September 21, 2009, and

WHEREAS, the Planning Commission recommended approval of said amendments to the Board of County Commissioners, and

WHEREAS, a public hearing regarding said proposed amendments was held before the Board of County Commissioners on Tuesday, October 6, 2009, and

WHEREAS, all requirements of the Natural Resources Article of the Annotated Code of Maryland with regard to the amendment of the Cecil County Forest Conservation Regulations and Forest Conservation Technical Manual have been met;

NOW, THEREFORE, BE IT ENACTED, by the Board of County Commissioners of Cecil County, State of Maryland, that the following Amendments be and are hereby enacted:

**Amend by addition**            [ ]  
Amend by deletion            { }

ARTICLE III, SECTION 3.2H

A residential construction activity conducted on a single lot of any size existing prior to January 1993, or a linear project not otherwise exempted under this Ordinance, if the activity:

- (1) Does not result in the cumulative cutting, clearing, or grading of more than {40,000} **[20,000]** square feet of forest;
- (2) (text unchanged)
- (3) (text unchanged)

ARTICLE III, SECTION 3.2K

An activity, including subdivision, required for the purpose of constructing a dwelling intended for use of the owner {,} **[or]** a child {or a grandchild} of the owner, {or a parent or grandparent of the owner} if the activity:

- (1) Does not result in the cutting, clearing, or grading of more than {40,000} **[20,000]** square feet of forest; and
- (2) (text unchanged)
- (3) (text unchanged)

**[(4) This exemption shall not apply to properties for which title is held by an incorporated business, limited liability company (LLC), or other business entity.]**

ARTICLE VI, SECTION 6.1B

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:

- (1) (text unchanged)

(2) Why the priority forests and priority areas specified in Section[s] 7.2 [and 7.2-1] of these regulations cannot be left in an undisturbed condition;

{(3)}[(2a)] If priority forests and priority areas cannot be left undisturbed, how the sequence for afforestation or reforestation will be followed in compliance with Article IX of these regulations; and

{(4)}[(2b)] Where on the site in priority areas afforestation or reforestation will occur in compliance with Natural Resources Article 5-1607, Annotated Code of Maryland.

**[(3) How the disturbance to the priority forests and priority areas specified on the forest stand delineation and/or forest conservation plan, qualifies for a variance.**

#### ARTICLE VII, SECTION 7.2

Retention. The following **[trees, shrubs, plants, and]** specific areas are considered priority **[for retention and]** protection *{areas}* 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 *{for that regulated activity}* cannot be reasonable altered:

- A. (text unchanged)
- B. (text unchanged)

{

- C. *Trees, shrubs, or plants determined to be rare, threatened, or endangered under:*
  - a. *The federal Endangered Species Act of 1973 in 16 U.S.C. §§1531 – 1544 and in 50 CFR Part 17;*
  - b. *The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§ 10-2A-01 – 10-2A-09, Annotated Code of Maryland; and*
  - c. *COMAR 08.03.08*
- D. *Trees that:*
  - a. *Are part of a registered historic site,*
  - b. *Are associated with a registered historic structure, or*
  - c. *Have been designated by the State or the Department as a national, state, or county champion tree; and*
- E. *Any tree, provided that it does not pose an immediate hazard due to disease or insect infestation, having a diameter measured at 4.5 feet above the ground of:*
  - a. *30 inches or more; or*
  - b. *75% 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.*
- F. *Areas classified as having Priority Forest Structure by the Forest Structure Analysis methodology as described in the Cecil County Forest Conservation Technical Manual.*}

**[ARTICLE VII, SECTION 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:**

- A. Trees, shrubs, or plants determined to be rare, threatened, or endangered under:**
  - a. The federal Endangered Species Act of 1973 in 16 U.S.C. §§1531 – 1544 and in 50 CFR Part 17;**
  - b. The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§ 10-2A-01 – 10-2A-09, Annotated Code of Maryland; and**
  - c. COMAR 08.03.08**
  
- B. Trees that:**
  - a. Are part of a registered historic site,**
  - b. Are associated with a registered historic structure, or**
  - c. Have been designated by the State or the Department as a national, state, or county champion tree; and**
  
- C. Any tree, provided that it does not pose an immediate hazard due to disease or insect infestation, having a diameter measured at 4.5 feet above the ground of:**
  - a. 30 inches or more; or**
  - b. 75% 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.**
  
- D. Areas classified as having Priority Forest Structure by the Forest Structure Analysis methodology as described in the Cecil County Forest Conservation Technical Manual.]**

**ARTICLE X, SECTION 10.1**

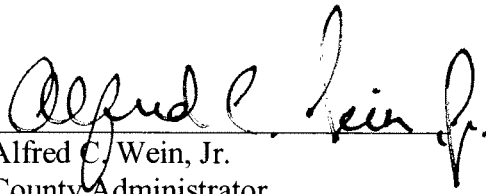
**10.1 Forest Conservation Fund**

- A. (text unchanged)**
- B. (text unchanged)**

**I**

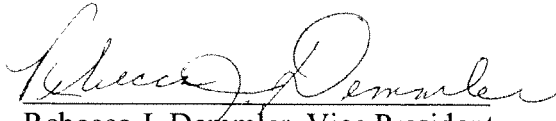
- C. If a person subject to this Ordinance demonstrates to the satisfaction of the Department that requirements for reforestation or afforestation onsite or offsite cannot be reasonably accomplished, the person shall contribute money into the forest conservation fund at a rate:**
  - 1) Of 30 cents per squer foot of the area of required planting until September 30, 2014; and**
  - 2) Adjusted for inflation as determined by the Department annually by regulations after September 30, 2014.]**

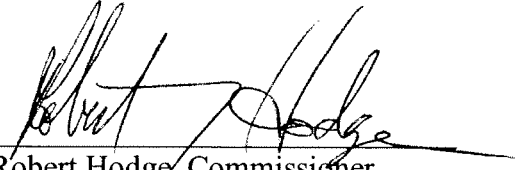
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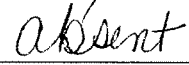
  
Alfred C. Wein, Jr.  
County Administrator

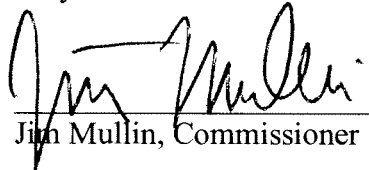
10-20-09  
ADOPTED

  
Brian Lockhart, President

  
Rebecca J. Demmler, Vice President

  
Robert Hodge, Commissioner

  
Wayne L. Tome Commissioner

  
Jim Mullin, Commissioner