WHEREAS, a local government having planning and zoning authority shall develop a local forest conservation program consistent with the intent, requirements, and standards of Title 5, Subtitle 16 of the Natural Resources Article of the Annotated Code of Maryland; and

WHEREAS, Sections 5-1601 through 5-1613 of the Natural Resources Article of the Annotated Code of Maryland enact Forest Conservation Regulations and a Forest Conservation Technical Manual and provide for the administration, enforcement, and amendment of the same; and

WHEREAS, pursuant to Chapter 602 of the 2019 Maryland Legislature, Title 5, Subtitle 16 §§55-1610 and 5-1613 of the Natural Resources Article of the Annotated Code of Maryland were repealed and reenacted, with amendments; and

WHEREAS, Chapter 602 of the 2019 Maryland Legislature was effective October 1, 2019; and

WHEREAS, Cecil County, Maryland adopted the Forest Conservation Regulations and Forest Conservation Technical Manual on December 2, 1992 to take effect on January 1, 1993; and

WHEREAS, the Forest Conservation Regulations and Forest Conservation Technical Manual may be amended in accordance with Article XIX of said Regulations; and

WHEREAS the Planning Commission held a public hearing on [DATE] and found that the amendment complies with the intent of the Title 5, Subtitle 16 of the Natural Resources Article and has recommended approval; and

WHEREAS, the amendment was submitted to the Department of Natural Resources, Forestry Division, reviewed and approved;

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND, that the proposed amendments to the Forest Conservation Regulations is hereby adopted as follows:

Article X, Section 10.1

C. Prior to establishing a local Fee in Lieu program the County must comply with the requirements of the Natural Resources Article 5-1610, including establishment of a general plan identifying
appropriate and potentially available areas for mitigation projects; accounting procedures for
accurately tracking money received and expended; and method that these plans and procedures are
made available to the public.

Article XX, Section 20.1

H. The number of acres for which fees were collected, and the number of acres reforested, afforested,
or conserved using the fees.
WHEREAS, a local government having planning and zoning authority shall develop a local forest conservation program consistent with the intent, requirements, and standards of Title 5, Subtitle 16 of the Natural Resources Article of the Annotated Code of Maryland; and

WHEREAS, Sections 5-1601 through 5-1613 of the Natural Resources Article of the Annotated Code of Maryland enact Forest Conservation Regulations and a Forest Conservation Technical Manual and provide for the administration, enforcement, and amendment of the same; and

WHEREAS, Cecil County, Maryland adopted the Forest Conservation Regulations and Forest Conservation Technical Manual on December 2, 1992 to take effect on January 1, 1993; and

WHEREAS, the Forest Conservation Regulations and Forest Conservation Technical Manual may be amended in accordance with Article XIX of said Regulations; and

WHEREAS the Planning Commission held a public hearing on [DATE] and found that the amendment complies with the intent of the Title 5, Subtitle 16 of the Natural Resources Article and has recommended approval; and

WHEREAS, the amendment was submitted to the Department of Natural Resources, Forestry Division, reviewed and approved;

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND, that the proposed amendments to the Forest Conservation Regulations is hereby adopted as follows:

Article VI, Section 6.3

H. A final forest conservation plan may only be revised if the revision to the new area of forest conservation is of higher quality forest or a benefit to the forest conservation program.

Article VII, Section 7.1B

3) Retention may be used for afforestation requirements provided:

i. The retention area is located on the same site,
ii. A standard Forest Stand Delineation has been prepared for the proposed retention area, and

iii. Shall be retained at a 3 to 1 ratio to the amount of afforestation necessary to reach the minimum required afforestation level, as determined by the amount of afforestation required from the net tract area.

Article X-3 Forest Retention Banks

10.1.3 Establishing Forest Retention Bank

A. A person may establish a Forest Retention Bank from which applicants may purchase credits to meet the forest retention requirements of this ordinance.

B. To establish a Forest Retention Bank, a person shall:

1) Have reviewed and approved a standard forest stand delineation as outlined in Article V of these regulations.

2) Have a boundary line survey completed by a Maryland licensed surveyor in order to establish an accurate amount of acres available for banking purposes.

3) Deed restrictions, to ensure the long-term protection of forested areas to be placed in the forest bank, must be recorded prior to the sale of any credits from the bank.

10.1.4 Using a Forest Retention Bank

A. The use of a forest retention bank shall only be considered if the applicant demonstrates, to the satisfaction of the Division of Planning & Zoning, that the requirements for onsite retention cannot be reasonably accomplished.

B. To use the credits within a forest retention bank, a person shall:

1) Prepare a forest conservation plan for the area credits are to be used as outlined in Article VI of these regulations.
2) A note must be placed on the subdivision plat or site plan for the project which is using the credits from a forest retention bank referring to the approve forest conservation plan using the forest retention bank.

3) A forest conservation bank agreement must be executed and recorded between the owner of the bank and the applicant. A copy of the recorded agreement shall be provided to the Division of Planning & Zoning as proof of the agreement.

4) A forest conservation plan utilizing the bank shall not be approved until the aforementioned items are addressed to the Division's satisfaction.