

# Changes to the Forest Conservation Law Effective October 1, 2009

Please be advised that the new Maryland State *Bill 666-Natural Resources – No Net Loss of Forest Policy – Forest Conservation Act* takes effect on October 1, 2009. SB 666 –affects the implementation of the Montgomery County Forest Conservation Law (Chapter 22A) in a number of ways.

This bill reduces the amount of forest that can be cleared within Montgomery County before an activity and property is required to submit a Forest Conservation Plan. Currently, a person with a recorded single lot can remove up to 40,000 square feet of forest and still be exempt from submitting a Forest Conservation Plan. On October 1, 2009 the state bill reduces this amount to 20,000 square feet of forest removal.

SB 666 also requires any person that is subject to a Forest Conservation Plan and proposes to remove *certain vegetation* obtain a variance. Removal of any of the following vegetation requires a variance.

- any tree greater than 30 inches in diameter at breast height (dbh),
- any tree with a dbh equal to or greater than 75% of the current state champion,
- trees that are part of a historic site or associated with a historic structure,
- any tree designated as the county champion tree,
- any tree, shrub or plant identified on the list of rare, threatened and endangered list of the U.S. Fish and Wildlife Service or the Maryland Department of Natural Resources.

Therefore, starting October 1, 2009 any person, who has not obtained approval of a Forest Conservation Plan which proposes to remove certain vegetation, as defined above, must submit a variance to the Montgomery County Planning Department prior to the Forest Conservation Plan being approved. The Planning Department will refer the variance request to the County Arborist at the Montgomery County Department of Environmental Protection (DEP) for a recommendation. The County Arborist has 30 days to make a recommendation on the variance request.

After consideration by DEP, Planning staff will refer the variance request for a final determination to the Planning Board. The Planning Board must find that the applicant has met all variance requirements before granting the variance and before the Forest Conservation Plan can be approved.

Please note, the Forest Conservation Plan application will be modified so that applicants will notify the Planning Department, at the time of plan submission, that a variance is requested.