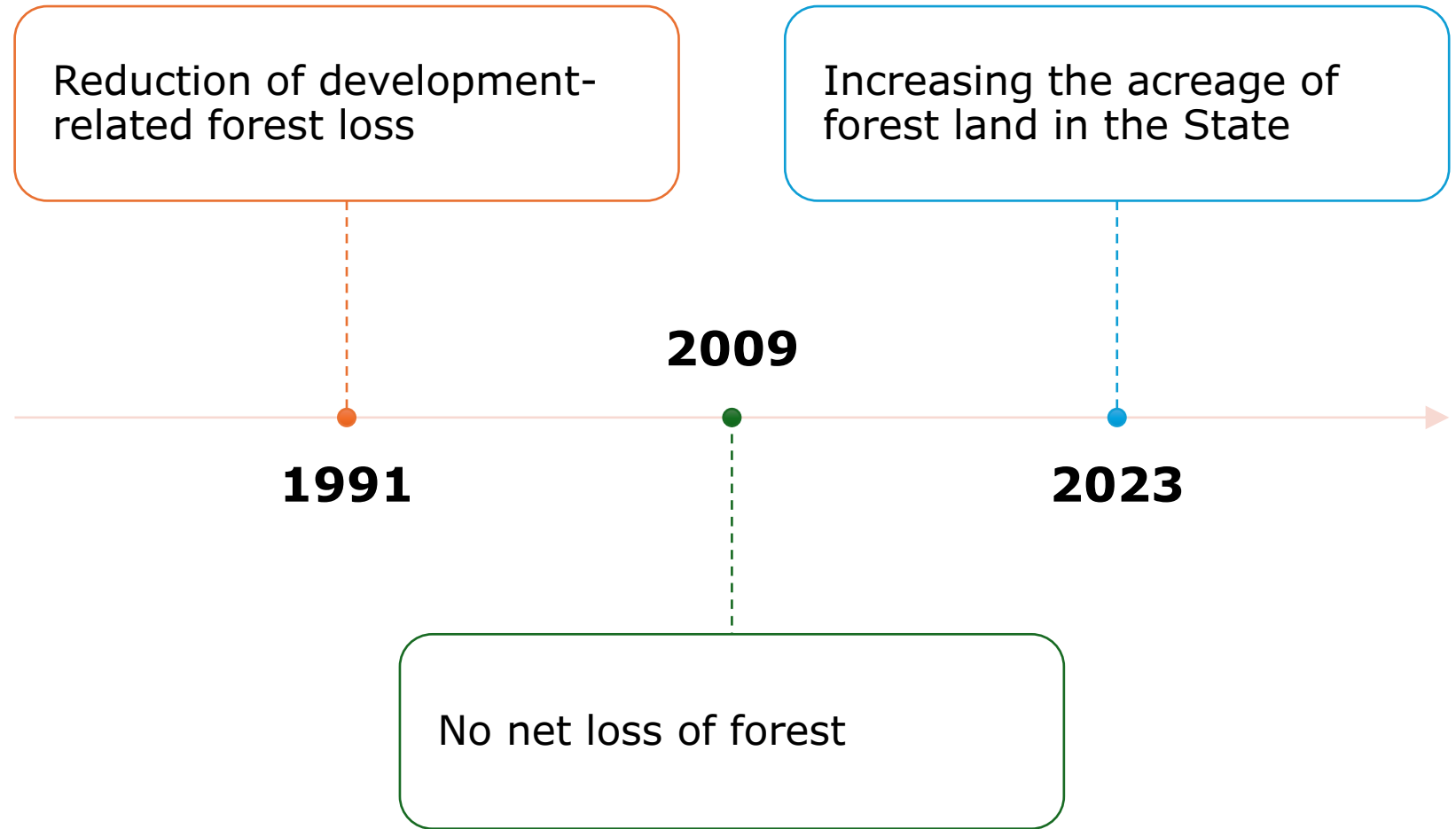




Forest Conservation (Chapter 150) Code Revisions

Resource Management Division
Department of Planning & Land Management

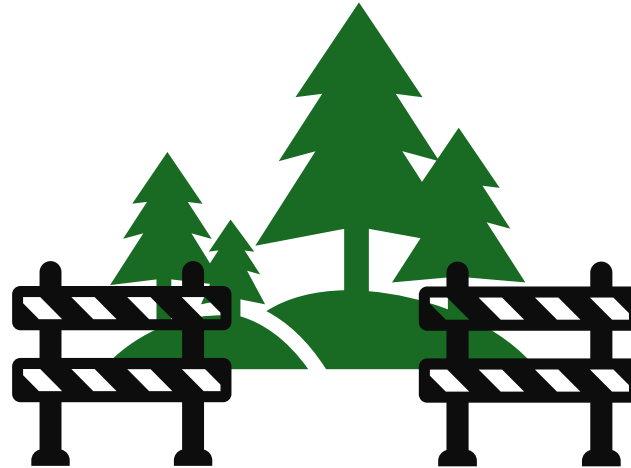
The State's policies around forest protection have evolved over the last 35 years



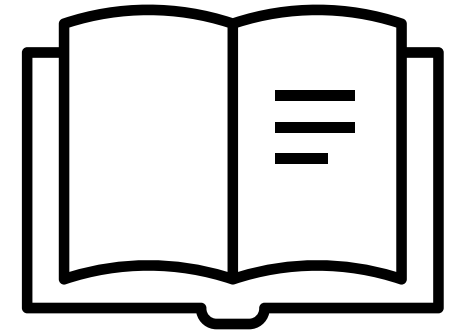
Purpose of Chapter 150



Conserve the County's forest resources



Protect forests, trees & sensitive areas during development



Implement State Forest Conservation Act (FCA) through County code

Purpose of Code Changes

Comply with changes made to State Forest Conservation Act per SB526 (2023)

and

Ease certain requirements

Changes required by Senate Bill 526

Addition of Priority Retention Areas

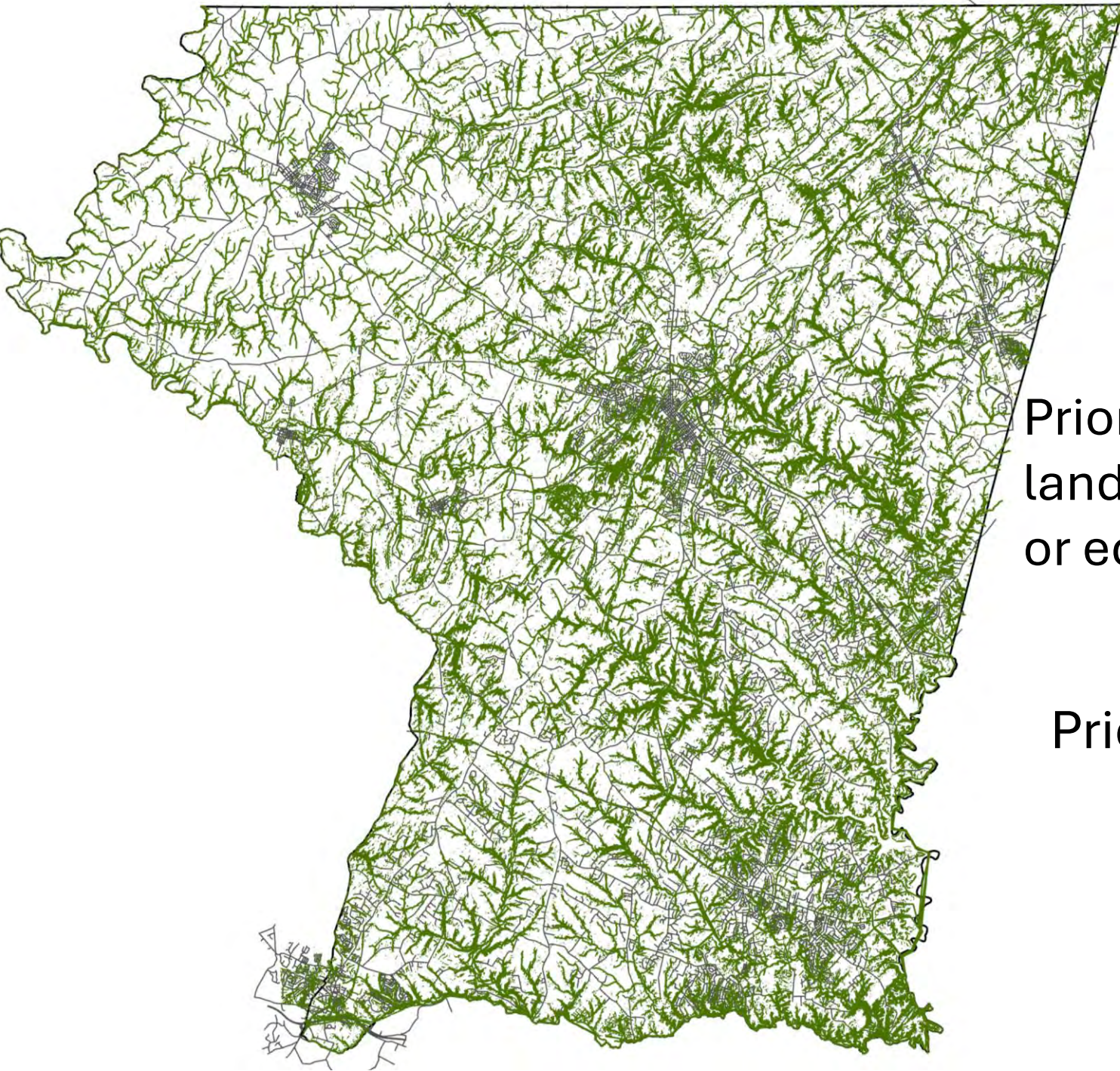
Requirements Related to Clearing Priority Retention Areas

Revised Mitigation Requirements

Retention Banking

Revised Stream Buffer Definition

Addition of Priority Retention Areas (SB526)



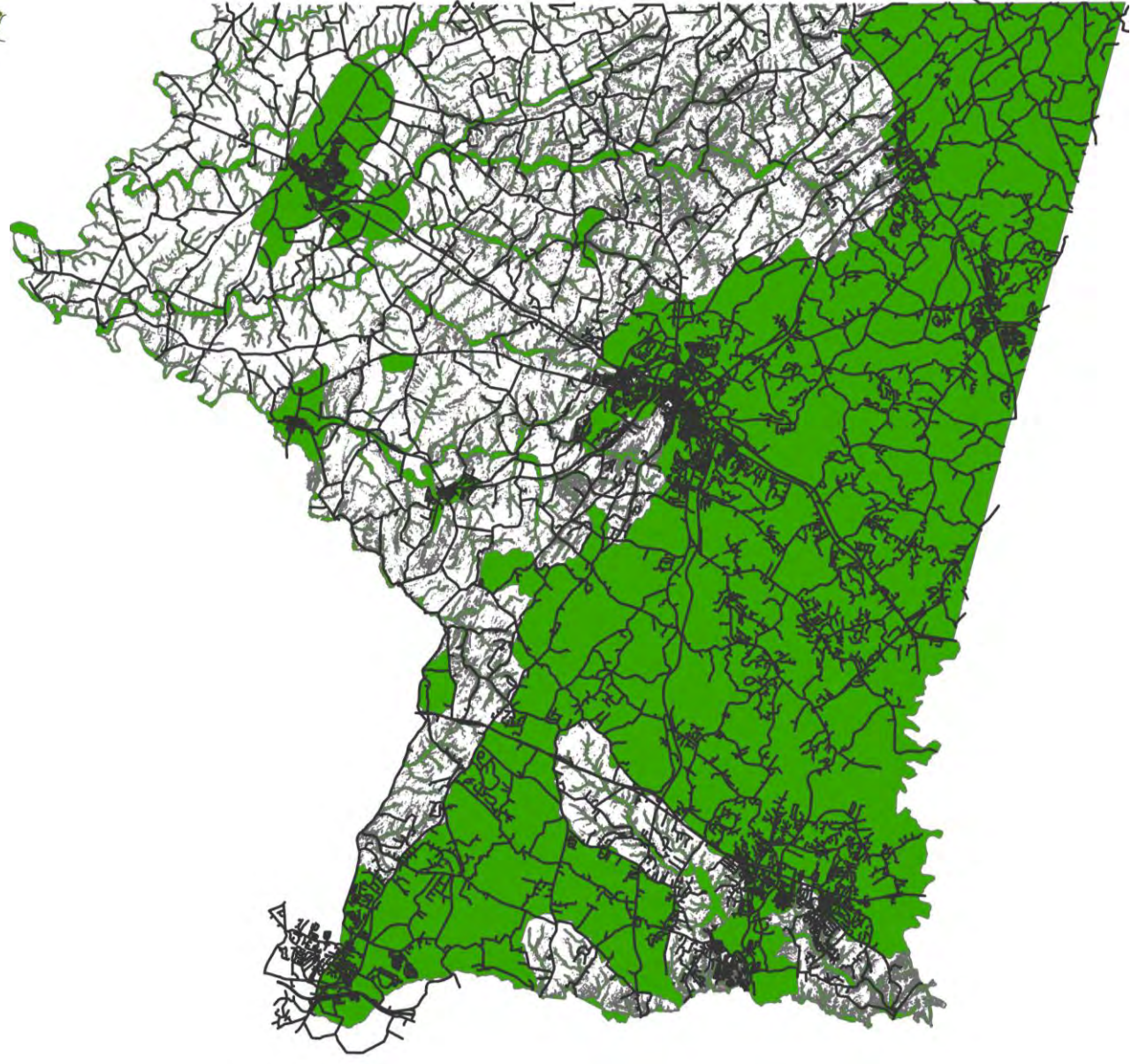
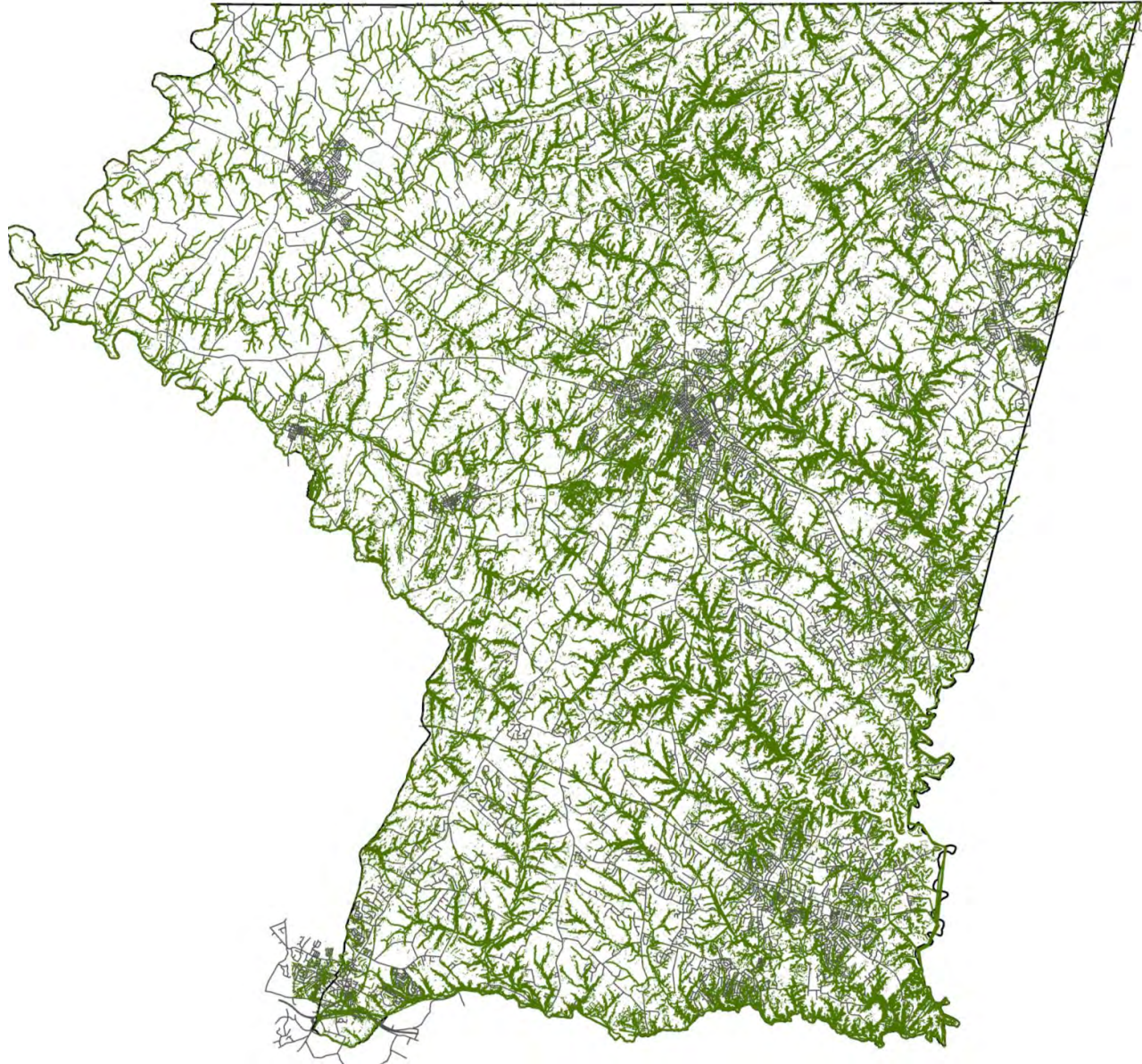
Priority Retention Areas include lands considered especially sensitive or ecologically important.

Priority Retention Areas include:

- stream buffers
- steep slopes
- critical habitats

Current Priority Retention Areas

SB526 Priority Retention Areas

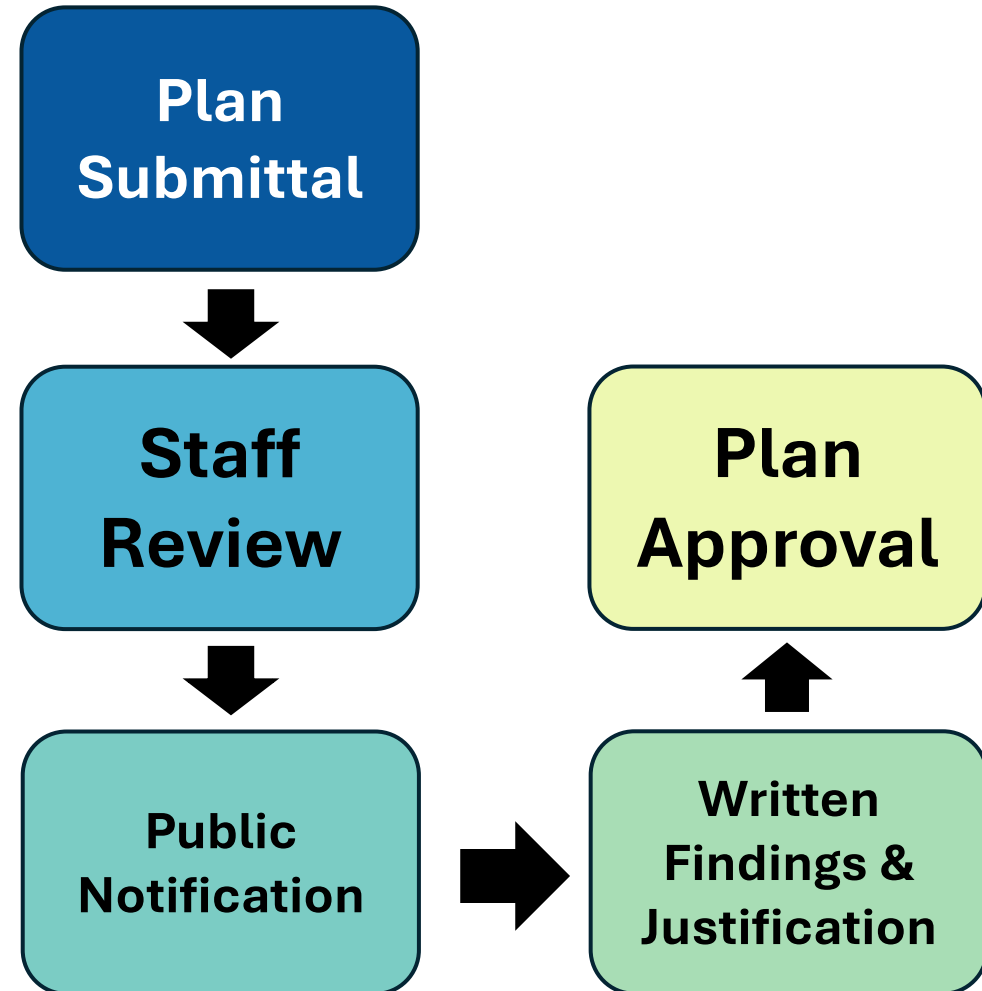


Requirements Related to Clearing Priority Retention Areas (SB526)

Old Process



New Process



Mitigation Increase (SB526)

All unforested stream buffers within the project area are required to be planted.

In some cases this will mean planting above the required afforestation and reforestation.



Mitigation Reduction (SB526)



Solar facilities are not subject to afforestation.

If forest clearing occurs, reforestation will still be required.

Mitigation Reduction (SB526)

If non-priority forest is cleared in a municipality or rural village, a reduced reforestation ratio applies:

0.5 acre planted for 1 acre removed



Retention Banking (SB526)

Retention Banking (RB) is a mitigation technique in which a property owner places a perpetual easement on existing forest and sells credit to developers.



| | STATE | COUNTY |
|----------------------|---|-----------------------------|
| AFFORESTATION | 1 acre required : 0.5 acre RB & 0.5 acre planted | 1 acre required : 1 acre RB |
| REFORESTATION | 1 acre required : 0.5 acre RB & 0.5 acre planted | RB not an option |

Revised Stream Buffer Definition (SB526)

- 50 feet off an intermittent stream
- 100 feet off a perennial stream



Changes required by Senate Bill 526

Questions?

Addition of Priority Retention Areas

Requirements Related to Clearing Priority Retention Areas

Revised Mitigation Requirements

Retention Banking

Revised Stream Buffer Definition

Staff
Recommended
Changes

Applicability Threshold

Exemptions

Tree Planting Maintenance Period

Fee-in-lieu

Applicability Threshold Change

Ease the forest clearing threshold from 20,000 to 40,000 square feet to align with State FCA.



Exemption change

Cutting or clearing of public utility rights-of-way with required Certificate of Public Convenience and Necessity (CPCN)

Currently: Exempt

Proposed: Not exempt



Exemption changes

Agricultural activity exemption

- Allows agricultural related disturbance without addressing Forest Conservation

Currently: clearing above 20,000 sq. ft. requires a Soil Conservation District Farm Plan

Proposed: clearing above 40,000 sq. ft. will require a Schedule F farm income document

Land transfer exemption

- Allows the owner of a working farm to create a new lot without addressing Forest Conservation

Currently: Lot must be used by child of owner

Proposed: Lot must be used by owner or child of owner
Schedule F farm income document required



Tree Planting Maintenance Period Change

Currently:

- 5 year maintenance period for all plantings

Proposed:

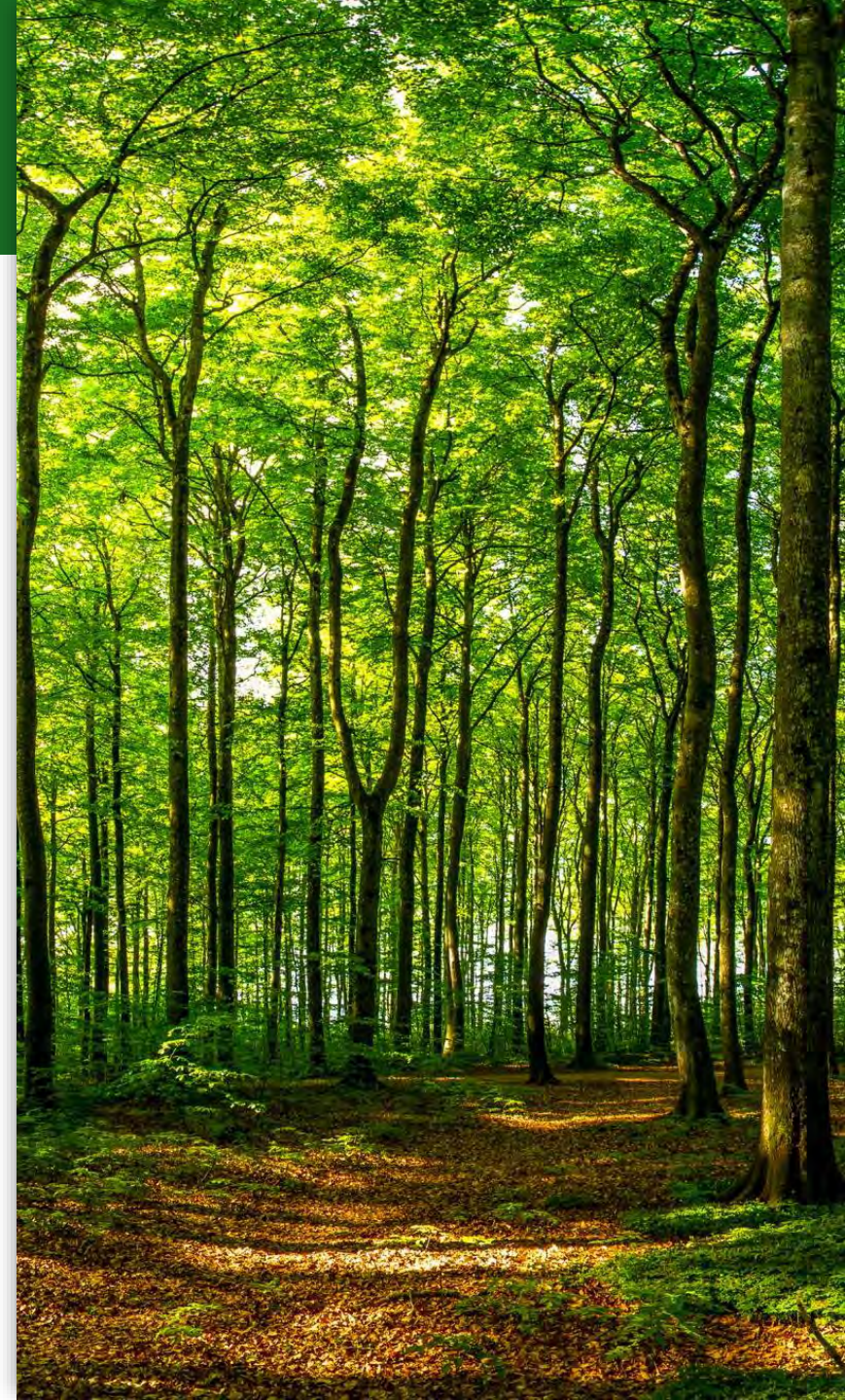
- Final approval can be achieved after a 3 year maintenance period if the planting meets the definition of forest.



Fee-in-lieu

Payment into County Forest Fund

- Mitigation for afforestation or reforestation
- County is responsible to complete the mitigation
- Absolute last resort



Code Revision Public Outreach





Questions?

What's Next?

- Hold a work session
- Proceed to public hearing