

Forest Resources

The Forest Resource Ordinance (FRO) protects and enhances local forest resources. This program was enacted by the Town in 2004 and is modeled after the State Forest Conservation Act regulations of 1991.

Quantitative Requirements: Generally speaking, development projects (site plan parcels and subdivisions) that are equal to or greater than 40,000 sq. ft. are subject to the State Forest Conservation Act (FCA) and the Town's FRO. One goal of the FRO is to replace a certain amount of forest that is removed as a part of the development process. This is called **Reforestation**. A formula is used based on a "Reforestation Threshold" which is a percentage that ranges from 15-50%, depending on zoning of the development site.

More often in Middletown, the developer is required to do **Afforestation**. Afforestation requires developers to plant forest in accordance with the "Afforestation Threshold" which in Middletown is 15-20% when the amount of forest on the development site is less than the Afforestation Threshold. This concept of afforesting a development site surprised a lot of people, especially developers who encounter the FRO for the first time. They say, "You mean I have to plant forest even if there are no trees on the site?" The answer is, "Yes, up to 20% of the development site must be forested." Typically, formerly agricultural fields have been developed in Middletown which had few trees if any before development.

Qualitative Requirements: The FCA and FRO prioritize the types of environments to be preserved and planted. Essentially, the highest priority sites are those that are hydrologically sensitive, such as streams, wetlands, etc. Forest cover on these areas help to absorb excess nutrients before they enter the water systems, and forest cover stabilizes the soil, thus reducing erosion. Steep slopes are also a priority site due to stabilization of the soil.

General Administrative Requirements: There are three separate forest plan submission requirements. In Middletown, these plans can be combined into one or two submissions, depending on the simplicity of the development project. The first plan requirement is the submission of forest and environmental data on a development site which is called the **Forest Stand Delineation Plan**.

The second submission is a **Preliminary Forest Conservation Plan** that shows how the developer intends to preserve and/or plant areas of new forest. Included in this plan are all the formulae for determining how much forest must be planted and/or preserved. The last submission is a **Final Forest Conservation Plan (FFCP)**. The FFCP includes legal documents for long-term protection of forest areas; a 2-year maintenance agreement for the planting areas; and a plan document for construction of forest improvements.

Middletown Forest Conservation Fund Program of the Forest Resource Ordinance (FRO)

The Fee-in-Lieu program is a subset of the Forest Resource Ordinance (FRO) requirements. In certain cases, a developer may meet forest-planting requirements by paying a per-square-foot-fee of required forest mitigation into the Fee-in-Lieu Program.

Section 16.40.028 - Middletown forest conservation of the FRO indicates that:

B. If a person subject to this chapter demonstrates that requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished, the person shall contribute money into the Middletown Forest Conservation Fund at a rate adjusted for inflation as determined by the state annually by regulation.

C. Money contributed instead of afforestation or reforestation under this section shall be paid within ninety (90) calendar days after development project completion.

D. The town shall accomplish the reforestation or afforestation for which the money is deposited within two years or three growing seasons, whichever is a greater time period, after receipt of the money.

E. Money deposited in the local forest conservation fund:

1. May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, and preparation, maintenance of existing forests, and achieving urban canopy goals;

2. Shall be deposited in a separate forest conservation fund; and

3. May not revert to the general or any other fund.

F. Sites for Afforestation or Reforestation Using Fund Money.

1. Except as provided in subsection (G)(2) of this section, the reforestation or afforestation requirement under this section shall occur in the county and watershed in which the project is located.

2. If the reforestation or afforestation cannot be reasonably accomplished in the town and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the state in which the project is located.

The Town of Middletown collects fees in lieu of planting, in accordance with the Maryland Forest Conservation Act requirements. The Town planner calculates all fees. When the money is collected it is recorded by the Town’s Financial Officer as a General Fund liability. When planting occurs by the Town the invoices paid offset the liability.

Expenditures: The Middletown Forest Conservation Fund has spent a total of \$6,275.21 since its creation in 2004. Since 2004, the Town has met a majority of its Fee-in-Lieu obligations by planting trees in the dog park and removing dead or dying ash trees.

FEE-IN-LIEU PAYMENTS

<u>YEAR</u>	<u>NAME OF PROJECT</u>	<u>FIL AMOUNT</u>
2006	Fountaindale	\$1,999.50
2013	Old Town Villas	\$2,874.96
2013	Valley School	\$1,176.12
2014	Coblentz Grove	\$2,352.54
2016	Putman	\$333.23
2016	Chesterbrook	\$3,454.31
TOTAL		\$12,190.66

FEE-IN-LIEU EXPENDITURES

<u>YEAR</u>	<u>NAME OF PROJECT</u>	<u>AMOUNT</u>
2014	Heaton property trees	\$349
2015	Ash tree removals	\$1,225
2016	Replacement tree	\$173.81
2016	Dog park trees	\$4,332.40
2018	Green Expo tree	\$195