

## Staff Practice: Notice of Forest Conservation Plans and Forest Conservation Plan Amendments

Effective February 22, 2021

Recent amendments to the Montgomery County Forest Conservation Law include a new notification requirement for forest conservation plans not associated with development applications such as site plans and subdivisions. The process is similar to the posting and written notice requirements as for regulatory plans per 50/59.00.01.04, the Administrative Procedures for Development Review. The specifics of this new requirement will be detailed in Chapter 50 of the Code of Montgomery County Regulations, which will be revised in the coming months. In the interim, applicants for conditional uses/special exceptions, local map amendments, floating zone plans, mandatory referrals, and sediment control plans that require approval of a forest conservation plan, or an amendment to a forest conservation plan (if a Planning Board hearing is required [or if there is a change to an approved tree variance or a new tree variance a variance is required](#)), must follow the below standards.

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Applicants submitting forest conservation plans or amendments to forest conservation plans (if the amendment requires a Planning Board hearing [or involves a change to or a new tree variance](#)) must provide notice during the review process. The individuals receiving these notices vary, but may include: owners of adjoining and confronting properties; nearby civic and homeowners' associations; "interested parties" who request notice during the process; and the general public.

Individuals, groups, and interested parties receive notice in writing by mail. The general public receive notice from signs that are required to be posted on a project site.

### A. Notice standards

1. Notice is required as follows:
  - a) Site Posting
  - b) Written Notice from Applicant
2. Notice List. Applicants must create and submit a Notice List as part of a forest conservation plan application. The Notice List must be:
  - compiled using the latest available records;
  - compiled no more than 30 calendar days before the date the Application is accepted by the Planning Department.
  - a) Individuals and groups included. Individuals and groups that must be on the Notice List are defined as follows:
    - i. Abutting and Confronting Property Owners. The applicant must compile the names and addresses of the owners of properties that are adjacent to the subject property or directly across a right-of-way, of a width of less than 80 feet, from the project site. This list must be based on tax assessment ownership records from the Maryland Department of Assessments and Taxation (SDAT), Real Property Database. If an abutting or confronting property includes a multi-unit building (residential, non-residential, or mixed use), the Notice List must include the property owner, the building

management company, and the condominium association, if any. If an abutting or confronting property is a recorded open space parcel for a subdivision, the applicant's Notice List must include the homeowners' association, condominium association, or renters' association and any individual owner of a property in that subdivision that is located within 300 feet of the subject property.

- ii. The civic, community, condominium and homeowner's associations that have registered with M-NCPPC and are either: a) located within a half-mile radius of the center point of the subject property; or b) an association that has requested to receive notices for all development applications.
- iii. Parties of Record from Previous Forest Conservation Plan Applications. If a site has an approved forest conservation plan, and an applicant applies for a plan amendment, individuals or groups that were identified as Parties of Record in the earlier plan application must be added to the Notice List of the current forest conservation plan application.
- iv. Others. The DARC Division – Intake Section must be included on the applicant's notification list. The applicant and members of the applicant's team who wish to receive notices should also be included.

- b) Updates Required. The applicant must update the notice list of adjoining and confronting property owners if the application is pending for more than 6 months after the final application is accepted, and provide the new list to the DARC Division for use in sending hearing notices.

B. Site Posting. The applicant must post one or more signs at the subject property, indicating that a forest conservation plan application has been filed. The applicant must:

- 1. pay all costs associated with the sign posting requirements;
- 2. monitor the signs and replace any damaged or illegible signs; and
- 3. maintain application signs throughout the review of the application.
  - a) Timing: Signs to advertise the filing of the application must be posted before the application is accepted.
  - b) Sign Specifications. The applicant and its sign vendor, if any, must follow the Sign Template for sign content and lettering specifications. The Planning Department may modify these requirements in special circumstances to assure that all signs will be visible to the public.
  - c) Posting specifications. The required number and location of posted signs are as follows:
    - i. A minimum of one sign must be placed parallel to each public or private street that is adjacent to the property.
    - ii. If the frontage for a street adjacent to the project site is more than 500 feet long, an additional sign must be posted adjacent to the street for every 500 feet of frontage.
    - iii. Signs are not required to be placed along and adjacent to a freeway.
    - iv. Signs must be placed on the property in the most visible location available in such a manner that trees, landscaping or other features do not impair or obstruct the visibility of the signs from the street.

- v. Signs must be posted within the site, no more than 10 feet behind the property line adjacent to a street right-of-way or the access easement covering a private street.
  - vi. Signs must not be placed within a street right-of-way or private street access easement.
  - vii. For a large site or one with unusual constraints, the requirements listed above may be modified by Planning Department staff to provide good visibility of posted signs.
- d) Posting information. Posted signs must contain the following information.
- i. Signs advertising the submission of the application must include:
    - a. name of the forest conservation plan as it appears on the accepted application;
    - b. plan number, as assigned by the Planning Department at the time of the application submission;
    - c. "Forest Conservation Plan" to indicate the type of plan
    - d. Planning Department contact information.

C. Written Notice.

1. Timing. Required written notice must be sent per the following table:

<b>Requirements</b>	<b>Application Notice</b>
Sign Posting	Before application is accepted
Written Notice Sent <sup>1</sup>	No more than 5 days after application is accepted
Responsible Party	Applicant

2. Standards. Written notice sent by the applicant and Planning Department staff must meet the following standards:

- a) Application Notice.
  - i. Notice letter. The notice letter must be sent to everyone on the Notice list and must contain:
    - a. application number, as assigned by the Planning Department;
    - b. date that the notice was sent;
    - c. name of the forest conservation plan;
    - d. "Forest Conservation Plan" to indicate plan type;
    - e. property street address or other easily understood geographical reference to the location of the project site;
    - f. property size and zoning;
    - g. proposed strategies and plans for retaining, protecting, and reforestation or afforestation areas on the site, and if the application is an amendment to an approved plan, the changes that are proposed;

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<sup>1</sup> By First-Class Mail or email. To receive email, the party receiving the notice must have specifically requested it.

- h. deadline date for receiving comments on the application, if applicable; and
    - i. contact address and phone number for the DARC Division.
- ii. The notice letter must include a deadline (at least 15 days after the mailing date of the notice) for the submission of comments regarding the application.
- iii. A Separate, legible 11" x 17" copy of the applicant's proposed forest conservation plan must be included with the notice letter.