



# CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

## DECLARATION OF INTENT FOR EXEMPTION TO FOREST CONSERVATION ORDINANCE

**Schedule C3**

(Last Revised: January 1, 2021)

### Submittal Requirements:

- Original Application and 3 copies, including Checklist
- 4 copies of all supporting documentation and an electronic copy of all materials.
- The applicable plan will not be accepted for processing without this declaration or a forest stand delineation, as required by the Forest Conservation Ordinance.

Case No. FC - \_\_\_\_\_

Office Use Only

Munis No. - \_\_\_\_\_

Location of Property: \_\_\_\_\_  
(Please include street address, if known)

Project Name: \_\_\_\_\_ Section: \_\_\_\_\_

Deed Reference: Liber: \_\_\_\_\_ Folio: \_\_\_\_\_ Tract Size: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Engineer/Survey Company: \_\_\_\_\_

Project Contact Person: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Developer: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

This Chart for Staff Use Only			
Date Accepted for Processing			
Review Date			
Approved:	Denied:	Returned:	Date:

Related Planning and Code Administration Department file references (site plans, preliminary plats, BZA cases, etc.):

Proposed Use (number and types of dwellings, area and use of commercial and industrial buildings):

**Instructions to the Preparer:**

Please check the appropriate column(s) that applies to your project, and fill in blanks with information that may be required.

**A. Regulated Activity:**

The provisions of the Forest Conservation Ordinance applies to all “regulated activities,” per Article 7, Section A, Subsection 3.a of the Land Management Code, and as defined in Article 3 of the Land Management Code. The project applied for under the title of \_\_\_\_\_ is a regulated activity as it is a plan for (check appropriate activity):

- Subdivision
- Grading
- A project plan of a local agency; or
- A development project (defined as the grading or construction activities occurring on a specific tract that is 40,000 square feet or greater. “Development project” includes redevelopment.)
- An activity that requires a sediment control permit
- An activity that requires a site plan

**B. Exceptions to Applicability of the Ordinance, and Requirement for a Declaration of Intent (Check applicable exception(s)):**

Per the definitions of “development project” “regulated activity,” this project is on a unit or units of land that are not 40,000 square feet or greater. (When multiple small tracts are compiled for a project, the disturbed area of the project shall prevail.)

This property does not exceed 40,000 square feet in area, or in the case of more than one smaller tract, the disturbed area does not exceed 40,000 square feet.

Per Article 7, Section A, Subsection 3.b. of the Land Management Code, the Ordinance does not apply to this project because it meets one of the following criteria cited in the Ordinance, provided that a Declaration of Intent is provided. Check the provision that applies to this project:

- (2) Commercial logging and timber harvesting operations, including harvesting conducted subject to the forest conservation and management program under Tax-Property Article, Section 8-211, Annotated Code of Maryland, that are completed:
  - (a) Before July 1, 1991; or
  - (b) After July 1, 1991, on property which:
    - [i] Has not been the subject of application for a grading permit for development within five years after the logging or harvesting operation; and
    - [ii] Is the subject of a declaration of intent as provided for in Section A.3.c. of this section, approved by the Department.

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- \_\_\_\_\_ (3) Agricultural activities not resulting in a change in a land use category, including agricultural support buildings and other related structures built using accepted best management practices, except that a person engaging in an agricultural activity clearing 40,000 square feet or greater of forest within a one-year period may not receive an agricultural exception, unless the person files a declaration of intent as provided for in Section A.3.c. of this section which includes:
- (a) A statement that the landowner or landowner's agent will practice agriculture on that portion of the property for five years from the date of the declaration; and
  - (b) A sketch map of the property which shows the area to be cleared.
- \_\_\_\_\_ (4) - (6) The cutting or clearing of public utility rights-of-way licensed under Sections 1-101 and 2-101, et seq, of the Public Utilities Companies Article of the Annotated Code of Maryland, subject to limitations found in the Ordinance, and routine maintenance and emergency repairs to those rights-of-way, subject to limitations found in the Ordinance.
- \_\_\_\_\_ (7) Residential construction activity conducted on an existing single lot of any size, if the activity:
- (a) Does not result in the cumulative cutting, clearing, or grading of more than 40,000 square feet of forest;
  - (b) Does not result in the cutting, clearing, or grading of a forest that is subject to the requirements of a previous forest conservation plan approved under this chapter; and
  - (c) Is the subject of a declaration of intent filed with the City of Hagerstown, as provided for in Section A.3.c. of this Article, stating that the lot will not be the subject of a regulated activity within five years of the cutting, clearing, or grading of forest.
- \_\_\_\_\_ (8) Strip or deep mining of coal regulated under Natural Resources Article, Title 7, Subtitle 5 or 5A, Annotated Code of Maryland.
- \_\_\_\_\_ (9) Non-coal surface mining regulated under Natural Resources Article, Title 7, Subtitle 6A, Annotated Code of Maryland.
- \_\_\_\_\_ (10) An activity required for the purpose of constructing a dwelling house intended for the use of the owner, immediate family of the owner, if the activity:
- (a) Does not result in the cutting, clearing, or grading of more than 40,000 square feet of forest;
  - (b) Is the subject of a declaration of intent filed with the City of Hagerstown, as provided for in Section A.3.c. of this section, which states that the transfer of ownership may result in a loss of exemption.
- \_\_\_\_\_ (11) A preliminary plan of subdivision or grading or sediment control plan was approved before July 1, 1991.
- \_\_\_\_\_ (12) A planned unit development that, by December 31, 1991, has:
- (a) Met all the requirements for planned unit development approval; and
  - (b) Obtained initial development plan approval by the City of Hagerstown.
- \_\_\_\_\_ (13) A real estate transfer to provide a security, leasehold, or other legal or equitable interest, including a transfer of title, of a portion of a lot or parcel, if:
- (a) The transfer does not involve a change in land use, or new development or redevelopment, with associated land disturbing activities; and
  - (b) Both the grantor and grantee file a declaration of intent, as provided for in Section A.3.c. of this Article.

\_\_\_\_\_ (14) Per Article 7, Section A, Subsection 3.b (14), the Planning Commission may waive the requirements of the Forest Conservation Plan for an area that was previously developed and is covered by impervious surface and located in the Priority Funding Area at the time of application for a regulated activity.

\_\_\_\_\_ We are hereby requesting this waiver.

\_\_\_\_\_ (15) A stream restoration project, as described in Article 3 of the Land Management Code, for which the applicant for a grading or sediment control permit has executed a binding maintenance agreement of at least five (5) years with the affected property owner or owners,

\_\_\_\_\_ (16) Maintenance or retrofitting of a storm water management structure that may include clearing of vegetation or removal and trimming of trees, so long as the maintenance or retrofitting is within the original limits of the disturbance for construction of the existing structure, or within any maintenance easement for access to the structure.

**Declaration of Intent:**

Please use the following space to provide a narrative of how the developer of this project complies with the requirements of the Forest Conservation Ordinance, through the use of a declaration of intent. Attaching a separate narrative with original signatures and notarization is permitted.

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**Statements:**

I provide this Declaration of Intent for the purpose of verifying that the proposed activity is exempt from the provisions of the Forest Conservation Ordinance. This statement is provided as required when this exception is claimed under Article 7, Section A, Subsection 3.b. of the Land Management Code.

**I understand that the existence of a declaration of intent does not preclude:**

- A. An exempted activity on the property, subject to a declaration of intent, if the activity:
  - 1. Does not conflict with the purpose of any existing declaration of intent; and
  - 2. Complies with the applicable requirements for an exempted activity.
  
- B. A regulated activity on the area covered by the declaration of intent, if the activity occurs within five years of the effective date of the declaration of intent, in which case:
  - 1. There shall be an immediate loss of exemption; or
  - 2. There may be a noncompliance action taken by the Department, as appropriate, under this Chapter; or
  
- C. A regulated activity on that area of the property not covered under this declaration of intent if the requirements of this chapter are satisfied.

**Noncompliance:**

**Article 8, Section A.5. Noncompliance with Forest Conservation Article.**

a. **Assessment of Penalty.** In addition to the municipal infraction provisions of Article 8, Subsection A.3, a person found to be in noncompliance with Article 7, regulations adopted under this Article, the forest conservation plan, or the associated two-year maintenance agreement, shall be assessed by the City of Hagerstown the penalty of 50 cents per square foot of the area found to be in noncompliance with required forest conservation.

**I understand that the Department may require a person failing to file a declaration of intent or found in noncompliance with a declaration of intent to:**

- A. Meet the retention, afforestation and reforestation requirements established in the Ordinance;
- B. Pay a noncompliance fee of \$0.50 per square foot of forest cut or cleared under the declaration of intent;
- C. Be subject to other enforcement actions appropriate under the Land Management Code; or
- D. File a declaration of intent with the Department.

I understand that in its determination of appropriate enforcement action, the Department may consider whether failure to file a declaration of intent by a person required to file is a knowing violation of the Ordinance.

I understand that this declaration of intent is effective for five years from the date of Planning Commission approval and shall be recorded immediately among the land records of Washington County.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary

\_\_\_\_\_  
Notary

For the City of Hagerstown: \_\_\_\_\_

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**Planning and Code Administration Department**  
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