



## TALBOT COUNTY OFFICE OF PLANNING & ZONING

215 Bay Street, Suite 2  
Easton, Maryland 21601

PHONE: 410-770-8030

FAX: 410-770-8043  
TTY: 410-822-8735

### Memorandum

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**To:** Talbot County Planning Commission

**From:** Sandy Coyman, Planning Officer 

**Date:** June 10, 2013

**Subject:** Forest Harvest Draft Legislation and Website Materials

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At your December 5, 2012 meeting, you formulated a set of recommendations to balance the concerns of neighbors of timber harvests with those of the silviculture industry. On March 26, 2013 the Talbot County Council reviewed your recommendations and directed staff to:

1. Draft a bill to implement a mandatory sign to notify neighbors of an impending forest harvest and
2. Clarify that Chapter 128 The Right To Farm Act includes silviculture

Since March, County staff has worked with the silviculture stakeholders to get their input for addressing the County Council's directive. Staff has also attended a joint meeting of the silviculture stakeholders and Mr. Codispoti to discuss the potential approach to forest harvest issues.

Attached is a draft bill to address the County Council's directive for your review. Also included are materials that have been submitted by the silviculture stakeholders for inclusion on the website to which the sign would direct those seeking information on the internet. The Planning and Permits Office phone number would appear on the sign, and we would handle the initial response to inquiries about forest harvests. The stakeholders have also provided suggested language for amending the Right to Farm Act.

Staff has notified the silviculture stakeholders and Mr. Codispoti that you will be addressing this issue at your July 3, 2013 meeting.

Please review and comment on the bill and the attached materials. The Planning Commission's recommendation will be forwarded to the County Council.

cc: Mike Pullen, County Attorney

June 20, 2013 **Draft Forest Harvest Bill**

**COUNTY COUNCIL**  
**OF**  
**TALBOT COUNTY, MARYLAND**

2013 Legislative Session, Legislative Day No. : \_\_\_\_\_

Bill No.: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Introduced by: \_\_\_\_\_

By the Council \_\_\_\_\_

Introduced, read first time, ordered posted, and public hearing scheduled on \_\_\_\_\_  
at \_\_\_\_\_ p.m. at the Bradley Meeting Room, Talbot County Court House, South Wing,  
11 North Washington Street, Easton, Maryland 21601.

By Order \_\_\_\_\_  
Susan W. Moran, Secretary

**AN BILL TO AMEND CHAPTER 128 OF THE *TALBOT COUNTY CODE* TO SPECIFICALLY IDENTIFY SILVICULTURE AS AN AGRICULTURAL ACTIVITY ADDRESSED BY THIS CHAPTER AND TO AMEND CHAPTER 190 OF THE *TALBOT COUNTY CODE* TO REQUIRE PUBLIC NOTICE BY POSTING PROPERTIES PERMITTED TO UNDERGO A TIMBER HARVEST.**

**KEY**

**Boldface** .....Heading or defined term.

Underlining .....Added to existing law by original bill.

~~Strikethrough~~ .....Deleted from existing law by original bill.

Double underlining .....Added to bill by amendment.

~~Double strikethrough~~ .....Deleted from existing law or bill by amendment.

\* \* \* .....Existing law or bill unaffected.

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, CHAPTER 128 OF THE *TALBOT COUNTY CODE* § 128-2. DEFINITIONS TO BE AMENDED AS FOLLOWS:

\* \* \*

AGRICULTURE—All methods of crop and livestock production and management of vegetation and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, silviculture and marketing. Agriculture . . .

\* \* \*

SILVICULTURE—the science, art, and practice of creating, managing, using, and conserving forests and associated resources for human benefit and in a sustainable manner to meet desired goals, including goals for (1) clean air and water; (2) biodiversity; (3) wildlife habitat; (4) fiber production; and (5) recreation.

\* \* \*

SECTION TWO: BE IT FURTHER ENACTED, that Chapter 190, Table III-1 of the *Talbot County Code* entitled “General Table of Land Uses,” and §190-100.1 entitled “Timber Harvests” be amended as follows:

\* \* \*

22 **Table III-1. General Table of Land Uses**

Table	P = permitted use; S = special exception; A = accessory use										
Land Use	Agricultural Conservation	Countryside Preservation	Western Rural Conservation	Rural Conservation	Rural Residential	Town Conservation	Town Residential	Village Center	Limited Commercial	General Commercial	Limited Industrial

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<b>Timber Harvesting (commercial)</b> Includes parcels 10 acres or larger in Critical Area RR, TR, VC, and LC. <u>See regulations for specific land uses in this Article.</u>	P	P	P	P	P	P	P	P	P	P	P
<b>Timber Harvesting (commercial)</b> Includes parcels smaller than 10 acres in Critical Area RR, TR, VC, and LC. <u>See regulations for specific land uses in this Article.</u>					S		S	S	S		

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29 §190-100.1 Timber Harvests

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31 Posting Property.

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33 A. Required. The applicant shall post the property for which a timber harvest application is pending in accord with this section's requirements.
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35 B. Location and timing. The applicant shall post the property by erecting a sign furnished by the Department at least 15 days before the timber harvest is to occur. The sign shall be located on the property, nearly centered between its two side property lines, and within 10 feet from the most traveled public road. If no public road abuts the property, the sign shall be located so that the public will most readily see it. Signs shall be posted conspicuously and continuously maintained upright, visible, and free from obstruction by vegetation or otherwise, through the conclusion of the timber harvest.
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42 C. Responsibility. The applicant is responsible for and bears the burden of proof to establish, by affidavit or otherwise, full compliance with all posting requirements.
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45 D. Sign return. The applicant shall remove and return the sign to the Department within five calendar days after conclusion of the posting period. The applicant shall pay a fine of \$50 per calendar day for late return, and the full cost of repair or replacement for any damaged sign.
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51 SECTION TWO: BE IT FURTHER ENACTED that that this ordinance shall take effect sixty  
52 (60) days from the date of its passage.

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54 SECTION THREE: AND BE IT FURTHER ENACTED, That if any provision of this  
55 Ordinance or the application thereof to any person or circumstance is held invalid for any reason  
56 in a court of competent jurisdiction, the invalidity does not affect other provisions or any other  
57 application of this Ordinance which can be given effect without the invalid provision or  
58 application, and for this purpose the provisions of this Ordinance are declared severable.

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60 SECTION FOUR: AND BE IT FURTHER ENACTED, that the title and a summary of this Bill  
61 shall be published once on the first publication date after enactment of the Bill in accordance  
62 with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is  
63 amended, the title may be administratively revised if required to conform the title to the content  
64 of the Bill as finally enacted.

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66 SECTION FIVE: AND Mr. Ewing IT FURTHER ENACTED, that the Publishers of the *Talbot*  
67 *County Code* or the Talbot County Office of Law, in consultation with and subject to the  
68 approval of the County Manager, shall make non-substantive corrections to codification, style,  
69 capitalization, punctuation, grammar, spelling and any internal or external reference or citation to  
70 the *Code* that is incorrect or obsolete, with no further action required by the County Council. All  
71 such corrections shall be adequately referenced and described in an editor's note following the  
72 section affected

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74 SECTION SIX: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty  
75 (60) days from the date of its passage.

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PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. \_\_\_\_\_ having been published, a public hearing was held on \_\_\_\_\_.

BY THE COUNCIL

Read the third time.

ENACTED \_\_\_\_\_

By Order \_\_\_\_\_  
Susan W. Moran, Secretary

Bartlett \_\_\_\_\_  
Hollis \_\_\_\_\_  
Pack \_\_\_\_\_  
Price \_\_\_\_\_  
Duncan \_\_\_\_\_