

Bill No. 29-03
Concerning: Forest Conservation-
Equestrian Facilities
Revised: 7-27-04 Draft No. 8
Introduced: July 29, 2003
Enacted: July 27, 2004
Executive: August 9, 2004
Effective: November 8, 2004
Sunset Date: none
Ch. 20, Laws of Mont. Co. 2004

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Silverman

AN ACT to:

- (1) amend the requirements for forest conservation for certain equestrian facilities on land in agricultural zones; and
- (2) generally amend the forest conservation law regarding equestrian facilities.

By amending

Montgomery County Code
Chapter 22A, Forest Conservation – Trees
Sections 22A-3 and 22A-5

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1, Sections 22A-3 and 22A-5 are amended as follows:

22A-3. Definitions.

In this Chapter, the following terms have the meanings indicated:

* * *

Equestrian Facility: Any building, structure, or land area that is primarily used [[or designed]] for the care, breeding, boarding, rental, riding, sport eventing, or training of horses or ponies, the teaching of equestrian skills, or competitive equestrian events.

* * *

22A-5. Exemptions.

The requirements of Article II do not apply to:

* * *

(r) an **equestrian facility** located in an agricultural zone that is exempt from platting requirements under Section 50-9, whether or not a sediment control permit is obtained under Section 19-2[(d)]. [[but]] Article II does not apply to any equestrian support building or related activity only if the building is built using best management practices. However, Section 22A-6(b) applies if any specimen or champion tree would be cleared. This exemption does not permit any forest or tree that was preserved under a previously-approved forest conservation plan or tree save plan to be cut, cleared, or graded unless the previously-approved plan is amended to allow that activity. This exemption does not apply if:

(1) any forest was cleared during an agricultural activity, as defined in subsection (b), during the 5 years before any exemption under this subsection is claimed;

- (2) any forest or tree located in a stream valley buffer would be cleared;
- (3) on-site forest retention does not equal at least ~~[[20]]~~ 25% of the ~~[[gross]]~~ tract area or all forest existing when the exemption is claimed, whichever is less; or
- (4) on-site forest ~~[[clearing would exceed]]~~ retention does not equal at least 50% of ~~[[the]]~~ any net tract area when more than 50% of that tract is existing forest.

A conservation easement is not required for any equestrian facility, whether or not the exemption in this subsection applies. However, another type of long-term protection may be required under Section 22A-12(h)(2) if the facility includes any forest ~~[[save]]~~ retention area. The Planning Director must monitor any facility that is exempt under this subsection to confirm that the applicant and any successor in interest continue to comply with all conditions of the exemption;

~~[(r)]~~ (s) * * *

~~[(s)]~~ (t) * * *

Approved:

/s/ **7/30/04**

Steven A. Silverman, President, County Council Date

Approved:

/s/ **8/9/04**

Douglas M. Duncan, County Executive Date

This is a correct copy of Council action.

/s/ **8/10/04**

Mary A. Edgar, CMC, Clerk of the Council Date