

Article VIII

Reforestation

§31–8.1 Forest Conservation Threshold

- A. There is a forest conservation threshold established for all land use categories, as provided in Subsection B of this article. The forest conservation threshold means the percentage of the net tract area at which the reforestation requirement changes from a ratio of 1/4 acre planted for each acre removed above the threshold to a ratio of 2 acres planted for each acre removed below the threshold.
- B. After reasonable efforts to minimize the cutting or clearing of trees and other woody plants have been exhausted in the development of a subdivision or project plan, grading and sediment and erosion control activities, and implementation of the Forest Conservation Plan, the Forest Conservation Plan shall provide for reforestation, purchase of credits from a forest mitigation bank, or payment into the Forest Conservation Account, according to the formula set forth in Subsections B and C of this article and consistent with §31-8.1 of this article, and the following forest conservation thresholds for the applicable land use category:

Category of Use	Threshold Percentage
(1) Agricultural and resource areas	50 percent;
(2) Medium density residential areas	25 percent;
(3) Institutional development areas	20 percent;
(4) High density residential areas	20 percent;
(5) Mixed use and planned unit development areas	15 percent;
(6) Commercial and industrial use areas	15 percent.

C. Calculations.

- (1) For all existing forest cover measured to the nearest 1/10th acre cleared on the net tract area above the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 1/4 acre planted for each acre removed.
- (2) Each acre of forest retained on the net tract area above the applicable forest conservation threshold shall be credited against the total number of acres required to be reforested under paragraph (1) of this subsection. The calculation of the credit shall be according to the criteria provided in the Department's Forest Conservation Technical Manual.
- (3) For all existing forest cover measured to the nearest 1/10th acre cleared on the net tract area below the applicable forest conservation threshold, the area of forest removed shall be reforested at a ratio of 2 acres planted for each acre removed below the threshold.