

RESOLUTION NO. 907

A RESOLUTION OF THE DENTON TOWN COUNCIL ADOPTING A FOREST CONSERVATION MITIGATION PLAN PURSUANT TO MARYLAND CODE ANNOTATED, NATURAL RESOURCES ARTICLE § 5-1610

WHEREAS, pursuant to the Denton Town Charter, Article IV, the Denton Town Council has the authority to adopt legislation not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town and the protection and preservation of Town property; and

WHEREAS, pursuant to Maryland Code Ann., Natural Resources Article, § 5-1603, the Town of Denton developed a local forest conservation program that established the Denton Forest Conservation Fund within Denton Town Code Section 60-10; and

WHEREAS, pursuant to Natural Resources Article § 5-1610, the Town of Denton cannot collect fee in lieu funds to contribute to the Denton Forest Conservation Fund until it has submitted to the Department of Natural Resources a general plan identifying appropriate and potentially available areas for mitigation projects; and detailed accounting procedures for accurately tracking money received into and expended out of the forest conservation fund; and

WHEREAS, a Forest Conservation Mitigation Plan has been developed to meet the requirements of the Natural Resources Article and the Maryland Forest Services, Maryland Department of Natural Resources, Forest Conservation Technical Manual, 4th edition, 2024, which is presented to the Denton Town Council for adoption.

NOW THEREFORE, BE IT RESOLVED BY THE DENTON TOWN COUNCIL
AS FOLLOWS:

1. The Denton Town Council hereby adopts the Forest Conservation Mitigation Plan, dated August 2026, a copy of which is attached hereto and incorporated by reference herein.

Town of Denton Forest Conservation Mitigation Plan

Purpose.

It is the purpose of this Forest Conservation Plan for Mitigation Projects (the “Plan”) to establish a general plan identifying appropriate and potentially available areas for mitigation projects; and detailed accounting procedures for accurately tracking money received into and expended out of the Town of Denton Forest Conservation Fund. Money deposited in the Denton Forest Conservation Fund may be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, preparation, maintenance of existing forests, and achieving urban canopy goals. The two key components of this Plan are to provide available areas for mitigation, and accounting procedures for tracking and spending money received by applicants that pay into the Town’s Forest Conservation Fund in lieu of afforestation and reforestation. This Plan shall be available at the Denton Town Office.

Background

An individual making application for a subdivision, site plan, project plan, grading or vegetation removal permit, or sediment control approval on areas 40,000 square feet or greater is subject to forest conservation requirements mandated by the Maryland Forest Conservation Act. When the Town implements its forest conservation requirements, the primary objective is retaining existing forest on the site. After techniques for retaining existing forest on-site have been exhausted, or are not feasible, there is a sequence in which prioritized mitigation techniques are prescribed which is described in the Denton Forest Conservation Ordinance. Included in this sequence is on-site afforestation or reforestation, off-site afforestation or reforestation, or payment of a fee-in-lieu into the Town of Denton Forest Conservation Fund.

Forest Conservation Fund Strategies

Fee-in-lieu funds collected by the Town can be used to help meet forest conservation goals with one or more of the following strategies:

1. Acquisition of forested property to then be placed under a conservation easement.
2. Acquisition of property which could be used as a mitigation bank for afforestation.
3. Afforestation and reforestation on properties owned by the Town of Denton.
4. The Town can work with property owners, homeowner associations, and developers to supply and plant trees within designated open space.
5. The Town may offer a coupon allowing for the purchase of qualifying trees at a discount from local nurseries.
6. The Town can use the fund to help meet urban tree canopy goals including street tree plantings.
7. The Town can use the fund for remediation and maintenance of existing forests and trees planted by the Town.

Areas for Mitigation

This Plan identifies appropriate and potentially available areas for mitigation projects. The Town has identified Town-owned properties for potential mitigation projects and to meet urban tree canopy goals including street tree plantings, which areas include:

1. Sharp Road Park
2. Crouse Park
3. Wheeler Park
4. 4th Street Park
5. Towers Park
6. Wastewater Treatment Plant
7. Denton Industrial Park
8. All Town of Denton Street Trees
9. All Town-owned Facilities & Associated Properties
10. Stormwater management facilities such as bio-retention basins and rain gardens
11. Stream buffering

The Town shall utilize money deposited into the Denton Forest Conservation Fund on costs directly related to reforestation and afforestation, including site identification, acquisition, preparation, maintenance of existing forests, achieving urban canopy goals, and planting and maintain street trees in Town at the above-provided locations.

Afforestation, reforestation, and conservation efforts should prioritize stream and wetland buffer areas and other areas with potentially significant impacts to water quality, connections between and additions to forested areas, large blocks of contiguous forest, critical habitat areas, topographically unstable areas, and land use and road buffers.

Accounting Procedures

To utilize money deposited into the Denton Forest Conservation Fund, the Town shall undertake the following procedures to track funds received into the Fund and expended out of the Fund:

1. Funds are received by Town Staff and deposited into the Town's bank account detailed with a proper source description into the Town's accounting system at first opportunity.
2. These funds are coded into the Town's account to keep separate and distinct for the purposes of afforestation / reforestation.
3. When funds are expended, the account is reduced and copies of invoices are documented as source backup. Expenditures are made from the same main bank account that originally had funds deposited to.
4. The Town shall track:
 - a. Mitigation required (number of acres);
 - b. Fee-in-lieu dollars collected;
 - c. Mitigation completed (specific mitigation described); and
 - d. Fee-in-lieu expended.