



What you need to know

Trees and forests provide a valuable resource to Orange County and its residents. Not only do they provide useful wood and paper products, trees and forests supply oxygen, provide wild-life habitat, help cool the air in summer, prevent erosion, and give us cleaner air to breathe. In fact, riparian forests (areas along streams) help prevent flooding and filter pollutants before entering our streams, helping to clean our water.



According to the USDA-Forest Service's *Forest Statistics for North Carolina 2002*, nearly 60% of the 255,900 acres within Orange County are considered forestland. Most of the forestland in Orange County (about 90%) is under private ownership.

As Orange County continues to develop, the Orange County Planning Department receives an increasing number of citizen concerns regarding tree harvesting. While private landowners may indeed manage their forestlands and harvest their trees, there are guidelines called the *NC Forest Practices Guidelines (FPGs)*. The North Carolina Division of Forest Resources ("NC Forest Service") oversees the FPGs and other forestry-related rules. If FPGs and other forestry-related rules are followed, forest management activities such as "Tree Harvesting" are exempt from most local regulations. If these guidelines are not followed, tree harvesting may lose its exemption from certain regulations, including those enforced by Orange County.

For instance, a landowner may harvest trees even along streams provided they adhere to the FPGs and other applicable state-required buffer rules. However, if these guidelines are violated, the timber harvest may no longer be exempt from Article 6 of the Orange County Unified Development Ordinance. This ordinance requires the submittal of an erosion control plan, fees, and issuance of a land disturbance permit for disturbances as small as 10,000 square feet.

Tree harvesting does not require a building permit or other type of development approval from Orange County, unless trees are harvested "in anticipation of development". Harvesting "in anticipation of development" refers to the removal of trees under forestry exemptions prior to selling and/or developing a property. If this occurs, Orange County can withhold approvals

(i.e., building permits, subdivision approval, etc.) if the tree harvesting violates Orange County's subdivision ordinance, zoning ordinance, or other applicable County regulations. Approvals can be withheld for up to three (3) years for unintentional violations and a maximum of five (5) years if trees were knowingly harvested in order to bypass development requirements.

Example: A landowner contracts a logging company to harvest trees from their 20-acre tract. The logger harvests the trees in accordance with the forestry-related guidelines and rules. The landowner then sells the tract to a developer. The developer in turn, submits a plan to the County to subdivide the property and develop it into 2-acre residential lots. However, upon investigation it is noted that due to the tree harvest, there is no longer an undisturbed landscape buffer required by Orange County's subdivision regulations. Therefore, the subdivision approval is withheld for a time period until trees are replanted, and the landscape buffer restored in accordance with Orange County's guidelines.

Example: A developer owns a 100-acre tract with a stream. The parcel is subdivided into 10-acre lots, exempt from the Orange County subdivision regulations. However, prior to subdividing the parcel the developer harvests some of the trees. One of the lots is sold to a couple that intends to build a single-family residence on the lot. The lot they purchased borders the stream. In



this case, the building permit, or if required the land disturbance permit, can be withheld because there is no longer an undisturbed buffer along the stream. The Orange County zoning ordinance requires a minimum of a 50-foot buffer of undisturbed vegetation on either side of a stream and it can be much wider depending on the circumstance. In this case the stream buffer would have to be restored prior to issuance of a building permit.

Obviously tree harvesting in anticipation of development can have serious consequences for you and your clients. Projects can be delayed, fines can be levied, and legal action is possible.

Instead, consider leaving trees along and within areas that will require buffers so that you leave your and/ or your client's future development options open.

Tree Harvesting in anticipation of development is NOT allowable.



If you have questions or need to find more information about tree harvesting in anticipation of development, please contact:

Orange County Planning & Inspections -
Erosion Control, Stormwater, and Engineering Division
131 W. Margaret Lane, P.O. Box 8181, Hillsborough, NC 27278
919-245-2575
www.orangecountync.gov/Planning



If you need assistance planning a tree harvest or other forest management questions, please contact:

N.C. Division of Forest Resources
1020 US 70, Hillsborough, NC 27278
919-245-2228
www.ncforestservice.gov