

Introduced 5-03-2021
Public Hearing 5-17-2021
Council Action 6-07-2021
Executive Action 6-08-2021
Effective Date 8-08-2021

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 7

Bill No. 42 -2021

Introduced by: Deb Jung

AN ACT requiring the Department of Planning and Zoning, in collaboration with specified County agencies, to establish a system of data collection; requiring the Department of Planning and Zoning, in collaboration with specified County agencies, to recommend actions to improve the retention of existing forest areas and effectiveness of mitigation measures; and generally relating to the Forest Conservation Act.

Introduced and read first time May 3, 2021. Ordered posted and hearing scheduled.

By order

Michelle Harrod
Michelle R. Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on May 17, 2021.

By order

Michelle Harrod
Michelle R. Harrod, Administrator

This Bill was read the third time on June 7, 2021 and Passed Passed with amendments _____, Failed _____.

By order

Michelle Harrod
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8 day of June, 2021 at 12:30 a.m./p.m.

By order

Michelle Harrod
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive June 8, 2021

Calvin Ball
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; Text in small capitals indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County*
2 *Code is hereby amended as follows:*

3 *By renumbering:*

4 *Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations*

5 *Subtitle 12. Forest Conservation*

6 *Section 16.1219 “Severability” to be Section 16.1220 “Severability”*

7

8 *By adding:*

9 *Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations*

10 *Subtitle 12. Forest Conservation*

11 *Section 16.1219 “Data Collection, Analysis, and Reporting Requirements”*

12

13

HOWARD COUNTY CODE

14

Title 16 – Planning, Zoning and Subdivision and Land Development Regulations

15

Subtitle 12. Forest Conservation.

16

17

SEC. 16.1219. DATA COLLECTION, ANALYSIS, AND REPORTING REQUIREMENTS.

18

19

(A) *DATA COLLECTION.* THE DEPARTMENT SHALL ESTABLISH A SYSTEM OF DATA COLLECTION:

20

(1) IN COLLABORATION WITH THE DEPARTMENT OF RECREATION AND PARKS AND THE OFFICE
21 OF COMMUNITY SUSTAINABILITY;

22

(2) TO MEASURE THE EFFECTIVENESS OF THE FOREST CONSERVATION REGULATIONS ADOPTED
23 IN ACCORDANCE WITH THIS SUBTITLE; AND

24

(3) THAT INCLUDES DATA ON RETENTION OF EXISTING FOREST AND DATA ON MITIGATION
25 MEASURES.

26

(B) *ANALYSIS AND REPORTING REQUIREMENTS.* (1) THE DEPARTMENT SHALL COLLABORATE WITH
27 THE DEPARTMENT OF RECREATION AND PARKS AND THE OFFICE OF COMMUNITY
28 SUSTAINABILITY IN CARRYING OUT THIS SUBSECTION.

29

(2) IN ACCORDANCE WITH SECTION 22.1000 OF THIS CODE, THE DEPARTMENT SHALL
30 REPORT ON A THREE-YEAR BASIS TO THE COUNTY COUNCIL ON THE DATA COLLECTED UNDER

1 SUBSECTION (A) OF THIS SECTION AND AN ANALYSIS OF THE DATA TO RECOMMEND ACTIONS, IF
2 APPLICABLE, TO IMPROVE THE RETENTION OF EXISTING FOREST AND EFFECTIVENESS OF
3 MITIGATION MEASURES.

4 (3) THE THREE-YEAR REPORTING PERIOD SHALL END IN DECEMBER, AND THE REPORTS SHALL
5 BE ISSUED TO THE COUNTY COUNCIL ON OR BEFORE MARCH 31 FOLLOWING THE REPORTING
6 PERIOD.

7
8 **SEC. ~~[[16.1219.]] 16.1220. SEVERABILITY.~~**

9 If any section, subsection, sentence, clause, phrase or portion of this subtitle is held invalid
10 by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and
11 independent provision; and the invalidity shall not affect the validity of the remaining portions of
12 the subtitle and for this purpose, the provisions of this Act are declared severable.

13
14 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that in accordance*
15 *with Section 22.1000 of the Code, the Department of Planning and Zoning shall submit an initial*
16 *report on the analysis required under this Act, to cover the period from enactment of Council Bill 62-*
17 *2019 to 18 months after enactment of this Act, no later than 21 months after the enactment of this Act.*
18 *The first three-year report, pursuant to Section 16.1219(b)(2) of this Act, shall be due by March 31,*
19 *2026. Thereafter, in accordance with Section 22.1000 of the Code, the Department of Planning and*
20 *Zoning shall report on the analysis required under this Act on or before March 31 following the*
21 *reporting period.*

22
23 *Section 3. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall*
24 *become effective 61 days after its enactment.*

Amendment No. 1 to Council Bill No. 42-2021

BY: Liz Walsh

Legislative Day 10

Date: June 7, 2021

Amendment No. 1

(This amendment requires that the Department of Planning and Zoning report to the County Council include additional specified information. This amendment alters the reporting period for the initial report by DPZ to the County Council, the due date for the initial report, and the due date for the first three-year report.)

1 On page 2, after line 3, insert:

2 “(3) THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL INCLUDE, BY
3 COUNCILMANIC DISTRICT, A QUALITATIVE AND QUANTITATIVE ASSESSMENT OF THE
4 EFFECTIVENESS OF THIS SECTION, AND ANY RECOMMENDATIONS FOR ADDITIONAL DATA
5 COLLECTION POINTS.”.

6 On page 2, in line 4, strike “(3)” and substitute “(4)”.

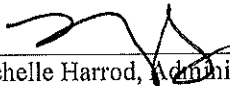
7 On page 2:

- 8 • in line 17, strike “18” and substitute “6”
9 • in line 17, strike “21” and substitute “12”
10 • in line 19, strike “2026” and substitute “2025”.

I certify this is a true copy of
Am 1 to CB42-2021
1 passed on June 7, 2021
Michelle Howard
Council Administrator
Failed

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on June 8, 2021.

 for MRH

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2021.

Michelle Harrod, Administrator to the County Council

Amendment No. 1 to Council Bill No. 42-2021

BY: Liz Walsh

Legislative Day 10

Date: June 7, 2022

Amendment No. 1

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6 On page 2, in line 4, strike “(3)” and substitute “(4)”.

7 On page 2:

- 8 • in line 17, strike “18” and substitute “6”
- 9 • in line 17, strike “21” and substitute “12”
- 10 • in line 19, strike “2026” and substitute “2025”.

Smarter Growth Alliance For Howard County

June 21, 2021

The Honorable Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: CB42-2021 – AN ACT requiring the Department of Planning and Zoning, in collaboration with specified County agencies, to establish a system of data collection; requiring the Department of Planning and Zoning, in collaboration with specified County agencies, to recommend actions to improve the retention of existing forest areas and effectiveness of mitigation measures; and generally relating to the Forest Conservation Act.

Dear Council Members:

The Smarter Growth Alliance for Howard County (SGAHC) is an alliance of local and state organizations collaborating to foster healthy, equitable, and sustainable communities through smarter development and transportation decisions and improved protections for the county's natural, historic and cultural resources.

While we applaud the Howard County Council for passing CB42-2021 to provide a feedback loop to ensure ongoing evaluation of the effectiveness of Howard County's Forest conservation laws, we are disappointed that the council rejected an amendment that would have made the data timelier.

Timely data is critical when we are dealing with the continued march of forests in Howard County to the west, and as we are dealing with increasing polluted stormwater runoff blowing out our streambeds.

Six years is a long time to wait to act on a problem, especially when forests are in question. It will take decades to reverse the damage of losing a mature stand of trees.

Many of the problems in Forest Conservation laws are not limited to the language of the legislation, but how it is implemented. What types of waivers are granted, how forest stands are delineated, and how replacement trees are maintained will all impact the health of our forests?

*Chesapeake Bay Foundation • Clean Water Action • Coalition for Smarter Growth • Community Ecology Institute
Earth Forum of Howard County • HARP • Horizon Foundation • Howard County Citizens Association
Howard County Conservancy • Howard County Sierra Club • Maryland Conservation Council
Maryland League of Conservation Voters • Maryland Ornithological Society • Patapsco Heritage Greenway
Preservation Maryland • Safe Skies Maryland • Savage Community Association • The People's Voice • Transition Howard County*

Furthermore, the majority of the information on how the law is being implemented is already contained within the Howard County government. A six-year delay is unreasonable given the availability of data, the irreplaceability of mature forests, and the impacts of the law on flooding, habitat, and local air quality.

CB42-2021 sets up a feedback loop, which is great moving forward for forest conservation in Howard County. But unfortunately, it only sets it up after a sizable delay during the early implementation of changes to Howard County's Forest conservation law, a disturbing decision that seems to allow problems to go unrecognized for too long.

Additionally, this amendment would have implemented both a qualitative and quantitative assessment which also called for the inclusion of new data points as needed. Strengthening this review process is critical to the evaluation of the effectiveness of the forest conservation act.

Sincerely,

Smart Growth Alliance of Howard County

cc: The Honorable Calvin Ball, County Executive

Sayers, Margery

From: Stuart Kohn <stukohn@verizon.net>
Sent: Monday, June 7, 2021 5:37 PM
To: CouncilMail
Subject: Passage of CB42-2021 to include its Amendment

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members,

The Howard County Citizens Association, HCCA fully supports CB42-2021 especially with the your **Approval** of the Amendment. This Amendment should not be voted down especially since we are convinced that our Council fully supports environmental improvements thru legislation whenever warranted. This is the case and is absolutely necessary. Your positive vote will show your commitment for our environmental cause. By applying some quantitative measurements via the proposed Amendment to ensure that the Forest Conservation program is what we want to achieve is no doubt commendable and would be appreciated.

We see every reason why your constituents would be appreciative of your commitment to the ENVIRONMENT. Please vote in **FAVOR** of the Amendment and CB42-2021.

Stu Kohn
HCCA President

Sent from my iPhone

Sayers, Margery

From: Kurt Schwarz <krschwa1@verizon.net>
Sent: Monday, June 7, 2021 5:33 PM
To: CouncilMail
Subject: CB42

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I support CB42 and the amendment. We must preserve our quality forests, to combat climate change, and provide wildlife habitat. These forests are under siege from development, and introduced pests. The emerald ash borer has noticeably thinned our forests, extinguishing ash trees. In the 1 3/4 acre forested plot we own, over two dozen ash trees have died. Please pass CB 42 and Councilwoman Walsh's amendment.

Kurt R. Schwarz
District 1
9045 Dunloggin Ct.
Ellicott City, MD 21042
410-461-1643
krschwa1@verizon.net

Sayers, Margery

From: Christine Dietrich <leaderofdaisyscouts@yahoo.com>
Sent: Monday, June 7, 2021 5:13 PM
To: CouncilMail
Subject: I support CB-42

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Councilmembers,

Out of respect for your time, I will be brief. As a HoCo resident, I value our green spaces and I support CB-42's forest conservation measures.

Yours in Scouting,
Christine Dietrich
301-317-9190
leaderofdaisyscouts@yahoo.com

Sayers, Margery

From: Susan Garber <buzysusan23@yahoo.com>
Sent: Monday, June 7, 2021 5:13 PM
To: CouncilMail
Subject: Support for CB42 and Amendment 1

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council members,

It will come as no surprise that I urge your support of CB42 tonight, but I also wish to make it clear that I'm hoping you will support the amendment submitted by the Chair as well. The amendment requires that the report from the Department of Planning and Zoning to the County Council include additional specified information and be broken down by councilmanic district--something I frankly hadn't thought of, but which should be very important to each councilmember. I'm pleased that the amendment shortens the reporting period for the initial report by DPZ to the County Council, the due date for the initial report, and the due date for the first three-year report. This reduction in reporting time will increase the opportunity to make any necessary adjustments in the forest conservation act implementation should it fail to achieve the positive effect anticipated.

Simply put, we need to know sooner, rather than later, that more mature trees are being saved as a result of the changes made in the Forest Conservation legislation and that we are not just replanting saplings in their place.

Best regards,

Susan Garber

Sayers, Margery

From: Tori Diersen <torridtorid@yahoo.com>
Sent: Monday, June 7, 2021 5:01 PM
To: CouncilMail
Subject: Support for amendment to CB-42 from HoCo resident

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

To whom it may concern:

I have become aware of the CB-42 legislation amendment that will be voted on tonight. I am a resident of Howard County and would like to express that I support the legislation and any amendment that improves the opportunity to make fast, educated adjustments in the implementation of the forest conservation act. It is my opinion that providing specific information and shorter reporting periods will help us accomplish our forest conservation goals. Furthermore, I would like to note that forest and green space conversation efforts are among my top priorities and have a significant impact on the location I choose to live.

Sincerely,

Tori Diersen

Savage, MD

Sayers, Margery

From: Isaac <isaaceecs@gmail.com>
Sent: Monday, June 7, 2021 5:00 PM
To: CouncilMail
Subject: Support for amendment to CB-42

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I am writing in support of the amendment proposed to CB-42 legislation. As a Howard County resident, I feel that an amendment that allows for faster, more detailed assessment provides necessary opportunity for adjustments during the implementation of the forest conservation act in Howard County. Properly protecting our forests, rivers, and green spaces is important to me and I hope the Council will consider the future impacts of the decisions made tonight and every night legislation is voted on.

Thank you
William Mullins

Sayers, Margery

From: LISA MARKOVITZ <lmarkovitz@comcast.net>
Sent: Monday, June 7, 2021 4:15 PM
To: CouncilMail
Subject: Please support CB42 Amendment 1

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

The County was out of compliance for a very long time with State Forest Conservation law. Thus, many more trees came down than should have, with no repercussion nor any plan to look back and specifically remedy any consequences from prior activity.

Thus, the data that should be compiled regarding the efficacy of the new policies going forward should be done more quickly, and frequently. It would be great if we could also include a quality comparison of old versus new trees regarding mitigation factors.

Thank you for your consideration,
Lisa Markovitz
for The People's Voice

Smarter Growth Alliance for Howard County

May 14, 2021

The Honorable Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: CB42-2021: AN ACT requiring the Department of Planning and Zoning, in collaboration with specified County agencies, to establish a system of data collection; requiring the Department of Planning and Zoning, in collaboration with specified County agencies, to recommend actions to improve the retention of existing forest areas and effectiveness of mitigation measures; and generally relating to the Forest Conservation Act.

Dear Council Members:

The Smarter Growth Alliance for Howard County (SGAHC) is an alliance of local and state organizations collaborating to foster healthy, equitable, and sustainable communities through smarter development and transportation decisions and improved protections for the county's natural, historic and cultural resources.

We support Bill 42-2021 and enthusiastically support the intent to provide a feedback loop that can ensure ongoing evaluation of the effectiveness of CB 69-2019, the Forest Conservation Act. However, we would also welcome strengthening amendments to Bill 42-2021.

Passing CB 69-2019 was a historic achievement of this council and the administration. This bill may significantly improve the conservation of forests, the way we intelligently develop our county, and the quality of life of our county residents. Hundreds of acres of trees were lost unnecessarily during the 20+ years leading up to the passage of CB 69-2019. The lack of comprehensive forest legislation resulted in a decline in air quality, a reduction in carbon sequestration, increased flooding due to inadequate stormwater management, a loss of habitat and biodiversity, as well as a loss of places where one can reconnect to nature for its restorative mental health effects. These harmful effects highlight the importance of revisiting such significant legislation. The forest legislation this council wisely passed in 2019 has the potential to reverse the loss of those forest benefits and set the county on a brighter path into the future. An act of such importance demands periodic checkups on its effectiveness. CB42-2021 is a vital step to ensure that the 2019 forest legislation functions as intended.

*Audubon MD-DC • Audubon Society of Central Maryland • Bicycling Advocates of Howard County
Chesapeake Bay Foundation • Clean Water Action • Coalition for Smarter Growth • Community Ecology Institute
Earth Forum of Howard County • HARP • Howard County Citizens Association
Howard County Conservancy • Howard County Sierra Club • Maryland Conservation Council
Maryland League of Conservation Voters • Maryland Ornithological Society • Patapsco Heritage Greenway
Preservation Maryland • Safe Skies Maryland • Savage Community Association • The People's Voice • Transition Howard County*

While we support Bill 42-2021 as written, we have two recommended considerations to make the bill even stronger:

- 1) While we support this bill to advance the effectiveness of forest conservation in the county, understand the need for Howard County agencies to have a suitable time to gather and fully assess the effectiveness data, we would also support measures to make it even stronger. We support measures that founded, reported, and solved problems **before March 31, 2026**. We recommend considering alternatives to an earlier due date of the report or other measures such as a preliminary interim report to the council and the public. Seven years is a long time to wait for an identified problem when it needs to be addressed promptly. We want to ensure there is ample ability for the Departments of Planning and Zoning, Recreation of Parks, along with the Office of Community Sustainability, to have the policy tools they need to conserve Howard county's precious forest resources.
- 2) We would appreciate additional specificity of the kind of data to be collected. We ask to have a full assessment of both the qualitatively and quantitatively effectiveness of the bill. We understand the need for flexibility in the evaluation and reporting to ensure that we can get the whole picture of how effective our forest policies are in the county. We also understand the capacity constraints and procedures of the agencies tasked to carry out Bill 42-2021. Since the Departments of Planning and Zoning, Recreation of Parks, along with the Office of Community Sustainability, have agreed to collaborate on the collection and evaluation of data, we would support consulting with them to explore if any additional minimal data collection points would be feasible.

A great deal of administrative effort and public involvement went into the development of the new Forest Conservation Act and its Implementation Manual. We applaud this council for its past and present efforts to continue improvements in forest conservation and management in the county. We support CB42-2021 and would support efforts to strengthen the amendment further in collaboration with the appropriate agencies. This bill can assure the effort invested produces the desired current outcome and will continue to do so in the future.

Sincerely,

Preservation Maryland
Ruby Nwaebube
Advocacy Associate

The People's Voice
Lisa Markovitz
President

Howard County Citizen's Association
Stu Kohn
President

Savage Community Association
Susan Garber
Director

cc: The Honorable Calvin Ball, County Executive