

CB62

**Sayers, Margery**

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**From:** Ryan Salsman <salsmanado@gmail.com>  
**Sent:** Monday, November 25, 2019 8:47 AM  
**To:** CouncilMail  
**Subject:** Please support CB62-2019

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

Dear Howard County Council Members:

I support CB62-2019, The Forest Conservation Act. As a bird watcher, I enjoy seeing birds in their native habitat. This bill will help preserve actual forest, which is home for many species that depend on mature, intact forest for breeding, such as the Wood Thrush. These species are in steep decline, and this bill will help to slow or even reverse that decline, preserving the birds that I love. Please support this bill and also strengthen provisions that will ensure a no-net-loss of forest, as is called for by Maryland's Forest Conservation Act.

Thank you for your time,  
Ryan Salsman

**Sayers, Margery**

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**From:** Lisa <vivalig@aol.com>  
**Sent:** Sunday, November 24, 2019 5:33 PM  
**To:** CouncilMail  
**Subject:** CB62-2019

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

*Dear Howard County Council Members:*

*I support CB62-2019, The Forest Conservation Act. As a lover of all that is wild this bill will help preserve forest and all the animals, birds, and insects that depend on this natural habitat. As you know, due to development and climate change, many species are facing decline or extinction.*

*Please support this bill and also strengthen provisions that will ensure a no-net-loss of forest, as is called for by Maryland's Forest Conservation Act.*

*Sincerely,  
Lisa I. Gibson  
Columbia, MD 21045*

**Sayers, Margery**

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**From:** Bonnie Bezila <mrsbwren@gmail.com>  
**Sent:** Sunday, November 24, 2019 4:45 PM  
**To:** CouncilMail  
**Subject:** CB62 - 2019 Forest Conservation Act

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

*Dear Howard County Council Members:*

*I support CB62-2019, The Forest Conservation Act. As a bird watcher, I enjoy seeing birds in their native habitat. This bill will help preserve actual forest, which is home for many species that depend on mature, intact forest for breeding, such as the Wood Thrush. These species are in steep decline, and this bill will help to slow or even reverse that decline, preserving the birds that I love. Please support this bill and also strengthen provisions that will ensure a no-net-loss of forest, as is called for by Maryland's Forest Conservation Act.*

*Thank You,  
Bonnie Bezila*

## Sayers, Margery

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**From:** Patricia Soffen <patricia.soffen@gmail.com>  
**Sent:** Sunday, November 24, 2019 4:23 PM  
**To:** CouncilMail  
**Subject:** Pass CB-62

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

Dear Howard County Council,

I am writing to encourage you to pass CB-62 to bring Howard County into compliance with the MD Forest Conservation Act. It is imperative that if you do nothing else for the environment of Howard County, you will at the very least pass this legislation.

Thanks,

Patricia Soffen  
5310 Honey Ct, Ellicott City, MD 21043

## Sayers, Margery

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**From:** Colangelo Family <lcolangelo@verizon.net>  
**Sent:** Sunday, November 24, 2019 3:57 PM  
**To:** CouncilMail  
**Subject:** Forest Conservation Act

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

Hello: I urge the entire county council to support the Forest Conservation Act. Wildlife in general is suffering due to deforestation. I'm an avid outdoors person and have seen this first hand with declines in many species. This should be a concern for all now and our future generations!

Lisa Colangelo  
West Friendship

## Sayers, Margery

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**From:** Richard Freas <rafreas@gmail.com>  
**Sent:** Sunday, November 24, 2019 2:48 PM  
**To:** CouncilMail  
**Subject:** Howard County Forest conervation

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

*Dear Howard County Council Members:*

*I support CB62-2019, The Forest Conservation Act. As a bird watcher, I enjoy seeing birds in their native habitat. This bill will help preserve actual forest, which is home for many species that depend on mature, intact forest for breeding, such as the Wood Thrush. These species are in steep decline, and this bill will help to slow or even reverse that decline, preserving the birds that I love. Please support this bill and also strengthen provisions that will ensure a no-net-loss of forest, as is called for by Maryland's Forest Conservation Act.*

Richard Freas  
9465 Glen Ridge Drive  
Laurel, MD 20723

## Sayers, Margery

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**From:** Mary Lou Clark <doctorfx\_99@yahoo.com>  
**Sent:** Sunday, November 24, 2019 12:33 PM  
**To:** CouncilMail  
**Subject:** CB62-2019

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

I support CB62-2019, The Forest Conservation Act. As a birdwatcher, I am concerned with the loss of so many bird species in the world which is impacted by the loss of habitat. Our birds don't just need trees; they need trees which are bunched together to make a large tract of undisturbed forest. This is important for the birds which are migrating through, and also for our breeding birds. Also, as we have watched the destructive floods which have impacted Ellicott City during the last few years, it is important for us to stop tearing out our forests. Forests can soak up excess rainwater which prevents run-offs and flooding. Thank you.

Mary Lou Clark  
5153 Morningside Lane  
Ellicott City, Maryland 21043

## Sayers, Margery

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**From:** Charles Stirrat <stirrcr1@gmail.com>  
**Sent:** Saturday, November 23, 2019 4:11 PM  
**To:** CouncilMail  
**Subject:** Support for CB 62-2019

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

Dear Howard County Council Members:

I strongly support CB 62-2019, The Forest Conservation Act. As an avid bird watcher and naturalist, I enjoy seeing birds in their native habitat. This bill will help preserve actual forest, which is home for many species that depend on mature, intact forest for breeding, such as the Wood Thrush. These species are in steep decline, and this bill will help to slow or even reverse that decline, preserving the birds that I love. I encourage you to support this bill and also strengthen provisions that will ensure a no-net-loss of forest, as is called for by Maryland's Forest Conservation Act.

The need to preserve our forests is evident. Not only will they provide crucial habitat for our bird species, they buffer streams, keep pollutants out of the Chesapeake Bay, mitigate the effects of climate change, increase property values, and improve mental and general human health. To protect our forests and to help reverse the alarming trends we are seeing across many bird species in the Chesapeake Bay watershed and beyond, I ask you to support Council Bill 62-2019.

Charles R. Stirrat  
13318 Hunt Rdg  
Ellicott City, MD 21042  
[stirrcr1@gmail.com](mailto:stirrcr1@gmail.com)



## Sayers, Margery

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**From:** Susan Garber <buzysusan23@yahoo.com>  
**Sent:** Thursday, November 21, 2019 12:41 PM  
**To:** CouncilMail  
**Subject:** CB 62 Research, not conjecture  
**Attachments:** Condensed Research for CB62.docx

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

Dear Council Members,

I was unsettled by the amount of unsubstantiated claims by members of the development community at the Council hearing on Monday, November 18, 2019 regarding CB-62. Many of the same unsubstantiated conjectures have been presented to you previously on other legislation.

This was in stark contrast with scientific research-based statements from supporters of the bill. I have attached the resources which I personally consulted and highlighted key information to honor your time. I hope you or your staff will check out these resources before the Council work session tomorrow.

I will also be sending you later today a Point-Counterpoint summary of responses to the development community. Since collectively they elected to speak late in the hearing, there was little or no opportunity to counter their comments. With no opportunity to speak at the Work Session I feel this is the only way to express an opposing view.

I greatly appreciate your attention to this critical bill and would welcome any opportunity to speak with you about possible strengthening amendments.

Best regards,

Susan Garber

## Scientific support for the role of trees in fighting climate change

- Nowak, David J.; Hoehn, Robert; Crane, Daniel E. Oxygen Production by Urban Trees in the United States. *Arboriculture & Urban Forestry* 2007.33(3):220–226.

Oxygen generation goes up with the cube of the height. So it is estimated that a 100' tree generates at least 1000 times the O<sub>2</sub> as a ten-foot tree.

- McPherson, et al. 2006 (More about tree size and interception)

Mature trees “intercept,” or prevent from hitting the ground, far more rainwater per year than young ones. This reduces the amount of stormwater that flows into sewers and rivers, which frequently causes flooding and carries pollutants. One model found a 40-year-old hackberry tree intercepted 5,387 gallons of rainfall per year while a 5-year-old one intercepted only 133 gallons — a 40-fold difference.

- <https://www.nationalgeographic.com/environment/2019/07/how-to-erase-100-years-carbon-emissions-plant-trees/?fbclid=IwAR3i6VL3zZlaBU8nGsj9KW8ljLORIMq0PpxLMTIlw77iQCfpcLYtbT0Ueho>

NATIONAL GEOGRAPHIC

### ENVIRONMENT

How to erase 100 years of carbon emissions? Plant trees—lots of them.

**Increasing the Earth’s forests by an area the size of the United States would cut atmospheric carbon dioxide 25 percent.**

“Our study shows clearly that forest restoration is the best climate change solution available today,” said Tom Crowther, a researcher at [ETH Zürich](#), and senior author of the study.

That does not alter the vital importance of protecting existing forests and phasing out fossil fuels since new forests would take decades to mature, Crowther said in a statement.

Trees—all plants, in fact—use the energy of sunlight, and through the process of photosynthesis they take carbon dioxide (CO<sub>2</sub>) from the air and water from the ground. In the process of converting it into wood they release oxygen into the air. In addition to the CO<sub>2</sub> that trees capture, they also help soil capture significant amounts of carbon.

Reforestation can buy us time to cut our carbon emissions,” says Bastin.

While tree plantations can also store carbon, they don’t support much wildlife such as pollinators, whose decline is very worrying, he said.

“In my opinion the implications of our study are that we need to respect forests as humanity’s best ally to protect the climate and our life support system,” he says.

Different paths, same goal: Forest restoration can take many forms—from enriching pastures with trees, to growing coffee or cocoa beneath a forest canopy, to adding forest buffers for national parks and protected areas to enhance tourism.

Under the [New York Declaration on Forests](#), countries have pledged to halve the rate of deforestation by 2020, to end it by 2030, and to restore hundreds of millions of acres of degraded land. **Imagine if HoCo made the same commitment**

“If we don’t make fundamental changes, conditions for humanity will only get worse,” said Chazdon.

All the new tree work, Chazdon says, signals that “we’re entering into the practicality stage” of smart reforestation. “We can bring a lot of interdisciplinary science to bear. I hope there will be more interaction between scientists and politicians, realizing that the tools we now have can guide reforestation that is the most cost-effective, and has multiple benefits and fewer tradeoffs.”

- <https://www.scientificamerican.com/article/massive-forest-restoration-could-greatly-slow-global-warming/?fbclid=IwAR2jB5uYovINAIPrr4X0y49WxlpEVomBOuEF6Sh1IsR330nH2UJM70xBmzQ>

SCIENTIFIC AMERICA

## CLIMATE

### Massive Forest Restoration Could Greatly Slow Global Warming

The right trees, planted in the right locations, could store 205 gigatons of carbon dioxide

- By [Mark Fischetti](#) on July 4, 2019

We have heard for years that planting trees can help save the world from global warming. That mantra was mostly a statement of faith, however. Now the data finally exist to show that if the right species of trees are planted in the right soil types across the planet, the emerging forests could capture 205 gigatons of carbon dioxide in the next 40 to 100 years. That’s two thirds of all the CO<sub>2</sub> humans have generated since the industrial revolution. “Forest restoration is by far our most powerful planetary solution today,” says Tom Crowther, a professor of global ecosystem ecology at the Swiss Federal Institute of Technology in Zurich, and an author of a [study published Thursday](#) in *Science* that generated the eye-opening number.

- [https://www.nrs.fs.fed.us/pubs/jrnl/2007/nrs\\_2007\\_nowak\\_001.pdf](https://www.nrs.fs.fed.us/pubs/jrnl/2007/nrs_2007_nowak_001.pdf)

Relatively minor changes in trace chemicals can have significant effects on environmental and human health (e.g., impacts of ozone, particulate matter, nitrogen, and sulfur oxides) and climate change (e.g., impact of carbon dioxide). Although the absolute magnitude of oxygen production by urban forests is over 2.5 times greater than for carbon sequestration and 85 times greater than for air pollution

removal nationally, the relative impacts of carbon sequestration and air pollution removal are much more significant than oxygen production. Urban forest effects on trace chemicals can lead to significant improvements in environmental quality and human health and well-being.

- <https://www.facebook.com/ahogymiszeretjuk/videos/1904534142931303/?t=30> video shows the difference between watering bare vs. soil covered in vegetation. SUPER!
- [https://www.good.is/articles/drones-planting-trees?fbclid=IwAR1yaVg3Q\\_-umX4sQ-L0zDx5gHhhGZncRhbs3XrGRBgQKeW7jhXq46CFLBo](https://www.good.is/articles/drones-planting-trees?fbclid=IwAR1yaVg3Q_-umX4sQ-L0zDx5gHhhGZncRhbs3XrGRBgQKeW7jhXq46CFLBo)

Myanmar Mango tree restoration: just two operators could send out a mini-fleet of seed missile planting drones that could plant 400,000 trees a day -- a number that quite possibly could make massive headway in combating the effects of manmade climate change.

- [https://ggwash.org/view/72499/lawns-are-good-for-almost-nothing-environment-eco-landscaping?fbclid=IwAR2Exwkvb3rP3gsDfc\\_yn\\_r98hK3kw8SeRiDH-MbeughJ8nvt\\_vMed3Bfal](https://ggwash.org/view/72499/lawns-are-good-for-almost-nothing-environment-eco-landscaping?fbclid=IwAR2Exwkvb3rP3gsDfc_yn_r98hK3kw8SeRiDH-MbeughJ8nvt_vMed3Bfal)

## The issue of Tree Equity

- <https://www.americanforests.org/our-work/tree-equity/>

### CREATING TREE EQUITY™ FOR UNDERSERVED COMMUNITIES

#### Seeing the Need

Across American cities, there are dramatic disparities in tree canopy that track on economic lines. In most cities, trees grow in areas of money and influence, which means that low-income neighborhoods can have a fraction of the tree canopy found in more affluent areas. As shown in research (synthesized in the [Vibrant Cities Lab](#) we created) this lack of tree canopy can negatively impact academic performance, crime rates, personal health, and can even increase illness and death from extreme heat and poor air quality.

## Encouraging Words—State action

- [https://www.bayjournal.com/article/maryland-denies-permits-for-solar-projects-that-sought-to-clear-forests?utm\\_source=Bay+Journal+Weekly+News&utm\\_campaign=1a36f558f3-Newsltr\\_2019\\_Sep3&utm\\_medium=email&utm\\_term=0\\_bde9036159-1a36f558f3-126606705&fbclid=IwAR2Q-J4byQWo67EWRfwgfNdD\\_XZR3b8wyLc81jp9wAOYaJ\\_BfkLDG16PRL4](https://www.bayjournal.com/article/maryland-denies-permits-for-solar-projects-that-sought-to-clear-forests?utm_source=Bay+Journal+Weekly+News&utm_campaign=1a36f558f3-Newsltr_2019_Sep3&utm_medium=email&utm_term=0_bde9036159-1a36f558f3-126606705&fbclid=IwAR2Q-J4byQWo67EWRfwgfNdD_XZR3b8wyLc81jp9wAOYaJ_BfkLDG16PRL4)

### Maryland denies permits for solar projects that sought to clear forests

- *By* Timothy B. Wheeler *on* August 30, 2019

- MDE Secretary Ben Grumbles said in a statement that the projects posed “an unacceptable trade-off for the environmental benefits of clean energy.”
- “While Maryland strongly supports the increased use of clean and renewable energy sources,” Grumbles said, “these two proposed projects would harm the nearby high-quality stream in Charles County and threaten our continued restoration progress in the Chesapeake Bay watershed.”
- The Audubon Society has identified the 537-acre site as part of an “important bird area” on the peninsula because of the habitat the woods provide, particularly for species that need undisturbed forest to nest.
- Alison Prost, Maryland executive director of the Chesapeake Bay Foundation, applauded the MDE decision and said she hoped it would set a precedent. While Georgetown’s embrace of solar is “admirable,” she said, “clean energy should never require clearing high-quality forests.”
- “MDE does not consider the economic or social benefits of the proposed project to justify any decrease in water quality,” the agency announcement said.
- Curson and other opponents of the Georgetown project say they support solar energy, but they want to see it steered to non-agricultural sites such as rooftops and former industrial “brownfields.”

## Real estate industry benefits of investing in open space

- <https://medium.com/reimagining-the-civic-commons/4-reasons-the-real-estate-industry-should-invest-in-open-spaces-7386ba815593>

Parks and open spaces are essential for vibrant and healthy communities. But with tight public budgets, it can be challenging to create the high-quality open spaces communities need. Recent research by the Urban Land Institute (ULI) may help encourage developers and investors to support parks and open spaces. In *The Case for Open Space: Why the Real Estate Industry Should Invest in Parks and Open Spaces*, ULI contends that there is a strong business case for the private sector to invest in places we all share.

The report identifies a range of reasons why investment in open spaces benefit the private sector, from increased business for retail tenants to faster zoning approvals for real estate projects. It also demonstrates that developers can assume a range of roles and responsibilities in the creation of public space, providing flexibility and opportunities to collaborate and innovate with non-profits and the public sector.

### **1. Equitable access to parks can enhance a project's financial success**

When private entities invest in park and open space improvements that help a community thrive, it benefits both the community and those involved with the associated development project. Community engagement, a commitment to equitable access and project plans adapted to local needs build trust and buy-in for the project among residents. A commitment to workforce development, small business retention and affordable housing can also advance job creation, boost local economic development and support existing residents in the neighborhood.

### **2. Parks can enhance long-term real estate value**

Numerous studies have shown that when a property is adjacent to a park or open space, its value is significantly increased — [by up to 40 percent](#). In contrast, poorly maintained parks can detract from the vibrancy and value of nearby properties. Developers and building owners can support this increase in value in their own properties by providing funding for new or improved parks and open spaces, either through individual project investments or through financial contributions to intermediaries such as conservancies or business improvement districts.

### **3. Community-driven programming in parks strengthens the marketability of private developments**

Developers can contribute in a range of ways to keep spaces vibrant — from providing financial support for community-driven programming to fully managing programming and operations — while still leveraging community input. Thoughtful programming can promote social interaction, community ownership and pedestrian activity, boosting economic development and supporting vibrant, thriving neighborhoods.

### **4. Investing in parks can help developers secure valuable zoning incentives and needed public support**

By prioritizing the development, maintenance or operation of parks and open space from the start of an associated project, developers can garner public support (including from influential members of the community), be competitive in bidding for development opportunities on publicly controlled land, and more quickly receive the necessary approvals from public agencies to move projects forward. Local jurisdictions may also offer innovative zoning incentives for including open spaces as project components, allowing developers to build larger, higher-density projects than would be permitted under traditional zoning.

The full report [here](https://americas.uli.org/healthy-places/the-case-for-open-space-why-the-real-estate-industry-should-invest-in-parks-and-open-spaces/). <https://americas.uli.org/healthy-places/the-case-for-open-space-why-the-real-estate-industry-should-invest-in-parks-and-open-spaces/> 51pgs

## Sayers, Margery

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**From:** Steve Breeden <sbreeden@sdcgroupp.com>  
**Sent:** Wednesday, November 20, 2019 10:09 AM  
**To:** CouncilMail  
**Subject:** CB 61 and 62 -2019  
**Attachments:** Forest Con and Waiver Testamony November 18th.docx

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

Dear Council,

I was too late signing up, so want you to have my written testimony on the Forest and Waiver Bills, as attached.

Thank you for reading this, if you do.

Steve

Steven K. Breeden  
587 Gaither Road  
Sykesville, MD 21784

November 18<sup>th</sup>, 2019

Council Members.

I am Steve Breeden. I have lived in the county my whole life and worked here for almost 40 years, doing what used to be a respected job, of providing homes for future residents.

I believe the administration bills need some work. I will give you a few details, but want you to see what I think is the big picture in the county right now.

A couple weeks ago you increased the school excise tax by 568%, from \$1.32 psf to \$7.50 psf, plus cpi. A large home in the west could easily cost \$100,000 in permit fees, before a shovel gets in the ground. The idea was to raise \$205mm over the next 10 years to pay for someone's estimate of the amount that the school board would need to cover the shortfall in its capital needs. The problem is that if homes are not allowed to be built, the county will not see this money. You may raise some for the projects already in the pipeline, but new projects are already stopped due to the number of schools that already are, and will continue to be closed since July 1<sup>st</sup>, when the moratorium took effect. Even then, I am not sure if the market can bear this additional cost, which makes all new non-senior market rate



homes much less affordable for everyone. Only 27 percent of families have children in the schools, but if we think school construction is the priority, then all residents should pay more, not just the people not yet here.

Bills such as CB 61 and CB 62 only exacerbate this problem, by further stifling a builder's ability to make a project work under the laws currently in place. I understand that the laws need to follow the state guide lines, but do not understand why they need to be much more severe in Howard County than the state and other counties?

Why does a forest need to be 50 feet wide to be a forest, even if it were adjacent to another forest? Why are we protecting steep slopes when they may be erodible and of no value, except they happen to be steep? Why are we protecting large trees that are in many cases, already dead? By protecting them, other issues are created such as poor layouts and future drainage problems, for the county to hear about forever. When homeowners ask why we do some of the things we do, which we know don't make sense, the only response we can give is, the county made us do this to comply with the laws, whether they make sense or not.

Why do we need to go above and beyond the state laws for reforestation? Trees are wonderful, and even developers love them, but they need to be in the right place. What's nice about

trees, is that we plant them (really relocate and increase their numbers) and they grow in places that are better for them and us. Just fly over what used to be all farmland, what is now Columbia, and try to find a house?

Why are we setting back from the property lines for forests? Why do we need to keep 75% of the trees on site? Why can't we pay a fee in lieu for more than 1 acre when we can't find places on site to plant them? At the proposed \$54,450 per acre, the county should be able to put together large forest tracts, which make sense.

Currently we have a 2 year growing season requirement to prove that the trees are growing. We plant at 3 to 1 and need to keep an 85% survival rate. After the first inspection, we go back and replant back to 100%, the trees that did not make it through the first year. Rather than add a third year to the inspection period, why don't we get released from the expensive bonds, and post a maintenance bond, like we do for roads, until we get through the 3<sup>rd</sup> growing season?

As for Bill 61, how can you say that Economics can't be considered a factor of UNREASONABLE HARDSHIP? There are always tradeoffs, and the developers need to prove to the county what makes sense, but to ignore economics is unreasonable. We don't mind making our case for why we are doing things, like we have had to do for many years. What you

may not realize is that we do this before ever asking for waivers from DPZ, which is why they get approved. THEY HAVE ALREADY BEEN NEGOTIATED!

We already have a review panel, call the Subdivision Review Group that weighs in on what, if any, alternative compliance is granted. Why does the county need to waste more time on what will turn out to be the Director of Planning and Zoning, Director of Public Works, and the Administrator of the Office of Sustainability trying to make these decisions? And who gets to decide? I guess these will eventually wind their way up to top county leadership for every request. Do we really want this? And why do we exempt all but private development projects? The environment doesn't know the difference.

I know it is fun to bash development these days, but none of us live in tents, and we need to be reasonable about the kinds of things we are legislating. If the wrong people are interpreting the rules, the county can and will shut down, and then how will we pay for the schools?

Thanks for listening.

Steve

## Sayers, Margery

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**From:** Jung, Deb  
**Sent:** Wednesday, November 20, 2019 10:05 AM  
**To:** Sayers, Margery  
**Subject:** FW: forest and nutrient banking-- Further Thoughts

Deb Jung  
Councilmember, District 4  
Howard County Council  
3430 Court House Dr., Ellicott City, MD 21043  
410-313-2001

Sign-up for my District Update here.

-----Original Message-----

From: lawrence liebesman <larry.liebesman@gmail.com>  
Sent: Wednesday, November 13, 2019 1:18 PM  
To: Jung, Deb <djung@howardcountymd.gov>  
Subject: forest and nutrient banking-- Further Thoughts

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

Hi Deb. Upon further review and analysis, I now believe the Forest Conservation bill should not add language to the Forest Mitigation Banking provision in the bill to expressly allow for generating nutrient reduction credits at forest banks. In conversations with MDE and the Alliance for the Bay folks, it appears that the environmental community has expressed concern over the years regarding stacking of credits ( using the same project to generate mitigation credits to meet 2 separate requirements). While MDE's nutrient trading regs do not expressly preclude "stacking," I am concerned that adding such language could complicate the bill now. Further, the nutrient trading program is just starting and it is entirely possible that such "stacking " may be available in the future as the regulators see the value of forest banks in meeting the Bay nutrient reduction goals. By keeping the issue out of the bill, forest bank operators in the future could also potentially generate nutrient credits as the program develops.

Otherwise, my overall impression is that the Forest Conservation Bill is a significant improvement and does a good job articulating criteria for approval and for exemptions to FC plans. In particular, the provision very clearly lays out process and criteria for creating the Forest Mitigation Banks and also tracks much of the same process for wetlands banks that I am familiar with.

I would be happy to discuss my thoughts further.

Larry

> On Nov 8, 2019, at 10:30 AM, Jung, Deb <djung@howardcountymd.gov> wrote:

>

> Thanks!

>

> Deb Jung  
> Councilmember, District 4  
> Howard County Council  
> 3430 Court House Dr., Ellicott City, MD 21043  
> 410-313-2001  
>  
> Sign-up for my District Update here.  
>  
> -----Original Message-----  
> From: lawrence liebesman <larry.liebesman@gmail.com>  
> Sent: Thursday, November 7, 2019 1:22 PM  
> To: Jung, Deb <djung@howardcountymd.gov>  
> Subject: forest and nutrient banking  
>  
> [Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]  
>  
>  
> As discussed, attached is Q & A from Forests for the Bay , an NGO working on forest conservation issues , on forest conservation banking. The paper also discusses how forest conservation banks can generate nutrient banking credits ( pp 3- 6). Those credits can cover approved best management practices for riparian forest buffers, wetland restoration, tree planting and forest harvesting practices. The Council might wish to consider adding language to section 16. 1218 to expressly allow for forest conservation banks to also generate nutrient reduction credits which could help address the County's nutrient reduction targets under its MS4 permit and also help meet the Bay restoration goals. I would be happy to discuss further.  
>  
> Best, Larry

## Sayers, Margery

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**From:** Robin Eilenberg <REilenberg@cbf.org>  
**Sent:** Wednesday, November 20, 2019 9:47 AM  
**To:** CouncilMail  
**Subject:** Thank you and forest conservation analysis

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

Madam Chair and Members of the Council,

It was a pleasure to have the opportunity to testify on Bill No. 62 this past Monday. Thank you for your time and attention during such a lengthy hearing.

The Chesapeake Bay Foundation supports the Forest Conservation Act and appreciates its updates and improvements. If the Council is interested in considering strengthening amendments, the retention thresholds and replanting ratios would be a worthwhile focus. Those elements, according to our analysis, will have the greatest effect on the ability of the County to meet a no-net-loss of forest status. The Foundation would be happy to provide any resources to explore these areas further, including application of modeling developed for work in other Maryland counties.

In our review, there are also a few technical changes to the legislation that might help clarify the legislative intent and reduce implementation issues. We would also be happy to provide details regarding those areas upon request.

Sincerely,

Robin

### **Robin Clark Eilenberg**

Maryland Staff Attorney  
Chesapeake Bay Foundation  
6 Herndon Avenue  
Annapolis, MD 21403  
(443) 482-2165

## Sayers, Margery

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**From:** Mark Southerland <mark.t.southerland@gmail.com>  
**Sent:** Tuesday, November 19, 2019 1:35 PM  
**To:** CouncilMail  
**Subject:** Forest Con CB62 and CR142 Testimony by Southerland  
**Attachments:** Testimony of Southerland on HC Forest Conservation Act CB62 and CB142  
18NOV2019.docx

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

My testimony from last night.

Mark Southerland, Ph.D.

**Testimony on Forest Conservation CB62 and CR142  
18 November 2019**

I was formerly chair of Howard County Environmental Sustainability Board and now serve on boards of Howard County Conservancy, Patapsco Heritage Greenway, and Safe Skies Maryland, but I am testifying as an individual today.

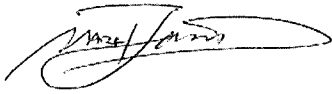
I applaud the Ball Administration for moving to fix the forest conservation law in Howard County, one that has been failing for 20 years. In fact, fixing forest conservation was among the top priorities of the original Commission on Environmental Sustainability that I co-chaired in 2007, and has been a priority of the Environmental Sustainability Board (ESB) ever since. I am especially happy to see protection for the county's Green Infrastructure Network (GIN), which was an initiative of ESB completed by the Department of Planning and Zoning (DPZ), and patterned after the Maryland DNR Green Infrastructure, that I also worked on.

Very briefly, I will highlight five of the many laudable provisions of the bill and indicate where we can make it better.

- **Full compliance with State law**, including required on-site retention for champion and specimen trees and tightened variance regulation to eliminate exceptions based on increased costs and loss of lots. It is unfortunate that these losses were allowed to happen for so long; we need regular accounting to make sure the new rules are followed to the letter and intent.
- **Strengthened fee-in-lieu regulation**, including a new maximum of 1 acre forest obligation that can be met through fee-in-lieu in a residential development. I recommend raising the new fee of \$1.25-\$1.50 per square foot to \$2.00-\$3.00 to better match replanting costs and lost ecosystem services of mature trees that were cleared.
- **Improved stewardship of Priority Forests**, so that it now includes the GIN as retention and reforestation priorities, as well as requiring its inclusion on development plans. It is critically important that the few remaining high quality natural areas in the county be retained, so I recommend that isolated Targeted Ecological Areas (TEAs) outside of the GIN also be included.
- **Reforestation ratios** to mitigate forest clearing have been increased. I recommend that the increases be greater, i.e., raised within the watershed from 1/2 :1 to 1:1 and outside to 1.5:1, recognizing that the ecological and climate benefits of replanted trees are hundreds of times lower than mature trees that are cleared.
- **Reforestation thresholds** (i.e., determining the amount of forest that can be cleared without mitigation) are not addressed in this bill and should be increased to more closely approach the no-net-loss goal of the Forest Conservation Act (FCA). I recommend that the amount of forest that can be cleared without mitigation be decreased in each land use by an additional 10%.

Thanks again for taking on this important effort to fix the Forest Conservation law and I hope you will consider amendments to improve it in the areas I have highlighted.



A handwritten signature in black ink, appearing to read 'Mark Southerland', with a large, sweeping flourish at the end.

Mark Southerland, Ph.D.  
6135 Llanfair Drive  
Columbia, MD 21044

## Sayers, Margery

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**From:** Carolyn Parsa <carolyn.parsa@mdsierra.org>  
**Sent:** Tuesday, November 19, 2019 11:54 AM  
**To:** Rigby, Christiana; Jung, Deb; Walsh, Elizabeth; Jones, Opel; Yungmann, David  
**Cc:** Ball, Calvin; CouncilMail  
**Subject:** Support CB-62 & CR-142  
**Attachments:** CR-62 CR-142 HoCo SC Testimony.pdf

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

Howard County Council:

Please find the written testimony from the Howard County Sierra Club in support for CB-62 & CR-142.

The Sierra Club would urge you not to weaken this bill, but instead to keep it strong, and maybe even look for ways to make it stronger.

Thank you for all your hard work.

--

Carolyn Parsa  
Sierra Club Howard County Chair

November 18, 2018



Sierra Club Howard County

RE: Support - CB-62 Updates to the Forest Conservation Act

Support - CR-142 Increasing the Fee Schedule

The Sierra Club appreciates all the work done by the Office of Community Sustainability and supports the timely efforts to update the Forest Conservation Act for Howard County to not only bring it up to the level of protection specified in the Maryland Forest Conservation Act, but to also increase protections in some key areas that will most benefit our county.

Protection for champion trees is critical to maintaining our forest and tree canopy. Previously, large trees were removed because the criteria for granting a variance was "practical difficulties." With the new criteria of "unwarranted hardship," On-site retention for champion and specimen trees as required by State law will require developers to change their plans to accommodate keeping these trees. The results of this change will reduce grading and disturbing soil, which will in turn reduce stormwater run off as well as resulting in a more pleasing development with shade trees that benefits people as well as wildlife.

Of concern, however, is how these variances will be granted. There are two proposed processes for granting variances in the new plan. Certain variances are granted by the Department of Planning and Zoning (DPZ) by way of the Planning Board, while other variances are granted in agreement with the DPZ, the Office of Community Sustainability and the Department of Recreation and Parks. For consistency and to provide better oversight, the Sierra Club would ask that you amend the bill to have all variances be approved by the process of going before each of the three departments. This ensures a check and balance approach as well as bringing new eyes to project plans so that more creative solutions can be found.

The Sierra Club is also concerned that non-compliance with the retention of champion trees might be an issue that comes up. The penalties for removing trees that are protected by law as champion or specimen trees must be high enough to discourage developers from removing trees when they aren't allowed to and then just paying a fee later. Penalties

and fees for illegal removal of specimen and champion trees must be high enough to discourage the actions of removing trees that are suppose to be protected. If there is any amendment added for removal of a dead, dying, or diseased tree, please add that such a variance must be given after a third party confirms that the health of the tree warrants such a removal. If nobody inspects and checks the tree, then this reason for tree removal may be overused. Please don't weaken the rule for this reason without adding in checks and balances. This part of the law must remain strong to protect our remaining champion trees, as is required by the Maryland Forest Conservation Act.

The Sierra Club is glad to see that replanting ratios will be increased with an incentive to replant in the watershed. Each watershed where the development is active will benefit from reforestation within that same watershed. The specification that native trees will be chosen to replant is also important, as native trees will more easily thrive and also support more wildlife species than a non-native tree. Another improvement in this plan is the extension of the maintenance plan from 2 years to 3 years for replanted areas.

The site design requirements section, while not required by Maryland Law, is important to add because it specifies that residential developments must meet 75% of their forest conservation obligations on-site before off-site compliance can be considered. This is another step in the process to help us keep our trees where they are or replant them where they were.

Many new limits on the use of the fee-in-lieu are welcome. The use of fee-in-lieu should be the last resort, since replanting should be done ideally on site and in a timely manner by the developer. The new bill stipulates that a maximum of 1 acre forest obligation can be met through fee-in-lieu in a residential development. This new rule, together with raising the rates should provide an incentive for the developer to keep and/or plant more trees. Please also consider raising the rates for the fee-in-lieu to further reinforce the value of retaining and replanting trees in the watershed.

Improved stewardship of the Green Infrastructure Network (GIN), which maps the most ecologically valuable forests, wetlands, meadows, waterways, and other natural areas as well as the land that connect them together. The updated bill will add GIN to retention and reforestation priorities, as well as requiring its inclusion on development plans. We hope that these areas are considered valuable for protecting, keeping their connectivity intact and even at times adding to them with additional protected areas.

We support the update to this plan, and encourage amendments to strengthen it. This is an important step to protecting our forests in Howard County.

Please support & strengthen CB-62 and CR-142.

Carolyn Parsa  
Chair, Howard County Sierra Club

## Sayers, Margery

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**From:** Wimberly, Theo  
**Sent:** Tuesday, November 19, 2019 10:15 AM  
**To:** Sayers, Margery; Jones, Opel; Jung, Deb; Rigby, Christiana; Walsh, Elizabeth; Yungmann, David  
**Cc:** Jones, Diane  
**Subject:** FW: CB 62 written testimony from 11.18  
**Attachments:** TestimonyCB62-2019V7.docx

Additional testimony from last night.

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**From:** LEILA MAHLIN <samlbnm@comcast.net>  
**Sent:** Tuesday, November 19, 2019 8:44 AM  
**To:** Wimberly, Theo <twimberly@howardcountymd.gov>  
**Subject:** CB 62 written testimony from 11.18

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

Mr. Wimberly,  
I apologize- forgot to hand in the written version of testimony from last night for CB 62-2019. It is attached.  
Leila Mahlin

**Testimony for CB 62 2019 Nov 18<sup>th</sup>, 2019<sup>[LM1]</sup>**

I'm Leila Mahlin of Columbia and support CB 62-2019 and appreciate the time, thoughtfulness and effort that went into crafting it. I propose some changes. **A theme throughout is the minimal protections to Compact Environments, which are smaller less developed areas supporting Howard County's environmental infrastructure and the Green Infrastructure Network.**

Reduced protection of smaller parcels, parcels with fewer than 10 lots or forested areas of less than 20 or 40 thousand square feet will likely end up impacting nearby businesses and homes and sub-watersheds. Besides flooding properties, roads and habitats and producing springs through roads, deepened channels can become sluiceways to destruction downstream. Many established Howard County neighborhoods have been affected in these ways.

As we consider the impacts on our tax base, diminished desirability of some Howard County neighborhoods and loss of business revenue, the importance of considering small parcels of forested land become apparent.

**Secondly, the focus on larger parcels of land rather than smaller parcels, disproportionately impacts neighborhoods and citizens in the county with average lower income.**

These are the areas most likely to be deforested:

less than 40,000 square feet,

less than 10,000 square feet of "forest" type vegetation without the required width to have lower reforestation thresholds

They often end up being in \*in lower wealth index communities and \*in the Eastern part of the County.

The East is already environmentally stressed and subject to greater flooding of homes, roads and businesses.

These areas, with reduced vegetation and forest canopy are already more likely to be subject to floods. Residents, may not be able to afford remediation as this continues.

This could end up negatively impacting the tax base and "livability" of neighborhoods in these areas as well as business revenue.

Think of the irony of:

-permitting deforestation from our suburban and urban areas,

- then creating an urban canopy

-where we pay for the new "Urban Canopy" planted trees using fee-in-lieu that was gathered from trees removed from neighborhoods that now may need "Urban Canopy"

...And the added irony that the forest conservation focus on larger parcels benefits most of the Western part of the county, which in a recent "wealth index" report had four (4) of the five (5) wealthiest zip codes in the State.

We all want to support each other in the County, so we need to be watchful and not leave some areas behind.

Neal Vanderlipp and I previously submitted more technical analysis regarding many sections of CB 62.

Added 11/18: Referencing a previous comment made by a gentleman earlier where he said that the County had to have been in compliance regarding forest conservation or we would not have been recertified by the State I don't agree. We completed a Study of Alternative Compliance and Waivers for Forest Conservation or Retention, [Howard County, Maryland Sample Year 2015] and for one year, 2015 we showed that for about 211 specimen trees, if practical difficulty were not used as a standard in Howard County, up to 208 trees would not have been removed. Please note I am not an engineer.

## Sayers, Margery

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**From:** Kimberlee Drake <kimdrakeenv@gmail.com>  
**Sent:** Monday, November 18, 2019 4:07 PM  
**To:** CouncilMail  
**Subject:** Support CB62

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

Dear Howard County Councilmembers,

I support CB62 to require a specified fee on certain disposable bags.

I support a 5 cent fee on plastic bags.

I support an amendment to include that retailers are required to collect a fee for paper bags that they can keep.

I support that 4 of the 5 cents from the plastic bag fee go toward the Disposable Plastics Reduction Fund.

While I would support a ban on plastic bags, if that cannot be done under the CB64, then I would want CB64 passed in December 2019 with an amendment to require retailers to collect a fee on paper as well.

Then I would request a new bill to ban plastic bags all together.

Thank you,  
Kim Drake  
District 2

## Sayers, Margery

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**From:** Kimberlee Drake <kimdrakeenv@gmail.com>  
**Sent:** Monday, November 18, 2019 4:05 PM  
**To:** CouncilMail  
**Subject:** Support CB 62, CR142

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

Dear Howard County Councilmembers,

I support CB 62 and CR 142.

I speak for myself, but also support testimony sent or to be sent by groups that I am involved in: Smarter growth alliance for Howard County and the Howard County Sierra club.

I would support amendments that strengthen this bill as well.

We need trees now more than ever to help sequester all the Carbon we have put into our atmosphere.

Thank you,

Kim Drake

District 2



## Sayers, Margery

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**From:** Robin Eilenberg <REilenberg@cbf.org>  
**Sent:** Monday, November 18, 2019 3:49 PM  
**To:** CouncilMail  
**Subject:** Testimony on 62-2019 from the Chesapeake Bay Foundation  
**Attachments:** HoCo FCA CBF comments FINAL.pdf

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

Please find attached testimony for this evening's hearing on 62-2019. I will also be providing oral testimony on behalf of the Chesapeake Bay Foundation.

Please feel free to reach out to me with any questions.

Robin

### **Robin Clark Eilenberg**

Maryland Staff Attorney  
Chesapeake Bay Foundation  
6 Herndon Avenue  
Annapolis, MD 21403  
(443) 482-2165



**CHESAPEAKE BAY FOUNDATION**  
*Saving a National Treasure*

November 18, 2019

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

RE: Bill No. 62-2019 – Forest Conservation Act of Howard County – SUPPORT

Dear Chairperson Rigby and members of the Council:

Thank you for the opportunity to comment on Council Bill #62-2019, which repeals and reenacts the Forest Conservation Act of Howard County, providing stronger protections for existing forest land, and increasing replanting requirements when forest land is not preserved. The Chesapeake Bay Foundation supports this Act. We also encourage the Council to consider amendments to strengthen forest conservation requirements and procedures.

Established more than 50 years ago, the Chesapeake Bay Foundation is the largest non-profit organization working solely to restore the Chesapeake Bay to health. We maintain offices in three states and the District of Columbia where we provide education, restoration, policy and legal support to our more than 274,000 members and supporters, elected and appointed officials, the private sector and residents throughout the Chesapeake Bay watershed.

Throughout Maryland, forests are a valuable and critical part of clean water infrastructure. Forests form a natural filtration network that improves water quality by reducing stormwater runoff and soil erosion while filtering pollutants and harmful chemicals.

In recent years, Howard County's forests have experienced death by a thousand cuts, with development on relatively small parcels adding up to large amounts of forest migration and loss. This Act creates stronger protections for existing forests and strengthens replanting rules to suture further loss.

Under this Act, all projects subject to a Forest Conservation Plan must include justification for forest removal. If a developer requests approval for forest removal, they must describe how all options for retention have been exhausted. Where conservation is not possible, the Act prioritizes on-site replanting. Residential developers must meet three-quarters of their reforestation obligations on-site through reducing lot sizes, clustering lots, and maximizing open space. These provisions may help stave the County's recently sustained small parcel forest loss.

The Act strengthens replanting requirements and aligns them with environmental protection goals. It increases some replanting ratios to encourage replanting within the same watershed. Re-planting within affected watersheds may help protect against further degradation of the County's local waterways.

Additions to the list of the County's priority retention areas include areas highly relevant to water quality, such as stream buffers. Developers of non-residential projects must create easements to protect sensitive areas such as floodplains and wetlands, even during construction. Heightened protection for these sensitive areas will be essential to the State's ability to reach and maintain the Bay's 2025 water quality goals.

The Act creates high standards for exemptions and variances and establishes enforcement powers. Exemptions from developing a forest conservation plan are limited to a small selection of cases. Variances must satisfy an "unwarranted hardship" standard and some are subject to approval by multiple departments. Enforcement against violations of the Act include injunctive relief, penalties, and civil liability. The narrow circumstances for allowances outside of Forest Conservation Plan requirements, and the Act's enforcement powers will assist the County in maintaining general adherence to its forest conservation aims.

Large scale fee-in-lieu programs are an administrative burden and often result in delayed mitigation. This Act reasonably limits the fee option to one acre of obligation to maintain the intended purpose of forest conservation. While the fees-in-lieu themselves are a part of a separate resolution, the Chesapeake Bay Foundation urges the Council to pay special attention to the real costs of forest loss mitigation, including land acquisition and maintenance of plantings, when setting the rates.

While this Act improves current forest conservation laws, if the Council seeks to protect against net loss of forests, the Council should consider amendments to increase the retention thresholds and/or the reforestation ratios in this Act. In addition, requiring a clear inventory of priority forest areas and written findings by the Department for any permitted clearing would help ensure these areas receive full attention during the development review process.

The Chesapeake Bay Foundation appreciates the Council's ongoing interest in protecting and increasing forests in the County, and we urge the County to weigh Bill No. 62-2019 favorably and consider strengthening amendments. Please contact Robin Clark Eilenberg, Esq., Maryland Staff Attorney at 443.995.8753 / [reilenberg@cbf.org](mailto:reilenberg@cbf.org) with any questions.

Sincerely,

  
Robin Clark Eilenberg, Esq.  
Maryland Staff Attorney

## Sayers, Margery

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**From:** Gayle Killen <killchar@gmail.com>  
**Sent:** Monday, November 18, 2019 3:14 PM  
**To:** CouncilMail  
**Cc:** Walsh, Elizabeth; Dvorak, Nicole  
**Subject:** I support CB62 Forest Conservation Act and CB142 Forest Conservation Fee-In-Lieu.

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

CB62-2019, CB142-2019

I support CB62 Forest Conservation Act and CB142 Forest Conservation Fee-In-Lieu.

Historic Ellicott City is a tragic example of subtractive forestry management. Areas that were once vegetated acted as sponges for rain traveling down hills but are now runoff ramps to the roadway, while the roads crumble into our waterways. My perspective is admittedly dramatic, but that's how we're living here on Main Street in Historic Ellicott City. My neighbors on New Cut Road are equally concerned for tree and vegetative losses. I hear concern from all my neighbors up and down Main St. Who would permit the destruction of the very systems we need to survive?

I hope you can recognize that our forest related efforts have been subtractive and that it is now time to turn around and go in the other direction. We're overdue for an effort to preserve and protect, for reasons that exceed the real estate value of develop-able lots. Forest conservation efforts impact not just the structures of Historic communities, but the greater future of our people.

Please work hard to find ways to add to our forest. From the bottom of the Patapsco Valley, I thank you.

Sincerely,  
Gayle Killen  
[killchar@gmail.com](mailto:killchar@gmail.com)  
443-467-1142  
8572 Main Street Historic Ellicott City, MD 21043

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Every great advance in natural knowledge has involved the absolute rejection of authority.  
~Thomas H. Huxley

## Sayers, Margery

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**From:** Susan Garber <buzysusan23@yahoo.com>  
**Sent:** Monday, November 18, 2019 2:17 PM  
**To:** CouncilMail  
**Subject:** In support of CB-62

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

Good afternoon Council members,

I refer you to my latest blog on Forest Conservation and CB-62: <http://howcome.md/how-come-hocos-been-out-of-compliance-with-state-forest-con-regs/>

I appreciate the effort of everyone involved in bringing this bill to the floor and I sincerely hope it will continue to have your full support.

Best regards,

Susan Garber

## Sayers, Margery

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**From:** Leonardo McClarty <lmclarty@howardchamber.com>  
**Sent:** Monday, November 18, 2019 1:51 PM  
**To:** CouncilMail  
**Cc:** Sidh, Sameer; Jones, Jennifer D.  
**Subject:** Written Testimony RE: CB 61, CB 62, CB 63, and CR 142  
**Attachments:** Forest Conserve Bills\_11.18.19.pdf

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

Council members:

Please find attached commentary from the Chamber on CB 61, CB 62, CB 63, and CR 142.

Thanks

Leonardo McClarty



6240 Old Dobbin Lane ■ Suite 110 ■ Columbia, MD 21045

November 18, 2019

Ms. Christiana Rigby  
Chair, Howard County Council  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043

**RE: CB 61, CB 62, CB 63, and CR 142**

Dear Councilwoman Rigby:

Over the past year, the Howard County Chamber has observed the desire of the Council to introduce and implement land use policies as part of efforts to address various environmental concerns. As these policies are introduced, the Chamber believes it is important to balance environmental concerns with clearly implementation and developmental realities. In reviewing, Council Bills 61, 62, 63, and Council Resolution 142, the Chamber is concerned that these legislative initiatives present fragmented changes to the code that are likely to cause more confusion and unpredictability to both the business community and residents.

The Chamber does not disagree with the need for changes to land use related codes. However, we do believe that these changes should be done as part of a comprehensive review. The revision of the General Plan is a logical step that would address concerns for elected officials, residents and businesses.

The following bills and resolutions are of concern:

- **CB 62-19 Forest Conservation Code repeal and reenact.** This bill contains some significant changes and there is concern that there has been no study or opportunity for community input.
- **CR 142-19 Forest Conservation fee.** The Chamber does not have an issue with the increase in fees. However, it should be noted that paying the fee in lieu is the last resort and least preferred approach to mitigating loss of forest. Any imposed fee should be used by the County to plant forest as mitigation and not as a revenue generator for other expenses that does not add forest. Under the current fee structure, it should be a rare case where the fee is paid. There are numerous forest banks in the county and those are available at a far lower cost than the current fee, much less the new fee. Under the new criteria, it is more likely fees will be paid and then used for "any purpose related to implementation for the forest conservation program."
- **CB 61-19 Section 16.104 Waivers.** There is confusion as the bill is currently written. For example, the bill seems to grant authority to the Department of Planning and Zoning (DPZ), the Department of Public Works (DPW) AND the Office of Community Sustainability (OCS) to grant waivers. As drafted, it appears that any one of these offices can independently grant a waiver. Yet, on Page 6 lines 13 -18, Section

16.134 Sidewalks require both DPZ *AND* the Office of Transportation approve the waiver. There are more examples where this just creates confusion and is in conflict with Section 16.104 of the code that grants the authority to DPZ. All of the agencies are part of the subdivision review committee (Section 16.108 B (47)) and collaborate with DPZ in reaching a decision. It's seems reasonable that one agency should be charged with making the final appellate decision.

- **CB 63-19 Scenic Roads**. This is another change to the code that does not consider the overall policy that would come from a new General Plan. Again, there are policies that may conflict with other plans like the bicycle master plan that encourages adding bike lanes.
- **CR 145-19**. This resolution is interesting in that along with the above legislation, the Council is considering the granting of height and setback variances while making none of the findings that would be necessary for such action on private property.

In closing, the Chamber appreciates the desire of council to improve our current land use policies and to implement fees that are fair and equitable. We all want to achieve an adopted goal that is consistent with Maryland mandated Smart Growth policy. Simultaneously, it is important not to have frequent legislative changes that create policy that distracts from the goal of planned land use. The Chamber would be more than happy to participate in a work group that helps us all balance sustainable land use policies with development realities.

Respectfully,



Leonardo McClarty, CCE  
President/CEO, Howard County Chamber

CC: Dr. Calvin Ball, County Executive  
Howard County Council  
Howard County Chamber Board of Directors  
Howard County Chamber Legislative Affairs Committee