

Introduced Nov. 4, 2019
Public Hearing Nov. 19, 2019
Council Action Dec. 2, 2019
Executive Action Dec. 11, 2019
Effective Date Feb 5, 2020

County Council of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 62

Bill No. 62 -2019

Introduced by: The Chairperson at the request of the County Executive and
Cosponsored by Opel Jones, Deb Jung, Christiana Mercer Rigby, and Liz Walsh

AN ACT repealing and reenacting the Forest Conservation Act of Howard County; providing the purpose of the Act; defining certain terms to be used throughout the Act; requiring a Forest Conservation Plan for any person, or unit of local government, developing land 40,000 square feet or greater, subject to certain exceptions; requiring a Declaration of Intent for certain exemptions; setting forth the requirements of a Forest Conservation Plan; providing for the review process of a Forest Conservation Plan; requiring a Forest Conservation Manual to be prepared and adopted; requiring that the Manual include specific standards and guidelines; setting forth certain Forest Retention Priorities; requiring certain reforestation requirements and providing that reforestation shall be based on certain calculations; requiring certain afforestation and providing that afforestation shall be based on certain calculations; setting forth certain afforestation and reforestation location priorities and preferred methods; requiring certain site design; requiring certain financial security for afforestation and reforestation; authorizing a fee-in-lieu of afforestation and reforestation under certain conditions; providing for Forest Conservation Fund to keep the fee-in-lieu of afforestation and reforestation and providing for the use of monies contained in the fund; providing for certain enforcement and penalties; requiring mitigation by the County when land is developed in violation of the Act; providing for certain appeals; allowing for the grant of variances of the provisions of the Act, under certain circumstances; allowing the abandonment of Forest Conservation Easements under certain conditions; providing for the opportunity to create a Forest Mitigation Bank under certain conditions; and generally related to forest conservation in Howard County.

Introduced and read first time November 4, 2019. Ordered posted and hearing scheduled.

By order Diane A. Jones
Diane Schwartz Jones, 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 November 18, 2019.

By order Diane A. Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on December 2 2019 and Passed , Passed with amendments , Failed .

By order Diane A. Jones
Diane Schwartz Jones, Administrator

Scaled with the County Seal and presented to the County Executive for approval this 4th day of December, 2019 at 3 a.m. (p.m.)

By order Diane A. Jones
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive December 6, 2019

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
2 County Code is amended as follows:

3
4 *By repealing and reenacting:*

5 *Title 16. Planning, Zoning, and Subdivisions and Land Development Regulations*
6 *Subtitle 12. Forest Conservation.*

7
8 **Title 16. Planning, Zoning, and Subdivisions and Land Development Regulations.**

9 **SUBTITLE 12. FOREST CONSERVATION.**

10
11 **SECTION 16.1200. SHORT TITLE; BACKGROUND; PURPOSE.**

12 (A) **SHORT TITLE:** THIS SUBTITLE SHALL BE KNOWN AS THE FOREST CONSERVATION ACT OF
13 HOWARD COUNTY.

14 (B) **BACKGROUND:** THIS SUBTITLE IS PURSUANT TO THE REQUIREMENTS OF THE MARYLAND
15 FOREST CONSERVATION ACT OF 1991, WHICH REQUIRES UNITS OF LOCAL GOVERNMENT TO ADOPT,
16 BY DECEMBER 31, 1992, A LOCAL FOREST CONSERVATION PROGRAM WHICH MEETS OR IS MORE
17 STRINGENT THAN THE REQUIREMENTS OF TITLE 5, SUBTITLE 16 OF THE NATURAL RESOURCES
18 ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

19 (C) **PURPOSE:** THE PURPOSE OF THIS SUBTITLE IS TO PROTECT AND MAINTAIN FOREST VEGETATION
20 AND FOREST AREAS IN HOWARD COUNTY BY REQUIRING CERTAIN DEVELOPMENT PROJECTS TO
21 HAVE AN APPROVED FOREST CONSERVATION PLAN AS A CONDITION OF APPROVAL OF THE
22 DEVELOPMENT.

23
24 **SECTION 16.1201. DEFINITIONS.**

25 EXCEPT AS PROVIDED IN SUBSECTION (FF) OF THIS SECTION, WORDS AND PHRASES USED IN THIS
26 SUBTITLE HAVE THEIR USUAL MEANING UNLESS DEFINED IN THE SUBDIVISION AND LAND
27 DEVELOPMENT REGULATIONS AS SET FORTH IN SUBTITLE 1 OF THIS TITLE OR AS FOLLOWS IN THIS
28 SECTION:

29 (A) **AFFORESTATION:** "AFFORESTATION" MEANS THE ESTABLISHMENT OF NEW FOREST ON AN
30 AREA PRESENTLY WITHOUT FOREST COVER, BY PLANTING IN ACCORDANCE WITH THE PRACTICES
31 SPECIFIED IN THE FOREST CONSERVATION MANUAL.

32 (B) **COMAR:** "COMAR" MEANS THE CODE OF MARYLAND REGULATIONS.

1 (C) **CRITICAL HABITAT AREA:** "CRITICAL HABITAT AREA" MEANS A CRITICAL HABITAT FOR
2 THREATENED OR ENDANGERED SPECIES AND ITS SURROUNDING PROTECTION AREA. A CRITICAL
3 HABITAT SHALL:

- 4 (1) BE LIKELY TO CONTRIBUTE TO THE LONG-TERM SURVIVAL OF THE SPECIES;
- 5 (2) BE LIKELY TO BE OCCUPIED BY THE SPECIES FOR THE FORESEEABLE FUTURE; AND
- 6 (3) CONSTITUTE HABITAT OF THE SPECIES WHICH IS DEEMED CRITICAL UNDER TITLE 4,
7 SUBTITLE 2A OR TITLE 10, SUBTITLE 2A OF THE NATURAL RESOURCE ARTICLE OF THE
8 ANNOTATED CODE OF MARYLAND.

9 (D) **DECLARATION OF INTENT:** "DECLARATION OF INTENT" MEANS A STATEMENT SIGNED BY A
10 LANDOWNER OR DEVELOPER CERTIFYING THAT:

- 11 (1) A PROPOSED DEVELOPMENT IS EXEMPT FROM THE REQUIREMENT FOR AN APPROVED
12 FOREST CONSERVATION PLAN; AND
- 13 (2) NO ACTIVITY REQUIRING A FOREST CONSERVATION PLAN WILL OCCUR ON THE SITE WITHIN
14 5 YEARS OF THE DATE OF THE COMPLETION OF THE EXEMPT ACTIVITY.

15 (E) **DEPARTMENT:** "DEPARTMENT" MEANS THE HOWARD COUNTY DEPARTMENT OF PLANNING
16 AND ZONING.

17 (F) **DEVELOPMENT:** "DEVELOPMENT" MEANS THE ESTABLISHMENT OF A PRINCIPAL USE OF A SITE;
18 A CHANGE IN A PRINCIPAL USE OF A SITE; OR THE IMPROVEMENT OR ALTERATION OF A SITE BY THE
19 CONSTRUCTION, ENLARGEMENT, OR RELOCATION OF A STRUCTURE; THE PROVISION OF
20 STORMWATER MANAGEMENT OR ROADS; THE GRADING OF EXISTING TOPOGRAPHY; THE CLEARING
21 OR GRUBBING OF EXISTING VEGETATION; OR ANY OTHER NONAGRICULTURAL ACTIVITY THAT
22 RESULTS IN A CHANGE IN EXISTING SITE CONDITIONS.

23 (G) **FOREST:** "FOREST" MEANS A BIOLOGICAL COMMUNITY DOMINATED BY NATIVE TREES AND
24 OTHER WOODY PLANTS COVERING AN AREA OF 10,000 SQUARE FEET OR GREATER THAT IS AT LEAST
25 50 FEET WIDE. "FOREST" INCLUDES: 35 FEET WIDE FOR AN EXISTING FOREST AND AT LEAST 50 FEET
26 WIDE FOR A REPLANTED FOREST. "FOREST" INCLUDES:

- 27 (1) AREAS WITH A COVER RATIO OF 100 TREES PER ACRE WITH AT LEAST 50% OF THESE TREES
28 BEING AT LEAST 2 INCHES IN DIAMETER AT A HEIGHT OF 4.5 FEET ABOVE GROUND; OR
- 29 (2) AREAS MEETING THE CRITERIA ABOVE THAT HAVE BEEN CUT BUT NOT CLEARED.

30
31 "FOREST" DOES NOT INCLUDE ORCHARDS, TREE NURSERIES, CHRISTMAS TREE FARMS OR OTHER
32 TYPES OF FOREST CROPS.

1 (H) **FOREST CONSERVATION:** "FOREST CONSERVATION" MEANS THE RETENTION OF EXISTING
2 FOREST OR THE CREATION OF NEW FOREST AT THE LEVELS SET BY THIS SUBTITLE.

3 (I) **FOREST CONSERVATION MANUAL:** "FOREST CONSERVATION MANUAL" MEANS THE
4 TECHNICAL MANUAL APPROVED BY THE COUNTY COUNCIL CONTAINING PERFORMANCE
5 STANDARDS AND GUIDELINES FOR IMPLEMENTATION OF THE HOWARD COUNTY FOREST
6 CONSERVATION PROGRAM.

7 (J) **FOREST CONSERVATION PLAN:** "FOREST CONSERVATION PLAN" MEANS A PLAN WHICH SHOWS
8 THE IMPACTS OF A PROPOSED DEVELOPMENT ON EXISTING FOREST RESOURCES. A "FOREST
9 CONSERVATION PLAN" INCLUDES EXISTING FOREST AREAS TO BE REMOVED OR RETAINED; THE
10 LOCATION, EXTENT AND SPECIFICATIONS FOR ANY REFORESTATION OR AFFORESTATION REQUIRED;
11 AND LEGAL MEASURES TO PROTECT FOREST RESOURCES AFTER COMPLETION OF DEVELOPMENT IN
12 ACCORDANCE WITH SECTION 16.1203 BELOW.

13 (K) **FOREST CONSERVATION PROGRAM:** "FOREST CONSERVATION PROGRAM" MEANS THE
14 ADMINISTRATION OF THE HOWARD COUNTY FOREST CONSERVATION ACT AND MANUAL BY
15 APPROPRIATE COUNTY AGENCIES AND THE MARYLAND DEPARTMENT OF NATURAL RESOURCES.

16 (L) **FOREST MITIGATION BANKING:** "FOREST MITIGATION BANKING" MEANS THE PLANTING OR
17 RETENTION OF TREES, ACCORDING TO PLANS APPROVED BY THE DEPARTMENT, TO BE USED AS
18 CREDIT FOR PLANTING OR RETENTION REQUIRED UNDER THIS SUBTITLE.

19 (M) **FOREST STAND DELINEATION:** "FOREST STAND DELINEATION" MEANS THE EVALUATION,
20 PURSUANT TO SECTION 16.1204 OF THIS SUBTITLE, OF EXISTING FORESTS AND OTHER VEGETATION
21 ON A SITE PROPOSED FOR DEVELOPMENT.

22 (N) **GREEN INFRASTRUCTURE NETWORK:** "GREEN INFRASTRUCTURE NETWORK" MEANS THE
23 SYSTEM OF HUBS AND CORRIDORS MAPPED IN THE HOWARD COUNTY GREEN INFRASTRUCTURE
24 NETWORK PLAN, PUBLISHED BY THE DEPARTMENT OF PLANNING AND ZONING IN DECEMBER 2012,
25 AS AMENDED.

26 (O) **HISTORIC SITE:** "HISTORIC SITE" MEANS A SITE OR STRUCTURE LISTED ON THE HISTORIC SITES
27 INVENTORY ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL.

28 (P) **HISTORIC STRUCTURE:** "HISTORIC STRUCTURE" MEANS A STRUCTURE OR CLUSTER OF
29 STRUCTURES SITUATED WITHIN THE COUNTY WHICH, TOGETHER WITH ITS APPURTENANCES AND
30 ENVIRONMENTAL SETTING, HAVE SIGNIFICANT HISTORIC OR ARCHITECTURAL VALUE AND HAVE
31 BEEN DESIGNATED AS SUCH BY RESOLUTION OF THE COUNTY COUNCIL.

- 1 (Q) **IMPERVIOUS SURFACE:** "IMPERVIOUS SURFACE" MEANS ANY PERMANENT ARTIFICIAL
 2 SURFACE, INCLUDING BUT NOT LIMITED TO AREAS COVERED BY ASPHALT, CONCRETE, PAVERS,
 3 PERMEABLE PAVING, ROOFTOPS AND DECKS.
- 4 (R) **LIMIT OF DISTURBANCE:** "LIMIT OF DISTURBANCE" MEANS THE BOUNDARY OF PERMITTED
 5 CHANGES TO EXISTING SITE CONDITIONS DUE TO CLEARING AND GRADING, AS WELL AS OTHER
 6 ACTIVITIES ASSOCIATED WITH SITE DEVELOPMENT SUCH AS PARKING OF VEHICLES AND
 7 EQUIPMENT, STORAGE OF MATERIALS, AND DISPOSAL OF CONSTRUCTION DEBRIS.
- 8 (S) **LINEAR PROJECT:** "LINEAR PROJECT" MEANS A PROJECT HAVING AN ELONGATED
 9 CONFIGURATION WITH NEARLY PARALLEL SIDES DESIGNED TO TRANSPORT A UTILITY PRODUCT OR
 10 PUBLIC SERVICE (FOR EXAMPLE, GAS, ELECTRICITY, WATER, SEWER, COMMUNICATIONS, TRAINS
 11 AND VEHICLES) NOT OTHERWISE ADDRESSED IN AN APPLICATION FOR SUBDIVISION.
- 12 (T) **LOT:** "LOT" MEANS A PIECE OF LAND DESCRIBED IN A FINAL PLAT OR DEED AND RECORDED IN
 13 THE LAND RECORDS OF HOWARD COUNTY IN ACCORDANCE WITH THE LAWS AND REGULATIONS IN
 14 EFFECT AT THE TIME OF RECORDATION.
- 15 (U) **MANUAL:** "MANUAL" MEANS THE FOREST CONSERVATION MANUAL.
- 16 (V) **NET TRACT AREA:** "NET TRACT AREA" MEANS THE TOTAL AREA TO THE NEAREST 1/10 ACRE,
 17 WHETHER FORESTED OR NOT, OF A PROPOSED DEVELOPMENT, EXCLUSIVE OF ANY 100-YEAR
 18 FLOODPLAIN, UTILITY TRANSMISSION LINE EASEMENTS, OR PRESERVATION PARCEL AS REFERENCED
 19 IN THE ZONING REGULATIONS. "NET TRACT AREA" IS TO BE USED IN CALCULATING ANY
 20 REFORESTATION OR AFFORESTATION OBLIGATIONS THAT MAY BE CREATED BY THE PROPOSED
 21 DEVELOPMENT.
- 22 (W) **PLANNED BUSINESS PARK:** "PLANNED BUSINESS PARK" MEANS A COMMERCIAL-INDUSTRIAL
 23 SUBDIVISION DEVELOPED WITH AN INTEGRATED PLAN THAT PROVIDES COMMON INFRASTRUCTURE
 24 AND PROTECTION OF ENVIRONMENTALLY SENSITIVE FEATURES.
- 25 (X) **PLANNED UNIT DEVELOPMENT:** "PLANNED UNIT DEVELOPMENT" MEANS A DEVELOPMENT
 26 COMPRISED OF A COMBINATION OF LAND USES OR VARYING INTENSITIES OF THE SAME LAND USE IN
 27 ACCORDANCE WITH AN INTEGRATED PLAN THAT PROVIDES FLEXIBILITY IN DESIGN WITH AT LEAST
 28 20% OF THE LAND PERMANENTLY DEDICATED TO OPEN SPACE.
- 29 (Y) **PRIORITY FUNDING AREA:** "PRIORITY FUNDING AREA" MEANS AN AREA DESIGNATED AS A
 30 PRIORITY FUNDING AREA UNDER TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND
 31 PROCUREMENT ARTICLE. IN HOWARD COUNTY THE PRIORITY FUNDING AREA IS ALL LAND WITHIN
 32 THE PLANNED SERVICE AREA FOR BOTH PUBLIC WATER AND SEWERAGE.

1 (Z) **REFORESTATION:** “REFORESTATION” MEANS THE ESTABLISHMENT, IN ACCORDANCE WITH THE
2 HOWARD COUNTY FOREST CONSERVATION MANUAL, OF NEW FOREST COVER TO REPLACE FOREST
3 RESOURCES LOST BECAUSE OF DEVELOPMENT ACTIVITIES.

4 (AA) **SCENIC ROAD:** “SCENIC ROAD” MEANS A PUBLIC ROAD OR ROAD SEGMENT THAT IS INCLUDED
5 IN THE SCENIC ROADS INVENTORY ADOPTED BY THE COUNTY COUNCIL IN ACCORDANCE WITH
6 SECTION 16.1403 OF THIS TITLE.

7 (BB) **STREAM RESTORATION PROJECT:** “STREAM RESTORATION PROJECT” MEANS AN ACTIVITY
8 THAT:

9 (1) IS DESIGNED TO STABILIZE STREAM BANKS OR ENHANCE STREAM FUNCTION OR HABITAT
10 LOCATED WITHIN AN EXISTING STREAM, WATERWAY OR FLOODPLAIN;

11 (2) AVOIDS AND MINIMIZES IMPACTS TO FORESTS AND PROVIDES FOR REPLANTING ON-SITE AN
12 EQUIVALENT NUMBER OF TREES TO THE NUMBER REMOVED BY THE PROJECT;

13 (3) MAY BE PERFORMED UNDER A MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT, A
14 WATERSHED IMPLEMENTATION PLAN GROWTH OFFSET, OR ANOTHER PLAN ADMINISTERED
15 BY THE STATE OR HOWARD COUNTY TO ACHIEVE OR MAINTAIN WATER QUALITY
16 STANDARDS; AND

17 (4) IS NOT PERFORMED TO SATISFY STORMWATER MANAGEMENT, WETLANDS MITIGATION, OR
18 ANY OTHER REGULATORY REQUIREMENT ASSOCIATED WITH PROPOSED DEVELOPMENT
19 ACTIVITY.

20 (CC) **SUBDIVISION REGULATIONS:** “SUBDIVISION REGULATIONS” MEANS TITLE 16, SUBTITLE 1 OF
21 THE HOWARD COUNTY CODE, ENTITLED “SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.”

22 (DD) **URBAN CANOPY:** “URBAN CANOPY” MEANS TREE CANOPY INSIDE THE PLANNED SERVICE
23 AREA FOR WATER AND SEWER THAT DOES NOT MEET THE DEFINITION OF FOREST BUT DOES PROVIDE
24 AIR QUALITY, WATER QUALITY, AND HABITAT BENEFITS.

25 (EE) **WATERSHED:** “WATERSHED” MEANS THE MARYLAND 12-DIGIT WATERSHED DELINEATION AS
26 DEFINED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.

27 (FF) **OTHER TERMS:** OTHER TERMS WHICH ARE DEFINED IN TITLE 5, SUBTITLE 16 OF THE NATURAL
28 RESOURCES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, COMAR 08.19.01.03,
29 “DEFINITIONS,” AND COMAR ~~08.19.03~~ 08.19.03.01, ARTICLE II, “FOREST AND TREE
30 CONSERVATION DEFINITIONS,” ARE INCORPORATED BY REFERENCE AND SHALL APPLY TO THIS
31 SUBTITLE FOR ANY TERMS WHICH ARE NOT DEFINED IN THIS SECTION OR THE MANUAL.

32

1 **SECTION 16.1202. APPLICABILITY; EXEMPTIONS; DECLARATION OF INTENT.**

2 **(A) FOREST CONSERVATION PLAN REQUIRED FOR SUBDIVISION PLAN, SITE DEVELOPMENT PLAN**
3 **OR GRADING PERMIT:** UNLESS EXEMPTED BY SUBSECTION (B) OF THIS SECTION, ANY PERSON OR
4 UNIT OF LOCAL GOVERNMENT DEVELOPING LAND 40,000 SQUARE FEET OR GREATER IN AREA SHALL
5 FILE A FOREST CONSERVATION PLAN WITH THE DEPARTMENT. PLAN APPROVAL IS REQUIRED PRIOR
6 TO DEVELOPMENT AND PRIOR TO APPROVAL OF A:

- 7 (1) SUBDIVISION PLAN;
- 8 (2) SITE DEVELOPMENT PLAN;
- 9 (3) GRADING PERMIT; OR
- 10 (4) COUNTY ROAD AND UTILITY CONSTRUCTION PLANS.

11 **(B) EXEMPTIONS TO REQUIREMENT FOR FOREST CONSERVATION PLANS:**

12 (1) *EXEMPTIONS NOT REQUIRING A DECLARATION OF INTENT:* THE FOLLOWING DEVELOPMENT IS
13 EXEMPT FROM THE REQUIREMENT OF THIS SUBTITLE:

14 (i) DEVELOPMENT ACTIVITY ON A SINGLE LOT SMALLER THAN 40,000 SQUARE FEET, AS
15 LONG AS THE CUTTING, CLEARING OR GRADING DOES NOT INCLUDE ANY AREA ALREADY
16 SUBJECT TO A PREVIOUSLY APPROVED FOREST CONSERVATION PLAN.

17 (ii) A PLANNED UNIT DEVELOPMENT WHICH HAS PRELIMINARY DEVELOPMENT PLAN
18 APPROVAL AND 50% OR MORE OF THE LAND IS RECORDED AND SUBSTANTIALLY
19 DEVELOPED BEFORE DECEMBER 31, 1992. IF NEW LAND AREA IS ADDED TO THE
20 PLANNED UNIT DEVELOPMENT, THAT NEW LAND AREA IS SUBJECT TO THIS SUBTITLE;

21 (iii) A PLANNED BUSINESS PARK OF AT LEAST 75 ACRES WHICH HAS PRELIMINARY PLAN
22 APPROVAL BEFORE DECEMBER 31, 1992, AND WHICH MEETS THE INTENT OF THIS
23 SUBTITLE BY RETAINING FOREST IN HIGH-PRIORITY LOCATIONS (FLOODPLAINS,
24 WETLANDS, WETLAND AND STREAM BUFFERS, STEEP SLOPES, AND/OR WILDLIFE
25 CORRIDORS/GREEN INFRASTRUCTURE NETWORK);

26 (iv) ANY AGRICULTURAL ACTIVITY, INCLUDING AGRICULTURAL SUPPORT BUILDINGS AND
27 STRUCTURES BUILT USING ACCEPTED BEST MANAGEMENT PRACTICE UNLESS IT
28 INVOLVES THE CLEARING OF 40,000 SQUARE FEET OR GREATER OF FOREST WITHIN A 1-
29 YEAR PERIOD;

30 (v) AGRICULTURAL PRESERVATION SUBDIVISION, UNLESS IT INVOLVES THE CLEARING OF
31 20,000 SQUARE FEET OR GREATER OF FOREST;

- 1 (vi) RESUBDIVISIONS, THAT DO NOT CREATE ADDITIONAL LOTS, DEED ADJOINERS,
2 PROPERTY CONSOLIDATIONS, RECONFIGURATIONS AND CORRECTION PLATS AS
3 PROVIDED FOR IN SECTIONS 16.102 AND 16.103 OF THIS TITLE;
- 4 (vii) MINOR SUBDIVISIONS THAT CREATE ONE ADDITIONAL LOT AND HAVE NO FURTHER
5 SUBDIVISION POTENTIAL;
- 6 (viii) MINING OR OTHER EXTRACTIVE ACTIVITY EXEMPTED BY STATE LAW FROM THE
7 FOREST CONSERVATION REQUIREMENTS;
- 8 (ix) ROUTINE MAINTENANCE OF EXISTING ROADS AND PUBLIC UTILITY RIGHTS-OF-WAY.
- 9 (x) HIGHWAY CONSTRUCTION USING FULL OR PARTIAL STATE FUNDING IS EXEMPT FROM
10 THIS SUBTITLE BUT SUBJECT TO STATE REFORESTATION REQUIREMENTS SET FORTH IN
11 TITLE 5, SUBTITLE 1 OF THE NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE
12 OF MARYLAND;
- 13 (xi) THE CUTTING OR CLEARING OF PUBLIC UTILITY RIGHTS-OF-WAY , OR LAND FOR
14 ELECTRIC GENERATING STATIONS LICENSED PURSUANT TO TITLE 7, SUBTITLE 2 OF THE
15 PUBLIC UTILITY COMPANIES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, IF:
- 16 A. REQUIRED CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY HAVE BEEN
17 ISSUED IN ACCORDANCE WITH THE NATURAL RESOURCES ARTICLE, § 5-1603(F),
18 ANNOTATED CODE OF MARYLAND; AND
- 19 B. CUTTING OR CLEARING OF THE FOREST IS CONDUCTED TO MINIMIZE THE LOSS OF
20 FOREST.
- 21 (xii) HOWARD COUNTY CAPITAL IMPROVEMENT PROJECTS, INCLUDING THOSE WITH
22 PARTIAL STATE FUNDING, PROVIDED THAT:
- 23 A. THE ACTIVITY IS CONDUCTED ON A SINGLE LOT OF ANY SIZE;
- 24 B. THE ACTIVITY DOES NOT RESULT IN THE CUTTING, CLEARING OR GRADING OF MORE
25 THAN 20,000 SQUARE FEET OF FOREST; AND
- 26 C. THE IMPACTED FOREST IS NOT SUBJECT TO A PREVIOUSLY APPROVED FOREST
27 CONSERVATION PLAN;
- 28 (xiii) AN ACTIVITY ON A PREVIOUSLY DEVELOPED AREA COVERED BY AN IMPERVIOUS
29 SURFACE AND LOCATED IN THE PRIORITY FUNDING AREA;
- 30 (xiv) MAINTENANCE OR RETROFITTING OF A STORMWATER MANAGEMENT STRUCTURE THAT
31 MAY INCLUDE CLEARING OF VEGETATION OR REMOVAL AND TRIMMING OF TREES, SO
32 LONG AS THE MAINTENANCE OR RETROFITTING IS WITHIN THE ORIGINAL LIMITS OF

1 DISTURBANCE FOR CONSTRUCTION OF THE EXISTING STRUCTURE, OR WITHIN ANY
2 MAINTENANCE EASEMENT FOR ACCESS TO THE STRUCTURE; OR
3 (XV) STREAM RESTORATION PROJECT, AS DEFINED IN THIS SUBTITLE, FOR WHICH THE
4 APPLICANT FOR A GRADING OR SEDIMENT CONTROL PERMIT HAS EXECUTED A BINDING
5 MAINTENANCE AGREEMENT OF AT LEAST 5 YEARS WITH THE AFFECTED PROPERTY
6 OWNER OR OWNERS.

7 (2) **EXEMPTIONS REQUIRING A DECLARATION OF INTENT:** THE FOLLOWING DEVELOPMENT IS
8 EXEMPT FROM THE REQUIREMENTS OF THIS SUBTITLE, PROVIDED THAT THE DEVELOPER
9 FILES A DECLARATION OF INTENT WITH THE DEPARTMENT AS PROVIDED IN SUBSECTION (C)
10 BELOW:

11 (i) RESIDENTIAL DEVELOPMENT ON AN EXISTING SINGLE LOT OF ANY SIZE IF:

12 A. THE TOTAL CUTTING, CLEARING OR GRADING OF FOREST RESOURCES IS LESS THAN
13 20,000 SQUARE FEET; AND

14 B. THE FOREST RESOURCES AFFECTED BY THE DEVELOPMENT ARE NOT SUBJECT TO A
15 PREVIOUSLY APPROVED FOREST CONSERVATION PLAN;

16 (ii) COMMERCIAL LOGGING AND TIMBER HARVESTING OPERATIONS CONDUCTED SUBJECT
17 TO THE FOREST CONSERVATION AND MANAGEMENT PROGRAM UNDER THE TAX-
18 PROPERTY ARTICLE § 8-211, ANNOTATED CODE OF MARYLAND;

19 (iii) ANY AGRICULTURAL ACTIVITY, INCLUDING AGRICULTURAL SUPPORT BUILDINGS AND
20 STRUCTURES BUILT USING ACCEPTED BEST MANAGEMENT PRACTICE INVOLVING THE
21 CLEARING OF 40,000 SQUARE FEET OR GREATER OF FOREST WITHIN A 1-YEAR PERIOD;

22 (iv) SUBDIVISION IN CONNECTION WITH REAL ESTATE TRANSACTIONS TO PROVIDE A
23 SECURITY, LEASEHOLD, OR OTHER LEGAL OR EQUITABLE INTEREST, INCLUDING A
24 TRANSFER OF TITLE, OF A PORTION OF A LOT OR PARCEL, IF:

25 A. THE TRANSACTION DOES NOT INVOLVE A CHANGE IN LAND USE, OR NEW
26 DEVELOPMENT OR REDEVELOPMENT, WITH ASSOCIATED LAND-DISTURBING
27 ACTIVITIES; AND

28 B. BOTH THE GRANTOR AND GRANTEE FILE THE DECLARATION OF INTENT; AND

29 (v) LINEAR PROJECTS THAT ARE NOT EXEMPT AND THAT DISTURB LESS THAN 20,000
30 SQUARE FEET OF FOREST, IF THE IMPACTED FOREST IS NOT SUBJECT TO A PREVIOUSLY
31 APPROVED FOREST CONSERVATION PLAN.

32 (C) **DECLARATION OF INTENT:**

1 (1) A PERSON SEEKING AN EXEMPTION UNDER SUBSECTION (B) ABOVE SHALL SUBMIT A
2 DECLARATION OF INTENT TO THE DEPARTMENT TO VERIFY THAT THE PROPOSED ACTIVITY
3 IS EXEMPT.

4 (2) NO REGULATED ACTIVITY MAY OCCUR ON THE AREA COVERED BY THE DECLARATION OF
5 INTENT WITHIN 5 YEARS OF THE COMPLETION OF CUTTING, CLEARING OR GRADING OF
6 FOREST RESOURCES, OR IN THE CASE OF REAL ESTATE TRANSACTIONS, WITHIN 5 YEARS OF
7 THE EFFECTIVE DATE OF THE DECLARATION OF INTENT.

8 (3) THE DEPARTMENT MAY REQUIRE A PERSON FAILING TO FILE A DECLARATION OF INTENT OR
9 FOUND NOT IN COMPLIANCE WITH A DECLARATION OF INTENT TO PERFORM ONE OR ANY
10 COMBINATION OF THE FOLLOWING:

11 (i) MEET THE RETENTION, REFORESTATION AND AFFORESTATION REQUIREMENTS
12 ESTABLISHED BY THIS SUBTITLE;

13 (ii) PAY A PENALTY FEE ESTABLISHED BY FEE SCHEDULES APPROVED BY RESOLUTION OF
14 THE COUNTY COUNCIL PER SQUARE FOOT OF FOREST CUT OR CLEARED, BUT IN NO CASE
15 LESS THAN THE MINIMUM SET BY STATE LAW;

16 (iii) BE SUBJECT TO OTHER ENFORCEMENT ACTIONS APPROPRIATE UNDER TITLE 5, SUBTITLE
17 16 OF THE NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE OF MARYLAND,
18 AND THIS SUBTITLE; OR

19 (iv) FILE A DECLARATION OF INTENT WITH THE DEPARTMENT.
20

21 **SECTION 16.1203. FOREST CONSERVATION MANUAL.**

22 (A) **PURPOSE:** THE FOREST CONSERVATION MANUAL IS THE TECHNICAL MANUAL USED TO
23 ESTABLISH STANDARDS OF PERFORMANCE REQUIRED IN PREPARING FOREST STAND DELINEATIONS
24 AND FOREST CONSERVATION PLANS.

25 (B) **PREPARATION AND ADOPTION:** THE MANUAL AND AMENDMENTS TO IT ARE PREPARED BY THE
26 DEPARTMENT AND ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL.

27 (C) **CONTENTS:** THE MANUAL INCLUDES SPECIFIC STANDARDS AND GUIDELINES FOR:

28 (1) SUBMISSION OF FOREST CONSERVATION PLANS, INCLUDING FOREST STAND DELINEATIONS;

29 (2) APPROVAL OF FOREST CONSERVATION PLANS;

30 (3) FOREST RETENTION PRIORITIES;

31 (4) REFORESTATION AND AFFORESTATION CALCULATIONS, PRIORITIES AND PREFERRED
32 METHODS;

33 (5) FOREST CONSERVATION AGREEMENTS AND FINANCIAL SECURITY;

- 1 (6) DEED OF FOREST CONSERVATION EASEMENTS;
- 2 (7) PROCEDURAL VARIATIONS FOR MINOR SUBDIVISIONS, SINGLE LOT SITE DEVELOPMENT
- 3 PLANS, RURAL CLUSTER SUBDIVISIONS, AND PHASED DEVELOPMENT;
- 4 (8) FOREST MITIGATION BANKING; AND
- 5 (9) OTHER INFORMATION NECESSARY TO IMPLEMENT THIS SUBTITLE.

6

7 **SECTION 16.1204. FOREST CONSERVATION PLAN.**

8 (A) **APPLICABILITY:** FOREST CONSERVATION PLANS, CONSISTENT WITH THIS SUBTITLE AND THE

9 MANUAL, SHALL BE SUBMITTED TO THE DEPARTMENT WITH APPLICATIONS FOR ALL DEVELOPMENT

10 NOT EXEMPT UNDER SECTION 16.1202 OF THIS SUBTITLE.

11 (B) **PROFESSIONALLY PREPARED:** THE FOREST CONSERVATION PLAN SHALL BE PREPARED BY A

12 LICENSED FORESTER, ~~LANDSCAPE ARCHITECT OR OTHER QUALIFIED PROFESSIONAL AS SPECIFIED IN~~

13 ~~COMAR 08.19.06.01.~~ LICENSED LANDSCAPE ARCHITECT, OR CERTIFIED ARBORIST.

14 (C) **FOREST STAND DELINEATION:** THE FOREST CONSERVATION PLAN SHALL INCLUDE A FOREST

15 STAND DELINEATION FOR THE PROPERTY TO BE SUBDIVIDED, DEVELOPED, OR GRADED. AN

16 APPROVED FOREST STAND DELINEATION IS VALID FOR 5 YEARS. THE FOREST STAND DELINEATION

17 SHALL:

18 (1) DESCRIBE THE EXTENT AND QUALITY OF EXISTING FORESTS AND OTHER VEGETATION AND

19 ITS RELATIONSHIP TO ENVIRONMENTALLY SENSITIVE AREAS ON-SITE AND TO FOREST

20 RESOURCES ON ADJACENT PROPERTIES.

21 (2) BE USED DURING THE REVIEW PROCESS TO DETERMINE THE MOST SUITABLE AND

22 PRACTICAL AREAS FOR FOREST CONSERVATION.

23 (D) **FOREST CONSERVATION PLAN:** A FOREST CONSERVATION PLAN SHALL:

24 (1) STATE THE NET TRACT AREA, AREA OF FOREST CONSERVATION REQUIRED, AND THE AREA

25 OF FOREST CONSERVATION PROPOSED ON-SITE AND/OR OFF-SITE;

26 (2) SHOW THE PROPOSED LIMITS OF DISTURBANCE;

27 (3) SHOW LOCATIONS FOR PROPOSED RETENTION OF EXISTING FOREST AND/OR PROPOSED

28 REFORESTATION OR AFFORESTATION;

29 (4) JUSTIFY THE FOLLOWING, IF EXISTING FOREST CANNOT BE RETAINED:

30 (I) HOW TECHNIQUES FOR FOREST RETENTION HAVE BEEN EXHAUSTED;

31 (II) WHY THE PRIORITY FORESTS SPECIFIED IN SECTION 16.1205 OF THIS SUBTITLE CANNOT

32 BE LEFT IN AN UNDISTURBED CONDITION;

1 (iii) IF PRIORITY FORESTS AND PRIORITY AREAS CANNOT BE LEFT UNDISTURBED, WHERE ON
2 THE SITE IN PRIORITY AREAS REFORESTATION OR AFFORESTATION WILL OCCUR IN
3 COMPLIANCE WITH SECTION 16.1208 OF THIS SUBTITLE;

4 (iv) HOW SITE DESIGN REQUIREMENTS WILL BE FOLLOWED TO MAXIMIZE MEETING FOREST
5 CONSERVATION OBLIGATIONS ON-SITE IN COMPLIANCE WITH SECTION 16.1209 OF THIS
6 SUBTITLE;

7 (v) HOW THE SEQUENCE FOR PREFERRED REFORESTATION OR AFFORESTATION LOCATION
8 AND METHODS WILL BE FOLLOWED IN COMPLIANCE WITH SECTION 16.1208 OF THIS
9 SUBTITLE; AND

10 (vi) WHY REFORESTATION OR AFFORESTATION REQUIREMENTS CANNOT REASONABLY
11 BE ACCOMPLISHED ON- OR OFF-SITE, OR THROUGH A FOREST MITIGATION BANK, IF THE
12 APPLICANT PROPOSES PAYMENTS OF AN IN-LIEU FEE TO THE FOREST CONSERVATION
13 FUND;

14 (5) SHOW PROPOSED LOCATIONS AND TYPES OF PROTECTIVE DEVICES AND MEASURES TO BE
15 USED DURING CONSTRUCTION TO PROTECT TREES AND FORESTS DESIGNATED FOR
16 CONSERVATION, INCLUDING PROTECTION OF CRITICAL ROOT ZONES;

17 (6) IN THE CASE OF REFORESTATION OR AFFORESTATION, INCLUDE A REFORESTATION OR
18 AFFORESTATION PLAN, WITH A TIMETABLE, DESCRIPTION OF NEEDED SITE AND SOIL
19 PREPARATION, AND THE SPECIES, SIZE, AND SPACING OF PLANTINGS;

20 (7) INCLUDE A MINIMUM THREE GROWING SEASON FOREST CONSERVATION AGREEMENT AS
21 SPECIFIED IN THE MANUAL THAT DETAILS HOW THE AREAS DESIGNATED FOR RETENTION,
22 REFORESTATION OR AFFORESTATION WILL BE MAINTAINED TO ENSURE PROTECTION AND
23 SATISFACTORY ESTABLISHMENT, INCLUDING A REINFORCEMENT PLANTING PROVISION IF
24 SURVIVAL RATES FALL BELOW REQUIRED STANDARDS. FINANCIAL SECURITY SHALL BE
25 PROVIDED FOR THE FOREST CONSERVATION AGREEMENT AS PROVIDED IN SECTION 16.1210
26 AND THE MANUAL. MINOR SUBDIVISIONS WHICH MEET FOREST CONSERVATION
27 REQUIREMENTS ENTIRELY BY FOREST RETENTION ARE NOT REQUIRED TO HAVE A FOREST
28 CONSERVATION AGREEMENT;

29 (8) INCLUDE A DEED OF FOREST CONSERVATION EASEMENT WITH A PLAT OF THE FOREST
30 CONSERVATION EASEMENT AREA, AS SPECIFIED IN THE MANUAL THAT:

31 (i) PROVIDES PROTECTION, IN PERPETUITY, FOR AREAS OF FOREST RETENTION,
32 REFORESTATION AND AFFORESTATION; AND

1 (ii) LIMITS USES IN AREAS OF FOREST CONSERVATION TO THOSE USES THAT ARE
2 DESIGNATED AND CONSISTENT WITH FOREST CONSERVATION, INCLUDING
3 RECREATIONAL ACTIVITIES AND FOREST MANAGEMENT PRACTICES THAT ARE USED TO
4 PRESERVE FOREST;

5 (9) INCLUDE OTHER INFORMATION THE DEPARTMENT DETERMINES IS NECESSARY TO
6 IMPLEMENT THIS SUBTITLE; AND

7 (10) BE AMENDED OR A NEW PLAN PREPARED, AS PROVIDED IN THE MANUAL, IF REQUIRED AS A
8 RESULT OF CHANGES IN THE DEVELOPMENT OR IN THE CONDITION OF THE SITE.
9

10 **SECTION 16.1205. FOREST RETENTION PRIORITIES.**

11 (A) ***ON-SITE FOREST RETENTION REQUIRED:*** SUBDIVISION, SITE DEVELOPMENT, AND GRADING
12 SHALL LEAVE THE FOLLOWING VEGETATION AND SPECIFIC AREAS IN AN UNDISTURBED CONDITION.

13 (1) TREES AND OTHER VEGETATION IDENTIFIED ON THE LISTS OF RARE, THREATENED AND
14 ENDANGERED SPECIES OF THE U.S. FISH AND WILDLIFE SERVICE OR THE MARYLAND
15 DEPARTMENT OF NATURAL RESOURCES.

16 (2) TREES THAT ARE PART OF A HISTORIC SITE OR ASSOCIATED WITH A HISTORIC STRUCTURE.

17 (3) STATE CHAMPION TREES, TREES 75% OF THE DIAMETER OF STATE CHAMPION TREES, AND
18 TREES 30" IN DIAMETER OR LARGER.

19 (B) ***ON-SITE FOREST RETENTION PRIORITIES:*** THE FOLLOWING VEGETATION AND SPECIFIC AREAS
20 ARE CONSIDERED PRIORITY AND ARE LISTED IN ORDER OF PREFERENCE FOR ON-SITE RETENTION
21 AND PROTECTION IN THE COUNTY. SUBDIVISION, SITE DEVELOPMENT, AND GRADING SHALL LEAVE
22 THE FOLLOWING VEGETATION AND SPECIFIC AREAS IN AN UNDISTURBED CONDITION UNLESS
23 DEMONSTRATED, TO THE SATISFACTION OF THE DEPARTMENT, THAT REASONABLE EFFORTS HAVE
24 BEEN MADE TO PROTECT THEM AND THE PLAN CANNOT BE REASONABLY ALTERED OR THAT FOREST
25 PLANTING IN AN ALTERNATE LOCATION WOULD HAVE GREATER ENVIRONMENTAL BENEFIT:

26 (1) HOWARD COUNTY GREEN INFRASTRUCTURE NETWORK.

27 (2) 100-YEAR FLOODPLAIN AS DEFINED IN THE SUBDIVISION REGULATIONS.

28 (3) STREAM BUFFERS AS DEFINED IN THE SUBDIVISION REGULATIONS;

29 (4) FORESTED WETLANDS AND WETLAND BUFFERS AS DEFINED IN THE SUBDIVISION
30 REGULATIONS;

31 (5) CRITICAL HABITAT AREAS AND FOREST CORRIDORS WITH A MINIMUM WIDTH OF 300 FEET,
32 WHERE PRACTICAL, FOR WILDLIFE MOVEMENT;

- 1 (6) STEEP SLOPES AS DEFINED IN THE SUBDIVISION REGULATIONS AND SLOPES OF 15% OR
2 GREATER WITH A SOIL ERODIBILITY FACTOR GREATER THAN 0.35;
3 (7) FOREST CONTIGUOUS WITH THE PRIORITY AREAS LISTED ABOVE;
4 (8) FOREST CONTIGUOUS WITH OFF-SITE FOREST, IF THE OFF-SITE FOREST IS ALSO PROTECTED
5 BY A FOREST CONSERVATION EASEMENT; AND
6 (9) PROPERTY LINE AND RIGHT-OF-WAY BUFFERS, PARTICULARLY ADJACENT TO SCENIC
7 ROADS.

8 (C) ***OFF-SITE RETENTION:***

- 9 (1) THE COUNTY OR A DEVELOPER MAY PROVIDE FOR OFF-SITE FOREST RETENTION AT A RATIO
10 OF 2 ACRES OF FOREST RETENTION FOR EVERY 1 ACRE OF FOREST CONSERVATION
11 OBLIGATION. THE OFF-SITE FOREST MUST NOT BE CURRENTLY PROTECTED IN PERPETUITY
12 BY EASEMENT OR OTHER LONG-TERM PROTECTION MEASURES.
13 (2) THE VEGETATION AND SPECIFIC AREA PRIORITIES FOR LOCATING OFF-SITE FOREST
14 RETENTION UNDER THIS SUBSECTION ARE THE SAME AS PROVIDED UNDER SUBSECTION (B)
15 OF THIS SECTION.
16

17 **SECTION 16.1206. REFORESTATION.**

18 (A) ***REQUIREMENT TO REFOREST AREAS WHICH HAVE BEEN CUT OR CLEARED:*** THE FOREST
19 CONSERVATION PLAN SHALL PROVIDE FOR:

- 20 (1) ON- OR OFF-SITE REFORESTATION TO REPLACE FOREST WHICH IS PROPOSED TO BE CUT OR
21 CLEARED ON THE NET TRACT AREA AFTER REASONABLE EFFORTS TO MINIMIZE SUCH
22 CUTTING OR CLEARING; OR
23 (2) PAYMENT-IN-LIEU OF REFORESTATION IF REFORESTATION CANNOT REASONABLY BE
24 ACCOMPLISHED.

25 (B) ***MINIMUM SIZE:*** AREAS TO BE REFORESTED SHALL BE AT LEAST 10,000 SQUARE FEET WITH A
26 MINIMUM WIDTH OF 50 FEET, UNLESS OTHERWISE APPROVED BY THE DEPARTMENT BASED ON
27 CRITERIA IN THE FOREST CONSERVATION MANUAL.

28 (C) ***CALCULATING THE AMOUNT OF REFORESTATION REQUIRED:*** THE AMOUNT OF
29 REFORESTATION REQUIRED DEPENDS UPON THE AMOUNT OF FOREST COVER EXISTING AND
30 REMOVED FROM THE NET TRACT AREA AND THE LAND USE BEING DEVELOPED. THE REFORESTATION
31 REQUIREMENT SHALL BE CALCULATED AS FOLLOWS:

- 32 (1) ***REFORESTATION THRESHOLD:*** THERE IS A REFORESTATION THRESHOLD FOR ALL LAND USE
33 CATEGORIES. THE REFORESTATION THRESHOLD ESTABLISHES THE PERCENTAGE OF THE NET

TRACT AREA AT WHICH THE REFORESTATION REQUIREMENT CHANGES. REFORESTATION REQUIREMENTS FOR CLEARING FOREST BELOW THE THRESHOLD ARE GREATER THAN FOR CLEARING ABOVE THE THRESHOLD. THRESHOLDS FOR CALCULATING REFORESTATION REQUIREMENTS ARE AS FOLLOWS:

LAND USE	THRESHOLD
RESIDENTIAL: RURAL LOW DENSITY (RESIDENTIAL LOTS AVERAGE 5 ACRES OR MORE)	50%
RESIDENTIAL RURAL MEDIUM DENSITY (RESIDENTIAL LOTS AVERAGE 1 TO 4.99 ACRES)	25%
RESIDENTIAL SUBURBAN (LESS THAN 1 ACRE PER DWELLING UNIT)	20%
INSTITUTIONAL OR LINEAR	20%
RETAIL, INDUSTRIAL OR OFFICE	15%
MIXED USE DEVELOPMENT OR PLANNED UNIT DEVELOPMENT	15% 20%

(2) *REFORESTATION CALCULATION*: FOR ALL EXISTING FOREST COVER CLEARED ON THE NET TRACT AREA, MEASURED TO THE NEAREST 1/10 ACRE, THE REFORESTATION REQUIREMENT SHALL BE CALCULATED AS FOLLOWS:

- (i) FOR REFORESTATION SITES WITHIN THE SAME WATERSHED, 1/2 ACRE SHALL BE REFORESTED, FOR EACH ACRE OR PORTION OF AN ACRE CLEARED ABOVE THE THRESHOLD (1/2:1 RATIO). FOR REFORESTATION SITES OUTSIDE THE SAME WATERSHED, 1 ACRE SHALL BE REFORESTED, FOR EACH ACRE OR PORTION OF AN ACRE CLEARED ABOVE THE THRESHOLD (1:1 RATIO).
- (ii) FOR REFORESTATION SITES WITHIN THE SAME WATERSHED, 2 ACRES SHALL BE REFORESTED FOR EACH ACRE OR PORTION OF AN ACRE CLEARED BELOW THE THRESHOLD (2:1 RATIO). FOR REFORESTATION SITES OUTSIDE THE SAME WATERSHED, 3 ACRES SHALL BE REFORESTED FOR EACH ACRE OR PORTION OF AN ACRE CLEARED BELOW THE THRESHOLD (3:1 RATIO).

1 (III) ALL FOREST ACREAGE RETAINED ABOVE THE THRESHOLD SHALL BE DIRECTLY
2 CREDITED AGAINST ANY REFORESTATION OBLIGATION (1:1 RATIO).

3
4 **SECTION 16.1207. AFFORESTATION.**

5 (A) **REQUIREMENT TO AFFOREST:** IF EXISTING FOREST RESOURCES ARE BELOW THE FOLLOWING
6 MINIMUMS, THE FOREST CONSERVATION PLAN SHALL PROVIDE FOR:

7 (1) AFFORESTATION ON-SITE OR OFF-SITE; OR

8 (2) PAYMENT-IN-LIEU OF AFFORESTATION IF AFFORESTATION CANNOT REASONABLY BE
9 ACCOMPLISHED.

10 (B) **MINIMUM SIZE:** AREAS TO BE AFFORESTED SHALL BE AT LEAST 10,000 SQUARE FEET WITH A
11 MINIMUM WIDTH OF 50 FEET, UNLESS OTHERWISE APPROVED BY THE DEPARTMENT BASED ON
12 CRITERIA IN THE MANUAL.

13 (C) **CALCULATING THE AMOUNT OF AFFORESTATION REQUIRED:** THE AMOUNT OF
14 AFFORESTATION REQUIRED DEPENDS UPON THE AMOUNT OF FOREST COVER EXISTING AND
15 REMOVED FROM THE NET TRACT AREA AND THE LAND USE BEING DEVELOPED. THE AFFORESTATION
16 REQUIREMENT SHALL BE CALCULATED AS FOLLOWS:

17 (1) **MINIMUM FOREST COVER:** FOR EACH LAND USE, THE FOLLOWING MINIMUM PERCENTAGE OF
18 FOREST COVER SHALL BE PROVIDED:

LAND USE	THRESHOLD
RESIDENTIAL: RURAL LOW DENSITY (RESIDENTIAL LOTS AVERAGE 5 ACRES OR MORE)	20%
RESIDENTIAL RURAL MEDIUM DENSITY (RESIDENTIAL LOTS AVERAGE 1 TO 4.99 ACRES)	20%
RESIDENTIAL SUBURBAN (LESS THAN 1 ACRE PER DWELLING UNIT)	15%
INSTITUTIONAL OR LINEAR	15%
RETAIL, INDUSTRIAL OR OFFICE	15%
MIXED USE DEVELOPMENT OR PLANNED UNIT DEVELOPMENT	15%

19
20 (2) FOREST CUT OR CLEARED BELOW THE REQUIRED AFFORESTATION LEVEL SHALL BE
21 AFFORESTED AT 2:1 RATIO FOR AFFORESTATION SITES WITHIN THE SAME WATERSHED AND

1 AT 3:1 RATIO FOR AFFORESTATION SITES OUTSIDE THE SAME WATERSHED. THIS
2 AFFORESTATION SHALL BE ADDED TO THE AMOUNT OF AFFORESTATION NECESSARY TO
3 REACH THE MINIMUM REQUIRED AFFORESTED LEVEL, AS DETERMINED BY THE AMOUNT OF
4 FOREST EXISTING BEFORE CUTTING OR CLEARING BEGAN.
5

6 **SECTION 16.1208. REFORESTATION AND AFFORESTATION LOCATION PRIORITIES, PREFERRED**
7 **LOCATION, AND PREFERRED METHODS.**

8 (A) **LOCATION PRIORITIES:** THE FOLLOWING ARE PRIORITY LOCATIONS FOR REFORESTATION AND
9 AFFORESTATION, AND ARE LISTED IN ORDER OF PREFERENCE. THE DEPARTMENT MAY APPROVE
10 LOWER PRIORITY LOCATIONS ON THIS LIST WHEN SUCH LOCATIONS BETTER ACHIEVE THE INTENT OF
11 THIS SUBTITLE OR COUNTY LAND USE REGULATIONS. IF OFF-SITE PLANTING WOULD HAVE GREATER
12 ENVIRONMENTAL BENEFIT, THE DEPARTMENT MAY APPROVE OFF-SITE REFORESTATION OR
13 AFFORESTATION IN HIGH-PRIORITY LOCATIONS WITHIN HOWARD COUNTY, PREFERABLY WITHIN
14 THE SAME SUBBASIN OR WATERSHED:

15 (1) ESTABLISH OR ENHANCE FOREST IN THE HOWARD COUNTY GREEN INFRASTRUCTURE
16 NETWORK.

17 (2) ESTABLISH OR ENHANCE FOREST IN 100-YEAR FLOODPLAINS AND BUFFERS TO
18 INTERMITTENT AND PERENNIAL STREAMS AS DEFINED IN THE SUBDIVISION REGULATIONS;

19 (3) ESTABLISH OR ENHANCE FOREST IN WETLANDS AND WETLAND BUFFERS AS DEFINED IN THE
20 SUBDIVISION REGULATIONS;

21 (4) ESTABLISH OR ENHANCE CRITICAL HABITAT BUFFERS AND FOREST CORRIDORS FOR
22 WILDLIFE MOVEMENT, THE CORRIDORS, WHERE PRACTICAL, BEING A MINIMUM OF 300 FEET
23 IN WIDTH;

24 (5) ESTABLISH PLANTINGS TO STABILIZE SLOPES OF 25% OR GREATER AND SLOPES OF 15% OR
25 GREATER WITH A SOIL K VALUE GREATER THAN 0.35;

26 (6) ESTABLISH FOREST AREAS ADJACENT TO EXISTING FORESTS TO INCREASE THE OVERALL
27 AREA OF CONTIGUOUS FOREST COVER;

28 (7) ESTABLISH FOREST AREAS BETWEEN SMALL FOREST AND TREE STANDS TO BUILD A FOREST
29 COMMUNITY; AND

30 (8) ESTABLISH BUFFERS ALONG PROPERTY LINES BETWEEN DIFFERING LAND USES WHEN
31 APPROPRIATE, OR ADJACENT TO HIGHWAYS OR UTILITY RIGHTS-OF-WAY, PARTICULARLY
32 ADJACENT TO SCENIC ROADS.

1 (B) **PREFERRED LOCATION:** THE FOLLOWING IS THE PREFERRED SEQUENCE FOR LOCATION OF
2 REFORESTATION AND AFFORESTATION. THE DEPARTMENT MAY APPROVE LESS PREFERRED
3 LOCATIONS WHEN SUCH LOCATIONS BETTER ACHIEVE THE LOCATION PRIORITIES FOR
4 REFORESTATION AND AFFORESTATION, TAKE BETTER ADVANTAGE OF OPPORTUNITIES TO
5 CONSOLIDATE FOREST CONSERVATION EFFORTS, OR BETTER ACHIEVE THE OBJECTIVES OF OTHER
6 COUNTY LAND USE REGULATIONS.

7 (1) ON SITE.

8 (2) MITIGATION BANK.

9 (3) OFF SITE.

10 (C) **PREFERRED METHODS:** THE FOLLOWING SEQUENCE OF REFORESTATION AND AFFORESTATION
11 METHODS IS PREFERRED. THE DEPARTMENT MAY APPROVE LESS PREFERRED METHODS WHEN SUCH
12 METHODS WILL BETTER ACHIEVE FOREST SURVIVAL.

13 (1) PLANTING WITH NURSERY STOCK.

14 (2) TRANSPLANTING LOCAL PLANT MATERIAL.

15 (3) NATURAL REGENERATION.

16 (4) SELECTIVE CLEARING AND SUPPLEMENTAL PLANTING.

17
18 **16.1209. SITE DESIGN REQUIREMENTS.**

19 (A) SITE DESIGN SHOULD ADDRESS THE FOREST CONSERVATION PROGRAM GOALS OF MAXIMIZING
20 FOREST RETENTION AND MEETING FOREST CONSERVATION OBLIGATIONS ON-SITE.

21 (B) BEFORE MITIGATION BANKS, OFF-SITE COMPLIANCE, OR FEE-IN-LIEU REQUESTS WILL BE
22 CONSIDERED, FOREST CONSERVATION OBLIGATIONS SHALL BE MET ON-SITE, IN ACCORDANCE WITH
23 THE FOLLOWING SITE DESIGN REQUIREMENTS:

24 (1) NONRESIDENTIAL DEVELOPMENTS SHALL ~~ACCOMMODATE FOREST CONSERVATION~~
25 ~~OBLIGATIONS ON-SITE BY ESTABLISHING~~ ESTABLISH FOREST CONSERVATION EASEMENTS
26 WITH RETAINED OR PLANTED FOREST IN ALL ON-SITE SENSITIVE AREAS, INCLUDING
27 FLOODPLAINS, WETLANDS, WETLAND BUFFERS, STEEP SLOPES AND STREAM BUFFERS. TO
28 ENSURE PROTECTION OF RIPARIAN AREAS, THE FOREST CONSERVATION EASEMENTS SHALL
29 BE A MINIMUM 75-FOOT WIDTH FROM THE BANKS OF ANY PERENNIAL AND INTERMITTENT
30 STREAM. THE AREA BETWEEN OUTSIDE THE REQUIRED STREAM ~~BUFFER~~ BUFFER, AS
31 DEFINED BY SUBDIVISION REGULATIONS, AND THE FOREST CONSERVATION EASEMENT MAY
32 BE DISTURBED DURING CONSTRUCTION THEN REFORESTED.

1 (2) RESIDENTIAL DEVELOPMENTS WITH MORE THAN ONE ACRE OF OBLIGATION SHALL MEET A
2 MINIMUM OF 75% OF THEIR OBLIGATION ON-SITE BY REDUCING LOT SIZES, CLUSTERING
3 LOTS AND MAXIMIZING OPEN SPACE TO THE MAXIMUM EXTENT PERMITTED BY THE
4 SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. INFILL SUBDIVISIONS OF TEN LOTS
5 OR LESS ARE EXEMPT FROM THIS REQUIREMENT.

6 (3) RESIDENTIAL DEVELOPMENTS IN THE RC OR RR ZONING DISTRICTS THAT PROPOSE TO
7 IMPORT DEVELOPMENT DENSITY, SHALL ACCOMMODATE ALL FOREST CONSERVATION
8 OBLIGATIONS WITHIN THE BOUNDARIES OF A RECEIVING PROPERTY BEFORE IMPORTING
9 DEVELOPMENT DENSITY.

10 (4) TO ENSURE ADEQUATE SETBACKS FROM FOREST CONSERVATION EASEMENTS ON
11 RESIDENTIAL LOTS, A 35-FOOT SETBACK SHALL BE PROVIDED FROM REAR AND SIDE LOT
12 LINES FOR A DETACHED OR ATTACHED DWELLING UNIT AND ANY ON-SITE OR OFF-SITE
13 PLANTED FOREST CONSERVATION EASEMENT. THE SETBACK MAY BE ELIMINATED IF
14 LARGER STOCK (TWO ROWS OF ONE-INCH MINIMUM CALIPER) IS PLANTED ALONG THE EDGE
15 OF THE FOREST CONSERVATION EASEMENT.

16
17 **SECTION 16.1210. FINANCIAL SECURITY FOR REFORESTATION AND AFFORESTATION.**

18 (A) ***FINANCIAL SECURITY REQUIRED:*** A PERSON REQUIRED TO PROVIDE AFFORESTATION OR
19 REFORESTATION UNDER THIS SUBTITLE SHALL FURNISH FINANCIAL SECURITY IN THE FORM OF A
20 BOND, AN IRREVOCABLE LETTER OF CREDIT, OR OTHER SECURITY APPROVED BY THE COUNTY. THIS
21 SHALL BE PROVIDED PRIOR TO PLAT RECORDATION IF THE AFFORESTATION OR REFORESTATION IS
22 REQUIRED FOR APPROVAL OF A SUBDIVISION; PRIOR TO SITE DEVELOPMENT PLAN APPROVAL IF THE
23 AFFORESTATION OR REFORESTATION IS REQUIRED FOR SITE DEVELOPMENT PLAN APPROVAL; AND
24 PRIOR TO GRADING PERMIT ISSUANCE IF THE AFFORESTATION OR REFORESTATION IS REQUIRED FOR
25 ISSUANCE OF A GRADING PERMIT. THE SECURITY SHALL:

26 (1) ASSURE THAT THE AFFORESTATION, REFORESTATION, AND THE ASSOCIATED FOREST
27 CONSERVATION AGREEMENT ARE IMPLEMENTED IN ACCORDANCE WITH THE APPROVED
28 FOREST CONSERVATION PLAN;

29 (2) BE IN AN AMOUNT EQUAL TO THE ESTIMATED COST, AS APPROVED BY THE COUNTY, OF
30 REFORESTATION AND AFFORESTATION; AND

31 (3) BE IN A FORM AND OF A CONTENT APPROVED BY THE COUNTY.

32 (B) ***RELEASE OF FINANCIAL SECURITY:*** IF, AFTER 3 GROWING SEASONS FOLLOWING THE
33 AFFORESTATION OR REFORESTATION OR AS PROVIDED IN THE FOREST CONSERVATION AGREEMENT,

1 THE PLANTINGS ASSOCIATED WITH THE AFFORESTATION OR REFORESTATION MEET OR EXCEED THE
2 STANDARDS OF THE MANUAL, THE AMOUNT OF THE BOND, LETTER OF CREDIT, OR OTHER SECURITY
3 SHALL BE RETURNED OR RELEASED.

4 (C) **DEFAULT AND LIEN:** IF, AFTER 3 GROWING SEASONS OR AS PROVIDED IN THE FOREST
5 CONSERVATION AGREEMENT, THE PLANTINGS DO NOT MEET THE AFORESAID STANDARDS, THE
6 COUNTY SHALL HAVE THE RIGHT TO DRAW ON THE SECURITY ACCORDING TO ITS TERMS AND USE
7 THE SUMS WITHDRAWN FOR THE COSTS INCURRED BY THE COUNTY IN ACHIEVING THE
8 AFFORESTATION OR REFORESTATION STANDARDS REQUIRED BY THE PLAN AND MANUAL. ANY
9 COSTS INCURRED BY THE COUNTY IN EXCESS OF THE SECURITY AMOUNT SHALL BE CHARGED
10 AGAINST THE DEVELOPER AND, UNLESS THEY ARE PAID OR APPEALED TO THE BOARD OF APPEALS
11 WITHIN 30 DAYS AFTER BILLING BY THE COUNTY, SHALL BECOME A FINAL LIEN AGAINST THE
12 PROPERTY BEING DEVELOPED AND SHALL IN EVERY RESPECT BE TREATED AS COUNTY REAL ESTATE
13 TAXES.

14
15 **SECTION 16.1211. FEE-IN-LIEU OF AFFORESTATION OR REFORESTATION.**

16 (A) **FEE-IN-LIEU AUTHORIZED:**

17 (1) THE DEPARTMENT MAY APPROVE THE PAYMENT OF A FEE-IN-LIEU OF AFFORESTATION OR
18 REFORESTATION:

19 (I) WHEN AFFORESTATION OR REFORESTATION REQUIREMENTS CANNOT BE REASONABLY
20 ACCOMPLISHED ON-SITE OR OFF-SITE BASED ON CRITERIA IN THE MANUAL, AND
21 APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK ARE NOT
22 AVAILABLE; OR

23 (II) WHEN A LANDOWNER REQUESTS A MODIFICATION OF A RECORDED FOREST
24 CONSERVATION EASEMENT AND NOTICE OF THE MODIFICATION HAS BEEN PROVIDED IN
25 ACCORDANCE WITH THE SECTION 10-312 OF THE LOCAL GOVERNMENT ARTICLE OF
26 THE ANNOTATED CODE OF MARYLAND.

27 (2) THE FEE-IN-LIEU SHALL BE CALCULATED ON A SQUARE-FOOT BASIS AT A RATE
28 ESTABLISHED IN THE FEE SCHEDULE ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL,
29 BUT IN NO EVENT SHALL IT BE LESS THAN THE MINIMUM SET BY STATE LAW. THE FEE-IN-
30 LIEU SHALL BE 20% HIGHER OUTSIDE THE PRIORITY FUNDING AREA.

31 (3) A DEVELOPER OF A RESIDENTIAL SUBDIVISION MAY REQUEST A FEE-IN-LIEU FOR NO MORE
32 THAN ONE ACRE OF FOREST CONSERVATION OBLIGATION.

() ()
1 (B) **TIMING - PAYMENT OF FEE-IN-LIEU: FEE-IN-LIEU PAYMENTS SHALL BE PAID TO THE**
2 **COUNTY:**

3 (1) FOR A PROJECT NOT SUBJECT TO A RECORDED FOREST CONSERVATION EASEMENT, PRIOR TO
4 PLAT RECORDATION OF A SUBDIVISION, PRIOR TO APPROVAL OF A SITE DEVELOPMENT PLAN
5 OR, IF NONE, PRIOR TO ISSUANCE OF A GRADING PERMIT; OR

6 (2) WHEN A LANDOWNER REQUESTS A MODIFICATION OF A RECORDED FOREST CONSERVATION
7 EASEMENT, PRIOR TO THE RECORDATION OF THE REVISED SUBDIVISION PLAT OR PLAT OF
8 FOREST CONSERVATION EASEMENT AND PRIOR TO NOTICE OF THE MODIFICATION PROVIDED
9 IN ACCORDANCE WITH SECTION 10-312 OF THE LOCAL GOVERNMENT ARTICLE OF THE
10 ANNOTATED CODE OF MARYLAND.

11
12 **SECTION 16.1212. FOREST CONSERVATION FUND.**

13 (A) **FUND ESTABLISHED:** THE DIRECTOR OF FINANCE SHALL ESTABLISH AN ACCOUNT TO BE KNOWN
14 AS THE FOREST CONSERVATION FUND. NO MONIES DEPOSITED IN THIS ACCOUNT MAY REVERT TO
15 THE GENERAL FUND.

16 (B) **SOURCE OF MONEYS IN FOREST CONSERVATION FUND:** FEES PAID IN-LIEU OF REFORESTATION
17 OR AFFORESTATION UNDER SECTION 16.1211 OF THIS SUBTITLE AND NONCOMPLIANCE FEES PAID
18 PURSUANT TO SUBSECTION (C) OF THIS SECTION SHALL BE DEPOSITED IN THE FOREST
19 CONSERVATION FUND. INTEREST EARNED BY MONEY IN THE FOREST CONSERVATION FUND SHALL
20 REMAIN IN THE FUND.

21 (C) **NONCOMPLIANCE PENALTIES:** THE NONCOMPLIANCE PENALTY IS A FINE PER SQUARE FOOT OF
22 FOREST CUT, CLEARED OR GRADED WHICH MAY BE ASSESSED AGAINST VIOLATORS OF THIS
23 SUBTITLE AS SPECIFIED IN SECTION 16.1213 OF THIS SUBTITLE. THE AMOUNT OF THE
24 NONCOMPLIANCE PENALTY IS SET BY RESOLUTION OF THE COUNTY COUNCIL, AND IN NO EVENT
25 SHALL IT BE LESS THAN THE MINIMUM SET BY STATE LAW.

26 (D) **USE OF FOREST CONSERVATION FUND:**

27 (1) THE MINIMUM IN-LIEU-OF FEES ESTABLISHED BY THE STATE MAY BE EXPENDED BY THE
28 COUNTY:

29 (I) FOR AFFORESTATION OR REFORESTATION WITHIN HOWARD COUNTY, INCLUDING SITE
30 IDENTIFICATION, ACQUISITION, AND PREPARATION;

31 (II) FOR ACQUISITION OF FOREST RETENTION EASEMENTS;

32 (III) FOR MAINTENANCE OF EXISTING FORESTS; AND

33 (IV) FOR CREATING URBAN CANOPY.

1 (2) IN-LIEU-OF FEES ABOVE THE STATE MINIMUMS AND NONCOMPLIANCE PENALTIES MAY BE
2 USED BY THE COUNTY FOR ANY PURPOSES RELATED TO IMPLEMENTATION OF THE FOREST
3 CONSERVATION PROGRAM.
4

5 **SECTION 16.1213. ENFORCEMENT; PENALTIES.**

6 THE PROVISIONS OF THIS SUBTITLE MAY BE ENFORCED WITH ANY OR ALL OF THE FOLLOWING
7 MEASURES:

8 (A) *REVOCATION OF EXEMPTION:* THE DEPARTMENT MAY REVOKE AN EXEMPTION FOR PROPERTIES
9 THAT ARE IN VIOLATION OF THE CONDITIONS OF EXEMPTION SET FORTH IN SECTION 16.1202(B) OF
10 THIS SUBTITLE AND MAY REQUIRE COMPLIANCE WITH THE RETENTION, REFORESTATION AND
11 AFFORESTATION REQUIREMENTS OF THIS SUBTITLE. PRIOR TO REVOCATION, THE DEPARTMENT
12 SHALL NOTIFY THE VIOLATOR IN WRITING AND PROVIDE AN OPPORTUNITY FOR A RESPONSE.

13 (B) *REVOCATION OF APPROVED FOREST CONSERVATION PLAN:* THE DEPARTMENT MAY REVOKE AN
14 APPROVED FOREST CONSERVATION PLAN FOR CAUSE, INCLUDING ANY OF THE FOLLOWING
15 CONDITIONS:

16 (1) NONCOMPLIANCE WITH THIS SUBTITLE OR WITH CONDITIONS OF AN APPROVED FOREST
17 CONSERVATION PLAN; OR

18 (2) OBTAINING APPROVAL OF THE PLAN THROUGH FRAUD, MISREPRESENTATION, A FALSE OR
19 MISLEADING STATEMENT, OR OMISSION OF A RELEVANT OR MATERIAL FACT.
20

21 PRIOR TO REVOCATION, THE DEPARTMENT SHALL NOTIFY THE VIOLATOR IN WRITING AND
22 PROVIDE AN OPPORTUNITY FOR A RESPONSE.

23 (C) *STOP-WORK ORDER:* THE COUNTY MAY ISSUE A STOP-WORK ORDER AGAINST ANY VIOLATOR
24 OF THIS SUBTITLE, THE MANUAL, AN ORDER, AN APPROVED FOREST CONSERVATION PLAN, THE
25 ASSOCIATED FOREST CONSERVATION AGREEMENT AND LONG-TERM DEED OF FOREST
26 CONSERVATION EASEMENT, OR A DECLARATION OF INTENT.

27 (D) *INJUNCTION:* THE COUNTY MAY SEEK AN INJUNCTION REQUIRING A VIOLATOR TO CEASE THE
28 VIOLATION AND TAKE CORRECTIVE ACTION TO RESTORE OR REFOREST AN AREA.

29 (E) *NONCOMPLIANCE PENALTIES:* THE COUNTY MAY ASSESS A NONCOMPLIANCE PENALTY AS
30 DEFINED IN SECTION 16.1212 OF THIS SUBTITLE, AGAINST A VIOLATOR OF THIS SUBTITLE, THE
31 MANUAL, AN ORDER, AN APPROVED FOREST CONSERVATION PLAN, AN ASSOCIATED FOREST
32 CONSERVATION AGREEMENT, A LONG-TERM DEED OF FOREST CONSERVATION EASEMENT OR A
33 DECLARATION OF INTENT.

(F) *CIVIL PENALTIES*: IN ADDITION TO AND CONCURRENT WITH ALL OTHER REMEDIES, THE DEPARTMENT OF PLANNING AND ZONING MAY ENFORCE THE PROVISIONS OF THIS SUBTITLE OR AN APPROVED FOREST CONSERVATION PLAN WITH CIVIL PENALTIES PURSUANT TO THE PROVISIONS OF TITLE 24, "CIVIL PENALTIES," OF THE HOWARD COUNTY CODE. A VIOLATION SHALL BE A CLASS A OFFENSE. EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION.

SECTION 16.1214. MITIGATION BY COUNTY.

IN THE EVENT THAT ANY PERSON DEVELOPS LAND IN VIOLATION OF THIS SUBTITLE WITHOUT AN APPROVED FOREST CONSERVATION PLAN AND ANY OTHER REQUIRED DEVELOPMENT APPROVALS AND PERMITS, THE COUNTY SHALL, AFTER FIRST GIVING THE DEVELOPER THE OPPORTUNITY TO COMPLY, HAVE THE RIGHT TO ENTER UPON THE PROPERTY BEING DEVELOPED AND AFFOREST OR REFOREST THE PROPERTY IN ACCORDANCE WITH THE THRESHOLDS AND STANDARDS OF THIS SUBTITLE AND THE MANUAL. THE COUNTY MAY INSTEAD UNDERTAKE OFF-SITE AFFORESTATION OR REFORESTATION IF THIS WOULD BETTER SERVE THE PURPOSES OF THIS SUBTITLE. IN EITHER CASE, THE COUNTY SHALL CHARGE ALL AFFORESTATION AND REFORESTATION COSTS INCURRED BY IT AGAINST THE DEVELOPER, INCLUDING BUT NOT LIMITED TO CONSULTANT FEES AND OVERHEAD AND ADMINISTRATIVE COSTS. UNLESS THE CHARGES ARE PAID OR APPEALED TO THE BOARD OF APPEALS WITHIN 30 DAYS AFTER BILLING BY THE COUNTY, THEY SHALL BECOME A FINAL LIEN ON THE PROPERTY BEING DEVELOPED AND SHALL IN EVERY RESPECT BE TREATED AS COUNTY REAL ESTATE TAXES. THE COUNTY'S RIGHT TO MITIGATE AND RECOVER ITS COSTS SHALL BE IN ADDITION TO THE FINES AND OTHER SANCTIONS IT MAY IMPOSE UNDER SECTION 16.1213 OF THIS SUBTITLE.

SECTION 16.1215. APPEALS.

ANY PERSON SPECIALLY AGGRIEVED BY AN ADMINISTRATIVE DECISION OF THE DIRECTOR OF PLANNING AND ZONING IN RELATION TO THIS SUBTITLE MAY, WITHIN 30 DAYS OF THE DECISION, APPEAL THE DECISION TO THE HOWARD COUNTY BOARD OF APPEALS ACCORDING TO ITS RULES OF PROCEDURE.

SECTION 16.1216. VARIANCES.

(A) THE DEPARTMENT MAY GRANT WAIVERS TO THE REQUIREMENTS OF THIS SUBTITLE IN ACCORDANCE WITH THE PROCEDURES OF SUBSECTION 16.104(B) AND SUBSECTION 16.104(C) OF THE SUBDIVISION REGULATIONS.

1 ~~(B) FOR PURPOSES OF THIS SECTION “UNWARRANTED HARDSHIP” SHALL MEAN THAT, WITHOUT A~~
2 ~~VARIANCE, AN APPLICANT SHALL BE DENIED REASONABLE AND SIGNIFICANT USE OF THE ENTIRE~~
3 ~~PARCEL OR LOT FOR WHICH THE VARIANCE IS REQUESTED.~~

4 ~~(C) (B).~~ A VARIANCE TO THE PROVISIONS OF THIS SUBTITLE SHALL BE CONSIDERED AND APPROVED
5 OR DENIED IN WRITING BY:

6 ~~(1) THE PLANNING BOARD, FOR PLANS THAT REQUIRE PLANNING BOARD APPROVAL~~

7 ~~(2) FOR PLANS THAT DO NOT REQUIRE PLANNING BOARD APPROVAL, THE DIRECTORS OF THE~~
8 ~~DEPARTMENT OF PLANNING AND ZONING, THE ADMINISTRATOR OF THE OFFICE OF~~
9 ~~COMMUNITY SUSTAINABILITY, AND THE DIRECTOR OF THE DEPARTMENT OF RECREATION~~
10 ~~AND PARKS. DENIED IN WRITING BY THE DIRECTORS OF THE DEPARTMENT OF PLANNING~~
11 ~~AND ZONING, THE ADMINISTRATOR OF THE OFFICE OF COMMUNITY SUSTAINABILITY, AND~~
12 ~~THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND PARKS.~~

13 ~~(D) (C)~~ CONSIDERATION OF A VARIANCE REQUESTED UNDER THIS SECTION SHALL INCLUDE A
14 DETERMINATION AS TO WHETHER AN APPLICANT HAS DEMONSTRATED TO THE SATISFACTION OF
15 EACH DEPARTMENT ~~OR THE PLANNING BOARD~~ THAT ENFORCEMENT OF THIS SUBTITLE WOULD
16 RESULT IN UNWARRANTED HARDSHIP. INCREASED COST OR INCONVENIENCE OF MEETING THE
17 REQUIREMENTS OF THESE REGULATIONS DOES NOT CONSTITUTE AN UNWARRANTED HARDSHIP
18 TO THE APPLICANT. THE APPLICANT SHALL:

19 (1) DESCRIBE THE SPECIAL CONDITIONS PECULIAR TO THE PROPERTY WHICH WOULD CAUSE
20 THE UNWARRANTED HARDSHIP;

21 (2) DESCRIBE HOW ENFORCEMENT OF THESE REGULATIONS WOULD DEPRIVE THE LANDOWNER
22 OF RIGHTS COMMONLY ENJOYED BY OTHERS IN SIMILAR AREAS;

23 (3) VERIFY THAT THE GRANTING OF A VARIANCE WILL NOT ADVERSELY AFFECT WATER
24 QUALITY;

25 (4) VERIFY THAT THE GRANTING OF A VARIANCE WILL NOT CONFER ON THE APPLICANT A
26 SPECIAL PRIVILEGE THAT WOULD BE DENIED TO OTHER APPLICANTS;

27 (5) VERIFY THAT THE VARIANCE REQUEST IS NOT BASED ON CONDITIONS OR CIRCUMSTANCES
28 WHICH ARE THE RESULT OF ACTIONS BY THE APPLICANT;

29 (6) VERIFY THAT THE CONDITION DID NOT ARISE FROM A CONDITION RELATING TO LAND OR
30 BUILDING USE, EITHER PERMITTED OR NONCONFORMING, ON A NEIGHBORING PROPERTY;
31 AND

32 (7) PROVIDE ANY OTHER INFORMATION APPROPRIATE TO SUPPORT THE REQUEST.

1 (E) (D) ANY NATIVE SPECIMEN TREE REMOVED SHALL BE REPLACED ON-SITE BY AT LEAST TWO
2 NATIVE TREES WITH A DBH (DIAMETER AT BREAST HEIGHT) OF AT LEAST THREE INCHES.
3 (F) (E) NOTICE OF A REQUEST FOR A COMPLETE VARIANCE OF THE FOREST CONSERVATION
4 PROGRAM SHALL BE GIVEN BY THE DEPARTMENT OF PLANNING AND ZONING TO THE MARYLAND
5 DEPARTMENT OF NATURAL RESOURCES WITHIN 15 DAYS OF RECEIPT OF A REQUEST FOR A
6 VARIANCE. NOTICE OF A REQUEST FOR A VARIANCE TO INDIVIDUAL PROGRAM REQUIREMENTS,
7 TEMPORARY DEFERRAL, PHASING OF OBLIGATIONS, OR SEEKING ALTERNATIVE COMPLIANCE
8 DEFERRAL OR PHASING OF OBLIGATIONS WITH THE FOREST CONSERVATION PROGRAM
9 REQUIREMENTS SHALL BE GIVEN BY THE DEPARTMENT OF PLANNING AND ZONING TO THE
10 MARYLAND DEPARTMENT OF NATURAL RESOURCES AFTER A DECISION ON THE VARIANCE
11 REQUEST IS RENDERED BY THE DEPARTMENT.

12

13 **SECTION 16.1217. ABANDONMENT OF A FOREST CONSERVATION EASEMENT.**

14 (A) *AUTHORIZED.* WHERE AN ERROR OR ENCROACHMENT IS DISCOVERED AFTER THE
15 ESTABLISHMENT OF A FOREST CONSERVATION EASEMENT AND THE AREA WITHIN THE
16 ENCROACHMENT OR ERROR NO LONGER COMPLIES WITH THE FOREST CONSERVATION ACT, THE
17 DEPARTMENT OF PLANNING AND ZONING MAY ALLOW FOR THE ABANDONMENT OF NO MORE THAN
18 0.5 ACRES IF EQUIVALENT REPLACEMENT IS PROVIDED EITHER:

- 19 1. OFF SITE ADJACENT TO AN EXISTING FOREST CONSERVATION EASEMENT;
- 20 2. WITHIN A FOREST CONSERVATION BANK; OR
- 21 3. THROUGH PAYMENT OF A FEE IN-LIEU.

22 (B) *NOTIFICATION.* NOTIFICATION WILL BE PROVIDED ACCORDING TO SECTION 10-312 OF THE
23 LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

24

25 **SECTION 16.1218. FOREST MITIGATION BANKING.**

26 (A) *OPPORTUNITY TO CREATE A FOREST MITIGATION BANK:* THE HOWARD COUNTY
27 DEPARTMENT OF RECREATION AND PARKS OR A PRIVATE PROPERTY OWNER WITH THE
28 DEPARTMENT'S APPROVAL, MAY ESTABLISH A FOREST MITIGATION BANK. MITIGATION BANK
29 EASEMENT RIGHTS MAY BE PURCHASED BY A DEVELOPER WHEN THE DEPARTMENT DETERMINES
30 THAT ALL OR A PORTION OF A PROJECT'S RETENTION, REFORESTATION OR AFFORESTATION
31 OBLIGATIONS CAN BE MET OFF-SITE AND THAT THE MITIGATION BANK HAS MET ALL
32 REQUIREMENTS.

1 (B) **MINIMUM SIZE:** MITIGATION BANKS SHALL BE AT LEAST ONE ACRE IN AREA UNLESS
2 OTHERWISE APPROVED BY THE DEPARTMENT.

3 (C) **LOCATION PRIORITIES:** FOREST RETENTION MITIGATION BANKS SHALL BE LOCATED IN
4 ACCORDANCE WITH THE HIGHEST EIGHT RETENTION PRIORITIES SPECIFIED IN SECTION 16.1205 OF
5 THIS SUBTITLE. PLANTED FOREST MITIGATION BANKS SHALL BE LOCATED IN ACCORDANCE WITH
6 THE HIGHEST SIX REFORESTATION AND AFFORESTATION PRIORITIES SPECIFIED IN SECTION 16.1208
7 OF THIS SUBTITLE.

8 (D) **PREFERRED METHODS:** PLANTED FOREST MITIGATION BANKS SHALL BE PLANTED USING
9 NURSERY STOCK, WHIPS, OR SEEDLINGS, BUT NOT NATURAL REGENERATION.

10 (E) **APPROVAL PROCEDURE:** PRIVATE FOREST MITIGATION BANK APPLICANTS SHALL SUBMIT FOR
11 THE DEPARTMENT'S APPROVAL THE PROPOSED LOCATION AND A FOREST CONSERVATION PLAN.
12 UPON COMPLETION OF THE INSTALLATION OF ALL PROTECTION DEVICES AND ALL FOREST
13 PLANTING, AS REQUIRED, THE COUNTY SHALL CERTIFY COMPLIANCE WITH THE APPROVED FOREST
14 CONSERVATION PLAN. AT THE END OF THE MINIMUM THREE GROWING SEASONS, OR LONGER IF
15 REQUIRED, THE COUNTY SHALL CERTIFY THAT THE SURVIVAL RATES SPECIFIED IN THE MANUAL
16 HAVE BEEN ACHIEVED.

17 (F) **FOREST CONSERVATION AGREEMENT AND FINANCIAL SECURITY:** PLANTED FOREST
18 MITIGATION BANKS SHALL EXECUTE A FOREST CONSERVATION AGREEMENT AND POST A
19 FINANCIAL SECURITY

20 (G) **DEED OF FOREST CONSERVATION EASEMENT:** THE APPLICANT SHALL RECORD A FOREST
21 CONSERVATION EASEMENT PLAT AND A DEED OF FOREST CONSERVATION EASEMENT IN
22 ACCORDANCE WITH PROCEDURES OUTLINED IN THE MANUAL.

23
24 **SECTION 16.1219. SEVERABILITY.**

25 IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE OR PORTION OF THIS SUBTITLE IS HELD
26 INVALID BY ANY COURT OF COMPETENT JURISDICTION, THAT PORTION SHALL BE DEEMED A
27 SEPARATE, DISTINCT AND INDEPENDENT PROVISION; AND THE INVALIDITY SHALL NOT AFFECT THE
28 VALIDITY OF THE REMAINING PORTIONS OF THE SUBTITLE AND FOR THIS PURPOSE, THE PROVISIONS
29 OF THIS ACT ARE DECLARED SEVERABLE.

30
31 ~~*Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland*~~
32 ~~*that, for sketch plans or preliminary equivalent sketch plans that are technically complete on or*~~
33 ~~*before December 2, 2019, plans or permits listed in Section 16.1202(a)(1) - (4) shall continue to*~~

1 ~~be processed and reviewed under the Forest Conservation Act of Howard County existing prior~~
2 ~~to amendments approved and enacted by this Act. If there are any inconsistency between the Act~~
3 ~~and the Manual, the provisions of the Act will apply. If the plan fails to be finally approved, then~~
4 ~~the plan shall be resubmitted under the provisions of this Act.~~

5

6 **Section 3 2.** *And Be It Further Enacted by the County Council of Howard County, Maryland*
7 *that this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on December 6, 2019.

Diane Schwartz Jones
Diane Schwartz Jones, 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 _____, 2019.

Diane Schwartz Jones, 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 _____, 2019.

Diane Schwartz Jones, 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 _____, 2019.

Diane Schwartz Jones, 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 _____, 2019.

Diane Schwartz Jones, 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 _____, 2019.

Diane Schwartz Jones, Administrator to the County Council

Amendment 1 to Amendment No. 1 to Council Bill No. 62-2019

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 14
Date: December 2, 2019**

Amendment No. 1

(This amendment corrects a cite.)

- 1 On page 1, in line 4, strike "08.09.03.01" and substitute "08.19.03.01".
- 2
- 3

ADOPTED December 2, 2019
FAILED _____
SIGNATURE Diane Jones

1 On page 17, in line 31, after "DISTRICTS" insert "THAT PROPOSE TO IMPORT DEVELOPMENT
2 DENSITY,".

3

4 On page 23, in line 22, after "DBH" insert "(DIAMETER AT BREAST HEIGHT)".

5

6 On page 23, in line 27, strike "DEFERRAL, PHASING OF OBLIGATIONS, OR SEEKING ALTERNATIVE
7 COMPLIANCE" and substitute "DEFERRAL OR PHASING OF OBLIGATIONS".

Amendment 1 to Council Bill No. 62-2019

BY: The Chairperson at the request
of the County Executive

Legislative Day 14
Date: December 2, 2019

Amendment No. 1

(This amendment:

1. *Changes the definition of forest to distinguish between an existing forest and a replanted forest;*
2. *Strengthens language related to site design requirements;*
3. *Removes a reference to alternative compliance;*
4. *Corrects a cross reference; and*
5. *Writes out a term to avoid using an acronym.)*

1 On page 2, strike line 25 and substitute "35 FEET WIDE FOR AN EXISTING FOREST AND AT LEAST 50
2 FEET WIDE FOR A REPLANTED FOREST. "FOREST" INCLUDES:".

3
4 On page 5, in line 26, strike "08.19.03" and substitute "08.09.03.01".

5
6 On page 17, in line 18, strike "ACCOMMODATE FOREST CONSERVATION".

7
8 On page 17, in line 19, strike "OBLIGATIONS ON-SITE BY ESTABLISHING" and substitute
9 "ESTABLISH".

10
11 On page 17, line 20, after "ALL" insert "ON-SITE".

12
13 On page 17, in line 24, strike "BETWEEN" and substitute "OUTSIDE".

14
15 On page 17, in line 24, strike "BUFFER" and substitute "BUFFER, AS DEFINED BY SUBDIVISION
16 REGULATIONS,".

17
18 On page 17, in line 25, after "CONSTRUCTION" insert "THEN REFORESTED".

19

ADOPTED December 2, 2019, as amended
FAILED
SIGNATURE Debra A. Jones

Amendment 2 to Council Bill No. 62 - 2019

BY: David Yungmann

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 2

(This amendment proposes to reduce the size of a forest from 50 feet to 35 feet.)

On page 2, in line 25, strike "50" and substitute "35".

ADOPTED _____
FAILED December 2, 2019
SIGNATURE David A. Jones

Amendment 3 to Council Bill No. 62 - 2019

BY: Christiana Mercer Rigby
Deb Jung

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 3

(This amendment proposes to replace other qualified professionals with a certified arborist.)

On page 10, in lines 6 and 7, strike the remainder of the sentence after "FORESTER," and substitute "LICENSED LANDSCAPE ARCHITECT, OR CERTIFIED ARBORIST.".

ADOPTED December 2, 2019
FAILED _____
SIGNATURE Christiana Mercer Rigby

Amendment 1 to Amendment No. 4 to Council Bill No. 62-2019

BY: Christiana Mercer Rigby

Legislative Day 14

Date: December 2, 2019

Amendment No. 1 to Amendment No. 4

(This amendment changes the threshold ratio for mixed use development, only.)

- 1 On page 1, strike lines 16 through 22, inclusive and in their entirety.
- 2
- 3 On page 1, in line 24, strike "25%" and substitute "20%".
- 4

ADOPTED December 2, 2019
FAILED _____
SIGNATURE Deane A. Jones

Amendment 4 to Council Bill No. 62 - 2019

BY: Deb Jung
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 4

(This amendment proposes to change the threshold percentages in for most land uses.)

On page 14, in the second row of the chart, strike "25%" and substitute "30%".

On page 14, in the third row of the chart, strike "20%" and substitute "25%".

On page 14, in the fourth row of the chart, strike "20%" and substitute "25%".

On page 14, in the fifth row of the chart, strike "15%" and substitute "20%".

On page 14, in the sixth row of the chart, strike "15%" and substitute "25%".

ADOPTED December 2, 2019 - as amended
FAILED _____
SIGNATURE James J. Jones

Amendment ⁵ to Council Bill No. 62 - 2019

BY: Deb Jung
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. ⁵

(This amendment proposes to change the reforestation calculation ratios and minimum acreage.)

On page 14, in line 5, after the comma, strike "1/2" and substitute "1".

On page 14, in line 7, within the parentheses, strike "1/2:1" and substitute "1:1".

On page 14, in line 8, strike "1" and substitute "1.5".

On page 14, in line 9, within the parentheses, strike "1:1" and substitute "1.5:1".

ADOPTED _____
FAILED December 2, 2019
SIGNATURE Deb Jung

Amendment 6 to Council Bill No. 62 - 2019

BY: David Yungmann

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 6

(This amendment proposes to change the reforestation calculation ratios.)

On page 14, in line 8, strike "1" and substitute "3/4".

On page 14, in line 9, within the parentheses, strike "1:1" and substitute "3/4:1".

On page 14, in line 12, strike "3" and substitute "2.5".

On page 14, in line 14, within the parentheses, strike "3:1" and substitute "2.5:1".

On page 14, in line 17, insert the following:

(a) FOREST CLEARED WITHIN THE ON-SITE PRIORITY RETENTION PRIORITY AREAS LISTED BELOW, WHICH CLEARING IS NOT ASSOCIATED WITH UTILITY INSTALLATION OR MAINTENANCE, STORM WATER MANAGEMENT OUTFALLS, AND/OR ROADS, SHALL PLANT ADDITIONAL FOREST AT THE RATES SPECIFIED BELOW: FORESTED 100-YEAR FLOODPLAIN, 3 ACRES FOR EACH ACRE OR PORTION OF AN ACRE CLEARED (3:1)

(b) FORESTED STREAMS, FORESTED STREAM BUFFERS, FORESTED NON-TIDAL WETLANDS AND THEIR FORESTED BUFFERS WITHIN 100' OF A STREAM OR STREAM BUFFER, 2 ACRES FOR EACH ACRE OR PORTION OF AN ACRE CLEARED (2:1).

ADOPTED December 2, 2019
FAVORABLE
SIGNATURE Dean J. Jones

1 (c) FORESTED STEEP SLOPES AND THEIR BUFFERS THAT ARE CONTIGUOUS WITH
2 THE AREAS MENTIONED IN (A) AND (B) ABOVE, 1.5 ACRES FOR EACH ACRE
3 OR PORTION OF AN ACRE CLEARED (1.5:1).”.

4
5
6
7

Amendment 7 to Council Bill No. 62 - 2019

BY: Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 7

(This amendment proposes to remove the one acre minimum requirements for residential sites.)

On page 17, in line 26, strike "WITH MORE THAN ONE ACRE OF OBLIGATION".

ADOPTED _____
FAILED *Wendy Jones*
SIGNATURE _____

ADOPTED _____
FAILED *December 2, 2019*
SIGNATURE *Wendy Jones*

Amendment / to Amendment 7 to Council Bill No. 62 - 2019

BY: Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. /

(This amendment removes the exemption for developments with 10 or fewer lots.)

On page 1, in line 18, insert the following:

"On page 17, strike beginning with "INFILL" in line 29 through the period in line 30."

ADOPTED _____
FAILED December 2, 2019
SIGNATURE Rhonda A. Jones

Amendment 9 to Council Bill No. 62-2019

BY: The Chairperson at the request
of the County Executive

Legislative Day 14
Date: December 2, 2019

Amendment No. 9

(This amendment alters the variance section to remove a definition of unwarranted hardship.)

- 1 On page 22, strike lines 23 through 25, inclusive and in their entirety.
- 2
- 3 On page 22, in line 26, strike "(C)" and substitute "(B)".
- 4
- 5 On page 23, in line 1, strike "(D)" and substitute "(C)".
- 6
- 7 On page 23, in line 21, strike "(E)" and substitute "(D)".
- 8
- 9 On page 23, in line 23, strike "(F)" and substitute "(E)".
- 10

ADOPTED December 2, 2019
FAILED _____
SIGNATURE David J. Jones

Amendment 10 to Council Bill No. 62 - 2019

BY: David Yungmann

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 10

(This amendment proposes to change Specimen Tree requirements.)

On page 22, strike lines 23 – 25, in their entirety.

On page 22, in line 29, strike “DIRECTORS” and substitute “DIRECTOR”.

On page 22, in line 30, after the comma, insert “IN CONSULTATION WITH”

On page 23, strike lines 21 – 22, and substitute the following:

“(E) SPECIMEN TREES.

1) REMOVAL OF A SPECIMEN TREE IN DEAD OR DYING CONDITION DOES NOT REQUIRE

A VARIANCE.

2) ANY NATIVE SPECIMEN TREE REMOVED SHALL BE REPLACED ON-SITE BY AT LEAST

TWO NATIVE TREES WITH A DBH OF AT LEAST THREE INCHES.”.

Renumber the section accordingly.

ADOPTED _____
FAILED December 2, 2019
SIGNATURE David Yungmann

Amendment 11 to Council Bill No. 62 - 2019

BY: Deb Jung
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 11

(This amendment proposes to remove the Planning Board from the variance process.)

On page 22, strike lines 27 – 32, in their entirety, and substitute the following:

“DENIED IN WRITING BY THE DIRECTORS OF THE DEPARTMENT OF PLANNING AND ZONING, THE ADMINISTRATOR OF THE OFFICE OF COMMUNITY SUSTAINABILITY, AND THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND PARKS.”.

On page 23, in line 3, strike “OR THE PLANNING BOARD”.

ADOPTED December 2, 2019
FAILED
SIGNATURE Dianna Jones

Amendment 12 to Council Bill No. 62 - 2019

BY: Deb Jung
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 12

(This amendment proposes to require only nursery stock plants be planted in forest mitigation banks.)

On page 24, in line 29, strike "WHIPS, OR SEEDLINGS,".

ADOPTED _____
FAILED December 2, 2019
SIGNATURE Deanne A. Jones

Amendment 13 to Council Bill No. 62 - 2019

BY: Deb Jung
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 13

(This amendment proposes to remove the "Grandfathering" clause.)

On page 25, strike lines 18 - 24, in their entirety.

On page 25, in line 26, strike "3" and substitute "2".

ADOPTED December 2, 2019
FAILED
SIGNATURE Deane J. Jones

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 13

Bill No. 62-2019

Introduced by: The Chairperson at the request of the County Executive and
Cosponsored by Opel Jones, Deb Jung, Christiana Mercer Rigby, and Liz Walsh

AN ACT repealing and reenacting the Forest Conservation Act of Howard County; providing the purpose of the Act; defining certain terms to be used throughout the Act; requiring a Forest Conservation Plan for any person, or unit of local government, developing land 40,000 square feet or greater, subject to certain exceptions; requiring a Declaration of Intent for certain exemptions; setting forth the requirements of a Forest Conservation Plan; providing for the review process of a Forest Conservation Plan; requiring a Forest Conservation Manual to be prepared and adopted; requiring that the Manual include specific standards and guidelines; setting forth certain Forest Retention Priorities; requiring certain reforestation requirements and providing that reforestation shall be based on certain calculations; requiring certain afforestation and providing that afforestation shall be based on certain calculations; setting forth certain afforestation and reforestation location priorities and preferred methods; requiring certain site design; requiring certain financial security for afforestation and reforestation; authorizing a fee-in-lieu of afforestation and reforestation under certain conditions; providing for Forest Conservation Fund to keep the fee-in-lieu of afforestation and reforestation and providing for the use of monies contained in the fund; providing for certain enforcement and penalties; requiring mitigation by the County when land is developed in violation of the Act; providing for certain appeals; allowing for the grant of variances of the provisions of the Act, under certain circumstances; allowing the abandonment of Forest Conservation Easements under certain conditions; providing for the opportunity to create a Forest Mitigation Bank under certain conditions; and generally related to forest conservation in Howard County.

Introduced and read first time November 4, 2019. Ordered posted and hearing scheduled.

By order Diane A. Jones
Diane Schwartz Jones, 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 November 15, 2019.

By order Diane A. Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on December 2 2019 and Passed , Passed with amendments , Failed .

By order Diane A. Jones
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2019 at ___ a.m./p.m.

By order _____
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive _____, 2019

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**
2 **County Code is amended as follows:**

3
4 *By repealing and reenacting:*

5 *Title 16. Planning, Zoning, and Subdivisions and Land Development Regulations*
6 *Subtitle 12. Forest Conservation.*

7
8 **Title 16. Planning, Zoning, and Subdivisions and Land Development Regulations.**

9 **SUBTITLE 12. FOREST CONSERVATION.**

10
11 **SECTION 16.1200. SHORT TITLE; BACKGROUND; PURPOSE.**

12 (A) **SHORT TITLE:** THIS SUBTITLE SHALL BE KNOWN AS THE FOREST CONSERVATION ACT OF
13 HOWARD COUNTY.

14 (B) **BACKGROUND:** THIS SUBTITLE IS PURSUANT TO THE REQUIREMENTS OF THE MARYLAND
15 FOREST CONSERVATION ACT OF 1991, WHICH REQUIRES UNITS OF LOCAL GOVERNMENT TO ADOPT,
16 BY DECEMBER 31, 1992, A LOCAL FOREST CONSERVATION PROGRAM WHICH MEETS OR IS MORE
17 STRINGENT THAN THE REQUIREMENTS OF TITLE 5, SUBTITLE 16 OF THE NATURAL RESOURCES
18 ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

19 (C) **PURPOSE:** THE PURPOSE OF THIS SUBTITLE IS TO PROTECT AND MAINTAIN FOREST VEGETATION
20 AND FOREST AREAS IN HOWARD COUNTY BY REQUIRING CERTAIN DEVELOPMENT PROJECTS TO
21 HAVE AN APPROVED FOREST CONSERVATION PLAN AS A CONDITION OF APPROVAL OF THE
22 DEVELOPMENT.

23
24 **SECTION 16.1201. DEFINITIONS.**

25 EXCEPT AS PROVIDED IN SUBSECTION (FF) OF THIS SECTION, WORDS AND PHRASES USED IN THIS
26 SUBTITLE HAVE THEIR USUAL MEANING UNLESS DEFINED IN THE SUBDIVISION AND LAND
27 DEVELOPMENT REGULATIONS AS SET FORTH IN SUBTITLE 1 OF THIS TITLE OR AS FOLLOWS IN THIS
28 SECTION:

29 (A) **AFFORESTATION:** "AFFORESTATION" MEANS THE ESTABLISHMENT OF NEW FOREST ON AN
30 AREA PRESENTLY WITHOUT FOREST COVER, BY PLANTING IN ACCORDANCE WITH THE PRACTICES
31 SPECIFIED IN THE FOREST CONSERVATION MANUAL.

32 (B) **COMAR:** "COMAR" MEANS THE CODE OF MARYLAND REGULATIONS.

1 (C) **CRITICAL HABITAT AREA:** "CRITICAL HABITAT AREA" MEANS A CRITICAL HABITAT FOR
2 THREATENED OR ENDANGERED SPECIES AND ITS SURROUNDING PROTECTION AREA. A CRITICAL
3 HABITAT SHALL:

- 4 (1) BE LIKELY TO CONTRIBUTE TO THE LONG-TERM SURVIVAL OF THE SPECIES;
- 5 (2) BE LIKELY TO BE OCCUPIED BY THE SPECIES FOR THE FORESEEABLE FUTURE; AND
- 6 (3) CONSTITUTE HABITAT OF THE SPECIES WHICH IS DEEMED CRITICAL UNDER TITLE 4,
7 SUBTITLE 2A OR TITLE 10, SUBTITLE 2A OF THE NATURAL RESOURCE ARTICLE OF THE
8 ANNOTATED CODE OF MARYLAND.

9 (D) **DECLARATION OF INTENT:** "DECLARATION OF INTENT" MEANS A STATEMENT SIGNED BY A
10 LANDOWNER OR DEVELOPER CERTIFYING THAT:

- 11 (1) A PROPOSED DEVELOPMENT IS EXEMPT FROM THE REQUIREMENT FOR AN APPROVED
12 FOREST CONSERVATION PLAN; AND
- 13 (2) NO ACTIVITY REQUIRING A FOREST CONSERVATION PLAN WILL OCCUR ON THE SITE WITHIN
14 5 YEARS OF THE DATE OF THE COMPLETION OF THE EXEMPT ACTIVITY.

15 (E) **DEPARTMENT:** "DEPARTMENT" MEANS THE HOWARD COUNTY DEPARTMENT OF PLANNING
16 AND ZONING.

17 (F) **DEVELOPMENT:** "DEVELOPMENT" MEANS THE ESTABLISHMENT OF A PRINCIPAL USE OF A SITE;
18 A CHANGE IN A PRINCIPAL USE OF A SITE; OR THE IMPROVEMENT OR ALTERATION OF A SITE BY THE
19 CONSTRUCTION, ENLARGEMENT, OR RELOCATION OF A STRUCTURE; THE PROVISION OF
20 STORMWATER MANAGEMENT OR ROADS; THE GRADING OF EXISTING TOPOGRAPHY; THE CLEARING
21 OR GRUBBING OF EXISTING VEGETATION; OR ANY OTHER NONAGRICULTURAL ACTIVITY THAT
22 RESULTS IN A CHANGE IN EXISTING SITE CONDITIONS.

23 (G) **FOREST:** "FOREST" MEANS A BIOLOGICAL COMMUNITY DOMINATED BY NATIVE TREES AND
24 OTHER WOODY PLANTS COVERING AN AREA OF 10,000 SQUARE FEET OR GREATER THAT IS AT LEAST
25 50 FEET WIDE. "FOREST" INCLUDES:

- 26 (1) AREAS WITH A COVER RATIO OF 100 TREES PER ACRE WITH AT LEAST 50% OF THESE TREES
27 BEING AT LEAST 2 INCHES IN DIAMETER AT A HEIGHT OF 4.5 FEET ABOVE GROUND; OR
- 28 (2) AREAS MEETING THE CRITERIA ABOVE THAT HAVE BEEN CUT BUT NOT CLEARED.

29
30 "FOREST" DOES NOT INCLUDE ORCHARDS, TREE NURSERIES, CHRISTMAS TREE FARMS OR OTHER
31 TYPES OF FOREST CROPS.

32 (H) **FOREST CONSERVATION:** "FOREST CONSERVATION" MEANS THE RETENTION OF EXISTING
33 FOREST OR THE CREATION OF NEW FOREST AT THE LEVELS SET BY THIS SUBTITLE.

- 1 (I) **FOREST CONSERVATION MANUAL:** "FOREST CONSERVATION MANUAL" MEANS THE
2 TECHNICAL MANUAL APPROVED BY THE COUNTY COUNCIL CONTAINING PERFORMANCE
3 STANDARDS AND GUIDELINES FOR IMPLEMENTATION OF THE HOWARD COUNTY FOREST
4 CONSERVATION PROGRAM.
- 5 (J) **FOREST CONSERVATION PLAN:** "FOREST CONSERVATION PLAN" MEANS A PLAN WHICH SHOWS
6 THE IMPACTS OF A PROPOSED DEVELOPMENT ON EXISTING FOREST RESOURCES. A "FOREST
7 CONSERVATION PLAN" INCLUDES EXISTING FOREST AREAS TO BE REMOVED OR RETAINED; THE
8 LOCATION, EXTENT AND SPECIFICATIONS FOR ANY REFORESTATION OR AFFORESTATION REQUIRED;
9 AND LEGAL MEASURES TO PROTECT FOREST RESOURCES AFTER COMPLETION OF DEVELOPMENT IN
10 ACCORDANCE WITH SECTION 16.1203 BELOW.
- 11 (K) **FOREST CONSERVATION PROGRAM:** "FOREST CONSERVATION PROGRAM" MEANS THE
12 ADMINISTRATION OF THE HOWARD COUNTY FOREST CONSERVATION ACT AND MANUAL BY
13 APPROPRIATE COUNTY AGENCIES AND THE MARYLAND DEPARTMENT OF NATURAL RESOURCES.
- 14 (L) **FOREST MITIGATION BANKING:** "FOREST MITIGATION BANKING" MEANS THE PLANTING OR
15 RETENTION OF TREES, ACCORDING TO PLANS APPROVED BY THE DEPARTMENT, TO BE USED AS
16 CREDIT FOR PLANTING OR RETENTION REQUIRED UNDER THIS SUBTITLE.
- 17 (M) **FOREST STAND DELINEATION:** "FOREST STAND DELINEATION" MEANS THE EVALUATION,
18 PURSUANT TO SECTION 16.1204 OF THIS SUBTITLE, OF EXISTING FORESTS AND OTHER VEGETATION
19 ON A SITE PROPOSED FOR DEVELOPMENT.
- 20 (N) **GREEN INFRASTRUCTURE NETWORK:** "GREEN INFRASTRUCTURE NETWORK" MEANS THE
21 SYSTEM OF HUBS AND CORRIDORS MAPPED IN THE HOWARD COUNTY GREEN INFRASTRUCTURE
22 NETWORK PLAN, PUBLISHED BY THE DEPARTMENT OF PLANNING AND ZONING IN DECEMBER 2012,
23 AS AMENDED.
- 24 (O) **HISTORIC SITE:** "HISTORIC SITE" MEANS A SITE OR STRUCTURE LISTED ON THE HISTORIC SITES
25 INVENTORY ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL.
- 26 (P) **HISTORIC STRUCTURE:** "HISTORIC STRUCTURE" MEANS A STRUCTURE OR CLUSTER OF
27 STRUCTURES SITUATED WITHIN THE COUNTY WHICH, TOGETHER WITH ITS APPURTENANCES AND
28 ENVIRONMENTAL SETTING, HAVE SIGNIFICANT HISTORIC OR ARCHITECTURAL VALUE AND HAVE
29 BEEN DESIGNATED AS SUCH BY RESOLUTION OF THE COUNTY COUNCIL.
- 30 (Q) **IMPERVIOUS SURFACE:** "IMPERVIOUS SURFACE" MEANS ANY PERMANENT ARTIFICIAL
31 SURFACE, INCLUDING BUT NOT LIMITED TO AREAS COVERED BY ASPHALT, CONCRETE, PAVERS,
32 PERMEABLE PAVING, ROOFTOPS AND DECKS.

- 1 (R) **LIMIT OF DISTURBANCE:** "LIMIT OF DISTURBANCE" MEANS THE BOUNDARY OF PERMITTED
2 CHANGES TO EXISTING SITE CONDITIONS DUE TO CLEARING AND GRADING, AS WELL AS OTHER
3 ACTIVITIES ASSOCIATED WITH SITE DEVELOPMENT SUCH AS PARKING OF VEHICLES AND
4 EQUIPMENT, STORAGE OF MATERIALS, AND DISPOSAL OF CONSTRUCTION DEBRIS.
- 5 (S) **LINEAR PROJECT:** "LINEAR PROJECT" MEANS A PROJECT HAVING AN ELONGATED
6 CONFIGURATION WITH NEARLY PARALLEL SIDES DESIGNED TO TRANSPORT A UTILITY PRODUCT OR
7 PUBLIC SERVICE (FOR EXAMPLE, GAS, ELECTRICITY, WATER, SEWER, COMMUNICATIONS, TRAINS
8 AND VEHICLES) NOT OTHERWISE ADDRESSED IN AN APPLICATION FOR SUBDIVISION.
- 9 (T) **LOT:** "LOT" MEANS A PIECE OF LAND DESCRIBED IN A FINAL PLAT OR DEED AND RECORDED IN
10 THE LAND RECORDS OF HOWARD COUNTY IN ACCORDANCE WITH THE LAWS AND REGULATIONS IN
11 EFFECT AT THE TIME OF RECORDATION.
- 12 (U) **MANUAL:** "MANUAL" MEANS THE FOREST CONSERVATION MANUAL.
- 13 (V) **NET TRACT AREA:** "NET TRACT AREA" MEANS THE TOTAL AREA TO THE NEAREST 1/10 ACRE,
14 WHETHER FORESTED OR NOT, OF A PROPOSED DEVELOPMENT, EXCLUSIVE OF ANY 100-YEAR
15 FLOODPLAIN, UTILITY TRANSMISSION LINE EASEMENTS, OR PRESERVATION PARCEL AS REFERENCED
16 IN THE ZONING REGULATIONS. "NET TRACT AREA" IS TO BE USED IN CALCULATING ANY
17 REFORESTATION OR AFFORESTATION OBLIGATIONS THAT MAY BE CREATED BY THE PROPOSED
18 DEVELOPMENT.
- 19 (W) **PLANNED BUSINESS PARK:** "PLANNED BUSINESS PARK" MEANS A COMMERCIAL-INDUSTRIAL
20 SUBDIVISION DEVELOPED WITH AN INTEGRATED PLAN THAT PROVIDES COMMON INFRASTRUCTURE
21 AND PROTECTION OF ENVIRONMENTALLY SENSITIVE FEATURES.
- 22 (X) **PLANNED UNIT DEVELOPMENT:** "PLANNED UNIT DEVELOPMENT" MEANS A DEVELOPMENT
23 COMPRISED OF A COMBINATION OF LAND USES OR VARYING INTENSITIES OF THE SAME LAND USE IN
24 ACCORDANCE WITH AN INTEGRATED PLAN THAT PROVIDES FLEXIBILITY IN DESIGN WITH AT LEAST
25 20% OF THE LAND PERMANENTLY DEDICATED TO OPEN SPACE.
- 26 (Y) **PRIORITY FUNDING AREA:** "PRIORITY FUNDING AREA" MEANS AN AREA DESIGNATED AS A
27 PRIORITY FUNDING AREA UNDER TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND
28 PROCUREMENT ARTICLE. IN HOWARD COUNTY THE PRIORITY FUNDING AREA IS ALL LAND WITHIN
29 THE PLANNED SERVICE AREA FOR BOTH PUBLIC WATER AND SEWERAGE.
- 30 (Z) **REFORESTATION:** "REFORESTATION" MEANS THE ESTABLISHMENT, IN ACCORDANCE WITH THE
31 HOWARD COUNTY FOREST CONSERVATION MANUAL, OF NEW FOREST COVER TO REPLACE FOREST
32 RESOURCES LOST BECAUSE OF DEVELOPMENT ACTIVITIES.

1 (AA) **SCENIC ROAD:** "SCENIC ROAD" MEANS A PUBLIC ROAD OR ROAD SEGMENT THAT IS INCLUDED
2 IN THE SCENIC ROADS INVENTORY ADOPTED BY THE COUNTY COUNCIL IN ACCORDANCE WITH
3 SECTION 16.1403 OF THIS TITLE.

4 (BB) **STREAM RESTORATION PROJECT:** "STREAM RESTORATION PROJECT" MEANS AN ACTIVITY
5 THAT:

6 (1) IS DESIGNED TO STABILIZE STREAM BANKS OR ENHANCE STREAM FUNCTION OR HABITAT
7 LOCATED WITHIN AN EXISTING STREAM, WATERWAY OR FLOODPLAIN;

8 (2) AVOIDS AND MINIMIZES IMPACTS TO FORESTS AND PROVIDES FOR REPLANTING ON-SITE AN
9 EQUIVALENT NUMBER OF TREES TO THE NUMBER REMOVED BY THE PROJECT;

10 (3) MAY BE PERFORMED UNDER A MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT, A
11 WATERSHED IMPLEMENTATION PLAN GROWTH OFFSET, OR ANOTHER PLAN ADMINISTERED
12 BY THE STATE OR HOWARD COUNTY TO ACHIEVE OR MAINTAIN WATER QUALITY
13 STANDARDS; AND

14 (4) IS NOT PERFORMED TO SATISFY STORMWATER MANAGEMENT, WETLANDS MITIGATION, OR
15 ANY OTHER REGULATORY REQUIREMENT ASSOCIATED WITH PROPOSED DEVELOPMENT
16 ACTIVITY.

17 (CC) **SUBDIVISION REGULATIONS:** "SUBDIVISION REGULATIONS" MEANS TITLE 16, SUBTITLE 1 OF
18 THE HOWARD COUNTY CODE, ENTITLED "SUBDIVISION AND LAND DEVELOPMENT REGULATIONS."

19 (DD) **URBAN CANOPY:** "URBAN CANOPY" MEANS TREE CANOPY INSIDE THE PLANNED SERVICE
20 AREA FOR WATER AND SEWER THAT DOES NOT MEET THE DEFINITION OF FOREST BUT DOES PROVIDE
21 AIR QUALITY, WATER QUALITY, AND HABITAT BENEFITS.

22 (EE) **WATERSHED:** "WATERSHED" MEANS THE MARYLAND 12-DIGIT WATERSHED DELINEATION AS
23 DEFINED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.

24 (FF) **OTHER TERMS:** OTHER TERMS WHICH ARE DEFINED IN TITLE 5, SUBTITLE 16 OF THE NATURAL
25 RESOURCES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, COMAR 08.19.01.03,
26 "DEFINITIONS," AND COMAR 08.19.03, ARTICLE II, "FOREST AND TREE CONSERVATION
27 DEFINITIONS," ARE INCORPORATED BY REFERENCE AND SHALL APPLY TO THIS SUBTITLE FOR ANY
28 TERMS WHICH ARE NOT DEFINED IN THIS SECTION OR THE MANUAL.

29
30 **SECTION 16.1202. APPLICABILITY; EXEMPTIONS; DECLARATION OF INTENT.**

31 (A) **FOREST CONSERVATION PLAN REQUIRED FOR SUBDIVISION PLAN, SITE DEVELOPMENT PLAN**
32 **OR GRADING PERMIT:** UNLESS EXEMPTED BY SUBSECTION (B) OF THIS SECTION, ANY PERSON OR
33 UNIT OF LOCAL GOVERNMENT DEVELOPING LAND 40,000 SQUARE FEET OR GREATER IN AREA SHALL

1 FILE A FOREST CONSERVATION PLAN WITH THE DEPARTMENT. PLAN APPROVAL IS REQUIRED PRIOR
2 TO DEVELOPMENT AND PRIOR TO APPROVAL OF A:

- 3 (1) SUBDIVISION PLAN;
- 4 (2) SITE DEVELOPMENT PLAN;
- 5 (3) GRADING PERMIT; OR
- 6 (4) COUNTY ROAD AND UTILITY CONSTRUCTION PLANS.

7 **(B) EXEMPTIONS TO REQUIREMENT FOR FOREST CONSERVATION PLANS:**

8 (1) *EXEMPTIONS NOT REQUIRING A DECLARATION OF INTENT:* THE FOLLOWING DEVELOPMENT IS
9 EXEMPT FROM THE REQUIREMENT OF THIS SUBTITLE:

10 (I) DEVELOPMENT ACTIVITY ON A SINGLE LOT SMALLER THAN 40,000 SQUARE FEET, AS
11 LONG AS THE CUTTING, CLEARING OR GRADING DOES NOT INCLUDE ANY AREA ALREADY
12 SUBJECT TO A PREVIOUSLY APPROVED FOREST CONSERVATION PLAN.

13 (II) A PLANNED UNIT DEVELOPMENT WHICH HAS PRELIMINARY DEVELOPMENT PLAN
14 APPROVAL AND 50% OR MORE OF THE LAND IS RECORDED AND SUBSTANTIALLY
15 DEVELOPED BEFORE DECEMBER 31, 1992. IF NEW LAND AREA IS ADDED TO THE
16 PLANNED UNIT DEVELOPMENT, THAT NEW LAND AREA IS SUBJECT TO THIS SUBTITLE;

17 (III) A PLANNED BUSINESS PARK OF AT LEAST 75 ACRES WHICH HAS PRELIMINARY PLAN
18 APPROVAL BEFORE DECEMBER 31, 1992, AND WHICH MEETS THE INTENT OF THIS
19 SUBTITLE BY RETAINING FOREST IN HIGH-PRIORITY LOCATIONS (FLOODPLAINS,
20 WETLANDS, WETLAND AND STREAM BUFFERS, STEEP SLOPES, AND/OR WILDLIFE
21 CORRIDORS/GREEN INFRASTRUCTURE NETWORK);

22 (IV) ANY AGRICULTURAL ACTIVITY, INCLUDING AGRICULTURAL SUPPORT BUILDINGS AND
23 STRUCTURES BUILT USING ACCEPTED BEST MANAGEMENT PRACTICE UNLESS IT
24 INVOLVES THE CLEARING OF 40,000 SQUARE FEET OR GREATER OF FOREST WITHIN A 1-
25 YEAR PERIOD;

26 (V) AGRICULTURAL PRESERVATION SUBDIVISION, UNLESS IT INVOLVES THE CLEARING OF
27 20,000 SQUARE FEET OR GREATER OF FOREST;

28 (VI) RESUBDIVISIONS, THAT DO NOT CREATE ADDITIONAL LOTS, DEED ADJOINERS,
29 PROPERTY CONSOLIDATIONS, RECONFIGURATIONS AND CORRECTION PLATS AS
30 PROVIDED FOR IN SECTIONS 16.102 AND 16.103 OF THIS TITLE;

31 (VII) MINOR SUBDIVISIONS THAT CREATE ONE ADDITIONAL LOT AND HAVE NO FURTHER
32 SUBDIVISION POTENTIAL;

- 1 (VIII) MINING OR OTHER EXTRACTIVE ACTIVITY EXEMPTED BY STATE LAW FROM THE
2 FOREST CONSERVATION REQUIREMENTS;
- 3 (IX) ROUTINE MAINTENANCE OF EXISTING ROADS AND PUBLIC UTILITY RIGHTS-OF-WAY.
- 4 (X) HIGHWAY CONSTRUCTION USING FULL OR PARTIAL STATE FUNDING IS EXEMPT FROM
5 THIS SUBTITLE BUT SUBJECT TO STATE REFORESTATION REQUIREMENTS SET FORTH IN
6 TITLE 5, SUBTITLE 1 OF THE NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE
7 OF MARYLAND;
- 8 (XI) THE CUTTING OR CLEARING OF PUBLIC UTILITY RIGHTS-OF-WAY , OR LAND FOR
9 ELECTRIC GENERATING STATIONS LICENSED PURSUANT TO TITLE 7, SUBTITLE 2 OF THE
10 PUBLIC UTILITY COMPANIES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, IF:
- 11 A. REQUIRED CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY HAVE BEEN
12 ISSUED IN ACCORDANCE WITH THE NATURAL RESOURCES ARTICLE, § 5-1603(F),
13 ANNOTATED CODE OF MARYLAND; AND
- 14 B. CUTTING OR CLEARING OF THE FOREST IS CONDUCTED TO MINIMIZE THE LOSS OF
15 FOREST.
- 16 (XII) HOWARD COUNTY CAPITAL IMPROVEMENT PROJECTS, INCLUDING THOSE WITH
17 PARTIAL STATE FUNDING, PROVIDED THAT:
- 18 A. THE ACTIVITY IS CONDUCTED ON A SINGLE LOT OF ANY SIZE;
- 19 B. THE ACTIVITY DOES NOT RESULT IN THE CUTTING, CLEARING OR GRADING OF MORE
20 THAN 20,000 SQUARE FEET OF FOREST; AND
- 21 C. THE IMPACTED FOREST IS NOT SUBJECT TO A PREVIOUSLY APPROVED FOREST
22 CONSERVATION PLAN;
- 23 (XIII) AN ACTIVITY ON A PREVIOUSLY DEVELOPED AREA COVERED BY AN IMPERVIOUS
24 SURFACE AND LOCATED IN THE PRIORITY FUNDING AREA;
- 25 (XIV) MAINTENANCE OR RETROFITTING OF A STORMWATER MANAGEMENT STRUCTURE THAT
26 MAY INCLUDE CLEARING OF VEGETATION OR REMOVAL AND TRIMMING OF TREES, SO
27 LONG AS THE MAINTENANCE OR RETROFITTING IS WITHIN THE ORIGINAL LIMITS OF
28 DISTURBANCE FOR CONSTRUCTION OF THE EXISTING STRUCTURE, OR WITHIN ANY
29 MAINTENANCE EASEMENT FOR ACCESS TO THE STRUCTURE; OR
- 30 (XV) STREAM RESTORATION PROJECT, AS DEFINED IN THIS SUBTITLE, FOR WHICH THE
31 APPLICANT FOR A GRADING OR SEDIMENT CONTROL PERMIT HAS EXECUTED A BINDING
32 MAINTENANCE AGREEMENT OF AT LEAST 5 YEARS WITH THE AFFECTED PROPERTY
33 OWNER OR OWNERS.

1 (2) **EXEMPTIONS REQUIRING A DECLARATION OF INTENT:** THE FOLLOWING DEVELOPMENT IS
2 EXEMPT FROM THE REQUIREMENTS OF THIS SUBTITLE, PROVIDED THAT THE DEVELOPER
3 FILES A DECLARATION OF INTENT WITH THE DEPARTMENT AS PROVIDED IN SUBSECTION (C)
4 BELOW:

- 5 (I) RESIDENTIAL DEVELOPMENT ON AN EXISTING SINGLE LOT OF ANY SIZE IF:
- 6 A. THE TOTAL CUTTING, CLEARING OR GRADING OF FOREST RESOURCES IS LESS THAN
 - 7 20,000 SQUARE FEET; AND
 - 8 B. THE FOREST RESOURCES AFFECTED BY THE DEVELOPMENT ARE NOT SUBJECT TO A
 - 9 PREVIOUSLY APPROVED FOREST CONSERVATION PLAN;
- 10 (II) COMMERCIAL LOGGING AND TIMBER HARVESTING OPERATIONS CONDUCTED SUBJECT
- 11 TO THE FOREST CONSERVATION AND MANAGEMENT PROGRAM UNDER THE TAX-
- 12 PROPERTY ARTICLE § 8-211, ANNOTATED CODE OF MARYLAND;
- 13 (III) ANY AGRICULTURAL ACTIVITY, INCLUDING AGRICULTURAL SUPPORT BUILDINGS AND
- 14 STRUCTURES BUILT USING ACCEPTED BEST MANAGEMENT PRACTICE INVOLVING THE
- 15 CLEARING OF 40,000 SQUARE FEET OR GREATER OF FOREST WITHIN A 1-YEAR PERIOD;
- 16 (IV) SUBDIVISION IN CONNECTION WITH REAL ESTATE TRANSACTIONS TO PROVIDE A
- 17 SECURITY, LEASEHOLD, OR OTHER LEGAL OR EQUITABLE INTEREST, INCLUDING A
- 18 TRANSFER OF TITLE, OF A PORTION OF A LOT OR PARCEL, IF:
- 19 A. THE TRANSACTION DOES NOT INVOLVE A CHANGE IN LAND USE, OR NEW
 - 20 DEVELOPMENT OR REDEVELOPMENT, WITH ASSOCIATED LAND-DISTURBING
 - 21 ACTIVITIES; AND
 - 22 B. BOTH THE GRANTOR AND GRANTEE FILE THE DECLARATION OF INTENT; AND
- 23 (V) LINEAR PROJECTS THAT ARE NOT EXEMPT AND THAT DISTURB LESS THAN 20,000
- 24 SQUARE FEET OF FOREST, IF THE IMPACTED FOREST IS NOT SUBJECT TO A PREVIOUSLY
- 25 APPROVED FOREST CONSERVATION PLAN.

26 (C) **DECLARATION OF INTENT:**

- 27 (1) A PERSON SEEKING AN EXEMPTION UNDER SUBSECTION (B) ABOVE SHALL SUBMIT A
- 28 DECLARATION OF INTENT TO THE DEPARTMENT TO VERIFY THAT THE PROPOSED ACTIVITY
- 29 IS EXEMPT.
- 30 (2) NO REGULATED ACTIVITY MAY OCCUR ON THE AREA COVERED BY THE DECLARATION OF
- 31 INTENT WITHIN 5 YEARS OF THE COMPLETION OF CUTTING, CLEARING OR GRADING OF
- 32 FOREST RESOURCES, OR IN THE CASE OF REAL ESTATE TRANSACTIONS, WITHIN 5 YEARS OF
- 33 THE EFFECTIVE DATE OF THE DECLARATION OF INTENT.

1 (3) THE DEPARTMENT MAY REQUIRE A PERSON FAILING TO FILE A DECLARATION OF INTENT OR
2 FOUND NOT IN COMPLIANCE WITH A DECLARATION OF INTENT TO PERFORM ONE OR ANY
3 COMBINATION OF THE FOLLOWING:

4 (I) MEET THE RETENTION, REFORESTATION AND AFFORESTATION REQUIREMENTS
5 ESTABLISHED BY THIS SUBTITLE;

6 (II) PAY A PENALTY FEE ESTABLISHED BY FEE SCHEDULES APPROVED BY RESOLUTION OF
7 THE COUNTY COUNCIL PER SQUARE FOOT OF FOREST CUT OR CLEARED, BUT IN NO CASE
8 LESS THAN THE MINIMUM SET BY STATE LAW;

9 (III) BE SUBJECT TO OTHER ENFORCEMENT ACTIONS APPROPRIATE UNDER TITLE 5, SUBTITLE
10 16 OF THE NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE OF MARYLAND,
11 AND THIS SUBTITLE; OR

12 (IV) FILE A DECLARATION OF INTENT WITH THE DEPARTMENT.
13

14 **SECTION 16.1203. FOREST CONSERVATION MANUAL.**

15 (A) **PURPOSE:** THE FOREST CONSERVATION MANUAL IS THE TECHNICAL MANUAL USED TO
16 ESTABLISH STANDARDS OF PERFORMANCE REQUIRED IN PREPARING FOREST STAND DELINEATIONS
17 AND FOREST CONSERVATION PLANS.

18 (B) **PREPARATION AND ADOPTION:** THE MANUAL AND AMENDMENTS TO IT ARE PREPARED BY THE
19 DEPARTMENT AND ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL.

20 (C) **CONTENTS:** THE MANUAL INCLUDES SPECIFIC STANDARDS AND GUIDELINES FOR:

21 (1) SUBMISSION OF FOREST CONSERVATION PLANS, INCLUDING FOREST STAND DELINEATIONS;

22 (2) APPROVAL OF FOREST CONSERVATION PLANS;

23 (3) FOREST RETENTION PRIORITIES;

24 (4) REFORESTATION AND AFFORESTATION CALCULATIONS, PRIORITIES AND PREFERRED
25 METHODS;

26 (5) FOREST CONSERVATION AGREEMENTS AND FINANCIAL SECURITY;

27 (6) DEED OF FOREST CONSERVATION EASEMENTS;

28 (7) PROCEDURAL VARIATIONS FOR MINOR SUBDIVISIONS, SINGLE LOT SITE DEVELOPMENT
29 PLANS, RURAL CLUSTER SUBDIVISIONS, AND PHASED DEVELOPMENT;

30 (8) FOREST MITIGATION BANKING; AND

31 (9) OTHER INFORMATION NECESSARY TO IMPLEMENT THIS SUBTITLE.
32

1 **SECTION 16.1204. FOREST CONSERVATION PLAN.**

2 (A) **APPLICABILITY:** FOREST CONSERVATION PLANS, CONSISTENT WITH THIS SUBTITLE AND THE
3 MANUAL, SHALL BE SUBMITTED TO THE DEPARTMENT WITH APPLICATIONS FOR ALL DEVELOPMENT
4 NOT EXEMPT UNDER SECTION 16.1202 OF THIS SUBTITLE.

5 (B) **PROFESSIONALLY PREPARED:** THE FOREST CONSERVATION PLAN SHALL BE PREPARED BY A
6 LICENSED FORESTER, LANDSCAPE ARCHITECT OR OTHER QUALIFIED PROFESSIONAL AS SPECIFIED IN
7 COMAR 08.19.06.01.

8 (C) **FOREST STAND DELINEATION:** THE FOREST CONSERVATION PLAN SHALL INCLUDE A FOREST
9 STAND DELINEATION FOR THE PROPERTY TO BE SUBDIVIDED, DEVELOPED, OR GRADED. AN
10 APPROVED FOREST STAND DELINEATION IS VALID FOR 5 YEARS. THE FOREST STAND DELINEATION
11 SHALL:

12 (1) DESCRIBE THE EXTENT AND QUALITY OF EXISTING FORESTS AND OTHER VEGETATION AND
13 ITS RELATIONSHIP TO ENVIRONMENTALLY SENSITIVE AREAS ON-SITE AND TO FOREST
14 RESOURCES ON ADJACENT PROPERTIES.

15 (2) BE USED DURING THE REVIEW PROCESS TO DETERMINE THE MOST SUITABLE AND
16 PRACTICAL AREAS FOR FOREST CONSERVATION.

17 (D) **FOREST CONSERVATION PLAN:** A FOREST CONSERVATION PLAN SHALL:

18 (1) STATE THE NET TRACT AREA, AREA OF FOREST CONSERVATION REQUIRED, AND THE AREA
19 OF FOREST CONSERVATION PROPOSED ON-SITE AND/OR OFF-SITE;

20 (2) SHOW THE PROPOSED LIMITS OF DISTURBANCE;

21 (3) SHOW LOCATIONS FOR PROPOSED RETENTION OF EXISTING FOREST AND/OR PROPOSED
22 REFORESTATION OR AFFORESTATION;

23 (4) JUSTIFY THE FOLLOWING, IF EXISTING FOREST CANNOT BE RETAINED:

24 (i) HOW TECHNIQUES FOR FOREST RETENTION HAVE BEEN EXHAUSTED;

25 (ii) WHY THE PRIORITY FORESTS SPECIFIED IN SECTION 16.1205 OF THIS SUBTITLE CANNOT
26 BE LEFT IN AN UNDISTURBED CONDITION;

27 (iii) IF PRIORITY FORESTS AND PRIORITY AREAS CANNOT BE LEFT UNDISTURBED, WHERE ON
28 THE SITE IN PRIORITY AREAS REFORESTATION OR AFFORESTATION WILL OCCUR IN
29 COMPLIANCE WITH SECTION 16.1208 OF THIS SUBTITLE;

30 (iv) HOW SITE DESIGN REQUIREMENTS WILL BE FOLLOWED TO MAXIMIZE MEETING FOREST
31 CONSERVATION OBLIGATIONS ON-SITE IN COMPLIANCE WITH SECTION 16.1209 OF THIS
32 SUBTITLE;

1 (v) HOW THE SEQUENCE FOR PREFERRED REFORESTATION OR AFFORESTATION LOCATION
2 AND METHODS WILL BE FOLLOWED IN COMPLIANCE WITH SECTION 16.1208 OF THIS
3 SUBTITLE; AND

4 (vi) WHY REFORESTATION OR AFFORESTATION REQUIREMENTS CANNOT REASONABLY
5 BE ACCOMPLISHED ON- OR OFF-SITE, OR THROUGH A FOREST MITIGATION BANK, IF THE
6 APPLICANT PROPOSES PAYMENTS OF AN IN-LIEU FEE TO THE FOREST CONSERVATION
7 FUND;

8 (5) SHOW PROPOSED LOCATIONS AND TYPES OF PROTECTIVE DEVICES AND MEASURES TO BE
9 USED DURING CONSTRUCTION TO PROTECT TREES AND FORESTS DESIGNATED FOR
10 CONSERVATION, INCLUDING PROTECTION OF CRITICAL ROOT ZONES;

11 (6) IN THE CASE OF REFORESTATION OR AFFORESTATION, INCLUDE A REFORESTATION OR
12 AFFORESTATION PLAN, WITH A TIMETABLE, DESCRIPTION OF NEEDED SITE AND SOIL
13 PREPARATION, AND THE SPECIES, SIZE, AND SPACING OF PLANTINGS;

14 (7) INCLUDE A MINIMUM THREE GROWING SEASON FOREST CONSERVATION AGREEMENT AS
15 SPECIFIED IN THE MANUAL THAT DETAILS HOW THE AREAS DESIGNATED FOR RETENTION,
16 REFORESTATION OR AFFORESTATION WILL BE MAINTAINED TO ENSURE PROTECTION AND
17 SATISFACTORY ESTABLISHMENT, INCLUDING A REINFORCEMENT PLANTING PROVISION IF
18 SURVIVAL RATES FALL BELOW REQUIRED STANDARDS. FINANCIAL SECURITY SHALL BE
19 PROVIDED FOR THE FOREST CONSERVATION AGREEMENT AS PROVIDED IN SECTION 16.1210
20 AND THE MANUAL. MINOR SUBDIVISIONS WHICH MEET FOREST CONSERVATION
21 REQUIREMENTS ENTIRELY BY FOREST RETENTION ARE NOT REQUIRED TO HAVE A FOREST
22 CONSERVATION AGREEMENT;

23 (8) INCLUDE A DEED OF FOREST CONSERVATION EASEMENT WITH A PLAT OF THE FOREST
24 CONSERVATION EASEMENT AREA, AS SPECIFIED IN THE MANUAL THAT:

25 (i) PROVIDES PROTECTION, IN PERPETUITY, FOR AREAS OF FOREST RETENTION,
26 REFORESTATION AND AFFORESTATION; AND

27 (ii) LIMITS USES IN AREAS OF FOREST CONSERVATION TO THOSE USES THAT ARE
28 DESIGNATED AND CONSISTENT WITH FOREST CONSERVATION, INCLUDING
29 RECREATIONAL ACTIVITIES AND FOREST MANAGEMENT PRACTICES THAT ARE USED TO
30 PRESERVE FOREST;

31 (9) INCLUDE OTHER INFORMATION THE DEPARTMENT DETERMINES IS NECESSARY TO
32 IMPLEMENT THIS SUBTITLE; AND

1 (10) BE AMENDED OR A NEW PLAN PREPARED, AS PROVIDED IN THE MANUAL, IF REQUIRED AS A
2 RESULT OF CHANGES IN THE DEVELOPMENT OR IN THE CONDITION OF THE SITE.
3

4 **SECTION 16.1205. FOREST RETENTION PRIORITIES.**

5 (A) **ON-SITE FOREST RETENTION REQUIRED:** SUBDIVISION, SITE DEVELOPMENT, AND GRADING
6 SHALL LEAVE THE FOLLOWING VEGETATION AND SPECIFIC AREAS IN AN UNDISTURBED CONDITION.

7 (1) TREES AND OTHER VEGETATION IDENTIFIED ON THE LISTS OF RARE, THREATENED AND
8 ENDANGERED SPECIES OF THE U.S. FISH AND WILDLIFE SERVICE OR THE MARYLAND
9 DEPARTMENT OF NATURAL RESOURCES.

10 (2) TREES THAT ARE PART OF A HISTORIC SITE OR ASSOCIATED WITH A HISTORIC STRUCTURE.

11 (3) STATE CHAMPION TREES, TREES 75% OF THE DIAMETER OF STATE CHAMPION TREES, AND
12 TREES 30" IN DIAMETER OR LARGER.

13 (B) **ON-SITE FOREST RETENTION PRIORITIES:** THE FOLLOWING VEGETATION AND SPECIFIC AREAS
14 ARE CONSIDERED PRIORITY AND ARE LISTED IN ORDER OF PREFERENCE FOR ON-SITE RETENTION
15 AND PROTECTION IN THE COUNTY. SUBDIVISION, SITE DEVELOPMENT, AND GRADING SHALL LEAVE
16 THE FOLLOWING VEGETATION AND SPECIFIC AREAS IN AN UNDISTURBED CONDITION UNLESS
17 DEMONSTRATED, TO THE SATISFACTION OF THE DEPARTMENT, THAT REASONABLE EFFORTS HAVE
18 BEEN MADE TO PROTECT THEM AND THE PLAN CANNOT BE REASONABLY ALTERED OR THAT FOREST
19 PLANTING IN AN ALTERNATE LOCATION WOULD HAVE GREATER ENVIRONMENTAL BENEFIT:

20 (1) HOWARD COUNTY GREEN INFRASTRUCTURE NETWORK.

21 (2) 100-YEAR FLOODPLAIN AS DEFINED IN THE SUBDIVISION REGULATIONS.

22 (3) STREAM BUFFERS AS DEFINED IN THE SUBDIVISION REGULATIONS;

23 (4) FORESTED WETLANDS AND WETLAND BUFFERS AS DEFINED IN THE SUBDIVISION
24 REGULATIONS;

25 (5) CRITICAL HABITAT AREAS AND FOREST CORRIDORS WITH A MINIMUM WIDTH OF 300 FEET,
26 WHERE PRACTICAL, FOR WILDLIFE MOVEMENT;

27 (6) STEEP SLOPES AS DEFINED IN THE SUBDIVISION REGULATIONS AND SLOPES OF 15% OR
28 GREATER WITH A SOIL ERODIBILITY FACTOR GREATER THAN 0.35;

29 (7) FOREST CONTIGUOUS WITH THE PRIORITY AREAS LISTED ABOVE;

30 (8) FOREST CONTIGUOUS WITH OFF-SITE FOREST, IF THE OFF-SITE FOREST IS ALSO PROTECTED
31 BY A FOREST CONSERVATION EASEMENT; AND

32 (9) PROPERTY LINE AND RIGHT-OF-WAY BUFFERS, PARTICULARLY ADJACENT TO SCENIC
33 ROADS.

1 (C) **OFF-SITE RETENTION:**

2 (1) THE COUNTY OR A DEVELOPER MAY PROVIDE FOR OFF-SITE FOREST RETENTION AT A RATIO
3 OF 2 ACRES OF FOREST RETENTION FOR EVERY 1 ACRE OF FOREST CONSERVATION
4 OBLIGATION. THE OFF-SITE FOREST MUST NOT BE CURRENTLY PROTECTED IN PERPETUITY
5 BY EASEMENT OR OTHER LONG-TERM PROTECTION MEASURES.

6 (2) THE VEGETATION AND SPECIFIC AREA PRIORITIES FOR LOCATING OFF-SITE FOREST
7 RETENTION UNDER THIS SUBSECTION ARE THE SAME AS PROVIDED UNDER SUBSECTION (B)
8 OF THIS SECTION.
9

10 **SECTION 16.1206. REFORESTATION.**

11 (A) **REQUIREMENT TO REFOREST AREAS WHICH HAVE BEEN CUT OR CLEARED:** THE FOREST
12 CONSERVATION PLAN SHALL PROVIDE FOR:

13 (1) ON- OR OFF-SITE REFORESTATION TO REPLACE FOREST WHICH IS PROPOSED TO BE CUT OR
14 CLEARED ON THE NET TRACT AREA AFTER REASONABLE EFFORTS TO MINIMIZE SUCH
15 CUTTING OR CLEARING; OR

16 (2) PAYMENT-IN-LIEU OF REFORESTATION IF REFORESTATION CANNOT REASONABLY BE
17 ACCOMPLISHED.

18 (B) **MINIMUM SIZE:** AREAS TO BE REFORESTED SHALL BE AT LEAST 10,000 SQUARE FEET WITH A
19 MINIMUM WIDTH OF 50 FEET, UNLESS OTHERWISE APPROVED BY THE DEPARTMENT BASED ON
20 CRITERIA IN THE FOREST CONSERVATION MANUAL.

21 (C) **CALCULATING THE AMOUNT OF REFORESTATION REQUIRED:** THE AMOUNT OF
22 REFORESTATION REQUIRED DEPENDS UPON THE AMOUNT OF FOREST COVER EXISTING AND
23 REMOVED FROM THE NET TRACT AREA AND THE LAND USE BEING DEVELOPED. THE REFORESTATION
24 REQUIREMENT SHALL BE CALCULATED AS FOLLOWS:

25 (1) **REFORESTATION THRESHOLD:** THERE IS A REFORESTATION THRESHOLD FOR ALL LAND USE
26 CATEGORIES. THE REFORESTATION THRESHOLD ESTABLISHES THE PERCENTAGE OF THE NET
27 TRACT AREA AT WHICH THE REFORESTATION REQUIREMENT CHANGES. REFORESTATION
28 REQUIREMENTS FOR CLEARING FOREST BELOW THE THRESHOLD ARE GREATER THAN FOR
29 CLEARING ABOVE THE THRESHOLD. THRESHOLDS FOR CALCULATING REFORESTATION
30 REQUIREMENTS ARE AS FOLLOWS:
31
32

LAND USE	THRESHOLD
RESIDENTIAL: RURAL LOW DENSITY (RESIDENTIAL LOTS AVERAGE 5 ACRES OR MORE)	50%
RESIDENTIAL RURAL MEDIUM DENSITY (RESIDENTIAL LOTS AVERAGE 1 TO 4.99 ACRES)	25%
RESIDENTIAL SUBURBAN (LESS THAN 1 ACRE PER DWELLING UNIT)	20%
INSTITUTIONAL OR LINEAR	20%
RETAIL, INDUSTRIAL OR OFFICE	15%
MIXED USE DEVELOPMENT OR PLANNED UNIT DEVELOPMENT	15%

1
2 (2) *REFORESTATION CALCULATION*: FOR ALL EXISTING FOREST COVER CLEARED ON THE NET
3 TRACT AREA, MEASURED TO THE NEAREST 1/10 ACRE, THE REFORESTATION REQUIREMENT
4 SHALL BE CALCULATED AS FOLLOWS:

5 (i) FOR REFORESTATION SITES WITHIN THE SAME WATERSHED, 1/2 ACRE SHALL BE
6 REFORESTED, FOR EACH ACRE OR PORTION OF AN ACRE CLEARED ABOVE THE
7 THRESHOLD (1/2:1 RATIO). FOR REFORESTATION SITES OUTSIDE THE SAME WATERSHED,
8 1 ACRE SHALL BE REFORESTED, FOR EACH ACRE OR PORTION OF AN ACRE CLEARED
9 ABOVE THE THRESHOLD (1:1 RATIO).

10 (ii) FOR REFORESTATION SITES WITHIN THE SAME WATERSHED, 2 ACRES SHALL BE
11 REFORESTED FOR EACH ACRE OR PORTION OF AN ACRE CLEARED BELOW THE
12 THRESHOLD (2:1 RATIO). FOR REFORESTATION SITES OUTSIDE THE SAME WATERSHED, 3
13 ACRES SHALL BE REFORESTED FOR EACH ACRE OR PORTION OF AN ACRE CLEARED
14 BELOW THE THRESHOLD (3:1 RATIO).

15 (iii) ALL FOREST ACREAGE RETAINED ABOVE THE THRESHOLD SHALL BE DIRECTLY
16 CREDITED AGAINST ANY REFORESTATION OBLIGATION (1:1 RATIO).

17
18 **SECTION 16.1207. AFFORESTATION.**

19 (A) *REQUIREMENT TO AFFOREST*: IF EXISTING FOREST RESOURCES ARE BELOW THE FOLLOWING
20 MINIMUMS, THE FOREST CONSERVATION PLAN SHALL PROVIDE FOR:

21 (1) AFFORESTATION ON-SITE OR OFF-SITE; OR

1 (2) PAYMENT-IN-LIEU OF AFFORESTATION IF AFFORESTATION CANNOT REASONABLY BE
2 ACCOMPLISHED.

3 (B) **MINIMUM SIZE:** AREAS TO BE AFFORESTED SHALL BE AT LEAST 10,000 SQUARE FEET WITH A
4 MINIMUM WIDTH OF 50 FEET, UNLESS OTHERWISE APPROVED BY THE DEPARTMENT BASED ON
5 CRITERIA IN THE MANUAL.

6 (C) **CALCULATING THE AMOUNT OF AFFORESTATION REQUIRED:** THE AMOUNT OF
7 AFFORESTATION REQUIRED DEPENDS UPON THE AMOUNT OF FOREST COVER EXISTING AND
8 REMOVED FROM THE NET TRACT AREA AND THE LAND USE BEING DEVELOPED. THE AFFORESTATION
9 REQUIREMENT SHALL BE CALCULATED AS FOLLOWS:

10 (1) MINIMUM FOREST COVER: FOR EACH LAND USE, THE FOLLOWING MINIMUM PERCENTAGE OF
11 FOREST COVER SHALL BE PROVIDED:

LAND USE	THRESHOLD
RESIDENTIAL: RURAL LOW DENSITY (RESIDENTIAL LOTS AVERAGE 5 ACRES OR MORE)	20%
RESIDENTIAL RURAL MEDIUM DENSITY (RESIDENTIAL LOTS AVERAGE 1 TO 4.99 ACRES)	20%
RESIDENTIAL SUBURBAN (LESS THAN 1 ACRE PER DWELLING UNIT)	15%
INSTITUTIONAL OR LINEAR	15%
RETAIL, INDUSTRIAL OR OFFICE	15%
MIXED USE DEVELOPMENT OR PLANNED UNIT DEVELOPMENT	15%

12
13 (2) FOREST CUT OR CLEARED BELOW THE REQUIRED AFFORESTATION LEVEL SHALL BE
14 AFFORESTED AT 2:1 RATIO FOR AFFORESTATION SITES WITHIN THE SAME WATERSHED AND
15 AT 3:1 RATIO FOR AFFORESTATION SITES OUTSIDE THE SAME WATERSHED. THIS
16 AFFORESTATION SHALL BE ADDED TO THE AMOUNT OF AFFORESTATION NECESSARY TO
17 REACH THE MINIMUM REQUIRED AFFORESTED LEVEL, AS DETERMINED BY THE AMOUNT OF
18 FOREST EXISTING BEFORE CUTTING OR CLEARING BEGAN.
19

1 **SECTION 16.1208. REFORESTATION AND AFFORESTATION LOCATION PRIORITIES, PREFERRED**
2 **LOCATION, AND PREFERRED METHODS.**

3 (A) **LOCATION PRIORITIES:** THE FOLLOWING ARE PRIORITY LOCATIONS FOR REFORESTATION AND
4 AFFORESTATION, AND ARE LISTED IN ORDER OF PREFERENCE. THE DEPARTMENT MAY APPROVE
5 LOWER PRIORITY LOCATIONS ON THIS LIST WHEN SUCH LOCATIONS BETTER ACHIEVE THE INTENT OF
6 THIS SUBTITLE OR COUNTY LAND USE REGULATIONS. IF OFF-SITE PLANTING WOULD HAVE GREATER
7 ENVIRONMENTAL BENEFIT, THE DEPARTMENT MAY APPROVE OFF-SITE REFORESTATION OR
8 AFFORESTATION IN HIGH-PRIORITY LOCATIONS WITHIN HOWARD COUNTY, PREFERABLY WITHIN
9 THE SAME SUBBASIN OR WATERSHED:

- 10 (1) ESTABLISH OR ENHANCE FOREST IN THE HOWARD COUNTY GREEN INFRASTRUCTURE
11 NETWORK.
- 12 (2) ESTABLISH OR ENHANCE FOREST IN 100-YEAR FLOODPLAINS AND BUFFERS TO
13 INTERMITTENT AND PERENNIAL STREAMS AS DEFINED IN THE SUBDIVISION REGULATIONS;
- 14 (3) ESTABLISH OR ENHANCE FOREST IN WETLANDS AND WETLAND BUFFERS AS DEFINED IN THE
15 SUBDIVISION REGULATIONS;
- 16 (4) ESTABLISH OR ENHANCE CRITICAL HABITAT BUFFERS AND FOREST CORRIDORS FOR
17 WILDLIFE MOVEMENT, THE CORRIDORS, WHERE PRACTICAL, BEING A MINIMUM OF 300 FEET
18 IN WIDTH;
- 19 (5) ESTABLISH PLANTINGS TO STABILIZE SLOPES OF 25% OR GREATER AND SLOPES OF 15% OR
20 GREATER WITH A SOIL K VALUE GREATER THAN 0.35;
- 21 (6) ESTABLISH FOREST AREAS ADJACENT TO EXISTING FORESTS TO INCREASE THE OVERALL
22 AREA OF CONTIGUOUS FOREST COVER;
- 23 (7) ESTABLISH FOREST AREAS BETWEEN SMALL FOREST AND TREE STANDS TO BUILD A FOREST
24 COMMUNITY; AND
- 25 (8) ESTABLISH BUFFERS ALONG PROPERTY LINES BETWEEN DIFFERING LAND USES WHEN
26 APPROPRIATE, OR ADJACENT TO HIGHWAYS OR UTILITY RIGHTS-OF-WAY, PARTICULARLY
27 ADJACENT TO SCENIC ROADS.

28 (B) **PREFERRED LOCATION:** THE FOLLOWING IS THE PREFERRED SEQUENCE FOR LOCATION OF
29 REFORESTATION AND AFFORESTATION. THE DEPARTMENT MAY APPROVE LESS PREFERRED
30 LOCATIONS WHEN SUCH LOCATIONS BETTER ACHIEVE THE LOCATION PRIORITIES FOR
31 REFORESTATION AND AFFORESTATION, TAKE BETTER ADVANTAGE OF OPPORTUNITIES TO
32 CONSOLIDATE FOREST CONSERVATION EFFORTS, OR BETTER ACHIEVE THE OBJECTIVES OF OTHER
33 COUNTY LAND USE REGULATIONS.

- 1 (1) ON SITE.
- 2 (2) MITIGATION BANK.
- 3 (3) OFF SITE.

4 (C) **PREFERRED METHODS:** THE FOLLOWING SEQUENCE OF REFORESTATION AND AFFORESTATION
5 METHODS IS PREFERRED. THE DEPARTMENT MAY APPROVE LESS PREFERRED METHODS WHEN SUCH
6 METHODS WILL BETTER ACHIEVE FOREST SURVIVAL.

- 7 (1) PLANTING WITH NURSERY STOCK.
- 8 (2) TRANSPLANTING LOCAL PLANT MATERIAL.
- 9 (3) NATURAL REGENERATION.
- 10 (4) SELECTIVE CLEARING AND SUPPLEMENTAL PLANTING.

11

12 **16.1209. SITE DESIGN REQUIREMENTS.**

13 (A) SITE DESIGN SHOULD ADDRESS THE FOREST CONSERVATION PROGRAM GOALS OF MAXIMIZING
14 FOREST RETENTION AND MEETING FOREST CONSERVATION OBLIGATIONS ON-SITE.

15 (B) BEFORE MITIGATION BANKS, OFF-SITE COMPLIANCE, OR FEE-IN-LIEU REQUESTS WILL BE
16 CONSIDERED, FOREST CONSERVATION OBLIGATIONS SHALL BE MET ON-SITE, IN ACCORDANCE WITH
17 THE FOLLOWING SITE DESIGN REQUIREMENTS:

- 18 (1) NONRESIDENTIAL DEVELOPMENTS SHALL ACCOMMODATE FOREST CONSERVATION
19 OBLIGATIONS ON-SITE BY ESTABLISHING FOREST CONSERVATION EASEMENTS WITH
20 RETAINED OR PLANTED FOREST IN ALL SENSITIVE AREAS, INCLUDING FLOODPLAINS,
21 WETLANDS, WETLAND BUFFERS, STEEP SLOPES AND STREAM BUFFERS. TO ENSURE
22 PROTECTION OF RIPARIAN AREAS, THE FOREST CONSERVATION EASEMENTS SHALL BE A
23 MINIMUM 75-FOOT WIDTH FROM THE BANKS OF ANY PERENNIAL AND INTERMITTENT
24 STREAM. THE AREA BETWEEN THE REQUIRED STREAM BUFFER AND THE FOREST
25 CONSERVATION EASEMENT MAY BE DISTURBED DURING CONSTRUCTION.
- 26 (2) RESIDENTIAL DEVELOPMENTS WITH MORE THAN ONE ACRE OF OBLIGATION SHALL MEET A
27 MINIMUM OF 75% OF THEIR OBLIGATION ON-SITE BY REDUCING LOT SIZES, CLUSTERING
28 LOTS AND MAXIMIZING OPEN SPACE TO THE MAXIMUM EXTENT PERMITTED BY THE
29 SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. INFILL SUBDIVISIONS OF TEN LOTS
30 OR LESS ARE EXEMPT FROM THIS REQUIREMENT.
- 31 (3) RESIDENTIAL DEVELOPMENTS IN THE RC OR RR ZONING DISTRICTS SHALL ACCOMMODATE
32 ALL FOREST CONSERVATION OBLIGATIONS WITHIN THE BOUNDARIES OF A RECEIVING
33 PROPERTY BEFORE IMPORTING DEVELOPMENT DENSITY.

1 (4) TO ENSURE ADEQUATE SETBACKS FROM FOREST CONSERVATION EASEMENTS ON
2 RESIDENTIAL LOTS, A 35-FOOT SETBACK SHALL BE PROVIDED FROM REAR AND SIDE LOT
3 LINES FOR A DETACHED OR ATTACHED DWELLING UNIT AND ANY ON-SITE OR OFF-SITE
4 PLANTED FOREST CONSERVATION EASEMENT. THE SETBACK MAY BE ELIMINATED IF
5 LARGER STOCK (TWO ROWS OF ONE-INCH MINIMUM CALIPER) IS PLANTED ALONG THE EDGE
6 OF THE FOREST CONSERVATION EASEMENT.
7

8 **SECTION 16.1210. FINANCIAL SECURITY FOR REFORESTATION AND AFFORESTATION.**

9 (A) **FINANCIAL SECURITY REQUIRED:** A PERSON REQUIRED TO PROVIDE AFFORESTATION OR
10 REFORESTATION UNDER THIS SUBTITLE SHALL FURNISH FINANCIAL SECURITY IN THE FORM OF A
11 BOND, AN IRREVOCABLE LETTER OF CREDIT, OR OTHER SECURITY APPROVED BY THE COUNTY. THIS
12 SHALL BE PROVIDED PRIOR TO PLAT RECORDATION IF THE AFFORESTATION OR REFORESTATION IS
13 REQUIRED FOR APPROVAL OF A SUBDIVISION; PRIOR TO SITE DEVELOPMENT PLAN APPROVAL IF THE
14 AFFORESTATION OR REFORESTATION IS REQUIRED FOR SITE DEVELOPMENT PLAN APPROVAL; AND
15 PRIOR TO GRADING PERMIT ISSUANCE IF THE AFFORESTATION OR REFORESTATION IS REQUIRED FOR
16 ISSUANCE OF A GRADING PERMIT. THE SECURITY SHALL:

- 17 (1) ASSURE THAT THE AFFORESTATION, REFORESTATION, AND THE ASSOCIATED FOREST
18 CONSERVATION AGREEMENT ARE IMPLEMENTED IN ACCORDANCE WITH THE APPROVED
19 FOREST CONSERVATION PLAN;
20 (2) BE IN AN AMOUNT EQUAL TO THE ESTIMATED COST, AS APPROVED BY THE COUNTY, OF
21 REFORESTATION AND AFFORESTATION; AND
22 (3) BE IN A FORM AND OF A CONTENT APPROVED BY THE COUNTY.

23 (B) **RELEASE OF FINANCIAL SECURITY:** IF, AFTER 3 GROWING SEASONS FOLLOWING THE
24 AFFORESTATION OR REFORESTATION OR AS PROVIDED IN THE FOREST CONSERVATION AGREEMENT,
25 THE PLANTINGS ASSOCIATED WITH THE AFFORESTATION OR REFORESTATION MEET OR EXCEED THE
26 STANDARDS OF THE MANUAL, THE AMOUNT OF THE BOND, LETTER OF CREDIT, OR OTHER SECURITY
27 SHALL BE RETURNED OR RELEASED.

28 (C) **DEFAULT AND LIEN:** IF, AFTER 3 GROWING SEASONS OR AS PROVIDED IN THE FOREST
29 CONSERVATION AGREEMENT, THE PLANTINGS DO NOT MEET THE AFORESAID STANDARDS, THE
30 COUNTY SHALL HAVE THE RIGHT TO DRAW ON THE SECURITY ACCORDING TO ITS TERMS AND USE
31 THE SUMS WITHDRAWN FOR THE COSTS INCURRED BY THE COUNTY IN ACHIEVING THE
32 AFFORESTATION OR REFORESTATION STANDARDS REQUIRED BY THE PLAN AND MANUAL. ANY
33 COSTS INCURRED BY THE COUNTY IN EXCESS OF THE SECURITY AMOUNT SHALL BE CHARGED

1 AGAINST THE DEVELOPER AND, UNLESS THEY ARE PAID OR APPEALED TO THE BOARD OF APPEALS
2 WITHIN 30 DAYS AFTER BILLING BY THE COUNTY, SHALL BECOME A FINAL LIEN AGAINST THE
3 PROPERTY BEING DEVELOPED AND SHALL IN EVERY RESPECT BE TREATED AS COUNTY REAL ESTATE
4 TAXES.

5
6 **SECTION 16.1211. FEE-IN-LIEU OF AFFORESTATION OR REFORESTATION.**

7 **(A) FEE-IN-LIEU AUTHORIZED:**

8 (1) THE DEPARTMENT MAY APPROVE THE PAYMENT OF A FEE-IN-LIEU OF AFFORESTATION OR
9 REFORESTATION:

10 (I) WHEN AFFORESTATION OR REFORESTATION REQUIREMENTS CANNOT BE REASONABLY
11 ACCOMPLISHED ON-SITE OR OFF-SITE BASED ON CRITERIA IN THE MANUAL, AND
12 APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK ARE NOT
13 AVAILABLE; OR

14 (II) WHEN A LANDOWNER REQUESTS A MODIFICATION OF A RECORDED FOREST
15 CONSERVATION EASEMENT AND NOTICE OF THE MODIFICATION HAS BEEN PROVIDED IN
16 ACCORDANCE WITH THE SECTION 10-312 OF THE LOCAL GOVERNMENT ARTICLE OF
17 THE ANNOTATED CODE OF MARYLAND.

18 (2) THE FEE-IN-LIEU SHALL BE CALCULATED ON A SQUARE-FOOT BASIS AT A RATE
19 ESTABLISHED IN THE FEE SCHEDULE ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL,
20 BUT IN NO EVENT SHALL IT BE LESS THAN THE MINIMUM SET BY STATE LAW. THE FEE-IN-
21 LIEU SHALL BE 20% HIGHER OUTSIDE THE PRIORITY FUNDING AREA.

22 (3) A DEVELOPER OF A RESIDENTIAL SUBDIVISION MAY REQUEST A FEE-IN-LIEU FOR NO MORE
23 THAN ONE ACRE OF FOREST CONSERVATION OBLIGATION.

24 **(B) TIMING - PAYMENT OF FEE-IN-LIEU: FEE-IN-LIEU PAYMENTS SHALL BE PAID TO THE**
25 **COUNTY:**

26 (1) FOR A PROJECT NOT SUBJECT TO A RECORDED FOREST CONSERVATION EASEMENT, PRIOR TO
27 PLAT RECORDATION OF A SUBDIVISION, PRIOR TO APPROVAL OF A SITE DEVELOPMENT PLAN
28 OR, IF NONE, PRIOR TO ISSUANCE OF A GRADING PERMIT; OR

29 (2) WHEN A LANDOWNER REQUESTS A MODIFICATION OF A RECORDED FOREST CONSERVATION
30 EASEMENT, PRIOR TO THE RECORDATION OF THE REVISED SUBDIVISION PLAT OR PLAT OF
31 FOREST CONSERVATION EASEMENT AND PRIOR TO NOTICE OF THE MODIFICATION PROVIDED
32 IN ACCORDANCE WITH SECTION 10-312 OF THE LOCAL GOVERNMENT ARTICLE OF THE
33 ANNOTATED CODE OF MARYLAND.

1
2 **SECTION 16.1212. FOREST CONSERVATION FUND.**

3 (A) *FUND ESTABLISHED:* THE DIRECTOR OF FINANCE SHALL ESTABLISH AN ACCOUNT TO BE KNOWN
4 AS THE FOREST CONSERVATION FUND. NO MONIES DEPOSITED IN THIS ACCOUNT MAY REVERT TO
5 THE GENERAL FUND.

6 (B) *SOURCE OF MONEYS IN FOREST CONSERVATION FUND:* FEES PAID IN-LIEU OF REFORESTATION
7 OR AFFORESTATION UNDER SECTION 16.1211 OF THIS SUBTITLE AND NONCOMPLIANCE FEES PAID
8 PURSUANT TO SUBSECTION (C) OF THIS SECTION SHALL BE DEPOSITED IN THE FOREST
9 CONSERVATION FUND. INTEREST EARNED BY MONEY IN THE FOREST CONSERVATION FUND SHALL
10 REMAIN IN THE FUND.

11 (C) *NONCOMPLIANCE PENALTIES:* THE NONCOMPLIANCE PENALTY IS A FINE PER SQUARE FOOT OF
12 FOREST CUT, CLEARED OR GRADED WHICH MAY BE ASSESSED AGAINST VIOLATORS OF THIS
13 SUBTITLE AS SPECIFIED IN SECTION 16.1213 OF THIS SUBTITLE. THE AMOUNT OF THE
14 NONCOMPLIANCE PENALTY IS SET BY RESOLUTION OF THE COUNTY COUNCIL, AND IN NO EVENT
15 SHALL IT BE LESS THAN THE MINIMUM SET BY STATE LAW.

16 (D) *USE OF FOREST CONSERVATION FUND:*

17 (1) THE MINIMUM IN-LIEU-OF FEES ESTABLISHED BY THE STATE MAY BE EXPENDED BY THE
18 COUNTY:

- 19 (i) FOR AFFORESTATION OR REFORESTATION WITHIN HOWARD COUNTY, INCLUDING SITE
20 IDENTIFICATION, ACQUISITION, AND PREPARATION;
21 (ii) FOR ACQUISITION OF FOREST RETENTION EASEMENTS;
22 (iii) FOR MAINTENANCE OF EXISTING FORESTS; AND
23 (iv) FOR CREATING URBAN CANOPY.

24 (2) IN-LIEU-OF FEES ABOVE THE STATE MINIMUMS AND NONCOMPLIANCE PENALTIES MAY BE
25 USED BY THE COUNTY FOR ANY PURPOSES RELATED TO IMPLEMENTATION OF THE FOREST
26 CONSERVATION PROGRAM.

27
28 **SECTION 16.1213. ENFORCEMENT; PENALTIES.**

29 THE PROVISIONS OF THIS SUBTITLE MAY BE ENFORCED WITH ANY OR ALL OF THE FOLLOWING
30 MEASURES:

31 (A) *REVOCATION OF EXEMPTION:* THE DEPARTMENT MAY REVOKE AN EXEMPTION FOR PROPERTIES
32 THAT ARE IN VIOLATION OF THE CONDITIONS OF EXEMPTION SET FORTH IN SECTION 16.1202(B) OF
33 THIS SUBTITLE AND MAY REQUIRE COMPLIANCE WITH THE RETENTION, REFORESTATION AND

1 AFFORESTATION REQUIREMENTS OF THIS SUBTITLE. PRIOR TO REVOCATION, THE DEPARTMENT
2 SHALL NOTIFY THE VIOLATOR IN WRITING AND PROVIDE AN OPPORTUNITY FOR A RESPONSE.

3 (B) *REVOCATION OF APPROVED FOREST CONSERVATION PLAN:* THE DEPARTMENT MAY REVOKE AN
4 APPROVED FOREST CONSERVATION PLAN FOR CAUSE, INCLUDING ANY OF THE FOLLOWING
5 CONDITIONS:

6 (1) NONCOMPLIANCE WITH THIS SUBTITLE OR WITH CONDITIONS OF AN APPROVED FOREST
7 CONSERVATION PLAN; OR

8 (2) OBTAINING APPROVAL OF THE PLAN THROUGH FRAUD, MISREPRESENTATION, A FALSE OR
9 MISLEADING STATEMENT, OR OMISSION OF A RELEVANT OR MATERIAL FACT.

10
11 PRIOR TO REVOCATION, THE DEPARTMENT SHALL NOTIFY THE VIOLATOR IN WRITING AND
12 PROVIDE AN OPPORTUNITY FOR A RESPONSE.

13 (C) *STOP-WORK ORDER:* THE COUNTY MAY ISSUE A STOP-WORK ORDER AGAINST ANY VIOLATOR
14 OF THIS SUBTITLE, THE MANUAL, AN ORDER, AN APPROVED FOREST CONSERVATION PLAN, THE
15 ASSOCIATED FOREST CONSERVATION AGREEMENT AND LONG-TERM DEED OF FOREST
16 CONSERVATION EASEMENT, OR A DECLARATION OF INTENT.

17 (D) *INJUNCTION:* THE COUNTY MAY SEEK AN INJUNCTION REQUIRING A VIOLATOR TO CEASE THE
18 VIOLATION AND TAKE CORRECTIVE ACTION TO RESTORE OR REFOREST AN AREA.

19 (E) *NONCOMPLIANCE PENALTIES:* THE COUNTY MAY ASSESS A NONCOMPLIANCE PENALTY AS
20 DEFINED IN SECTION 16.1212 OF THIS SUBTITLE, AGAINST A VIOLATOR OF THIS SUBTITLE, THE
21 MANUAL, AN ORDER, AN APPROVED FOREST CONSERVATION PLAN, AN ASSOCIATED FOREST
22 CONSERVATION AGREEMENT, A LONG-TERM DEED OF FOREST CONSERVATION EASEMENT OR A
23 DECLARATION OF INTENT.

24 (F) *CIVIL PENALTIES:* IN ADDITION TO AND CONCURRENT WITH ALL OTHER REMEDIES, THE
25 DEPARTMENT OF PLANNING AND ZONING MAY ENFORCE THE PROVISIONS OF THIS SUBTITLE OR AN
26 APPROVED FOREST CONSERVATION PLAN WITH CIVIL PENALTIES PURSUANT TO THE PROVISIONS OF
27 TITLE 24, "CIVIL PENALTIES," OF THE HOWARD COUNTY CODE. A VIOLATION SHALL BE A CLASS A
28 OFFENSE. EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION.

29
30 **SECTION 16.1214. MITIGATION BY COUNTY.**

31 IN THE EVENT THAT ANY PERSON DEVELOPS LAND IN VIOLATION OF THIS SUBTITLE WITHOUT AN
32 APPROVED FOREST CONSERVATION PLAN AND ANY OTHER REQUIRED DEVELOPMENT APPROVALS
33 AND PERMITS, THE COUNTY SHALL, AFTER FIRST GIVING THE DEVELOPER THE OPPORTUNITY TO

1 COMPLY, HAVE THE RIGHT TO ENTER UPON THE PROPERTY BEING DEVELOPED AND AFFOREST OR
2 REFOREST THE PROPERTY IN ACCORDANCE WITH THE THRESHOLDS AND STANDARDS OF THIS
3 SUBTITLE AND THE MANUAL. THE COUNTY MAY INSTEAD UNDERTAKE OFF-SITE AFFORESTATION
4 OR REFORESTATION IF THIS WOULD BETTER SERVE THE PURPOSES OF THIS SUBTITLE. IN EITHER
5 CASE, THE COUNTY SHALL CHARGE ALL AFFORESTATION AND REFORESTATION COSTS INCURRED BY
6 IT AGAINST THE DEVELOPER, INCLUDING BUT NOT LIMITED TO CONSULTANT FEES AND OVERHEAD
7 AND ADMINISTRATIVE COSTS. UNLESS THE CHARGES ARE PAID OR APPEALED TO THE BOARD OF
8 APPEALS WITHIN 30 DAYS AFTER BILLING BY THE COUNTY, THEY SHALL BECOME A FINAL LIEN ON
9 THE PROPERTY BEING DEVELOPED AND SHALL IN EVERY RESPECT BE TREATED AS COUNTY REAL
10 ESTATE TAXES. THE COUNTY'S RIGHT TO MITIGATE AND RECOVER ITS COSTS SHALL BE IN ADDITION
11 TO THE FINES AND OTHER SANCTIONS IT MAY IMPOSE UNDER SECTION 16.1213 OF THIS SUBTITLE.
12

13 **SECTION 16.1215. APPEALS.**

14 ANY PERSON SPECIALLY AGGRIEVED BY AN ADMINISTRATIVE DECISION OF THE DIRECTOR OF
15 PLANNING AND ZONING IN RELATION TO THIS SUBTITLE MAY, WITHIN 30 DAYS OF THE DECISION,
16 APPEAL THE DECISION TO THE HOWARD COUNTY BOARD OF APPEALS ACCORDING TO ITS RULES OF
17 PROCEDURE.
18

19 **SECTION 16.1216. VARIANCES.**

20 (A) THE DEPARTMENT MAY GRANT WAIVERS TO THE REQUIREMENTS OF THIS SUBTITLE IN
21 ACCORDANCE WITH THE PROCEDURES OF SUBSECTION 16.104(B) AND SUBSECTION 16.104(C) OF
22 THE SUBDIVISION REGULATIONS.

23 (B) FOR PURPOSES OF THIS SECTION "UNWARRANTED HARDSHIP" SHALL MEAN THAT, WITHOUT A
24 VARIANCE, AN APPLICANT SHALL BE DENIED REASONABLE AND SIGNIFICANT USE OF THE ENTIRE
25 PARCEL OR LOT FOR WHICH THE VARIANCE IS REQUESTED.

26 (C) A VARIANCE TO THE PROVISIONS OF THIS SUBTITLE SHALL BE CONSIDERED AND APPROVED OR
27 DENIED IN WRITING BY:

28 (1) THE PLANNING BOARD, FOR PLANS THAT REQUIRE PLANNING BOARD APPROVAL

29 (2) FOR PLANS THAT DO NOT REQUIRE PLANNING BOARD APPROVAL, THE DIRECTORS OF THE
30 DEPARTMENT OF PLANNING AND ZONING, THE ADMINISTRATOR OF THE OFFICE OF
31 COMMUNITY SUSTAINABILITY, AND THE DIRECTOR OF THE DEPARTMENT OF RECREATION
32 AND PARKS.

1 (D) CONSIDERATION OF A VARIANCE REQUESTED UNDER THIS SECTION SHALL INCLUDE A
2 DETERMINATION AS TO WHETHER AN APPLICANT HAS DEMONSTRATED TO THE SATISFACTION OF
3 EACH DEPARTMENT OR THE PLANNING BOARD THAT ENFORCEMENT OF THIS SUBTITLE WOULD
4 RESULT IN UNWARRANTED HARDSHIP. INCREASED COST OR INCONVENIENCE OF MEETING THE
5 REQUIREMENTS OF THESE REGULATIONS DOES NOT CONSTITUTE AN UNWARRANTED HARDSHIP
6 TO THE APPLICANT. THE APPLICANT SHALL:

7 (1) DESCRIBE THE SPECIAL CONDITIONS PECULIAR TO THE PROPERTY WHICH WOULD CAUSE
8 THE UNWARRANTED HARDSHIP;

9 (2) DESCRIBE HOW ENFORCEMENT OF THESE REGULATIONS WOULD DEPRIVE THE LANDOWNER
10 OF RIGHTS COMMONLY ENJOYED BY OTHERS IN SIMILAR AREAS;

11 (3) VERIFY THAT THE GRANTING OF A VARIANCE WILL NOT ADVERSELY AFFECT WATER
12 QUALITY;

13 (4) VERIFY THAT THE GRANTING OF A VARIANCE WILL NOT CONFER ON THE APPLICANT A
14 SPECIAL PRIVILEGE THAT WOULD BE DENIED TO OTHER APPLICANTS;

15 (5) VERIFY THAT THE VARIANCE REQUEST IS NOT BASED ON CONDITIONS OR CIRCUMSTANCES
16 WHICH ARE THE RESULT OF ACTIONS BY THE APPLICANT;

17 (6) VERIFY THAT THE CONDITION DID NOT ARISE FROM A CONDITION RELATING TO LAND OR
18 BUILDING USE, EITHER PERMITTED OR NONCONFORMING, ON A NEIGHBORING PROPERTY;
19 AND

20 (7) PROVIDE ANY OTHER INFORMATION APPROPRIATE TO SUPPORT THE REQUEST.

21 (E) ANY NATIVE SPECIMEN TREE REMOVED SHALL BE REPLACED ON-SITE BY AT LEAST TWO NATIVE
22 TREES WITH A DBH OF AT LEAST THREE INCHES.

23 (F) NOTICE OF A REQUEST FOR A COMPLETE VARIANCE OF THE FOREST CONSERVATION PROGRAM
24 SHALL BE GIVEN BY THE DEPARTMENT OF PLANNING AND ZONING TO THE MARYLAND
25 DEPARTMENT OF NATURAL RESOURCES WITHIN 15 DAYS OF RECEIPT OF A REQUEST FOR A
26 VARIANCE. NOTICE OF A REQUEST FOR A VARIANCE TO INDIVIDUAL PROGRAM REQUIREMENTS,
27 TEMPORARY DEFERRAL, PHASING OF OBLIGATIONS, OR SEEKING ALTERNATIVE COMPLIANCE WITH
28 THE FOREST CONSERVATION PROGRAM REQUIREMENTS SHALL BE GIVEN BY THE DEPARTMENT OF
29 PLANNING AND ZONING TO THE MARYLAND DEPARTMENT OF NATURAL RESOURCES AFTER A
30 DECISION ON THE VARIANCE REQUEST IS RENDERED BY THE DEPARTMENT.

31

1 **SECTION 16.1217. ABANDONMENT OF A FOREST CONSERVATION EASEMENT.**

2 (A) **AUTHORIZED.** WHERE AN ERROR OR ENCROACHMENT IS DISCOVERED AFTER THE
3 ESTABLISHMENT OF A FOREST CONSERVATION EASEMENT AND THE AREA WITHIN THE
4 ENCROACHMENT OR ERROR NO LONGER COMPLIES WITH THE FOREST CONSERVATION ACT, THE
5 DEPARTMENT OF PLANNING AND ZONING MAY, ALLOW FOR THE ABANDONMENT OF NO MORE THAN
6 0.5 ACRES IF EQUIVALENT REPLACEMENT IS PROVIDED EITHER:

- 7 1. OFF SITE ADJACENT TO AN EXISTING FOREST CONSERVATION EASEMENT;
- 8 2. WITHIN A FOREST CONSERVATION BANK; OR
- 9 3. THROUGH PAYMENT OF A FEE IN-LIEU.

10 (B) **NOTIFICATION.** NOTIFICATION WILL BE PROVIDED ACCORDING TO SECTION 10-312 OF THE
11 LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

12
13 **SECTION 16.1218. FOREST MITIGATION BANKING.**

14 (A) **OPPORTUNITY TO CREATE A FOREST MITIGATION BANK:** THE HOWARD COUNTY
15 DEPARTMENT OF RECREATION AND PARKS OR A PRIVATE PROPERTY OWNER WITH THE
16 DEPARTMENT'S APPROVAL, MAY ESTABLISH A FOREST MITIGATION BANK. MITIGATION BANK
17 EASEMENT RIGHTS MAY BE PURCHASED BY A DEVELOPER WHEN THE DEPARTMENT DETERMINES
18 THAT ALL OR A PORTION OF A PROJECT'S RETENTION, REFORESTATION OR AFFORESTATION
19 OBLIGATIONS CAN BE MET OFF-SITE AND THAT THE MITIGATION BANK HAS MET ALL
20 REQUIREMENTS.

21 (B) **MINIMUM SIZE:** MITIGATION BANKS SHALL BE AT LEAST ONE ACRE IN AREA UNLESS
22 OTHERWISE APPROVED BY THE DEPARTMENT.

23 (C) **LOCATION PRIORITIES:** FOREST RETENTION MITIGATION BANKS SHALL BE LOCATED IN
24 ACCORDANCE WITH THE HIGHEST EIGHT RETENTION PRIORITIES SPECIFIED IN SECTION 16.1205 OF
25 THIS SUBTITLE. PLANTED FOREST MITIGATION BANKS SHALL BE LOCATED IN ACCORDANCE WITH
26 THE HIGHEST SIX REFORESTATION AND AFFORESTATION PRIORITIES SPECIFIED IN SECTION 16.1208
27 OF THIS SUBTITLE.

28 (D) **PREFERRED METHODS:** PLANTED FOREST MITIGATION BANKS SHALL BE PLANTED USING
29 NURSERY STOCK, WHIPS, OR SEEDLINGS, BUT NOT NATURAL REGENERATION.

30 (E) **APPROVAL PROCEDURE:** PRIVATE FOREST MITIGATION BANK APPLICANTS SHALL SUBMIT FOR
31 THE DEPARTMENT'S APPROVAL THE PROPOSED LOCATION AND A FOREST CONSERVATION PLAN.
32 UPON COMPLETION OF THE INSTALLATION OF ALL PROTECTION DEVICES AND ALL FOREST
33 PLANTING, AS REQUIRED, THE COUNTY SHALL CERTIFY COMPLIANCE WITH THE APPROVED FOREST

1 CONSERVATION PLAN. AT THE END OF THE MINIMUM THREE GROWING SEASONS, OR LONGER IF
2 REQUIRED, THE COUNTY SHALL CERTIFY THAT THE SURVIVAL RATES SPECIFIED IN THE MANUAL
3 HAVE BEEN ACHIEVED.

4 (F) **FOREST CONSERVATION AGREEMENT AND FINANCIAL SECURITY:** PLANTED FOREST
5 MITIGATION BANKS SHALL EXECUTE A FOREST CONSERVATION AGREEMENT AND POST A
6 FINANCIAL SECURITY

7 (G) **DEED OF FOREST CONSERVATION EASEMENT:** THE APPLICANT SHALL RECORD A FOREST
8 CONSERVATION EASEMENT PLAN AND A DEED OF FOREST CONSERVATION EASEMENT IN
9 ACCORDANCE WITH PROCEDURES OUTLINED IN THE MANUAL.

10
11 **SECTION 16.1219. SEVERABILITY.**

12 IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE OR PORTION OF THIS SUBTITLE IS HELD
13 INVALID BY ANY COURT OF COMPETENT JURISDICTION, THAT PORTION SHALL BE DEEMED A
14 SEPARATE, DISTINCT AND INDEPENDENT PROVISION; AND THE INVALIDITY SHALL NOT AFFECT THE
15 VALIDITY OF THE REMAINING PORTIONS OF THE SUBTITLE AND FOR THIS PURPOSE, THE PROVISIONS
16 OF THIS ACT ARE DECLARED SEVERABLE.

17
18 **Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland**
19 *that, for sketch plans or preliminary equivalent sketch plans that are technically complete on or*
20 *before December 2, 2019, plans or permits listed in Section 16.1202(a)(1) - (4) shall continue to*
21 *be processed and reviewed under the Forest Conservation Act of Howard County existing prior*
22 *to amendments approved and enacted by this Act. If there are any inconsistency between the Act*
23 *and the Manual, the provisions of the Act will apply. If the plan fails to be finally approved, then*
24 *the plan shall be resubmitted under the provisions of this Act.*

25
26 **Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that**
27 *this Act shall become effective 61 days after its enactment.*

Amendment 1 to Amendment No. 1 to Council Bill No. 62-2019

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 14
Date: December 2, 2019**

Amendment No. 1

(This amendment corrects a cite.)

1 On page 1, in line 4, strike "08.09.03.01" and substitute "08.19.03.01".

2

3

Amendment 1 to Council Bill No. 62-2019

BY: The Chairperson at the request
of the County Executive

Legislative Day 14
Date: December 2, 2019

Amendment No. 1

(This amendment:

1. *Changes the definition of forest to distinguish between an existing forest and a replanted forest;*
2. *Strengthens language related to site design requirements;*
3. *Removes a reference to alternative compliance;*
4. *Corrects a cross reference; and*
5. *Writes out a term to avoid using an acronym.)*

1 On page 2, strike line 25 and substitute "35 FEET WIDE FOR AN EXISTING FOREST AND AT LEAST 50
2 FEET WIDE FOR A REPLANTED FOREST. "FOREST" INCLUDES:"."

3

4 On page 5, in line 26, strike "08.19.03" and substitute "08.09.03.01".

5

6 On page 17, in line 18, strike "ACCOMMODATE FOREST CONSERVATION".

7

8 On page 17, in line 19, strike "OBLIGATIONS ON-SITE BY ESTABLISHING" and substitute
9 "ESTABLISH".

10

11 On page 17, line 20, after "ALL" insert "ON-SITE".

12

13 On page 17, in line 24, strike "BETWEEN" and substitute "OUTSIDE".

14

15 On page 17, in line 24, strike "BUFFER" and substitute "BUFFER, AS DEFINED BY SUBDIVISION
16 REGULATIONS,".

17

18 On page 17, in line 25, after "CONSTRUCTION" insert "THEN REFORESTED".

19

1 On page 17, in line 31, after “DISTRICTS” insert “THAT PROPOSE TO IMPORT DEVELOPMENT
2 DENSITY,”.

3

4 On page 23, in line 22, after “DBH” insert “(DIAMETER AT BREAST HEIGHT)”.

5

6 On page 23, in line 27, strike “DEFERRAL, PHASING OF OBLIGATIONS, OR SEEKING ALTERNATIVE
7 COMPLIANCE” and substitute “DEFERRAL OR PHASING OF OBLIGATIONS”.

Amendment 2 to Council Bill No. 62 - 2019

BY: David Yungmann

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 2

(This amendment proposes to reduce the size of a forest from 50 feet to 35 feet.)

On page 2, in line 25, strike "50" and substitute "35".

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(c) FORESTED STEEP SLOPES AND THEIR BUFFERS THAT ARE CONTIGUOUS WITH
THE AREAS MENTIONED IN (A) AND (B) ABOVE, 1.5 ACRES FOR EACH ACRE
OR PORTION OF AN ACRE CLEARED (1.5:1).”

Amendment 3 to Council Bill No. 62 - 2019

BY: Christiana Mercer Rigby
Deb Jung

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 3

(This amendment proposes to replace other qualified professionals with a certified arborist.)

On page 10, in lines 6 and 7, strike the remainder of the sentence after "FORESTER," and substitute "LICENSED LANDSCAPE ARCHITECT, OR CERTIFIED ARBORIST.".

Amendment 4 to Council Bill No. 62 - 2019

BY: Deb Jung
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 4

(This amendment proposes to change the threshold percentages in for most land uses.)

On page 14, in the second row of the chart, strike "25%" and substitute "30%".

On page 14, in the third row of the chart, strike "20%" and substitute "25%".

On page 14, in the fourth row of the chart, strike "20%" and substitute "25%".

On page 14, in the fifth row of the chart, strike "15%" and substitute "20%".

On page 14, in the sixth row of the chart, strike "15%" and substitute "25%".

Amendment 5 to Council Bill No. 62 - 2019

BY: Deb Jung
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 5

(This amendment proposes to change the reforestation calculation ratios and minimum acreage.)

On page 14, in line 5, after the comma, strike "1/2" and substitute "1".

On page 14, in line 7, within the parentheses, strike "1/2:1" and substitute "1:1".

On page 14, in line 8, strike "1" and substitute "1.5".

On page 14, in line 9, within the parentheses, strike "1:1" and substitute "1.5:1".

Amendment 6 to Council Bill No. 62 - 2019

BY: David Yungmann

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 6

(This amendment proposes to change the reforestation calculation ratios.)

On page 14, in line 8, strike "1" and substitute "3/4".

On page 14, in line 9, within the parentheses, strike "1:1" and substitute "3/4:1".

On page 14, in line 12, strike "3" and substitute "2.5".

On page 14, in line 14, within the parentheses, strike "3:1" and substitute "2.5:1".

On page 14, in line 17, insert the following:

(a) FOREST CLEARED WITHIN THE ON-SITE PRIORITY RETENTION PRIORITY AREAS LISTED BELOW, WHICH CLEARING IS NOT ASSOCIATED WITH UTILITY INSTALLATION OR MAINTENANCE, STORM WATER MANAGEMENT OUTFALLS, AND/OR ROADS, SHALL PLANT ADDITIONAL FOREST AT THE RATES SPECIFIED BELOW: FORESTED 100-YEAR FLOODPLAIN, 3 ACRES FOR EACH ACRE OR PORTION OF AN ACRE CLEARED (3:1)

(b) FORESTED STREAMS, FORESTED STREAM BUFFERS, FORESTED NON-TIDAL WETLANDS AND THEIR FORESTED BUFFERS WITHIN 100' OF A STREAM OR STREAM BUFFER, 2 ACRES FOR EACH ACRE OR PORTION OF AN ACRE CLEARED (2:1).

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(c) FORESTED STEEP SLOPES AND THEIR BUFFERS THAT ARE CONTIGUOUS WITH
THE AREAS MENTIONED IN (A) AND (B) ABOVE, 1.5 ACRES FOR EACH ACRE
OR PORTION OF AN ACRE CLEARED (1.5:1)."

Amendment 6 to Council Bill No. 62 - 2019

BY: David Yungmann

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 6

(This amendment proposes to change the reforestation calculation ratios.)

On page 14, in line 8, strike "1" and substitute "3/4".

On page 14, in line 9, within the parentheses, strike "1:1" and substitute "3/4:1".

On page 14, in line 12, strike "3" and substitute "2.5".

On page 14, in line 14, within the parentheses, strike "3:1" and substitute "2.5:1".

On page 14, in line 17, insert the following:

(a) FOREST CLEARED WITHIN THE ON-SITE PRIORITY RETENTION PRIORITY AREAS LISTED BELOW, WHICH CLEARING IS NOT ASSOCIATED WITH UTILITY INSTALLATION OR MAINTENANCE, STORM WATER MANAGEMENT OUTFALLS, AND/OR ROADS, SHALL PLANT ADDITIONAL FOREST AT THE RATES SPECIFIED BELOW: FORESTED 100-YEAR FLOODPLAIN, 3 ACRES FOR EACH ACRE OR PORTION OF AN ACRE CLEARED (3:1)

(b) FORESTED STREAMS, FORESTED STREAM BUFFERS, FORESTED NON-TIDAL WETLANDS AND THEIR FORESTED BUFFERS WITHIN 100' OF A STREAM OR STREAM BUFFER, 2 ACRES FOR EACH ACRE OR PORTION OF AN ACRE CLEARED (2:1).

Amendment 7 to Council Bill No. 62 - 2019

BY: Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 7

(This amendment proposes to remove the one acre minimum requirements for residential sites.)

On page 17, in line 26, strike "WITH MORE THAN ONE ACRE OF OBLIGATION".

Amendment 9 to Council Bill No. 62-2019

BY: The Chairperson at the request
of the County Executive

Legislative Day 14
Date: December 2, 2019

Amendment No. 9

(This amendment alters the variance section to remove a definition of unwarranted hardship.)

- 1 On page 22, strike lines 23 through 25, inclusive and in their entirety.
- 2
- 3 On page 22, in line 26, strike “(C)” and substitute “(B)”.
- 4
- 5 On page 23, in line 1, strike “(D)” and substitute “(C)”.
- 6
- 7 On page 23, in line 21, strike “(E)” and substitute “(D)”.
- 8
- 9 On page 23, in line 23, strike “(F)” and substitute “(E)”.
- 10

Amendment 10 to Council Bill No. 62 - 2019

BY: David Yungmann

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 10

(This amendment proposes to change Specimen Tree requirements.)

On page 22, strike lines 23 – 25, in their entirety.

On page 22, in line 29, strike “DIRECTORS” and substitute “DIRECTOR”.

On page 22, in line 30, after the comma, insert “IN CONSULTATION WITH”

On page 23, strike lines 21 – 22, and substitute the following:

“(E) SPECIMEN TREES.

1) REMOVAL OF A SPECIMEN TREE IN DEAD OR DYING CONDITION DOES NOT REQUIRE
A VARIANCE.

2) ANY NATIVE SPECIMEN TREE REMOVED SHALL BE REPLACED ON-SITE BY AT LEAST
TWO NATIVE TREES WITH A DBH OF AT LEAST THREE INCHES.”.

Renumber the section accordingly.

Amendment 11 to Council Bill No. 62 - 2019

BY: Deb Jung
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 11

(This amendment proposes to remove the Planning Board from the variance process.)

On page 22, strike lines 27 – 32, in their entirety, and substitute the following:

“DENIED IN WRITING BY THE DIRECTORS OF THE DEPARTMENT OF PLANNING AND ZONING, THE ADMINISTRATOR OF THE OFFICE OF COMMUNITY SUSTAINABILITY, AND THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND PARKS.”

On page 23, in line 3, strike “OR THE PLANNING BOARD”.

Amendment 12 to Council Bill No. 62 - 2019

BY: Deb Jung
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 12

(This amendment proposes to require only nursery stock plants be planted in forest mitigation banks.)

On page 24, in line 29, strike "WHIPS, OR SEEDLINGS,".

Amendment 13 to Council Bill No. 62 - 2019

BY: Deb Jung
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 13

(This amendment proposes to remove the "Grandfathering" clause.)

On page 25, strike lines 18 - 24, in their entirety.

On page 25, in line 26, strike "3" and substitute "2".

Sayers, Margery

From: Kimberlee Drake <kimdrakeenv@gmail.com>
Sent: Monday, December 2, 2019 2:11 PM
To: CouncilMail
Subject: CB62 Forest Con.

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

Dear councilmembers,

I again want to share my support for CB62 and the strengthening amendments: 1, 3, 4, 5, 7, 9, 11 & 12.
I do Not support amendments 2, 6, & 10.

Please do not table this bill...if you do developers may jump at the chance to get their projects in asap so they don't have to abide by these new rules. Without a vote in January, this delay would be several months before the legislation takes effect.

Please vote for CB62 with strengthening amendments this evening.
Thank you,
Kim Drake

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 11:21 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: salsmanado@everyactioncustom.com <salsmanado@everyactioncustom.com>
Sent: Monday, December 2, 2019 10:08 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

Forests are the backbone of our communities. They filter our waters, increase property values, reduce energy costs, provide clean air and wildlife habitat, and improve public health. Not to mention they are the crucial element to save us from the climate crisis.

County residents are counting on the Council to save our forests, and look forward to continuing to work with you on this and other important issues.

Sincerely,
Ryan Salsman
8354 Montgomery Run Rd Apt B Ellicott City, MD 21043-7457 salsmanado@gmail.com

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 11:05 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: brownsdm@everyactioncustom.com <brownsdm@everyactioncustom.com>
Sent: Wednesday, November 27, 2019 9:07 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

Forests are the backbone of our communities. They filter our waters, increase property values, reduce energy costs, provide clean air and wildlife habitat, and improve public health. Not to mention they are the crucial element to save us from the climate crisis.

County residents are counting on the Council to save our forests, and look forward to continuing to work with you on this and other important issues.

Sincerely,
Michele Brown
8168 Sea Water Path Columbia, MD 21045-2883 brownsdm@comcast.net

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 11:05 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: strakool@everyactioncustom.com <strakool@everyactioncustom.com>
Sent: Wednesday, November 27, 2019 9:08 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

Forests are the backbone of our communities. They filter our waters, increase property values, reduce energy costs, provide clean air and wildlife habitat, and improve public health. Not to mention they are the crucial element to save us from the climate crisis.

County residents are counting on the Council to save our forests, and look forward to continuing to work with you on this and other important issues.

Sincerely,
Kristina Strakna
6008 Middlewater Ct Columbia, MD 21044-4709 strakool@verizon.net

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 11:05 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: jdsaul1@everyactioncustom.com <jdsaul1@everyactioncustom.com>
Sent: Wednesday, November 27, 2019 9:10 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

Forests are the backbone of our communities. They filter our waters, increase property values, reduce energy costs, provide clean air and wildlife habitat, and improve public health. Not to mention they are the crucial element to save us from the climate crisis.

County residents are counting on the Council to save our forests, and look forward to continuing to work with you on this and other important issues.

Sincerely,
Joseph Saul
11504 Manorstone Ln Columbia, MD 21044-5413 jdsaul1@verizon.net

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 11:04 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: lawilde@everyactioncustom.com <lawilde@everyactioncustom.com>
Sent: Wednesday, November 27, 2019 9:37 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

Forests are the backbone of our communities. They filter our waters, increase property values, reduce energy costs, provide clean air and wildlife habitat, and improve public health. Not to mention they are the crucial element to save us from the climate crisis.

County residents are counting on the Council to save our forests, and look forward to continuing to work with you on this and other important issues.

Sincerely,
Lisa Wilde
2340 Daniels Rd Ellicott City, MD 21043-1910 lawilde@yahoo.com

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 11:03 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: Tbschmeck@everyactioncustom.com <Tbschmeck@everyactioncustom.com>
Sent: Wednesday, November 27, 2019 9:37 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Please vote to save our Howard County trees and increase our forest canopy. We citizens depend upon the vital environmental services performed by trees as they protect the soil and offer habitat to wild creatures. Their majestic presence cools our immediate environment and soothes my soul.

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

Forests are the backbone of our communities. They filter our waters, increase property values, reduce energy costs, provide clean air and wildlife habitat, and improve public health. Not to mention they are the crucial element to save us from the climate crisis.

County residents are counting on the Council to save our forests, and look forward to continuing to work with you on this and other important issues.

Sincerely,
Barbara Schmeckpeper
6305 Summercrest Dr Columbia, MD 21045-4468 Tbschmeck@gmail.com

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 11:00 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: dedenewport@everyactioncustom.com <dedenewport@everyactioncustom.com>
Sent: Wednesday, November 27, 2019 10:20 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

Forests are the backbone of our communities. They filter our waters, increase property values, reduce energy costs, provide clean air and wildlife habitat, and improve public health. Not to mention they are the crucial element to save us from the climate crisis.

County residents are counting on the Council to save our forests, and look forward to continuing to work with you on this and other important issues.

Sincerely,
Dorothea Newport
4767 Leyden Way Ellicott City, MD 21042-5985 dedenewport@verizon.net

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 10:59 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: kelliann21@everyactioncustom.com <kelliann21@everyactioncustom.com>
Sent: Wednesday, November 27, 2019 11:11 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

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Sincerely,
Kellie Korba
8255 Stone Trail Ct Laurel, MD 20723-1181 kelliann21@yahoo.com

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 10:58 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: maribety55@everyactioncustom.com <maribety55@everyactioncustom.com>
Sent: Wednesday, November 27, 2019 11:36 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

Forests are the backbone of our communities. They filter our waters, increase property values, reduce energy costs, provide clean air and wildlife habitat, and improve public health. Not to mention they are the crucial element to save us from the climate crisis.

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Sincerely,
Maribeth Vogel
2541 Painted Sunset Dr Ellicott City, MD 21042-2358 maribety55@verizon.net

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 10:43 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: flw2419@everyactioncustom.com <flw2419@everyactioncustom.com>
Sent: Wednesday, November 27, 2019 12:58 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

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Sincerely,
Frankie Winchester
7070 Cradlerock Way Apt 427 Columbia, MD 21045-4860 flw2419@gmail.com

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 10:42 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: lily150@everyactioncustom.com <lily150@everyactioncustom.com>
Sent: Wednesday, November 27, 2019 1:37 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

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Sincerely,
Sue Dreyfuss
8251 Academy Rd Ellicott City, MD 21043-5505 lily150@verizon.net

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 10:41 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: rbourgin@everyactioncustom.com <rbourgin@everyactioncustom.com>
Sent: Wednesday, November 27, 2019 1:43 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

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Sincerely,
Richard Bourgin
8863 Baltimore St Savage, MD 20763-9702 rbourgin@gmail.com

Sayers, Margery

From: Richard D <rdeutschmann2@gmail.com>
Sent: Monday, December 2, 2019 10:35 AM
To: CouncilMail
Cc: Rigby, Christiana
Subject: CB62 and CR142 - Support with Amendments

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

We support this bill and strongly encourage its passage, with strengthening amendments proposed by Mark Southerland.

Thank you -

Richard & Vanessa Deutschmann
9485 Hickory Limb, Columbia, MD 21045

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 10:33 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: perlpubl@everyactioncustom.com <perlpubl@everyactioncustom.com>
Sent: Wednesday, November 27, 2019 11:15 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

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Sincerely,
Carla Tevelow
10205 Wincopin Cir Columbia, MD 21044-3433 perlpubl@gmail.com

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 10:32 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: SunilMisra@everyactioncustom.com <SunilMisra@everyactioncustom.com>
Sent: Thursday, November 28, 2019 4:57 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

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Sincerely,
Sunil Misra
7025 Flintfeet Ln Columbia, MD 21045-5206 SunilMisra@msn.com

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 10:30 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: cherylarney@everyactioncustom.com <cherylarney@everyactioncustom.com>
Sent: Friday, November 29, 2019 1:33 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

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Sincerely,
Cheryl Arney
4361 Wild Filly Ct Ellicott City, MD 21042-5931 cherylarney@gmail.com

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 10:26 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: plurmom@everyactioncustom.com <plurmom@everyactioncustom.com>
Sent: Friday, November 29, 2019 5:04 PM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

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County residents are counting on the Council to save our forests, and look forward to continuing to work with you on this and other important issues.

Sincerely,
Mary Morris
8567 Murphy Rd Laurel, MD 20723-2011
plurmom@aol.com

Sayers, Margery

From: Jones, Opel
Sent: Monday, December 2, 2019 10:26 AM
To: Sayers, Margery
Subject: FW: Please Support CB-62 and CB-142

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

From: dws871@everyactioncustom.com <dws871@everyactioncustom.com>
Sent: Saturday, November 30, 2019 12:40 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Please Support CB-62 and CB-142

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

Dear Councilmember Opel Jones,

Howard County is losing too much forest, and these bills are a good first step in preventing those losses in the future. Howard County's forests has waited long enough, and we need you to take action on Monday and vote for these bills.

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County residents are counting on the Council to save our forests, and look forward to continuing to work with you on this and other important issues.

Sincerely,
David Seldin
11300 Knights Landing Ct Laurel, MD 20723-2050 dws871@verizon.net

Sayers, Margery

From: Susan Garber <buzysusan23@yahoo.com>
Sent: Sunday, December 1, 2019 8:30 PM
To: CouncilMail
Subject: CB-62

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

My latest musings on CB-62, it's amendments, and what is truly important to consider.....

<http://howcome.md/seeing-the-forest-and-the-trees/>

Best regards,

Susan

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Sunday, December 1, 2019 6:15 PM
To: CouncilMail
Cc: Sager, Jennifer; Kuc, Gary
Subject: CB62-2019 Amendment 1 Correction

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

Dear Councilmembers,

The COMAR reference in CB62, Amendment 1 is incorrect. On Page 1, Line 4 (strike "08.19.03" and substitute "08.09.03.01") the citation should be "08.19.03.01" not "08.09.03.01." As seen below, Forest Conservation is Subtitle 19 not 09.




The reference appears correctly in CB66, Amendment 1, Page 8, Line 24: "COMAR [[08.19.03]] 08.19.03.01, article II, "Forest and Tree Conservation."

Sincerely,

Joel Hurewitz



☐

-  [Title 08. Department of Natural Resources](#)
-  [Subtitle 19. FOREST CONSERVATION](#)
-  [Chapter 08.19.03. Model Forest Conservation Ordinance](#)

Sec. 08.19.03.01. Ordinance for Local Program

Sayers, Margery

From: Betsy Singer <betsysing@gmail.com>
Sent: Saturday, November 30, 2019 10:01 PM
To: CouncilMail
Subject: LWVHC support for Forest Conservation Act (CB-62)

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

The League of Women Voters Howard County supports CB62-2019, a bill that would repeal and reenact the Forest Conservation Act of Howard County and bring Howard County in compliance with Maryland state law.

The League of Women Voters has a long-standing position supporting management of land as a finite resource not a commodity, since land ownership, whether public or private, carries responsibility for stewardship.

LWVHC supports environmental and sustainable balance in developing property including the protection and restoration of habitat and natural resources through the use of the following tools: professional staff with environmental expertise; environmental protection regulations and policies; clear lines of environmental review; and environmental compliance.

CB 62-2019 advances these goals by increasing compliance with State law, increasing development obligation for replanting, and for requiring inclusion of protections for the Green Infrastructure Network (GIN) in development plans.

We support new requirements for developers to meet forest conservation obligations on-site before being allowed to use off site locations for compliance. We support strengthening regulations for paying fees instead of actually replanting trees, and We support greatly limiting exceptions to variance regulations and requiring the Department of Planning and Zoning, the Office of Community Sustainability and the Department of Recreation and Parks to approve all variances.

Forests are critical to the health of our community. The importance of forests cannot be underestimated. We depend on forests for clean air we breathe and habitat for birds and animals. Forests also offer watershed protection, prevent soil erosion and are crucial to mitigation of climate change. As trees grow, they help stop climate change by removing carbon dioxide from the air, storing carbon in the trees and soil, and releasing oxygen into the atmosphere.

We urge you to support CB 62-2019.

Betsy Singer, LWVHC Environment Chair
410-730-7740
443-812-2525
cell

--

Betsy Singer
410-730-7740
443-812-2525 cell

Sayers, Margery

From: Russell Schumann <rschumann.elder@verizon.net>
Sent: Saturday, November 30, 2019 9:24 AM
To: CouncilMail
Cc: krschwa1@verizon.net
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.]

Dear Howard County Council Members:

I support CB62-2019, The Forest Conservation Act. As a bird watcher, I enjoy seeing birds in their native habitats all across Maryland. This bill will help preserve our forest areas in Howard County, which is home for many species, such as the Wood Thrush, that depend on mature, intact forest areas for breeding. Thrushes and many other species are in steep decline, and this bill will help to slow and hopefully help to reverse that decline, preserving the birds that many of us love to observe in their forest habitat. I ask that you 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. **THANKS, I know that you'll make the correct decision in regard to strengthening & passing this bill.**

Regards,
Russ Schumann
HoCo Bird Club

Sayers, Margery

From: Gill Bentley <kayakleland@gmail.com>
Sent: Friday, November 29, 2019 12:45 PM
To: Walsh, Elizabeth
Cc: CouncilMail
Subject: Support CB62-19 with amendment

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

RE: CB62-19 Attn: Liz Walsh and members of Howard County Council
Nov. 28, 2019

AS a member of the Howard County Bird Club and Howard County District 1 resident , I recently learned about the State of Maryland's Forest Conservation Act and that Howard County was NOT IN COMPLIANCE. My unhappy experience is when developers get a hold of land for development , it is often razing of trees and planting of house. My concern beyond habitat loss (bird population is down 1/4 since 1970 I'm told) is the prospect of runoff of topsoil, nutrients, pollution. At a recent conference in Louisville, KY, , Aruni Bhatnagar,Phd, talked about cardiovascular effects of pollutants . "Trees are pollutant scrubbers." "Plant more trees."

Mz. Walsh and members of Council, I would hope for your support to pass the proposed bill and amendment when it comes to a vote on Monday, Dec. 2, 2019..

Thank you,

Gill Bentley
3855 Manor Ln
Ellicott City, MD 21042
Mobile w.Voice Mail: 419 345 4583
FAX: 410 480 2046
kayakleland@gmail.com

Sayers, Margery

From: Lisa Troutman <cat.home@verizon.net>
Sent: Tuesday, November 26, 2019 9:59 PM
To: CouncilMail
Subject: CB62-2019, The 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 and equestrian, I enjoy seeing birds in their native habitat and having access to areas for trail riding. This bill will help preserve actual forest, which is home for many bird 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 possibly reverse their decline, preserving the birds that I love. It's important to provide uninterrupted corridors for wildlife. 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 Troutman, DVM, MS

Sayers, Margery

From: Clayton Koonce <cg.koonce@verizon.net>
Sent: Monday, November 25, 2019 2:56 PM
To: CouncilMail
Subject: Support for CB62-2019, The 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, and urge you to pass and enforce this act. Please know that I have been a resident of Howard County since 1998 and that I chose to continue living here after retiring from federal government service in 2015. Besides many other amenities, the county's many parks and wild areas, not to mention the Open Space system in Columbia where I live, make this a great place to live. But these stands of trees are not enough and I would like to see more protection of forest and woodland beyond the boundaries of the parks. A healthy growth of trees is necessary for wildlife habitat, watershed, mitigating the effects of climate change and just plain good for scenery and well-being for residents and visitors alike. I do not want to see development lay waste to what remains of the county's Green Infrastructure Network. Please support this bill and please improve measures to ensure the no-net-loss of forest required by Maryland's Forest Conservation Act. Please consider this bill as being both good for birds and other wildlife and good for the people who live here. Thanks for your consideration.

*Clayton Koonce
5587 Vantage Point Road
Columbia*

Sayers, Margery

From: Michele DeMuis <micheledemuis@gmail.com>
Sent: Monday, November 25, 2019 1:01 PM
To: CouncilMail
Subject: Bill CB-2019

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

Dear councilmembers – I am writing to let you know of my strong support for this bill to preserve forested land in our beautiful county. As I'm sure you know, birds all across the country are in steep decline in large part because of loss of habitat due to development. This bill will help preserve mature forest which many species need to breed and survive – cutting down forests and planting individual decorative trees in developments simply is not the same.

Many of us have chosen to live in Howard County because of its balance between convenient living and natural beauty. Please help preserve what's left of our natural spaces. This is important to many of us with our eyes on the environment. Thank you very much for taking the time to read my email!

Michele DeMuis
4618 Sheppard Manor Dr
Ellicott City 21042

Sent from my iPhone

Sayers, Margery

From: Carl Brudin <brudin873@msn.com>
Sent: Monday, November 25, 2019 12:40 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 bird watcher, outdoor enthusiast, hiker, biker, hunter etc, 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, and many other forest loving birds. These species are in steep decline, and this bill will help to slow or even reverse that decline, .

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.

Thanks,

Carl Brudin III

Sayers, Margery

From: Deborah Belchis <dbelchis@gmail.com>
Sent: Monday, November 25, 2019 10:09 AM
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. Habitat loss is a serious problem across the world. It impacts our quality of life in many ways including the variety of animal species around us, the purity of the air we breathe and the water we drink, and even our ability to deal with daily stress and our sense of well being. Once destroyed we cannot replace it. Studies have demonstrated that man cannot rebuild these areas once we destroy them. We can achieve only 50% of the diversity of habitat that nature had made. In addition, our understanding of how trees communicate with each other by underground highways of fungi and the interconnected microbiome that creates is just getting started. The forests provide needed travel routes for many woodland dwellers, another feature difficult to recreate once it is lost.

As a physician and environmentalist I urge you to support CB62-2019. Let us leave our children a world of beauty and diversity filled with the bird sounds that we love to hear. Rachel Carson so rightly warned us against a silent world. We can set an example and provide a road map for other communities and future generations.

Sincerely,
Deborah Belchis, MD
10310 Cromwell Court
Ellicott City, MD 21042

Sayers, Margery

From: Gold, Rebecca
Sent: Tuesday, November 26, 2019 11:53 AM
To: Sayers, Margery; Jones, Diane
Cc: Harrod, Michelle R; Glendenning, Craig
Subject: Forest Conservation Modeling
Attachments: FC State Reports 2013-2018 analysis.xlsx

Good morning.

Joshua Feldmark provided the following attachment and response regarding an inquiry from Friday's work session. We requested all documentation related to the modeling efforts performed by his team (referring to the modeling for the projects between 2013 and 2018, that average 22 acres in size/17% forest canopy):

"Attached is a spreadsheet with three sheets showing developments between 2013-2018. The figures I gave at the work session were inaccurate but not substantially (My power of recall not as good as I would have hoped).

Sheet 1 is ALL properties subject to the Forest Conservation Act. The average size of the net tract area (not quite the full size of the parcel) is 25 acres and they averaged 31% forest cover.

Sheet 2 is only residential properties subject to the Forest Conservation Act. The average size of the net tract area (not quite the full size of the parcel) is 24.9 acres and they averaged 29.5% forest cover.

Sheet 3 is every development that was exempted from the Forest Conservation Act and why."

Thank you,

Rebecca Gold

Howard County Government
Office of the County Auditor
Administrative Assistant
410-313-3065 (phone)
rgold@howardcountymd.gov

File Number	Subdivision Name	Project Type	Net Tract Area	Floodplain Unforested	Floodplain Forested	Forest Existing	Forest Cleared	Forest Retained On Site
F-12-074	CASCADE OVERLOOK, SEC. 4	Residential	3.37	0.00	0.00	1.21	0.00	1.21
F-13-115	HARRY N. SHIPE PROPERTY	Residential	10.64	0.00	0.00	1.18	0.00	1.18
F-14-044	STEENSEN PROPERTY	Residential	1.00	0.00	0.09	0.27	0.02	0.25
F-16-092	PINEY RUN OVERLOOK	Residential	10.00	0.00	0.00	3.70	0.30	3.40
F-12-019	KINGS ARMS SEC 5	Residential	1.50	0.00	0.00	0.80	0.10	0.70
F-16-098	WETHERBURN	Residential	11.30	0.00	0.00	2.70	0.40	2.30
F-08-103	KOGAN TRUST PROPERTY	Residential	17.86	0.00	0.00	5.94	1.18	4.76
F-16-002	PINEHURST	Residential	1.34	0.00	0.00	0.50	0.10	0.40
F-07-086	TERRAPIN CREEK (SCHWABE FARM)	Residential	56.85	0.00	2.95	19.08	3.89	15.19
F-17-016	CRAWFORD & O'KEEFE PROPERTIES	Residential	99.07	1.56	14.28	33.50	10.20	23.30
F-16-088	PERCIVAL PROPERTY	Residential	11.40	0.00	0.00	4.80	1.56	3.24
F-08-102	FULTON MANOR II	Residential	31.42	0.00	0.00	13.89	4.64	9.25
F-14-040	SOBRINA FARMS SUBDIVISION, LOTS 8 -12	Residential	13.92	3.10	0.60	6.70	2.50	4.20
SDP-13-055	Orchard Park	Residential	2.92	0.00	0.27	1.83	0.71	1.12
F-12-078	VANNOY PROPERTY	Residential	15.85	0.00	0.00	7.90	3.10	4.80
F-13-103	WINCOPIA FARMS	Residential	121.49	0.30	5.81	64.59	26.80	37.79
F-15-111	THE PRESERVE AT RIVER HILL	Residential	4.96	0.00	0.00	4.10	1.78	2.32
F-18-029	WOODCAMP FARM	Residential	6.20	0.00	0.00	4.50	2.00	2.50
F-14-086	MYERS PROPERTY	Residential	16.29	0.00	0.00	7.70	3.69	4.01
F-14-129	ENCLAVE AT PARK FOREST	Residential	12.42	0.00	1.14	6.93	3.51	3.42
F-13-048	PATAPSCO OVERLOOK	Residential	10.10	0.00	0.00	8.10	4.40	3.70
F-14-102	MUNRO PROPERTY	Residential	14.50	0.00	0.00	13.50	7.50	6.00
F-18-015	SOBRINA FARMS-MONT SUB	Residential	8.80	0.00	0.00	7.80	4.50	3.30
F-15-113	PASS PROPERTY	Residential	9.88	0.00	0.31	7.80	4.60	3.20
F-13-074	Melchior Property, Lots 1 and 2 and Bulk Parcel A	Residential	24.11	0.00	0.60	23.10	13.73	9.37
SDP-07-007	FOX HUNT ESTATES	Residential	4.12	0.00	0.00	3.84	3.73	0.11
F-16-024	PINE ACRES	Residential	11.93	0.00	0.10	5.70	2.96	2.74
F-08-136	VISTA RIDGE (SUSAN MOXLEY PROPERTY)	Residential	34.81	0.00	0.00	15.03	6.37	8.66
F-15-054	Fairlane Farm - Phase 1	Residential	132.59	0.00	0.00	38.95	9.08	29.87
F-14-014	FULTON MANOR VALLEY	Residential	24.50	0.00	0.19	16.90	9.70	7.20
SDP-15-044	The Vine - Buch Apartments	Residential	9.12	0.00	0.09	4.97	2.96	2.01
F-10-081	SHAMS SUBDIVISION	Residential	4.60	0.00	0.00	2.00	1.07	0.93
F-13-040	Renfro Property	Residential	17.00	0.00	0.00	7.00	3.30	3.70
F-13-081	AUTUMN OVERLOOK	Residential	11.71	0.00	0.00	8.66	5.48	3.18
F-14-022	HIGH RIDGE MEADOWS SEC. 1 (DEER SPRINGS, SEC. 1)	Residential	36.94	0.00	0.00	10.74	4.89	5.85
F-16-065	BELVEDERE ESTATES	Residential	36.30	0.33	1.97	5.43	0.00	5.43
F-16-031	Five Hills Farm	Residential	10.33	0.18	0.19	6.60	3.91	2.69
F-12-076	WINTER CREST	Residential	3.69	0.00	0.00	2.29	1.51	0.78
F-14-009	LAYTON KNOLL	Residential	13.86	0.00	0.00	1.81	0.00	1.81

F-08-081	WALNUT CREEK	Residential	111.41	0.00	0.00	32.96	15.83	17.13
F-15-038	Westland Farm Estates Phase II	Residential	43.66	1.62	0.00	6.60	0.61	5.99
F-11-041	JORDAN OVERLOOK	Residential	5.46	0.00	0.00	2.90	1.87	1.03
F-06-097	SHADY LANE CROSSING	Residential	8.14	0.00	0.16	6.59	4.72	1.87
SDP-13-023	WALDEN WOODS	Residential	18.20	0.40	0.00	8.50	5.30	3.20
F-16-027	Dorsey Glen	Residential	6.21	0.03	0.31	5.49	4.40	1.09
F-17-053	BURGESS MILL STATION, PHASE 2 APARTMENTS	Residential	3.93	0.00	0.00	0.60	0.17	0.43
F-14-124	ESTATES AT PATAPSCO PARK	Residential	63.20	3.87	0.00	60.90	48.10	12.80
F-09-028	Dustin's Golden Fields	Residential	33.00	0.00	0.70	3.36	0.00	3.36
F-16-021	Maple Lawn South	Residential	90.39	0.00	0.00	7.35	0.39	6.96
F-15-053	FOX WOOD MANOR	Residential	9.39	0.00	0.00	2.50	2.05	0.45
F-16-041	HONEYSUCKLE RIDGE	Residential	12.74	0.00	0.00	2.06	0.71	1.35
F-13-112	Regan Property	Residential	60.69	0.00	0.00	9.92	2.99	6.93
F-09-043	Schooley Mill Farm	Residential	24.40	0.00	0.00	2.29	0.15	2.14
F-14-002	Centennial Lake Overlook Sec.1	Residential	43.45	0.00	3.04	6.38	2.57	3.81
F-08-158	G. ROSCOE PROPERTY	Residential	10.19	0.00	0.00	0.30	0.00	0.30
SDP-08-075	LUTHERAN VILLAGE AT MILLER'S GRANT	Residential	45.88	0.00	0.00	6.87	2.76	4.11
F-13-004	TROTTER POINT	Residential	6.51	0.00	0.90	2.51	1.73	0.78
F-10-051	KINDLER OVERLOOK II	Residential	6.10	0.00	0.00	5.87	4.90	0.97
F-16-062	FAIRLANE FARM - PHASE 2	Residential	71.42	0.00	0.00	1.09	0.00	1.09
F-16-093	CEDARS EXTENDED	Residential	1.60	0.00	0.00	1.60	1.37	0.23
F-06-112	OWINGS PROPERTY	Residential	24.92	0.29	0.22	1.69	0.02	1.67
F-15-110	Enclave At Tierney Farm, Phase 1	Residential	85.85	0.00	0.00	6.09	1.49	4.60
F-16-011	COTTAGE GROVE	Residential	1.45	0.17	0.71	0.77	0.63	0.14
F-13-034	Walnut Creek - Phase Four	Residential	177.00	28.20	50.40	30.33	15.83	14.50
F-17-056	GREENBERRY SEC II	Residential	3.34	0.00	0.00	2.55	2.25	0.30
F-13-042	Samuel's Grant	Residential	32.20	0.80	1.00	8.50	6.90	1.60
F-13-043	Ellicott Crossing - Part Two	Residential	40.43	13.30	2.80	6.87	5.26	1.61
F-15-043	GAITHER'S CHANCE	Residential	40.43	13.30	2.80	6.87	5.26	1.61
F-13-008	MAPLE LAWN FARMS	Residential	74.04	4.74	0.94	0.48	0.00	0.48
F-13-007	MAPLE LAWN FARMS	Residential	5.80	3.39	0.65	0.00	0.00	0.00
F-14-085	BUTTERFIELD GROVE (ARMSTRONG SUBDIVISION)	Residential	3.12	0.00	0.00	0.00	0.00	0.00
F-16-012	FOLLY EQUINE ESTATES	Residential	3.53	0.00	0.00	0.00	0.00	0.00
F-08-101	JACK'S LANDING (DUNFARMIN ESTATES)	Residential	25.13	0.00	0.00	0.00	0.00	0.00
F-16-127	KINGS ARMS, SEC. 6	Residential	1.37	0.00	0.00	0.00	0.00	0.00
F-13-056	Landing Meadow	Residential	4.89	1.37	0.00	0.00	0.00	0.00
F-14-021	MCDANIEL PROPERTY	Residential	9.80	0.00	0.00	0.00	0.00	0.00
F-17-097	ROCKBURN ESTATES	Residential	5.17	0.00	0.00	0.00	0.00	0.00
F-12-035	ROVER MEADOWS	Residential	6.29	0.00	4.19	0.00	0.00	0.00
F-16-116	SHIPLEY'S GRANT	Residential	6.72	0.00	0.00	0.00	0.00	0.00

F-16-128	SHIPLEY'S GRANT PAR D-80	Residential	1.86	0.00	0.00	0.00	0.00	0.00
F-15-096	Woodbrook, Section 2, Phase 1	Residential	2.10	0.00	0.00	0.00	0.00	0.00
F-12-095	Basham Property	Residential	1.87	0.00	0.00	0.30	0.30	0.00
F-16-101	WAVERLY GROVE	Residential	6.07	0.00	0.00	0.00	0.00	0.00
F-15-004	OLIVA SUBDIVISION	Residential	3.38	0.00	0.00	0.00	0.00	0.00
F-14-098	SABATELLI PROPERTY	Residential	1.03	0.00	0.00	0.24	0.24	0.00
TOTAL			2,112.44	76.95	97.40	623.37	294.97	328.40
			24.85			7.33		
						29.5%		

% Existing Forest Retained On Site	Forest Retained Off Site	% Total Retained Off Site	Total Forest Retained	Forest Planted On-Site	Forest Planted Off-Site	% Total Planted Off Site	Total Forest Planted	Long Term Protection	Total Obligation
100.00	0.00	0.00	1.21	0.00	0.00	0.00	0.00	1.21	1.21
100.00	0.00	0.00	1.18	0.00	0.00	0.00	0.00	1.18	1.18
92.59	0.00	0.00	0.25	0.00	0.00	0.00	0.00	0.25	0.25
91.89	0.00	0.00	3.40	0.00	0.00	0.00	0.00	3.40	3.40
87.50	0.00	0.00	0.70	0.00	0.00	0.00	0.00	0.70	0.70
85.19	0.00	0.00	2.30	0.00	0.00	0.00	0.00	2.30	2.30
80.13	0.00	0.00	4.76	0.00	0.00	0.00	0.00	4.76	4.76
80.00	0.00	0.00	0.40	0.00	0.00	0.00	0.00	0.40	0.40
79.59	0.00	0.00	15.19	0.00	0.00	0.00	0.00	15.19	15.19
69.55	0.00	0.00	23.30	0.00	0.00	0.00	0.00	23.30	23.30
67.50	0.00	0.00	3.24	0.00	0.00	0.00	0.00	3.24	3.24
66.59	0.00	0.00	9.25	0.00	0.00	0.00	0.00	9.25	9.25
62.69	0.00	0.00	4.20	0.00	0.00	0.00	0.00	4.20	4.20
61.20	0.00	0.00	1.12	0.00	0.00	0.00	0.00	1.12	1.12
60.76	0.00	0.00	4.80	0.00	0.00	0.00	0.00	4.80	4.80
58.51	0.00	0.00	37.79	0.00	0.00	0.00	0.00	37.79	37.79
56.59	0.00	0.00	2.32	0.00	0.00	0.00	0.00	2.32	2.32
55.56	0.00	0.00	2.50	0.00	0.00	0.00	0.00	2.50	2.50
52.08	0.00	0.00	4.01	0.00	0.00	0.00	0.00	4.01	4.01
49.35	0.00	0.00	3.42	0.00	0.00	0.00	0.00	3.42	3.42
45.68	0.00	0.00	3.70	0.00	0.00	0.00	0.00	3.70	3.70
44.44	0.00	0.00	6.00	0.00	0.00	0.00	0.00	6.00	6.00
42.31	0.00	0.00	3.30	0.00	0.00	0.00	0.00	3.30	3.30
41.03	0.00	0.00	3.20	0.00	0.00	0.00	0.00	3.20	3.20
40.56	0.00	0.00	9.37	0.00	0.00	0.00	0.00	9.37	9.37
2.86	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.11	0.11
48.07	0.00	0.00	2.74	0.00	0.00	0.00	0.00	2.74	3.13
57.62	0.00	0.00	8.66	1.67	0.00	0.00	1.67	10.33	10.33
76.69	0.00	0.00	29.87	5.99	0.00	0.00	5.99	35.86	35.86
42.60	0.00	0.00	7.20	1.45	0.00	0.00	1.45	8.65	8.65
40.44	0.00	0.00	2.01	0.00	0.00	0.00	0.00	2.01	2.53
46.50	0.00	0.00	0.93	0.00	0.00	0.00	0.00	0.93	1.19
52.86	0.00	0.00	3.70	1.30	0.00	0.00	1.30	5.00	5.00
36.72	0.00	0.00	3.18	1.12	0.00	0.00	1.12	4.30	4.30
54.47	0.00	0.00	5.85	2.20	0.00	0.00	2.20	8.05	8.05
100.00	0.00	0.00	5.43	2.06	0.00	0.00	2.06	7.49	7.49
40.76	0.38	10.13	3.07	0.00	0.68	18.13	0.68	3.75	3.75
34.06	0.00	0.00	0.78	0.32	0.00	0.00	0.32	1.10	1.14
100.00	0.00	0.00	1.81	0.96	0.00	0.00	0.96	2.77	2.77

51.97	0.00	0.00	17.13	9.10	0.00	0.00	9.10	26.23	26.23
90.76	0.00	0.00	5.99	1.81	1.49	16.04	3.30	9.29	9.29
35.52	0.00	0.00	1.03	0.26	0.00	0.00	0.26	1.29	1.60
28.38	0.00	0.00	1.87	0.00	0.00	0.00	0.00	1.87	2.93
37.65	0.00	0.00	3.20	1.00	1.00	19.23	2.00	5.20	5.20
19.86	0.00	0.00	1.09	0.69	0.00	0.00	0.69	1.78	1.78
71.67	0.00	0.00	0.43	0.00	0.00	0.00	0.00	0.43	0.77
21.02	0.00	0.00	12.80	1.80	0.00	0.00	1.80	14.60	24.80
100.00	0.00	0.00	3.36	3.24	0.00	0.00	3.24	6.60	6.60
94.69	0.00	0.00	6.96	6.99	0.00	0.00	6.99	13.95	13.95
18.00	0.00	0.00	0.45	0.47	0.00	0.00	0.47	0.92	0.92
65.53	0.00	0.00	1.35	0.42	1.00	36.10	1.42	2.77	2.77
69.86	0.00	0.00	6.93	7.80	0.00	0.00	7.80	14.73	14.73
93.45	0.00	0.00	2.14	2.89	0.00	0.00	2.89	5.03	5.03
59.72	0.00	0.00	3.81	5.28	0.00	0.00	5.28	9.09	9.09
100.00	0.00	0.00	0.30	0.48	0.00	0.00	0.48	0.78	0.78
59.83	0.00	0.00	4.11	7.11	0.00	0.00	7.11	11.22	11.22
31.08	0.00	0.00	0.78	0.96	0.47	21.27	1.43	2.21	2.21
16.52	0.00	0.00	0.97	1.86	0.00	0.00	1.86	2.83	2.83
100.00	0.00	0.00	1.09	2.12	0.00	0.00	2.12	3.21	3.21
14.38	0.00	0.00	0.23	0.00	0.50	68.49	0.50	0.73	0.73
98.82	0.00	0.00	1.67	3.64	0.00	0.00	3.64	5.31	5.31
75.53	0.00	0.00	4.60	10.44	0.00	0.00	10.44	15.04	15.04
18.18	0.00	0.00	0.14	0.36	0.00	0.00	0.36	0.50	0.56
47.81	50.40	64.36	64.90	13.41	0.00	0.00	13.41	78.31	78.31
11.76	0.00	0.00	0.30	1.50	0.00	0.00	1.50	1.80	1.80
18.82	0.00	0.00	1.60	10.20	0.00	0.00	10.20	11.80	11.80
23.44	0.00	0.00	1.61	11.75	0.00	0.00	11.75	13.36	13.36
23.44	0.00	0.00	1.61	11.75	0.00	0.00	11.75	13.36	13.36
100.00	0.00	0.00	0.48	10.81	0.00	0.00	10.81	11.29	11.29
0.00	0.00	0.00	0.00	5.52	0.00	0.00	5.52	5.52	5.52
0.00	0.00	0.00	0.00	0.47	0.00	0.00	0.47	0.47	0.47
0.00	0.00	0.00	0.00	0.71	0.00	0.00	0.71	0.71	0.71
0.00	0.00	0.00	0.00	5.03	0.00	0.00	5.03	5.03	5.03
0.00	0.00	0.00	0.00	0.23	0.00	0.00	0.23	0.23	0.23
0.00	0.00	0.00	0.00	1.50	0.00	0.00	1.50	1.50	1.50
0.00	0.00	0.00	0.00	1.96	0.00	0.00	1.96	1.96	1.96
0.00	0.00	0.00	0.00	0.77	0.00	0.00	0.77	0.77	0.77
0.00	0.00	0.00	0.00	1.26	0.00	0.00	1.26	1.26	1.26
0.00	0.00	0.00	0.00	1.03	0.00	0.00	1.03	1.03	1.03

0.00	0.00	0.00	0.00	0.08	0.00	0.00	0.08	0.08	0.08
0.00	0.00	0.00	0.00	0.30	0.00	0.00	0.30	0.30	0.30
0.00	0.00	0.00	0.00	0.38	0.00	0.00	0.38	0.38	0.60
0.00	0.00	0.00	0.00	0.57	0.00	0.00	0.57	0.57	0.97
0.00	1.36	100.00	1.36	0.00	0.00	0.00	0.00	1.36	1.36
0.00	0.24	100.00	0.24	0.00	0.00	0.00	0.00	0.24	0.24
	52.38		380.78	165.02	5.14		170.16	550.94	564.74

In-Lieu Fees Collected	Comments
\$0	
	Addressed by F-13-070
\$0	
\$0	
\$0	
\$0	
\$0	
\$0	
\$0	
\$0	
\$0	
\$0	
\$0	
\$0	
\$0	
\$0	
\$0	
\$0	Addressed by SDP-11-056
\$0	
\$0	
\$0	
\$0	
\$12,741	Fee-in-lieu (.75 sq.ft.) for .39 acres of afforestation
\$0	
\$0	
\$16,967	Fee-in-lieu (.75 sq.ft.) for .519 acres of reforestation
\$8,494	Fee-in-lieu for .26 acres of reforestation
	Addressed by SDP-10-104
	Addressed by SDP-11-056
\$0	
\$0	
\$1,241	Fee-in-lieu for .038 acres of reforestation

\$0	
\$0	
\$10,218	Fee-in-lieu (.75 sq.ft.) for .31 acres of reforestation
\$34,630	Fee-in-lieu for 1.06 acres of reforestation
\$0	Addressed by SDP-14-031
\$11,108	Fee-in-lieu for .34 acres of reforestation
\$333,234	Fee-in-lieu (.75 sq.ft.) for 10.20 acres of reforestation
\$0	
\$0	Addressed by SDP-97-115 (bank)
\$0	
	Addressed by F-13-070
\$0	
\$0	
\$0	
\$0	
\$0	
\$1,961	Fee-in-lieu (.75 sq.ft.) for .06 acres of reforestation
\$0	
\$0	
\$0	
	Addressed by F-12-014
\$0	
\$0	
\$0	
\$0	
\$0	
	Per Julia, the 1.5 acre easement satisfied the FC obligation for all parcels shown on F-96-178.
\$0	
\$0	
\$0	
\$0	

\$0	Addressed by F-06-019
\$0	
\$7,055	Fee-in-lieu for .216 acres of reforestation
\$13,068	Fee-in-lieu for .40 acres of afforestation
\$0	
\$0	
450,716.37	

**Forest Conservation Tracking
Report Data Sheet
1/1/2013 TO 12/31/2018**

File Number Sub Division Name

Exempt From Forest Conservation

SDP-17-004	10078 OLD FREDEREICK ROAD KLEIN PROPERTY LOT 5	Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.
F-17-064	ALLNUT FARMS ESTATES SEC IV	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
SDP-17-038	ALLVIEW ESTATES	Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.
F-16-126	ALLVIEW ESTATES SEC 3	Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.
F-16-014	AMENDED WINKLER PROPERTY	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
F-16-078	ANTWERPEN AUTOMOTIVE PAR D	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
F-17-079	AUTUMN VIEW	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
SDP-15-007	AWILDA ACRES - LOT 1	Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.
F-14-119	BALAKIRSKY PROPERTY	Comments: Exempt 16.1202(b)(1)(viii) minor subdivision
F-14-133	BARTLETT PROPERTY	Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.
SDP-16-033	BARTLETT PROPERTY LOT 2	Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.
F-13-062	BENSON EAST	Comments: Section 16.1202(b)(1)(iv) planned unit
F-16-003	BERMAN PROPERTY	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
SDP-16-031	BJ'S RESTAURANT AND BREWHOUSE	Comments: Exempt 16.1202(b)(1)(iv) planned unit
F-17-023	BLUE STREAM BUILDABLE BULK PARCEL I-1	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
SDP-14-045	BONNIE ACRES	Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.
SDP-14-015	BRANDON JONES PROPERTY (6017 DEER RIDGE LANE)	Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.
F-17-018	BRANTLY	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
F-14-020	BRICK HOUSE FARM	Comments: Exempt 16.1202(b)(1)(vi) agricultural
F-16-019	BRIGHTON ESTATES	Comments: Exempt 16.1202(b)(1)(viii) minor subdivision

**Forest Conservation Tracking
Report Data Sheet
1/1/2013 TO 12/31/2018**

SDP-15-072	BRS ELECTRICAL
Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
SDP-15-071	BUCH ROAD EXTENSION
Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
F-16-076	CALEB'S VINEYARD
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-17-102	CAPERTON VILLAGE AT TURF VALLEY, PH. 2
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-017	CARVER ESTATES
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-091	CENTENNIAL MANOR SEC 1 AREA 2
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-16-018	CHAPEL VIEW SEC 3 LOT 39
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-14-108	CHAPEL WOODS III
Comments: Exempt 16.1202(b)(1)(viii) minor subdivision	
F-13-107	CHASE FARM LOT 4
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-14-063	CHELSEA KNOLLS FOREST MITIGATION
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-14-017	CHERRYTREE PARK
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-013	CHERRYTREE VIEW
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-18-020	CHESTNUT HILL ESTATES
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-15-064	CHESTNUT HILL ESTATES LOT 27
Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
SDP-13-057	Chipotle Mexican Grill #1759
Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
SDP-13-001	Chojnowski Property
Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
SDP-16-076	CHURCH RIDGE LOT 7
Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
F-17-093	CLARKS GLEN NORTH NON-BUILDABLE PAR C
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-13-069	CLEVINGER PROPERTY
Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
F-14-092	CLOVERFIELD SECTION II
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-13-092	Coleianne Property Lots 1-2
Comments: Exempt 16.1202(b)(1)(viii) minor subdivision	
F-14-053	COLUMBIA 100 OFFICE RESEARCH PARK, CHIC-FIL-A

Forest Conservation Tracking Report Data Sheet 1/1/2013 TO 12/31/2018

Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-080	COLUMBIA AUTO PARK
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-17-010	COLUMBIA CORPORATE PARK
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-16-061	COLUMBIA CORPORATE PARK
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-16-075	COLUMBIA CRESCENT AREA 3
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-13-096	COLUMBIA EGU
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-17-004	COLUMBIA JUNCTION
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-12-040	Columbia Memorial Park
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-18-062	COLUMBIA TOWN CENTER
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-15-068	COLUMBIA TOWN CENTER - CRESCENT PROP
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-060	COLUMBIA TOWN CENTER SEC 3 AREA 3
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-16-077	COLUMBIA TOWN CENTER SEC 6 AREA 2
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-033	COLUMBIA VILLAGE OF HICKORY RIDGE
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-16-047	COLUMBIA VILLAGE OF KINGS CONTRIVANCE
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-14-087	COLUMBIA VOHC HOBBITS GLEN GOLF COURSE
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-029	COLUMBIA, E.G.U. SUBDIVISION
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-16-096	COLUMBIA, VILLAGE OF OWEN BROWN
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-039	COLUMBIA VILLAGE OF OWEN BROWN
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-10-013	CORRIDOR 95 BUSINESS PARK
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-18-005	CORRIDOR SQUARE PAR A-C
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-14-121	CRESTLEIGH
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-16-068	CYPRESS SPRINGS PH 1
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	

**Forest Conservation Tracking
Report Data Sheet
1/1/2013 TO 12/31/2018**

F-15-108	DANIEL MILLS OVERLOOK SEC 2 AREA 2
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-13-007	DC, Warfield, Block W-1, Parcels D-1 and D-2
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-106	DC-CRESCENT NEIGHBORHOOD
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-13-015	DC-WARF NEIGHBORHOOD
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-12-039	DICKEY PROPERTY
Comments: Exempt 16.1202(b)(1)(vi) agricultural	
F-17-091	DICKEY PROPERTY LOT 2
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-13-076	DOGWOOD, LOT 4
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-18-016	DORSEY BUSINESS CENTER
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-17-029	DORSEY RUN INDUSTRIAL CENTER - NORTHSIDE
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-14-024	DOWNTOWN COLUMBIA
Comments: Exempt 16.102(b)(1)(iv) planned unit	
F-17-059	DOWNTOWN COLUMBIA - CRESCENT
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-098	DOWNTOWN COLUMBIA - CRESCENT NEIGHBORHOOD
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-16-107	DOWNTOWN COLUMBIA CRESCENT
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-17-011	DOWNTOWN COLUMBIA CRESCENT NEIGHBORHOOD
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-17-042	DOWNTOWN COLUMBIA CRESCENT NEIGHBORHOOD
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-13-026	Downtown Columbia Forest Enhancement Plan
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-13-020	Downtown Columbia Multi-Use Pathway
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-14-073	DT COLUMBIA - MERRIWEATHER- SYMPHONY
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-16-043	DT COLUMBIA WARFIELD NEIGHBORHOOD
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-18-003	DT COLUMBIA-CRSCN
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-14-094	DUPLAN SUBDIVISION

Forest Conservation Tracking Report Data Sheet 1/1/2013 TO 12/31/2018

Comments: Exempt 16.1202(b)(1)(viii) minor subdivision

F-18-063 EASTPOINT PH 2 LOT 15

Comments: Exempt 16.1202(b)(1)(vii) plat of revision

F-17-062 ELLICOTT CITY WAL MART, PARCEL D

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-17-066 ELLICOTT OVERLOOK

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-16-058 ELM-LEE FARM

Comments: Exempt 16.1202(b)(1)(vi) agricultural

F-14-076 ENCHANTED FOREST ESTATES

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-14-064 ENCLAVE AT ELLICOTT STATION

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-15-070 EVERETT L RAMSBURG

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

SDP-15-009 ezSTORAGE

Comments: Exempt 16.1202(b)(1)(iv) planned unit

F-14-055 FLAMEWOOD LOT 8

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-17-076 FOX WOOD MANOR

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-16-070 FRIENDSHIP PINES

Comments: Exempt 16.1202(b)(1)(viii) minor subdivision

SDP-15-025 FUHR PROPERTY (5814 BELLANCA DRIVE)

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.

F-15-030 GAITHER HUNT SEC 1 AREA 2

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

SDP-18-026 GARRIAN ORCHARDS

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.

SDP-18-048 GASH PROPERTY (5140 BONNIE BRANCH ROAD)

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.

F-18-026 GLEN BROOK SEC 2

Comments: Exempt 16.1202(b)(1)(vi) agricultural

F-17-086 GOVERNORS RUN, SECTION 2

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-19-036 GRACE COMMUNITY CHURCH

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

SDP-16-020 GRAY ROCK - LOT 23

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.

F-18-044 GROVEMONT OVERLOOK - II

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-14-013 GTWS WAVERLY WOODS

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

SDP-15-008 HAGGBLOM PROPERTY

**Forest Conservation Tracking
Report Data Sheet
1/1/2013 TO 12/31/2018**

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.

F-15-034 HALL SHOP MANOR II

Comments: Exempt 16.1202(b)(1)(viii) minor subdivision

F-18-102 HALL SHOP MANOR II

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-16-005 HAPPY HILLS FARM LOT 4

Comments: Exempt 16.1202(b)(1)(vi) agricultural

F-16-023 HARRIS ACRES

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

SDP-14-028 HARWOOD PARK

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq. ft.

SDP-16-023 HARWOOD PARK

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.

SDP-15-033 HARWOOD PARK LOTS 393-396 (#6412-6414
EUCLID AVE)

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.

SDP-18-056 HARWOOD PARK LOTS 540-541

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

SDP-17-060 HARWOOD PARK LOTS 661-664

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.

SDP-15-076 HARWOOD PARK LOTS 995-998

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.

SDP-13-043 Harwood Park, Lots 389 and 390

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.

F-13-072 HAY MEADOW

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-15-028 HAY MEADOW PARCEL B

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-14-052 HAYDEN/ELIXHAUSER PROP CABIN HILL

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-14-065 HEDGEROW

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-18-097 HERITAGE WOODS, 1/1, OS LOT 16

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-18-101 HOBART MULLINEAUX PROPERTY PAR B

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

SDP-13-027 Hobbit's Glen Golf Clubhouse

Comments: Exempt 16.1202(b)(1)(iv) planned unit

F-18-061 HOLLENBAUGH PROPERTY LOT 4

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-17-074 HOLLOMAN PROPERTY

Comments: Exempt 16.1202(b)(1)(viii) minor subdivision

F-13-046 HOLLY HILLS SECT 1 & II

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-14-036 HOMEWOOD FARM, LOT 5

**Forest Conservation Tracking
Report Data Sheet
1/1/2013 TO 12/31/2018**

<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-037	HOMEWOOD PROPERTIES PARCELA (HOMEWOOD INTERIORS)
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-17-073	HOWARD CO GEN HOSPITAL
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-003	JAMES TONY PROPERTY
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-18-049	JOHN P GRACE SUBDIVISION
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-17-047	KAREN RUSHING PROPERTY
<u>Comments:</u> Exempt 16.1202(b)(1)(viii) minor subdivision	
F-18-025	KHADIJA ALI MOHAMMAD PROPERTY (CHOUDHARY PROPERTY)
<u>Comments:</u> Exempt 16.1202(b)(1)(viii) minor subdivision	
SDP-14-003	KING PROPERTY, LOT 2
<u>Comments:</u> Exempt 16.1202(b)(1)(i) less than 40,000 sq. ft.	
F-14-126	KINGSBRIDGE AT BURLEIGH MANOR
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-16-083	KLAMUT PROPERTY LOT 5
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-18-045	KNUDSEN PROPERTY
<u>Comments:</u> Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
F-19-009	KRAESKI PROPERTY
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-16-043	KUEHL PROPERTY
<u>Comments:</u> Exempt 16.1202(b)(1)(viii) minor subdivision	
F-14-110	LARIMORE PROPERTY
<u>Comments:</u> Exempt 16.1202(b)(1)(viii) minor subdivision	
SDP-15-055	LAWRENCE WHITEHEAD PROPERTY - PARCEL 345
<u>Comments:</u> Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
SDP-14-086	LAWRENCE WHITEHEAD PROPERTY - PARCEL 346
<u>Comments:</u> Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
SDP-18-037	LKQ PICK YOUR PART
<u>Comments:</u> Exempt - area covered by impervious surface	
SDP-16-053	LONG REACH TENNIS CLUB
<u>Comments:</u> Exempt 16.1202(b)(1)(iv) planned unit	
F-18-043	LOWER TRAIL LOT 3
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-15-070	MACALPINE BLOCK B LOT 30
<u>Comments:</u> Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
F-17-043	MAP OF CRESTLEIGH SECTION TWO
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-16-008	MAP OF KARINWOOD
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	

**Forest Conservation Tracking
Report Data Sheet
1/1/2013 TO 12/31/2018**

F-15-026	MAP OF MACALPINE SEC 2	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
F-17-055	MAPLE LAWN FARMS GARDEN DIST	Comments: Exempt 16.1202(b)(1)(vi) resubdivision
F-13-060	MAPLEWOOD FARMS	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
F-14-007	MARJORIE'S GREEN	Comments: Exempt 16.1202(b)(1)(vi) agricultural
F-15-107	MARK KLEIN PROPERTY	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
F-14-058	MARTINI AND WHIPPS PROPERTY	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
F-16-108	MARYLAND WHOLESALE FOOD CTR	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
F-14-032	MD WHOLESALE FOOD CENTER	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
SDP-14-064	MEL'S LIQUOR	Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.
SDP-16-018	MERRIWEATHER POST PAVILLION & MERRIWEATHER PARK	Comments: Exempt 16.1202(b)(1)(iv) planned unit
F-13-097	MIDWAY BUSINESS CENTER	Comments: Exempt 16.1202(b)(1)(iv) planned unit
SDP-10-005	Midway Business Center	Comments: Exempt 16.1202(b)(1)(iv) planned unit
F-15-065	MILLARD TAYLOR SUBDIVISION	Comments: Exempt 16.1202(b)(1)(viii) minor subdivision
F-16-079	MONTEVIDEO CROSSING PAR A	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
F-14-117	MONTGOMERY ESTATES SUBDIVISION	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
SDP-13-063	Montgomery Knolls	Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.
SDP-17-039	MONTGOMERY KNOLLS	Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.
F-14-037	MOXLEY FAMILY FARM II	Comments: Exempt 16.1202(b)(1)(vi) agricultural
F-18-045	MT HEBRON SEC 15	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
F-16-060	MT HEBRON SEC 17 LOT 34	Comments: Exempt 16.1202(b)(1)(vii) resubdivision
F-12-100	MULLINIX FARM SUBDIVISION	Comments: Exempt 16.1202(b)(1)(vi) agricultural
F-14-115	MULLINIX SUBDIVISION	Comments: Exempt 16.1202(b)(1)(vi) agricultural

**Forest Conservation Tracking
Report Data Sheet
1/1/2013 TO 12/31/2018**

F-09-07351	MURRAY PROPERTY
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-092	NORMAN LEE HARDING PROP LOTS 1-2
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-17-040	NORRIS PROPERTY
Comments: Exempt 16.1202(b)(1)(viii) minor subdivision	
F-19-025	NORTH LAUREL CONSOLIDATION PARCEL A & PARCEL B
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-17-100	NORTH LAUREL PARK
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-14-116	NORTH LAUREL PARK PAR A-1
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-16-020	OAKMONT AT TURF VALLEY PAR X
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-050	ORCHARD HILL
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-16-042	ORCHARD HILL
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-14-051	OWEN BROWN INTERFAITH CENTER - UUCU
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-16-109	OXFORD SQUARE PAR D-D
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-16-112	OXFORD SQUARE PARCELS I & Y
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-13-002	Paragon at Gateway Overlook
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-077	PATRICK PROPERTY
Comments: Exempt 16.1202(b)(1)(vi) agricultural	
SDP-16-034	PATUXENT ENGINEERING
Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
SDP-16-055	PATUXENT SPRINGS - LOT 12
Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
F-18-004	PENSKE
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-18-060	PINE VALLEY
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-13-066	POPLAR HEIGHTS
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-19-006	PROPERTY OF 2800 NIXON'S FARM LANE, LLC
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-18-056	RAMSBURG PROPERTY LOT 5
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-035	RESUB CHESTNUT HILL ESTATES SEC 2

**Forest Conservation Tracking
Report Data Sheet
1/1/2013 TO 12/31/2018**

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-14-038 REVITZ PROPERTY

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-16-091 REVITZ PROPERTY

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-15-023 RIVER FARMS INC SEC 1

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-19-001 RIVERCREST

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-14-059 RIVERS CORPORATE PARK

Comments: Exempt 16.1202(b)(1)(iv) planned unit

F-13-087 RIVERS OVERLOOK

Comments: Exempt 16.1202(b)(1)(iv) planned unite

SDP-13-032 Rivers Overlook

Comments: Exempt 16.1202(b)(1)(iv) planned unit

F-14-101 ROBERT LEWIS, JR. PROPERTY

Comments: Exempt 16.1202(b)(1)(viii) minor subdivision

SDP-13-088 ROBINSONS SUBDIVISION

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.

F-17-028 ROCKBURN RUN

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-13-058 ROCKBURN TOWNSHIP

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-14-105 ROCKBURN TOWNSHIP

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-16-117 ROSE LANE

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-15-045 ROUTE 1 TEMP MOBILE HOME PARK

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-17-069 ROUTE 175 COMMERCIAL

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-17-070 ROUTE 175 COMMERCIAL

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-13-079 SAYBROOK

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-14-019 SHIPLEY'S GRANT PH IV & PH III

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-18-096 SIGNAL HILL - OS LOT 83

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

SDP-17-017 SILVER DINER

Comments: Exempt 16.1202(b)(1)(iv) planned unit

F-14-120 SIMONS ACRES LOT 2

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

F-16-039 SLUSHER PROPERTY

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

**Forest Conservation Tracking
Report Data Sheet
1/1/2013 TO 12/31/2018**

F-16-028	SOBRINA 99 INC PROPERTY
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-011	SPRING HOLLOW
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-13-090	SPRING RIDGE
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-109	ST JOHNS PLAZA
<u>Comments:</u> Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
F-15-072	ST. FRANCIS OF ASSISI SUBDIVISION
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-17-003	STANDAFER PROPERTY
<u>Comments:</u> Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
F-15-068	STEENSEN PROPERTY
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-14-109	STONE MANOR
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-14-070	STONE PROPERTY
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-16-110	SUMMER HAVEN
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-13-037	Swartz Subdivision-Lot 3
<u>Comments:</u> Exempt 16.1202(b)(1)(i) less than 40,000 sq. ft.	
SDP-15-061	SYMPHONY STREAM SITE 5 RESTORATION
<u>Comments:</u> Exempt 16.1202(b)(1)(iv) planned unit	
F-14-104	TALBOTS WOODS I PROPERTY - PHASE I
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-16-038	TALL TREES
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-17-030	TALL TREES
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-16-022	TEMORA LOT 6
<u>Comments:</u> Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
F-13-088	THE ENCHANTED FOREST COMMERCIAL CENTER
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-13-016	The Mall in Columbia Phase VIII
<u>Comments:</u> Exempt 16.1202(b)(1)(iv) planned unit	
F-16-063	TIMBER RIDGE PLAT OF HARWOOD PARK
<u>Comments:</u> Exempt 16.1202(b)(1)(vii) resubdivision	
F-11-086	TOTARO PROPERTY
<u>Comments:</u> Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.	
F-15-056	TOWN SQUARE PARKWAY
<u>Comments:</u> Exempt 16.1202(b)(1)(iv) planned unit	
SDP-13-036	TROTTER CIRCLE
<u>Comments:</u> Exempt 16.1202(b)(1)(viii) minor subdivision	

**Forest Conservation Tracking
Report Data Sheet
1/1/2013 TO 12/31/2018**

F-13-002	TROTTER CIRCLE (TROTTER 5857, LLC)
Comments: Exempt 16.1202(b)(1)(viii) minor subdivision	
F-17-039	TROY HILL CORP CENTER PAR A-30
Comments: Exempt 16.1202(b)(1)(v) planned business park	
SDP-16-040	TROY HILL CORP CENTER PAR A-30
Comments: Exempt 16.1202(b)(1)(v) planned business park	
F-14-096	TURF VALLEY PAR E-1 B-1
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-13-038	Turf Valley Regional SWM Facilities
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-18-053	VALLEY MEDE SEC 1
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-048	VAN STONE PROPERTY
Comments: Exempt 16.1202(b)(1)(viii) minor subdivision	
F-08-057	VANTAGE CONDOMINIUMS AT TURF VALLEY
Comments: Exempt 16.1202(b)(1)(iv) grading permit	
F-16-097	VANTAGE CONDOMINIUMS AT TURF VALLEY
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-08-032	VANTAGE CONDOMINIUMS AT TURF VALLEY
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-006	VANTAGE CONDOMINIUMS OF TURF VALLEY
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-14-060	VILLAGE OF HARPERS CHOICE
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-16-113	VILLAGE OF KINGS CONTRIVANCE
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-13-064	VILLAGE OF WILDE LAKE REDEVELOPMENT
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-13-046	VILLAGE OF WILDE LAKE REDEVELOPMENT
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-08-060	VILLAGES AT TURF VALLEY
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-14-026	VILLAGES AT TURF VALLEY
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-076	VILLAGES AT TURF VALLEY
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-17-013	VILLAGES AT TURF VALLEY
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-08-096	VILLAGES AT TURF VALLEY
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-10-026	VILLAGES AT TURF VALLEY
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-08-086	VILLAGES AT TURF VALLEY - PH 4

Forest Conservation Tracking Report Data Sheet 1/1/2013 TO 12/31/2018

Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-10-034	Villages at Turf Valley - Phase 4
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-104	VILLAGES AT TURF VALLEY PH 4
Comments: Section 16.1202(b)(1)(iv) planned unit	
F-15-079	VILLAGES AT TURF VALLEY PHASE 5
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-15-058	VILLAGES AT TURF VALLEY, PH. 1, SEC. 3
Comments: Exempt 16.1202(b)(1)(iv) Planned Unit	
SDP-17-025	VKC, 3/2, LAKE SEDIMENT PLACEMENT SITE
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-14-041	VU PROPERTY
Comments: Exempt 16.1202(b)(1)(viii) minor subdivision	
F-15-019	W.E. MCDONALD PROPERTY
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-19-011	WALKER MEADOWS
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-18-104	WAVERLY GROVE
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-14-004	WELLINGTON WEST 2/1, PAR B & 2/2, PAR D
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
SDP-16-054	WEST END VILLAGE
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
SDP-15-019	WILDE LAKE MIDDLE SCHOOL
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-052	WILDE LAKE MIDDLE SR HIGH SCHOOL
Comments: Exempt 16.1202(b)(1)(iv) planned unit	
F-15-022	WILDFLOWER WOODS II
Comments: Exempt 16.1202(b)(1)(viii) minor subdivision	
SDP-13-089	Wilford Property
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-031	WILLOW HIGHLANDS AT WILLOW SPRINGS GOLF COURSE
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-15-012	WILLOW POND
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-13-059	WINDSOR FOREST
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-13-063	WINDSOR FOREST & HOBART MULLINEAUX PROPERTY
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-16-073	WOODCAMP FARMS
Comments: Exempt 16.1202(b)(1)(vii) resubdivision	
F-14-090	WOODMARK
Comments: Exempt 16.1202(b)(1)(viii) minor subdivision	

**Forest Conservation Tracking
Report Data Sheet
1/1/2013 TO 12/31/2018**

F-17-065 WOODS AT TIBER BRANCH

Comments: Exempt 16.1202(b)(1)(vii) resubdivision

SDP-13-060 WORTHINGTON OVERLOOK

Comments: Exempt 16.1202(b)(1)(i) less than 40,000 sq.ft.

F-12-082 WRJ PROPERTY

Comments: Exempt 16.1202(b)(1)(viii) minor subdivision

F-15-044 YORIKO PROPERTIES

Comments: Exempt 16.1202(b)(1)(viii) minor subdivision

TOTAL Exempt From Forest Conservation

Grand Total For All Records

Sayers, Margery

From: Gold, Rebecca
Sent: Tuesday, November 26, 2019 11:46 AM
To: Sayers, Margery; Jones, Diane
Subject: CB62-2019 - Enforcement Penalties
Attachments: Forest Conservation Enforcement Actions FY 18-FY 20.pdf

Good morning.

The following is a response from Joshua Feldmark regarding forest conservation enforcement actions:

Section 16.1212 – Forest Conservation Fund

- In FY18, 9 enforcement actions were taken with only 1 requiring a non-compliance fee. The violation was a disturbance of 9,352 square feet which resulted in a fine of \$4,111.20
- In FY19, 7 enforcement actions were taken with only 1 requiring a non-compliance fee. The violation was a disturbance of 1,759 square feet which resulted in a fine of \$1,900.00
- To date in FY20, 7 enforcement actions were taken, not requiring non-compliance fees.

The attachment provides descriptions of each violation.

Rebecca Gold

Howard County Government
Office of the County Auditor
Administrative Assistant
410-313-3065 (phone)
rgold@howardcountymd.gov

Forest Conservation Enforcement Actions

Pre-Construction, Active Construction (Developer)

If violations occur while the developer is still under the Forest Conservation Developer Agreement, the developer is required to resolve and correct any violations and will do so under the direction of the Forest Conservation Inspector.

Post Construction (Property Owner)

Violation notices and enforcement actions are applied to residential property owners and/or Home Owner's Associations. The Forest Conservation Inspector works with property owners to resolve and correct any violations.

- FY18
 - Nine residential enforcement actions were taken with only one requiring a non-compliance fee.
 - Violation 1: Clearing and removal of trees and understory of 9,352 square feet (0.214 acres) which resulted in a fine of \$4,111.20. Funds were used by Howard County Recreation and Parks, Natural and Historic Resources to restore forest conservation area. Forty-three native trees were replanted.
 - Violation 2: Clearing and removal of trees. Resolved by removing debris and replanting of area with seven native trees.
 - Violation 3: Non-native invasive grasses, wooden structure and gravel road. Area was restored, structures, gravel and invasive plants were removed and area was replanted with four large native trees.
 - Violation 4: Mowing and removal of trees. Resident abandoned mowing and replanted area with sixteen native trees.
 - Violation 5: Dumping and structure. Debris and structure removed. No other actions needed.
 - Violation 6: All terrain vehicles were being used excessively. ATV use was stopped.
 - Violation 7: Minor dumping. Inspector worked with resident to educate and dumping was stopped.
 - Violation 8: Excessive dumping. Resident removed all debris.
 - Violation 9: Clearing and dumping. Debris was removed and three native trees were replanted to restore area.

- FY19
 - Seven enforcement actions were taken with only one requiring a non-compliance fee. Six residential and one Homeowner's Association.
 - Violation 1: Clearing and removal of trees and understory of 1,759 square feet (0.04 acres) which resulted in a fine of \$1,900.00. Funds were used by Howard County Recreation and Parks, Natural and Historic Resources to restore forest conservation area. Ten native trees were replanted.
 - Violation 2: Mowing. Inspector worked with resident to educate and mowing was stopped.
 - Violation 3: Paved pathway, mowing and clearing. The HOA removed the pathway, stopped mowing and replanted fifty-five native trees to restore areas.
 - Violation 4: Dumping of lawn debris. Debris was removed.

- Violation 5: Drainage pipes running through forest conservation area. Pipes were removed.
 - Violation 6: Dumping. Debris was removed.
 - Violation 7: Mowing. Inspector worked with resident to educate and mowing was stopped.
- FY20
 - Seven enforcement actions have taken place, not requiring non-compliance fees.
 - Violation 1: Disturbance of FC area. Removed debris and replanted two native trees.
 - Violation 2: Dumping. Inspector worked with resident to educate and debris was removed.
 - Violation 3: Mowing. Inspector worked with resident to educate and mowing was stopped.
 - Violation 4: Mowing. Inspector worked with resident to educate and mowing was stopped.
 - Violation 5: Mowing. Inspector worked with resident to educate and mowing was stopped.
 - Violation 6: Mowing. Inspector worked with resident to educate and mowing was stopped.
 - Violation 7: Structures and storage of materials and livestock. Homeowner has agreed to remove encroachments.

CB62

Sayers, Margery

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

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

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

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

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

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

[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

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

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

Sayers, Margery

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 O₂ 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=IwAR3i6VL3zZlaBU8nGsj9KW8IjLORIMq0PkxLMTIlw77iQCfpcLYtbT0Ueho>

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](https://www.ethz.ch/en/research-and-education/research-centres/eth-zurich.html), 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 (CO₂) 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 CO₂ 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=IwAR2jB5uYovINAIPrr4X0y49WxlpEVomBOuEF6Sh1sR330nH2UJM70xBmzQ>

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 CO₂ 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

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-LOzDx5gHhhGZncRhbS3XrGRBgQKeW7jhXq46CFLBo

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

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

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

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 18th, 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 1st, 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 3rd 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

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

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 this 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

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**

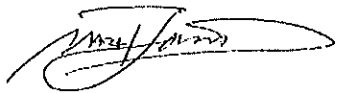
I was formerly chair of Howard County Environmental Sustainability Board and now serve on boards of Howard County Conservancy, Patapsco Heritage Greenway, and Safe Skies Maryland, but I am testifying as an individual today.

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". The signature is stylized with a large, sweeping initial "M" and a long, horizontal flourish extending to the right.

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

Sayers, Margery

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

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.

From: LEILA MAHLIN <samlbm@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 18th, 2019^[LM1]

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

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

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

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 with any questions.

Sincerely,

A handwritten signature in black ink that reads "R. Eilenberg". The signature is stylized with large, overlapping loops for the letters.

Robin Clark Eilenberg, Esq.
Maryland Staff Attorney

Sayers, Margery

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
443-467-1142
8572 Main Street Historic Ellicott City, MD 21043

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

Sayers, Margery

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

From: Leonardo McClarty <lmccarty@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

HOWARD COUNTY COUNCIL PUBLIC HEARING
November 18, 2019
7:00 pm
CB 62-2019
In Favor
With suggested strengthening amendments

Meagan Braganca
3720 Valerie Carol Court
Ellicott City, MD 21042

Once upon a time there were 6 trillion trees on earth. Then civilization began, and to date we have managed to destroy half. Forests are critical to the planet & all species for their ability to preserve water quality, foster biodiversity, provide critical ecosystems, and store carbon. In fact, nearly 45% of land-stored carbon is stored in forests.

In an effort to save our forests, the United Nations launched a billion tree project, now turned into the trillion tree project. It's goal is to restore, reforest and protect a trillion trees by 2050. It's a lofty goal, but a recent study published in Science magazine shows that by just planting half of that, or 500 billion trees, taking up 900 million hectares we can sequester up to 200 gigatonnes of carbon from the atmosphere- that's 2/3 of what humans have belched into the atmosphere since the industrial revolution.

A cautionary note, though, it will take decades for the planted trees of these current initiative to become mature enough to store the kind of carbon we're talking about. In addition—if we continue on this climate trajectory—even if we were to limit warming to the 1.5+C target, some parts of the tropics will grow too hot to support forests, some estimates are as high as 220 million hectares.

Here's more bad news: To date, between 13-14 billion trees have been planted through the program which was launched initially 10 years ago.

We are destroying 15 billion trees a year for farmland expansion and human products . There is some natural sprouting happening but still....we're losing much faster than we can replant.

On top of that, these stats don't even take species, age, size, qualities and contiguous forest data into consideration ---all factors that can make a huge difference.

Larger amounts of biomass=larger amounts of carbon storage

Therefore, it is critical that we make efforts to have net gains of trees and forest cover in every corner of the globe. The only thing that can do that is aggressive legislation everywhere, including here in Howard County.

I support CB62-2019 WITH the additional suggestions made by the Smarter Growth Alliance, including:

1. Expanding the definitions of Historic Site and Historic Structure to include properties and districts listed on the National Register of Historic Places, the Nation's list of historic places worthy of preservation. (Section 16.1201, Definitions)
2. Adding isolated Targeted Ecological Areas (TEAs) to the list of Forest Retention Priorities. TEAs represent the most ecologically valuable places in the state as determined by the Maryland Department of Natural Resources. Howard County's TEAs include some of the few remaining natural areas. (Section 16.1205, Forest Retention Priorities)
3. Increasing reforestation thresholds by 10% for each land use category to more closely approach the goal of no-net-loss. I've just explained why this is critical. (Section 16.1206, Reforestation)
4. Increasing the reforestation ratio for sites within the same watershed to 1:1 (from 1/2:1) and to 1.5:1 (from 1:1) for sites outside the same watershed, recognizing that replanted trees do not provide the same ecological benefits as mature trees. [It's not even close] (Section 16.1206, Reforestation)
5. Limiting approval/denial authority for variances to the Director of Planning and Zoning, the Administrator of Office of Community Sustainability, and the Director of Recreation and Parks for all variance applications—REMOVING the Planning Board as an authoritative entity on this subject. (Section 16.1216, Variances)
6. I also join them in a request to increase the currently stated fee schedule for the fee-in-lieu in CR142.
7. And finally, to further increase the fines for violations to forest conservation laws.

Thank you

Smarter Growth Alliance for Howard County

November 15, 2019

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

RE: CB62-2019, Forest Conservation & CR142-2019, Forest Conservation Fee-in-Lieu

Dear Council Members:

The Smarter Growth Alliance for Howard County is an alliance of local and state organizations working together to protect the county's outstanding environmental assets to preserve and enhance the quality of life enjoyed by residents.

We strongly support the proposed changes to local forest conservation law that will not only bring the County into compliance with the Maryland Forest Conservation Act, but also help to better retain priority forests and reforest where needed. Specifying the replanting of native trees will help grow forests that nurture wildlife and provide consistent habitat with other adjoining forested areas. The Site Design Requirements, which stipulate that residential developments with more than one acre of obligation shall meet 75% of it on site, are important for storm water management and for residents to benefit from the natural environment. And using the State standard of "unwarranted hardship" for review and consideration of variances will protect champion trees.

We thank you for taking action to protect and maintain Howard County's forested land. To that end, we ask that you consider the following strengthening amendments to CB62-2019.

- 1. Expanding the definitions of Historic Site and Historic Structure** to include properties and districts listed on the National Register of Historic Places, the Nation's list of historic places worthy of preservation. (Section 16.1201, Definitions)

*Audubon MD-DC • Audubon Society of Central Maryland • 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*

2. **Adding isolated Targeted Ecological Areas (TEAs) to the list of Forest Retention Priorities.** TEAs represent the most ecologically valuable places in the state as determined by the Maryland Department of Natural Resources. Howard County's TEAs include some of the few remaining natural areas. (Section 16.1205, Forest Retention Priorities)
3. **Increasing reforestation thresholds by 10% for each land use category** to more closely approach the goal of no-net-loss. (Section 16.1206, Reforestation)
4. **Increasing the reforestation ratio** for sites within the same watershed to 1:1 (from ½:1) and to 1.5:1 (from 1:1) for sites outside the same watershed, recognizing that replanted trees do not provide the same ecological benefits as mature trees. (Section 16.1206, Reforestation)
5. **Limiting approval/denial authority for variances** to the Director of Planning and Zoning, the Administrator of Office of Community Sustainability, and the Director of Recreation and Parks in agreement to provide consistent and multi-disciplinary review for all variance applications. This amendment would require removing the Planning Board as an approving/denying entity. (Section 16.1216, Variances)

We also support CR142-2019, which increases forest conservation fee-in-lieu. To ensure that fee-in-lieu is only used when other options are not possible, we ask that you consider further increasing the fees from \$1.25 and \$1.50 per square foot to the \$2.00 - \$3.00 per-square-foot range to better match replanting costs and lost ecosystem services of mature trees.

Finally, we ask that you **further increase fines for violations** to discourage the practice of willfully violating forest conservation laws to reduce project costs.

We thank you for your kind consideration of these comments and for your leadership on this issue.

Sincerely,

Audubon Maryland-DC
David Curson
Director of Bird Conservation

Maryland Conservation Council
Paulette Hammond
President

Clean Water Action
Emily Ranson
Maryland Program Coordinator

Coalition for Smarter Growth
Stewart Schwartz
Executive Director

Community Ecology Institute
Chiara D'Amore, Ph.D.
President

Earth Forum of Howard County
Sue L. Harris
Director

HARP
Lisa Soto
Chair

Howard County Citizens Association
Stu Kohn
President

Howard County Conservancy
Meg Boyd
Executive Director

Howard County Sierra Club
Carolyn Parsa
Chair

Maryland League of Conservation Voters
Kim Coble
Executive Director

Maryland Ornithological Society
Kurt R. Schwarz
Conservation Chair

Patapsco Heritage Greenway
Mark Southerland, Ph.D.
Vice President for Environment

Preservation Maryland
Kimberly Golden Brandt
Director of Smart Growth Maryland

Safe Skies Maryland
Mark Southerland, Ph.D.
Legislative Director

Savage Community Association
Susan Garber
Board Chair

The People's Voice, LLC
Lisa M. Markovitz
President

Transition Howard County
Margo Duesterhaus
President

cc: The Honorable Calvin Ball, County Executive

Bruce A. Harvey
Testimony 11/18/19
Howard County Council
CB62-2019

My name is Bruce Harvey and I live in Fulton, MD 20759 and am majority owner of Williamsburg Homes. I am testifying against CB62-2019.

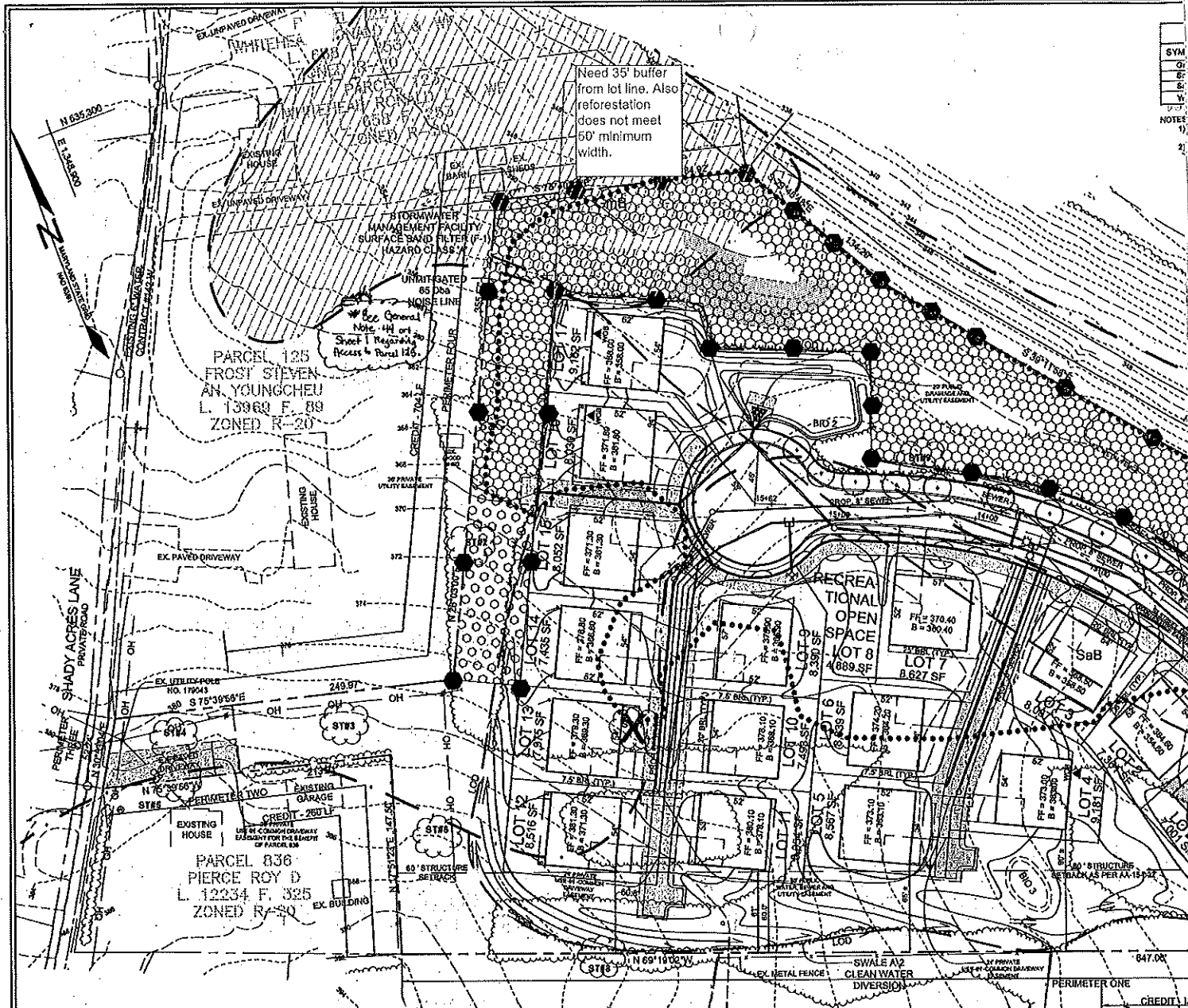
I am going to focus my testimony on the proforma impact of the new bill on a project where we're currently active called Doves Fly in Fulton. I have attached the approved Forest Conservation Plan for the site and highlighted the impact of the new legislation. Doves Fly is an 8.3-acre site subdivided under R-ED zoning where approximately 50% of the land is dedicated to open space including forest conservation. The site was subdivided into 16 lots, the allowable density. All the required 2.15 acres of forest conservation was provided on site. However, under the new legislation, the impact on the site is listed below.

1. The required forest conservation is increased is 2.6 acres from 2.15 acres. The additional forest conservation would have to be provided off-site at a 2:1 ratio or a 3:1 ration if not within the same watershed.
2. If you look at the plan, you'll see that some of the forest conservation onsite (reforestation portion) would not be allowed because it does not meet the required 50' width requirement; so even more would have to moved offsite at a 2:1 ratio or 3:1 ratio.
3. In addition, some of the forest conservation abuts lot lines which would not meet the 35' buffer requirement in the new bill. This applies to retained forest and reforested area.
4. Since so much of the onsite forest conservation couldn't be provided, it potentially could not meet the minimum requirement of 75% of forest conservation being onsite.
5. Minimum lot size in R-ED is 6,000 square feet, so can't just make the lots smaller. Only way to process for subdivision would be to reduce the number of lots.

Without substantial amendment, the new forest conservation bill will not allow projects to achieve their allowed density. In its current state, it isn't a plan to conserve forest, it is an anti-development bill. That appears to be what this council and the administration are pursuing, since APFO and School Surcharge Fees are also promoting less development, but we need to be clear that's what we're doing.

One very crucial item to me is that you can't look at Forest Conservation changes without considering zoning. If you want to preserve additional forest and have better quality forest conservation areas, then you also need to look at the zoning regulations and what's allowed. If we cluster more, change setbacks, allow greater densities, then the two can work in tandem. We really need to do that for all these development related bills.

Thank you for hearing my testimony.



Need 35' buffer from lot line. Also reforestation does not meet 50' minimum width.

PARCEL 125
FROST STEVEN
AN. YOUNGCHU
L. 13969 F. 89
ZONED R-20

PARCEL 838
PIERCE ROY D
L. 12234 F. 325
ZONED R-20

PARCEL 871
ELLINGER ARVELLA L/E
L. 11774 F. 455
ZONED R-20

PARCEL 794
WESSEL DOROTHY E L/E
L. 10079 F. 414
ZONED R-20

PARCEL 1794
LATEIF PROPER
LOT 4
ZONED R-20

APPROVED
PLANNING BOARD
of HOWARD COUNTY

DATE March 19, 2015
D.B.D. signed April 10, 2015

TEMPORARILY APPROVED
DEPARTMENT OF PLANNING AND ZONING
HOWARD COUNTY

Valerie J. ...
PLANNING DIRECTOR
DATE 8-10-15

POST-CONSTRUCTION MANAGEMENT PLAN

HOWARD COUNTY REQUIRES A TWO YEAR POST-CONSTRUCTION MANAGEMENT PLAN TO BE PREPARED AS PART OF THE FOREST CONSERVATION PLAN. THIS PLAN GOES INTO EFFECT UPON ACCEPTANCE OF THE CONSTRUCTION CERTIFICATION OF COMPLETION BY THE COUNTY. ECO-SCIENCE PROFESSIONALS, OR ANOTHER QUALIFIED PROFESSIONAL DESIGNATED BY THE DEVELOPER, WILL BE RESPONSIBLE FOR IMPLEMENTATION OF THE POST-CONSTRUCTION MANAGEMENT PLAN. THE FOLLOWING ITEMS WILL BE INCORPORATED INTO THE PLAN FOR THE SUBJECT PROPERTY:

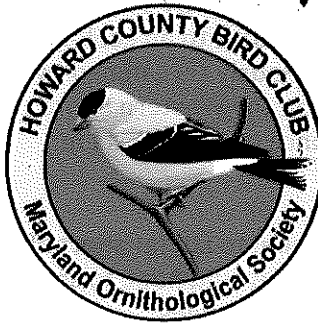
- FENCING AND SIGNAGE**
PERMANENT SIGNAGE INDICATING THE LIMITS OF THE RETENTION/PLANTING AREA SHALL BE MAINTAINED.
- GENERAL SITE INSPECTIONS**
SITE INSPECTIONS WILL BE PERFORMED TO INSURE THAT RETENTION OF THE FOREST IS MET IN ACCORDANCE WITH THIS PLAN AND THAT THE FOREST EDGE REMAINS HEALTHY AND STABLE.
- EDUCATION**
THE DEVELOPER WILL PROVIDE APPROPRIATE MATERIALS TO PROPERTY OWNERS INFORMING THEM OF THE LOCATION AND PURPOSE OF THE FOREST CONSERVATION EASEMENT. MATERIALS MAY INCLUDE SITE PLANS AND INFORMATION EXPLAINING THE EXTENT OF THE FOREST CONSERVATION PLAN.
- FINAL INSPECTION**
AT THE END OF THE TWO YEAR POST-CONSTRUCTION MANAGEMENT PERIOD, ECO-SCIENCE PROFESSIONALS, OR ANOTHER QUALIFIED PROFESSIONAL, WILL SUBMIT TO THE ADMINISTRATOR OF THE HOWARD COUNTY FOREST CONSERVATION PROGRAM CERTIFICATION THAT ALL RETENTION/REForestation REQUIREMENTS HAVE BEEN MET. UPON ACCEPTANCE OF THIS CERTIFICATION, THE COUNTY WILL RELEASE THE DEVELOPER FROM ALL FUTURE OBLIGATIONS AND RELEASE THE DEVELOPER'S BOND.

FOREST CONSERVATION EASEMENTS

EASEMENTS ARE A LEGAL MEANS OF PROVIDING PERMANENT PROTECTION OF FORESTS, FASAL AND OPEN SPACE. IN ACCORDANCE WITH THE CRITERIA OUTLINED IN THE HOWARD COUNTY FOREST CONSERVATION MANUAL, A FOREST CONSERVATION EASEMENT WILL BE RECORDED FOR THE RETENTION AREAS OF THE SUBJECT PROPERTY. SUBMISSION OF THE EASEMENTS FOR RECORDEATION WILL OCCUR PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.

CONSTRUCTION PERIOD PROTECTION PLAN

- FOREST PROTECTION TECHNIQUES**
 - SOIL PROTECTION AREA (CRITICAL ROOT ZONE)**
THE SOIL PROTECTION AREA, OR CRITICAL ROOT ZONE, OF A TREE IS WHERE MOST OF A TREE'S ROOTS MAY BE FOUND. THE MAJORITY OF ROOT NUTRIENT UPTAKE ARE LOCATED JUST BELOW THE SOIL SURFACE, TYPICALLY WITHIN THE CRITICAL ROOT ZONE OF THE FOREST IN AREAS WHERE FEET OF THE LIMIT OF DISTURBANCE.
 - FENCING AND SIGNAGE**
EXISTING FOREST LIMITS OCCURRING WITHIN 25 FEET OF THE LIMITS OF USING TEMPORARY PROTECTIVE FENCING, PERMANENT SIGNAGE SHALL AFFORDEATION AREA PRIOR TO PLANT INSTALLATION, AS SHOWN ON THE PLAN.
 - PRE-CONSTRUCTION MEETING**
UPON STAKING OF LIMITS OF DISTURBANCE A PRE-CONSTRUCTION DEVELOPER, CONTRACTOR AND APPROPRIATE COUNTY INSPECTOR TO VERIFY THAT ALL SIGNMENT CONTROL, IN ORDER, AND TO NOTIFY PENALTIES FOR NONCOMPLIANCE WITH THE FCP.
 - STORAGE FACILITY AND EQUIPMENT CLEARING**
ALL EQUIPMENT STORAGE, PARKING, SANITARY FACILITIES, MATING WITH CONSTRUCTION OF THE PROJECT WILL BE RESTRICTED TO THOSE FOREST CONSERVATION EASEMENT. CLEANING OF EQUIPMENT WILL BE THE PROPOSED HOMESITES. WASTEWATER RESULTING FROM EQUIPMENT PREVENT BURNOFF INTO ENVIRONMENTALLY SENSITIVE AREAS.
 - SEQUENCE OF CONSTRUCTION**
THE FOLLOWING TIMESTABLE REPRESENTS THE PROPOSED TIME SUBJECT PROPERTY. THE FOREST CONSERVATION PLAN WILL BE ENACTED SUBDIVISION APPROVAL.
- BELOW FIND A PROPOSED SEQUENCE OF CONSTRUCTION**
 - INSTALL ALL SIGNAGE AND SEDIMENT CONTROL DEVICES.
 - HOLD PRE-CONSTRUCTION MEETING BETWEEN DEVELOPER, CONTRACTOR AND APPROPRIATE COUNTY INSPECTOR.
 - BUILD ACCESS ROADS, INSTALL WATER AND SEWER, AND CONSTRUCT DISTURBED AREAS ACCORDINGLY.
 - REMOVE SEDIMENT CONTROL.
 - HOLD POST-CONSTRUCTION MEETING WITH COUNTY INSPECTOR TO VERIFY THAT ALL SIGNMENT CONTROL, IN ORDER, AND TO NOTIFY PENALTIES FOR NONCOMPLIANCE WITH THE FCP.
 - CONSTRUCTION MONITORING**
ECO-SCIENCE PROFESSIONALS, OR ANOTHER QUALIFIED PROFESSIONAL, WILL MONITOR CONSTRUCTION OF THE PROJECT TO ENSURE COMPLIANCE WITH THE FOREST CONSERVATION PLAN.
 - POST-CONSTRUCTION MEETING**
UPON COMPLETION OF CONSTRUCTION, ECO-SCIENCE PROFESSIONAL DESIGNATED BY THE DEVELOPER, WILL NOTIFY THE COUNTY INSPECTOR AND ARRANGE FOR A POST CONSTRUCTION MEETING TO VERIFY THAT ALL SIGNMENT CONTROL, IN ORDER, AND TO NOTIFY PENALTIES FOR NONCOMPLIANCE WITH THE FCP.



RE: CB62-19: SUPPORT WITH AMENDMENT

November 12, 2019

Howard County Council
George Howard Building
2430 Court House Drive
Ellicott City, MD 21043
councilmail@howardcountymd.gov

Dear Members of the Howard County Council:

The Howard County Bird Club (HCBC) and its parent organization, the Maryland Ornithological Society (MOS), support CB62-09., the Forest Conservation Act. We applaud any effort to protect trees and habitat from development, and believe CB62-10 would help promote efforts to preserve said trees and habitat.

This bill would enhance forest conservation measures so as to meaningfully protect trees and forested areas that are absolutely critical for local and migratory bird species. As recently reported in the journal Science, North America has lost almost 30% of its birds (nearly 3 billion) since the 1970s, in large part due to habitat loss.¹ Forests, needless to say, are a vital habitat for many bird species, in particular Forest Interior Dwelling Species (FIDS).²

We have witnessed profound declines in FIDS here in Maryland. Between the First Maryland Breeding Bird Atlas (1983-1987) and the Second (2002-2006) the number of blocks occupied by breeding FIDS such as Eastern Whip-poor-wills decreased by 57%,³

¹ Rosenberg, Kenneth, et al, Decline of the North American avifauna, Science, October 4, 2019

<https://science.sciencemag.org/content/366/6461/120.full?ijkey=dcWYzH9MGv13I&keytype=ref&siteid=sci>

² Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, June 2000.

³ Ellison, Walter ed, 2nd Atlas of the Breeding Birds of Maryland and the District of Columbia, Baltimore, 2010, page 197.

Cerulean Warblers by 40%,⁴ Kentucky Warblers by 38%,⁵ Hooded Warblers by 10%,⁶ and Veery by 5%.⁷ This sharp decline over a miniscule amount of time (relative to an ecological timeframe) is one of many red flags that indicate bird species are seriously threatened by habitat loss. For some FIDS the rate of decrease in occupied blocks on the Western Shore was greater than the state-wide decrease, highlighting the significance of lost forests in central Maryland.

While we support the bill, we are puzzled that reforestation ratios seem to fall far short of the “no-net-loss” standard of Maryland’s Forest Conservation Act. We would hope to see this corrected in an amendment or a subsequent bill. We suggest these changes:

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. We propose 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, including adding the Green Infrastructure Network to retention and reforestation priorities, as well as requiring its inclusion on development plans. It is critically important that the few remaining natural areas in the county be retained, so we would propose that small Targeted Ecological Areas (TEAs) also be included and that minimum widths for all buffers and reforestation areas be increased to 100 feet.

Reforestation ratios to mitigate forest clearing have been increased from 1/4 :1 to 1/2:1. We would like to see the ratio be increased to 1:1, 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). We propose that the amount of forest that can be cleared with mitigation be no more than 50% for any land use

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,⁸ increase property values as much as 20 percent,⁹ and improve mental and general human health. To protect our forests and to help reverse the

⁴ Ibid, page 345.

⁵ Ibid, page 363.

⁶ Ibid, page 369.

⁷ Ibid, page 299.

⁸ National Public Radio. Trees Are Key To Fighting Urban Heat — But Cities Keep Losing Them, September 4, 2019,

<https://www.npr.org/templates/transcript/transcript.php?storyId=755349748>

⁹ Chesapeake Bay Foundation. Forest Loss: Trees Play a Crucial Role in Keeping Our Waters Clean, <https://www.cbf.org/issues/forest-loss/>, viewed October 2, 2019.

alarming trends we are seeing across many bird species in the Chesapeake Bay watershed and beyond, we ask you to support Bill 62-19.

The Howard County Bird Club is a volunteer organization of over 200 members, which seeks to promote the knowledge, development, protection, and conservation of bird life and other naturally occurring species and their habitats. We are a chapter of the Maryland Ornithological Society (www.mdbirds.org), which is state-wide and has about 1,800 members, and 15 Chapters.

Sincerely,

Mary Lou Clark
President
Howard County Bird Club
5153 Morningside Lane
Columbia, MD 21043
410-465-4061
doctorfx_99@yahoo.com

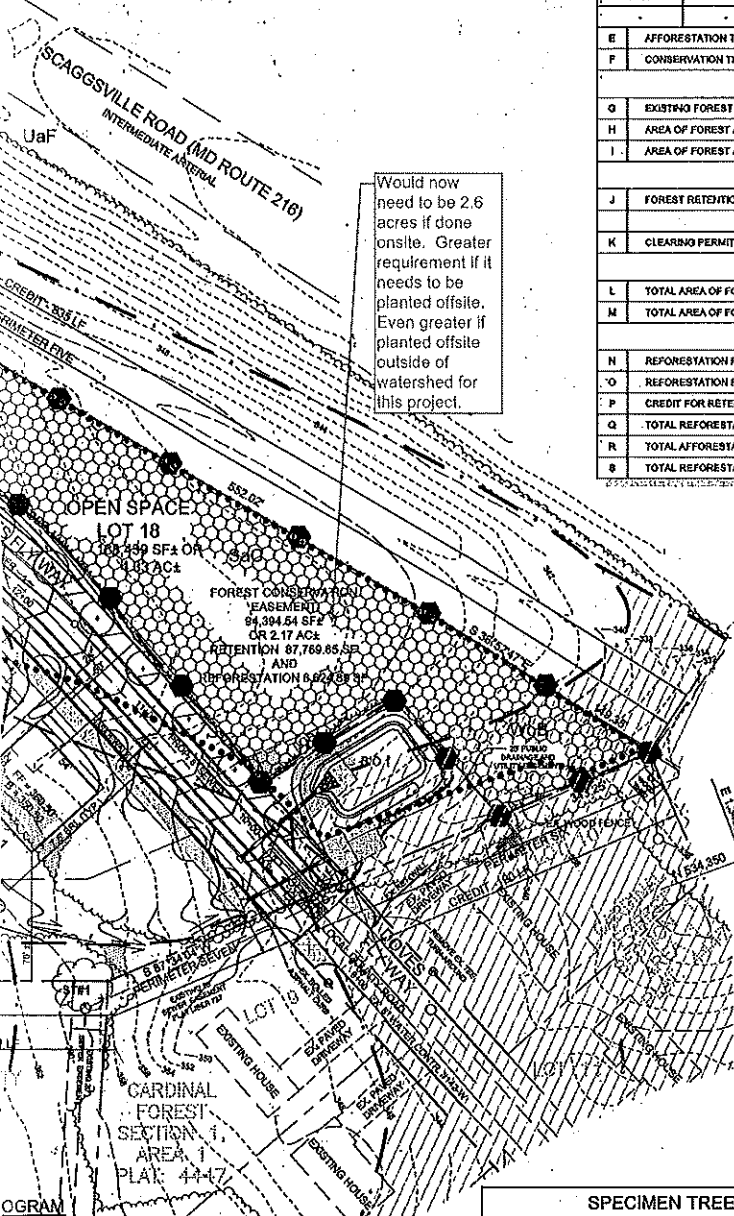
Kurt R. Schwarz
Conservation Chair
Maryland Ornithological Society/Howard County Bird Club
9045 Dunloggin Ct., District 1
Ellicott City, MD 21042
410-461-1643
krschwa1@verizon.net

CC: County Executive Dr. Calvin Ball

SOILS LEGEND

CL	NAME / DESCRIPTION	GROUP	% FACTOR
9	GLENVILLE SILT LOAM, 3 TO 8 PERCENT SLOPES	O	0.37
9	BASSAFRAN LOAM, 3 TO 8 PERCENT SLOPES	B	0.37
9	BASSAFRAN LOAM, 8 TO 10 PERCENT SLOPES	B	0.34
9	WOODSTOCK SANDY LOAM, 2 TO 5 PERCENT SLOPES	O	0.24

SOIL INFORMATION HAS BEEN TAKEN FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, WEB SOIL SURVEY. HIGHLY ERODIBLE SOILS ARE THOSE SOILS WITH A SLOPE GREATER THAN 15 PERCENT OR THOSE SOILS WITH SOIL ERODIBILITY FACTOR 'K' GREATER THAN 0.35 AND WITH A SLOPE GREATER THAN 5 PERCENT.



FOREST CONSERVATION WORKSHEET

NET TRACT AREA	
A	TOTAL TRACT AREA 8.3 AC
B	AREA WITHIN 100 YEAR FLOODPLAIN & UTILITY EASEMENT 0.0 AC
C	AREA TO REMAIN IN AGRICULTURAL PRODUCTION 0.0 AC
D	NET TRACT AREA 8.3 AC

LAND USE CATEGORY (FROM TABLE 3.2.1 PAGE 40, MANUAL)					
ARA	MDR	IDA	HOR	MPD	CA
			XX		

AFFORESTATION THRESHOLD (NET TRACT AREA x 1%)	
E	1.2 AC

CONSERVATION THRESHOLD (NET TRACT AREA x 20%)	
F	1.7 AC

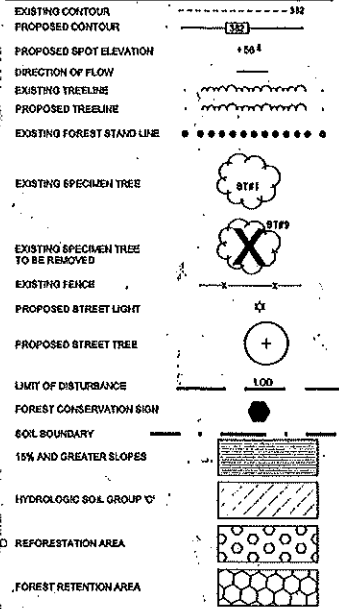
EXISTING FOREST COVER	
G	EXISTING FOREST COVER (EXCLUDING FLOODPLAIN) 3.8 AC
H	AREA OF FOREST ABOVE AFFORESTATION THRESHOLD 2.8 AC
I	AREA OF FOREST ABOVE CONSERVATION THRESHOLD 2.1 AC

BREAK EVEN POINT	
J	FOREST RETENTION ABOVE THRESHOLD WITH NO MITIGATION 0.4 AC
K	CLEARING PERMITTED WITHOUT MITIGATION 1.7 AC

PROPOSED FOREST CLEARING	
L	TOTAL AREA OF FOREST TO BE CLEARED OR RETAINED OUTSIDE FCE 1.8 AC
M	TOTAL AREA OF FOREST TO BE RETAINED IN FCE 2.0 AC

PLANTING REQUIREMENTS	
N	REFORESTATION FOR CLEARING ABOVE CONSERVATION THRESHOLD 0.45 AC
O	REFORESTATION FOR CLEARING BELOW CONSERVATION THRESHOLD 0 AC
P	CREDIT FOR RETENTION ABOVE THE CONSERVATION THRESHOLD 0.3 AC
Q	TOTAL REFORESTATION REQUIRED 0.15 AC
R	TOTAL AFFORESTATION REQUIRED 0.0 AC
S	TOTAL REFORESTATION AND AFFORESTATION REQUIRED 0.15 AC

LEGEND



FOREST CONSERVATION PLAN NOTES

- ANY FOREST CONSERVATION EASEMENT (FCE) AREA SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF HOWARD COUNTY WHICH RESTRICT THE DISTURBANCE AND USE OF THESE AREAS.
- FORESTED AREAS OCCURRING OUTSIDE OF THE FCE SHALL NOT BE CONSIDERED PART OF THE FCE AND SHALL NOT BE SUBJECT TO PROTECTIVE COVENANTS.
- LIMITS OF DISTURBANCE SHALL BE RESTRICTED TO AREAS OUTSIDE THE LIMIT OF TEMPORARY FENCING OR THE FCE BOUNDARY, WHICHEVER IS GREATER.
- THESE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION EASEMENT, EXCEPT AS PERMITTED BY HOWARD COUNTY DPZ.
- NO STOCKPILES, PARKING AREAS, EQUIPMENT CLEARING AREAS, ETC. SHALL OCCUR WITHIN AREAS DESIGNATED AS FOREST CONSERVATION EASEMENTS.
- TEMPORARY FENCING SHALL BE USED TO PROTECT FOREST RESOURCES DURING CONSTRUCTION. FENCING SHALL BE INSTALLED ALONG LIMITS OF DISTURBANCE OCCURRING WITHIN 50 FEET OF THE PROPOSED FCE LIMITS. PERMANENT SIGNAGE WILL BE POSTED AT 50-100 FOOT INTERVALS ALONG ALL FCE LIMITS, AS SHOWN HEREON.
- THE FOREST CONSERVATION ACT REQUIREMENTS FOR THIS PROJECT WILL BE MET THROUGH THE 2.0 ACRES OF RETENTION AND 0.15 ACRES OF PLANTING.

LANDSCAPE PLAN NOTES

- AT THE TIME OF INSTALLMENT, ALL SHRUBS AND OTHER PLANTINGS HEREWITH LISTED AND APPROVED FOR THIS SITE, SHALL BE OF THE PROPER HEIGHT REQUIREMENTS IN ACCORDANCE WITH THE HOWARD COUNTY LANDSCAPE MANUAL. IN ADDITION, NO SUBSTITUTIONS OR REDUCTIONS OF PLANTING REQUIREMENTS MAY BE MADE WITHOUT PRIOR REVIEW AND APPROVAL FROM THE DEPARTMENT OF PLANNING AND ZONING. ANY DEVIATION FROM THIS APPROVED LANDSCAPE PLAN MAY RESULT IN DENIAL OR DELAY IN THE RELEASE OF LANDSCAPE SURETY UNTIL SUCH TIME AS ALL REQUIRED MATERIALS ARE PLANTED AND/OR REVISIONS ARE MADE TO APPLICABLE PLANS AND CERTIFICATE.
- THE OWNER, THEIR AGENTS SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE REQUIRED LANDSCAPING, INCLUDING BOTH PLANT MATERIALS AND BERMS, FENCES AND WALLS. ALL PLANT MATERIALS SHALL BE MAINTAINED IN GOOD GROWING CONDITION, AND WHEN NECESSARY, REPLACED WITH NEW MATERIALS TO ENSURE CONTINUED COMPLIANCE WITH APPLICABLE REGULATIONS. ALL OTHER REQUIRED LANDSCAPING SHALL BE PERMANENTLY MAINTAINED IN GOOD CONDITION, AND WHEN NECESSARY, REPAIRED OR REPLACED.
- LANDSCAPING IS PROVIDED FOR THIS PROJECT IN ACCORDANCE WITH THE HOWARD COUNTY LANDSCAPE MANUAL. FINANCIAL SURETY WILL BE CALCULATED AT THE FINAL PLAN.

SCHEDULE A PERIMETER LANDSCAPE EDGE

CATEGORY	ADJACENT TO ROADWAYS			ADJACENT TO PERIMETER PROPERTIES			
	3	7	5	1	2	4	6
PERIMETER FRONTAGE DESIGNATION	3	7	5	1	2	4	6
LANDSCAPE TYPE	B	NA	B	A	A	A	A
LINEAR FEET OF ROADWAY FRONTAGE PER PERIMETER	NO	NO	YES (1)	YES (1)	YES (1)	YES (1)	YES (1)
CREDIT FOR EXISTING VEGETATION (YES, NO, LINEAR FEET)	0LF	0LF	035LF	12-4 LF	200LF	204LF	190LF
REMAINING PERIMETER LENGTH CREDIT FOR WALL, FENCE OR BERM (YES, NO, LINEAR FEET)	02LF	03LF	0LF	012LF	101LF	08LF	0LF
REMAINING PERIMETER LENGTH NUMBER OF PLANTS REQUIRED	NO	NO	NO	NO	NO	NO	NO
SHADE TREES	150-1		150-0	150-15	150-2	150-1	150-0
EVERGREEN TREES	150-1		150-0				
SHRUBS							

- CREDIT TAKEN FOR EXISTING WOODS. IDENTIFICATION OF APPROPRIATE LANDSCAPING CREDIT WILL BE FINALIZED AT THE FINAL PLAN.

STREET TREE SCHEDULE

SYMBOL	STREET NAME	LF REQUIRED	TREES REQUIRED	TREES PROVIDED
1	DOVES FLY WAY	1,276	32	32

SPECIMEN TREE TABLE

KEY	SIZE	TYPE	CRZ	REMARKS
ST-1	34"	WHITE OAK	51	FAIR, SOME CANOPY DIEBACK
ST-2	34"	WHITE OAK	51	POOR CONDITION, TRUNK ROT
ST-3	31"	WHITE OAK	57	FAIR HEAVY VINES SOME LIMB DIEBACK
ST-4	37"	BLACK OAK	55.5	POOR CONDITION MAJOR LIMB DIEBACK
ST-5	30"	CHESTNUT OAK	45	GOOD CONDITION
ST-6	30"	CHESTNUT OAK	45	GOOD CONDITION
ST-7	33"	BLACK OAK	58.5	POOR CONDITION, TRUNK ROT, TO BE REMOVED
ST-8	37"	RED OAK	55.5	FAIR CONDITION, LIMB DIEBACK, DAMAGE TO TRUNK NOTED
ST-9	37"	RED OAK	55.5	POOR STRUCTURE, LIMB DIEBACK

GRAPHIC SCALE



OWNER/DEVELOPER

WILLIAMSBURG GROUP
6465 HARPER'S FARM ROAD, SUITE 200
COLUMBIA, MARYLAND 21044
(410) 997-8300

PRELIMINARY FOREST CONSERVATION AND LANDSCAPE PLAN

DOVES FLY
LOTS 1 THRU 7 AND LOTS 9 TO 17 AND
OPEN SPACES LOT 8 AND LOT 18

TAX MAP 47 GRID 7
6TH ELECTION DISTRICT

PARCEL 126
HOWARD COUNTY, MARYLAND



SILL ENGINEERING GROUP, L.L.C.
11130 Dovesfly, Suite 200
Manassas, Maryland 21104
Phone: 443-225-2076
Fax: 410-696-2022
Email: info@sillengineering.com
Civil Engineering for Land Development

DESIGN BY: PS
DRAWN BY: KRB
CHECKED BY: PS
SCALE: 1"=50'
DATE: JUNE 10, 2015
PROJECT #: 15-010
SHEET #: 7 of 7

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 20085, EXPIRATION DATE: JUNE 30, 2017



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Susan Garber, have been duly authorized by
(name of individual)

Howard County Citizen Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-62 Forest Conservation to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: SUSAN BARBER

Signature: Susan Garber

Date: 11/18/19

Organization: HCCA

Organization Address: P.O. Box 89

Ellicott City, MD

Number of Members: 500

Name of Chair/President: Stu Kohn

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: November 18, 2019

Subject: HCCA Testimony – CB-62-2019. Strong Support. Requesting Strengthening Amendments

Good evening Council Members,

I'm Susan Garber testifying **in support** of CB-62 on behalf of the Howard County Citizen Association, HCCA, where I frequently 'speak for the trees'

This legislation needs to be supported because trees are our best single tool to fight climate change.

Trees serve many positive functions, including:

- sequestering carbon dioxide and producing oxygen needed to breathe.
- intercepting rainfall, slowing and allowing for absorption that prevents run-off and flooding.
- stabilizing the soil on steep slopes with their root structure.
- providing serene beauty
- creating a measurable positive effect on our physical and mental health
- providing habitat for the woodland animals and all manner of rare, threatened and endangered species.

Clearly we need to save the trees in order to save our planet.

And bottom line, most importantly,

We need to save our trees to save our children. Failure to pass this bill jeopardizes their future in measurable ways.

Trees are NOT just an inconvenient and expensive nuisance, to be removed in order to provide a blank slate on which a computer can generate an uninspiring site plan that looks pretty much like every other.

The lack of compliance with the State's Forest Conservation regulations for two decades, coupled with foolishly valuing unlimited development over our future well-being, has resulted in the steady decimation of our forested lands. It has increased flooding, reduced quality of life, and created the need, to construct ridiculously expensive 'shade shelters' in our school playgrounds and parks to protect our children from skin cancer.

We urge the Council to **emphasize prioritizing conservation** of existing mature trees because **all trees are not created equal** in terms of the benefits they deliver. While reforestation efforts are worthwhile, they can't compare with the retention of mature trees.

Nowhere is this more critical than in our densely populated east.

The statistics are astounding. One mature 100' tree produces the oxygen of 1000 little trees. (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.) Yet two 3" caliper trees are all developers have been required to plant to replace specimen trees 30 inches or more in diameter. [The 44,000 native trees replanted through the County Executive's laudable program this year will eventually produce benefits down the road and we sincerely applaud the effort. But it is none the less frightening to think that **these 44,000 trees, should every one survive, would replace only 44 specimen trees, trees which DPZ allowed to be removed –rather than requiring an adjustment in a site plan.**

Mature trees "intercept," or prevent from hitting the ground, far more rainwater per year than young ones. This allows more time for absorption. It reduces the amount of storm water that flows into sewers and rivers, which frequently causes flooding and carries pollutants. The amount of rainfall intercepted by a 40 year old tree vs. a 5 year old one can be forty times as great. (McPherson, et al. 2006. More about tree size and interception.)

Another little mentioned issue is TREE EQUITY. People of lower income typically have fewer trees to benefit them. In Howard County trees have migrated to the west. You should not worsen the tree equity situation by considering, as AA County did, **reducing** conservation standards in densely populated areas like Laurel. Those living in the eastern part of the county should demand tree equity.

There was a time when developers like Jim Rouse sought to preserve as many trees as possible ON a residential lot. He recognized that mature tree(s) would qualify an individual lot to command a premium price. I'm told that in Columbia's early days, signs were erected which said, "Other than you, this tree is the most valuable thing on this lot."

Much of what contributes to soulless treeless development today is the declaration by developers— embraced by the DPZ and DPW-- that **"this is how we build today."** "This" means we strip and regrade and go for maximum density over good design or even good marketing sense. (Real example: a proposed site plan for a parcel surrounded with forest on 3 sides and a river on two—with NO units facing either feature!)

Real estate and building representatives will say the proposed Forest Conservation Act could cause a housing shortage and sprawl with more people just working, but not

living, in Howard County. They ridiculously assert there will be a decline in air quality from longer commutes, when retaining and replanting trees is needed to clean the air for our very existence.

But the true priority issue to the development community is that forest conservation cuts down on the buildable space on a property. That correlates to fewer units in a residential development or less square feet to rent in a commercial one; thereby less profit margin. But just as developers were subsidized with ridiculously inadequate school impact fees for decades, so too has the county subsidized their profits by not having forest conservation regulations compliant with state law. Worse yet, former administrations failed to enforce the lesser ones we have.

It is our opinion that the development community already **owes** residents of Howard County, and their children in overcrowded schools, **a great debt. Now is not the time to subsidize them further at the sacrifice of our health and well being by watering down this legislation.** Previous administrations and department heads permitted—even encouraged-- the destruction of our forests with over use of waivers, administrative adjustments, etc. for the mythical profit from development property taxes

The HCCA was proud to sign on with 15 other organizations supporting this bill and suggesting additional means to strengthen it. We refer you to that joint letter from the Smarter Growth Alliance. Please pass this Bill and consider strengthening amendments, not ones which will weaken it.

21 reasons why forests are important

Russell McLendon September 16, 2019, 9:57 a.m.

Don't miss the forest for the trees. Here are a few reminders why woodlands are wonderful — and worth protecting.



Sunlight filters through a forest in Union Wood near Ballygawley, Ireland. (Photo: Mark Carthy/Shutterstock)

Forests cover nearly a third of all land on Earth, providing vital organic infrastructure for some of the planet's densest, most diverse collections of life. They support countless species, including our own, yet we often seem oblivious of that. Humans now clear millions of acres from natural forests every year, especially in the tropics, letting deforestation threaten some of Earth's most valuable ecosystems.

We tend to take forests for granted, underestimating how indispensable they still are for everyone on the planet. That would quickly change if they all disappeared, but since humanity might not survive that scenario, the lesson wouldn't be very useful by then. As the Once-ler finally realizes in Dr. Seuss' "[The Lorax](#)," a crisis like deforestation depends on indifference. "UNLESS someone like you cares a whole awful lot," Seuss wrote, "nothing is going to get better. It's not."

Indifference, in turn, often depends on ignorance. So to help things get better for woodlands around the world, we'd all be wise to learn more about the benefits of forests — and to share that knowledge with others. That's the goal of events like Arbor Day and the International

Day of Forests, a U.N. holiday observed annually on March 21. But forests support us every day of the year, and as deforestation runs rampant around the world, they increasingly need us to return the favor.

In hopes of shedding more light on what forests do for us, and how little we can afford to lose them, here are 21 reasons why forests are so important:



Morning mist shrouds a tropical forest at Kaeng Krachan National Park in Thailand. (Photo: Stephane Bidouze/Shutterstock)

1. They help us breathe.

Forests pump out oxygen we need to live and absorb the carbon dioxide we exhale (or emit). A single mature, leafy tree is estimated to produce a day's supply of oxygen for anywhere from two to 10 people. Phytoplankton in the ocean are more prolific, providing half of Earth's oxygen, but forests are still a key source of quality air.

2. They're more than just trees.

Nearly half of Earth's known species live in forests, including 80% of biodiversity on land. That variety is especially rich in tropical rainforests, but forests teem with life around the planet: Insects and worms work nutrients into soil, bees and birds spread pollen and seeds, and keystone species like wolves and big cats keep hungry herbivores in check. Biodiversity is a big deal, both for ecosystems and human economies, yet it's increasingly threatened around the world by deforestation.

3. People live there, too.

Some 300 million people live in forests worldwide, including an estimated 60 million indigenous people whose survival depends almost entirely on native woodlands. Many millions more live along or near forest fringes, but even just a scattering of urban trees can raise property values and reduce crime, among other benefits.



The canopy towers above a coastal-plain forest in Italy's Nazionale del Circeo. (Photo: [Nicola \[CC BY 2.0\]/Flickr](#))

4. They keep us cool.

By growing a canopy to hog sunlight, trees also create vital oases of shade on the ground. Urban trees help buildings stay cool, reducing the need for electric fans or air conditioners, while large forests can tackle daunting tasks like curbing a city's "heat island" effect or regulating regional temperatures.

5. They keep Earth cool.

Trees also have another way to beat the heat: absorb CO₂ that fuels global warming. Plants always need some CO₂ for photosynthesis, but Earth's air is now so thick with extra emissions that forests fight global warming just by breathing. CO₂ is stored in wood, leaves and soil, often for centuries.

6. They make it rain.

Large forests can influence regional weather patterns and even create their own microclimates. The Amazon rainforest, for example, generates atmospheric conditions that not only promote regular rainfall there and in nearby farmland, but potentially as far away

as the Great Plains of North America.

7. They fight flooding.

Tree roots are key allies in heavy rain, especially for low-lying areas like river plains. They help the ground absorb more of a flash flood, reducing soil loss and property damage by slowing the flow.



Erawan Falls flows through a rainforest in the Tenasserim Hills of western Thailand. (Photo: Shutterstock)

8. They pay it forward.

On top of flood control, soaking up surface runoff also protects ecosystems downstream. Modern stormwater increasingly carries toxic chemicals, from gasoline and lawn fertilizer to pesticides and pig manure, that accumulate through watersheds and eventually create low-oxygen "dead zones."

9. They refill aquifers.

Forests are like giant sponges, catching runoff rather than letting it roll across the surface, but they can't absorb all of it. Water that gets past their roots trickles down into aquifers, replenishing groundwater supplies that are important for drinking, sanitation and irrigation around the world.

10. They block wind.

Farming near a forest has lots of benefits, like bats and songbirds that eat insects or owls and

foxes that eat rats. But groups of trees can also serve as a windbreak, providing a buffer for wind-sensitive crops. And beyond protecting those plants, less wind also makes it easier for bees to pollinate them.

11. They keep dirt in its place.

A forest's root network stabilizes huge amounts of soil, bracing the entire ecosystem's foundation against erosion by wind or water. Not only does deforestation disrupt all that, but the ensuing soil erosion can trigger new, life-threatening problems like landslides and dust storms.



Trees blanket Pine Creek Gorge in Pennsylvania's Tioga State Forest. (Photo: [Nicholas A. Tonelli \[CC BY 2.0\]/Flickr](#))

12. They clean up dirty soil.

In addition to holding soil in place, forests may also use phytoremediation to clean out certain pollutants. Trees can either sequester the toxins away or degrade them to be less dangerous. This is a helpful skill, letting trees absorb sewage overflows, roadside spills or contaminated runoff.

13. They clean up dirty air.

We herald [houseplants](#) for purifying the air, but don't forget forests. They can clean up air pollution on a much larger scale, and not just CO₂. Trees absorb a wide range of airborne pollutants, including carbon monoxide, sulfur dioxide and nitrogen dioxide. In the U.S. alone, urban trees are estimated to [save 850 lives per year](#) and \$6.8 billion in total health care costs just by removing pollutants from the air.

14. They muffle noise pollution.

Sound fades in forests, making trees a popular natural noise barrier. The muffling effect is largely due to rustling leaves — plus other woodland white noise, like bird songs — and just a few well-placed trees can cut background sound by 5 to 10 decibels, or about 50% as heard by human ears.

15. They feed us.

Not only do trees produce fruits, nuts, seeds and sap, but they also enable a cornucopia near the forest floor, from edible mushrooms, berries and beetles to larger game like deer, turkeys, rabbits and fish.



North America's eastern forests teem with red-eyed vireos in summer. (Photo: [Matt MacGillivray \[CC BY 2.0\]/Flickr](#))

16. They heal us.

Forests give us many natural medications, and increasingly inspire synthetic spin-offs. The asthma drug theophylline comes from cacao trees, for one, while a compound in eastern red cedar needles fights drug-resistant bacteria. About 70% of known plants with cancer-fighting properties occur only in rainforests, yet fewer than 1% of tropical rainforest plants have been tested for medicinal effects. Even just walking in the woods [can offer health benefits](#), too, including stress relief, reduced blood pressure and a stronger immune system. The latter may be partly due to trees releasing airborne compounds called [phytoncides](#), which prompt our bodies to boost the natural killer (NK) cells that attack infections and guard against tumors.

17. They help us make things.

Where would humans be without timber and resin? We've long used these renewable resources to make everything from paper and furniture to homes and clothing, but we also

have a history of getting carried away, leading to overuse and deforestation. Thanks to the growth of tree farming and sustainable forestry, though, it's becoming easier to find responsibly sourced tree products.

18. They create jobs.

More than 1.6 billion people rely on forests to some extent for their livelihoods, according to the U.N., and 10 million are directly employed in forest management or conservation. Forests contribute about 1% of the global gross domestic product through timber production and non-timber products, the latter of which alone support up to 80% of the population in many developing countries.

19. They create majesty.

Natural beauty may be the most obvious and yet least tangible benefit a forest offers. The abstract blend of shade, greenery, activity and tranquility can yield concrete advantages for people, however, like convincing us to appreciate and preserve old-growth forests for future generations.



Romania's Danube Delta is reportedly the best-preserved river delta in Europe. (Photo: Daniel Mihailescu/AFP /Getty Images)

20. They help us explore and relax.

Our innate attraction to forests, part of a phenomenon known as [biophilia](#), is still in the

relatively early stages of scientific explanation. We know biophilia draws us to woods and other natural scenery, though, encouraging us to rejuvenate ourselves by exploring, wandering or just unwinding in the wilderness. They give us a sense of mystery and wonder, evoking the kinds of wild frontiers that molded our distant ancestors. And thanks to our growing awareness that spending time in forests is good for our health, many people now seek out those benefits with the Japanese practice of *shinrin-yoku*, commonly translated to English as "forest bathing."

21. They're pillars of their communities.

Like the famous rug in "The Big Lebowski," forests really tie everything together — and we often don't appreciate them until they're gone. Beyond all their specific ecological perks (which can't even fit in a list this long), they've reigned for eons as Earth's most successful setting for life on land. Our species probably couldn't live without them, but it's up to us to make sure we never have to try. The more we enjoy and understand forests, the less likely we are to miss them for the trees.

Editor's note: This article has been updated since it was originally published in March 2014.

21 reasons why forests are important

In case you're missing the forest for the trees, here are a few reminders why woodlands are wonderful.



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, HIRSHY HADLU, have been duly authorized by
(name of individual)

HCCA to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 65 P CR 142 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: HIRSHY HADLU

Signature: [Handwritten Signature]

Date: 11/18/19

Organization: HCCA

Organization Address: P.O. Box 89, Suitzoll City, MD 21041

Number of Members: 500

Name of Chair/President: Stu Kohn

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 18 November 2019

Subject: HCCA Testimony – CR142 -- Increasing Forest Conservation fees-in-lieu.

Members of the County Council,

I am testifying on behalf of the Howard County Citizens Association to urge you to rethink the practice of fees-in-lieu as a way to allow developers from not fulfilling their obligations. As we approach another budget season and an almost certain record deficit, we can look to this practice as a main contributor.

Howard County fees-in-lieu do not reflect the actual cost to the taxpayer and the forest conservation fees are a prime example. Here we are, facing cataclysmic disasters from climate change, declaring that "we're still in" the Paris Agreement proclaiming our commitment to stand for decisive action, while setting fees of cutting down trees that do not reflect their true worth.

First, HCCA does not support the use of fees-in-lieu as a way for developers to get out of fulfilling their obligation. A fee-in-lieu is ideal for a counter-party that is a steward of its community, who would not abuse the process for the sake of profits. The current structure is abused and enables developer profit subsidy. A fee-in-lieu makes sense when zero practical solutions exist to overcome the obstacles. It is a last resort. But in Howard County it's really more of a first resort.

Second, if a fee-in-lieu should exist, we think it should be based on sound fiscal and economic evaluations. Most fees in Howard County are pulled out of thin-air and there is little proof the forest conservation fees are any different.

While we appreciate the explanation provided in the administration's testimony that provided some basis for the fees, we think the fee should also include the cost of carbon abatement. Governments, businesses and NGOs are adding these climate-related costs to their budgeting and a county government that prides itself as forward-thinking leader on climate issues should also.

An acre of mature trees can sequester as much as 5,800 pounds of carbon dioxide per year. Just going by CB62 requirements of 100 trees per year leads to 58 pounds per tree per year. Assuming a carbon cost of \$50 per ton, a social discount rate of 1 percent, each tree would add up to 30 cents to the fees within the planned service area boundary making it \$1.55 per square foot and closer to \$1.90 per square foot outside the PSA. By the way, number of trees per acre specified in CB62 assumed 20 feet, while many recommendations are 10 feet or less, which

would lead to \$1.20 per square feet just due to carbon abatement alone. This fee doesn't take into account the fact that not all trees are created equal. Mature trees have more benefits and the time needed for small trees to mature should be reflected in the fee-in-lieu.

The fee for abandonment would need to be at least double the cost – closer to \$4 or \$5.00 if the intent is to dissuade the possibility of someone going thorough the process with the intent to abandon because it is the cheaper option.

Ideally, fees-in-lieu would be eliminated as a way to comply with regulations as they have been abused by developers for years. Alternatively, we ask that the calculations incorporate a defensible account for the impact of climate change and the benefits of trees in protecting communities from flooding.

Hiruy Hadgu
HCCA Board of Director

November 18th, 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 1st, 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 3rd 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



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Elly Cowan, have been duly authorized by
(name of individual)

Smarter Growth Alliance of Howard County to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB62-2019 and CR42-2019 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Elly Cowan

Signature: Elly Cowan

Date: 11/18/2019

Organization: Smarter Growth Alliance of Howard County

Organization Address: 3600 Clipper Mill Rd Ste. 248

Baltimore, MD 21211

Number of Members: ~~10~~ 20 member organizations

Name of Chair/President: Kimberly Golden Brandt

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

Smarter Growth Alliance for Howard County

November 15, 2019

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

RE: CB62-2019, Forest Conservation & CR142-2019, Forest Conservation Fee-in-Lieu

Dear Council Members:

The Smarter Growth Alliance for Howard County is an alliance of local and state organizations working together to protect the county's outstanding environmental assets to preserve and enhance the quality of life enjoyed by residents.

We strongly support the proposed changes to local forest conservation law that will not only bring the County into compliance with the Maryland Forest Conservation Act, but also help to better retain priority forests and reforest where needed. Specifying the replanting of native trees will help grow forests that nurture wildlife and provide consistent habitat with other adjoining forested areas. The Site Design Requirements, which stipulate that residential developments with more than one acre of obligation shall meet 75% of it on site, are important for storm water management and for residents to benefit from the natural environment. And using the State standard of "unwarranted hardship" for review and consideration of variances will protect champion trees.

We thank you for taking action to protect and maintain Howard County's forested land. To that end, we ask that you consider the following strengthening amendments to CB62-2019.

- 1. Expanding the definitions of Historic Site and Historic Structure** to include properties and districts listed on the National Register of Historic Places, the Nation's list of historic places worthy of preservation. (Section 16.1201, Definitions)

*Audubon MD-DC • Audubon Society of Central Maryland • 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*

2. **Adding isolated Targeted Ecological Areas (TEAs) to the list of Forest Retention Priorities.** TEAs represent the most ecologically valuable places in the state as determined by the Maryland Department of Natural Resources. Howard County's TEAs include some of the few remaining natural areas. (Section 16.1205, Forest Retention Priorities)
3. **Increasing reforestation thresholds by 10% for each land use category** to more closely approach the goal of no-net-loss. (Section 16.1206, Reforestation)
4. **Increasing the reforestation ratio** for sites within the same watershed to 1:1 (from ½:1) and to 1.5:1 (from 1:1) for sites outside the same watershed, recognizing that replanted trees do not provide the same ecological benefits as mature trees. (Section 16.1206, Reforestation)
5. **Limiting approval/denial authority for variances** to the Director of Planning and Zoning, the Administrator of Office of Community Sustainability, and the Director of Recreation and Parks in agreement to provide consistent and multi-disciplinary review for all variance applications. This amendment would require removing the Planning Board as an approving/denying entity. (Section 16.1216, Variances)

We also support CR142-2019, which increases forest conservation fee-in-lieu. To ensure that fee-in-lieu is only used when other options are not possible, we ask that you consider further increasing the fees from \$1.25 and \$1.50 per square foot to the \$2.00 - \$3.00 per-square-foot range to better match replanting costs and lost ecosystem services of mature trees.

Finally, we ask that you **further increase fines for violations** to discourage the practice of willfully violating forest conservation laws to reduce project costs.

We thank you for your kind consideration of these comments and for your leadership on this issue.

Sincerely,

Audubon Maryland-DC
David Curson
Director of Bird Conservation

Maryland Conservation Council
Paulette Hammond
President

Clean Water Action
Emily Ranson
Maryland Program Coordinator

Maryland League of Conservation Voters
Kim Coble
Executive Director

Coalition for Smarter Growth
Stewart Schwartz
Executive Director

Maryland Ornithological Society
Kurt R. Schwarz
Conservation Chair

Community Ecology Institute
Chiara D'Amore, Ph.D.
President

Patapsco Heritage Greenway
Mark Southerland, Ph.D.
Vice President for Environment

Earth Forum of Howard County
Sue L. Harris
Director

Preservation Maryland
Kimberly Golden Brandt
Director of Smart Growth Maryland

HARP
Lisa Soto
Chair

Safe Skies Maryland
Mark Southerland, Ph.D.
Legislative Director

Howard County Citizens Association
Stu Kohn
President

Savage Community Association
Susan Garber
Board Chair

Howard County Conservancy
Meg Boyd
Executive Director

The People's Voice, LLC
Lisa M. Markovitz
President

Howard County Sierra Club
Carolyn Parsa
Chair

Transition Howard County
Margo Duesterhaus
President

cc: The Honorable Calvin Ball, County Executive



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

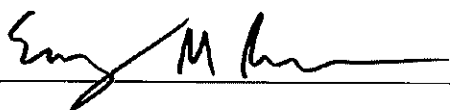
I, Emily Ranson, have been duly authorized by
(name of individual)

Clean Water Action to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR142-2019 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Emily Ranson

Signature: 

Date: 11/18/19

Organization: Clean Water Action

Organization Address: 1120 N Charles Street, Suite 415 Baltimore, MD 21201

Number of Members: 7000

Name of Chair/President: Bob Wendelgass

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HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Emily Ranson, have been duly authorized by
(name of individual)

Clean Water Action to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB62-2019 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Emily Ranson

Signature: 

Date: 11/18/19

Organization: Clean Water Action

Organization Address: 1120 N Charles Street, Suite 415 Baltimore, MD 21201

Number of Members: 7000

Name of Chair/President: Bob Wendelgass

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November 18, 2019

CB62-2019: Forest Conservation Act

Position: Favorable

Dear Council Chair Mercer-Rigby and Members of the Council,

Clean Water Action is a water-oriented advocacy group with 7,000 members in Howard County, and 45,000 in the state of Maryland. Clean Water Action supports policies that protect and improve water quality. Clean Water Action supports CB62-2019 to bring Howard County into compliance with state minimum forest conservation standards and improve certain protections for remaining forests.

We have worked on forest conservation policy on the state level for many years, and this is an issue that our members are particularly concerned about. When we speak with Marylanders about protecting forests, so many refer to a specific forest that they are mourning and their appreciation and deep connection to the forests around them. From the elderly to children, everyday people want to see forests maintained and preserved.

In talking about the forest they lost, many refer to increased stormwater problems in their neighborhoods. This is a consistent refrain from people throughout Maryland, not merely sensitized Howard County residents who are frustrated and want to stop development. If modern stormwater facilities were better than natural conditions, the stormwater sector of the Chesapeake Bay's TMDL would not continue to grow.

For our residents who are frustrated with seeing forests throughout the county come down, for our streams that already suffer from impairments due to stormwater runoff, for our animals who continue to lose habitat, it is time to bring Howard County up to state minimums and improve forest conservation standards.

On Site Requirements: Forest conservation and a preference for on-site retention should be a priority for developments moving forward. While trees may get in the way of mass grading or squeezing as many homes onto the land as possible, mature trees improve recreational opportunities for new Howard County residents, high quality viewsheds, shade in our

neighborhoods, and stormwater benefits, among others. Keeping trees on site also help keep outside noise down.¹

Especially as the county infills in the east and older neighborhoods experience increasing stormwater issues, it is important to maintain forests and trees with their ability to slow, soak up, and filter stormwater runoff. As neighborhoods are built closer and closer to highways, retaining trees on-site helps insulate new houses from highway noise and keeps highway noise down in existing neighborhoods. Trees serve as an important sound buffer.

Planting Sensitive Features: Trees are critical to protecting most sensitive features, including streams, wetlands, and steep slopes. By focusing tree plantings here, we can protect those features while satisfying forest conservation goals.

Setbacks: Unfortunately, when structures are allowed to be built close to forest conservation easements, homeowners believe that their property includes the forest. This contributes to the persistent problem of homeowners removing trees, building into forest conservation easements, or using the easements to store materials.

Replanting Ratios: This bill proposes to adjust replanting ratios based on which watershed the replanting will be completed. Howard County has a problem with forests migrating from the east to the west. Unfortunately, when trees are replanted in a different watershed, then the original watershed loses the benefits of the removed forest and does not get the benefit back of replanted forest (note: replanted saplings do not make up for the lost ecosystem services of a mature forest). Incentivizing acres to be reforested within the same watershed is a clever method to solve the problem of forest migration and preserve the eastern county's remaining forests and their ecosystem benefits.

We support CB62-2019 and urge its passage.

Signed,

Emily Ranson

Maryland Program Coordinator

Clean Water Action

eranson@cleanwater.org

443-562-2832

¹ USDA. *Sustaining America's Urban Trees and Forests*. June 2010:

https://www.fs.fed.us/openspace/fote/reports/nrs-62_sustaining_americas_urban.pdf



November 18, 2019

CR142-2019: Increasing Forest Conservation Fees-in-Lieu

Position: Favorable

Dear Council Chair Mercer-Rigby and Members of the Council,

Clean Water Action is a water-oriented advocacy group with 7,000 members in Howard County, and 45,000 in the state of Maryland. Clean Water Action supports policies that protect and improve water quality in Maryland and throughout the country.

Fees-in-lieu can be an important tool for providing flexibility in adhering to environmental regulations, allowing money to be spent differently. However, when the fees are too low they are effectively a taxpayer subsidy to the developers.

For forest conservation, when the fees are too low they do not capture the full cost of replanting trees. Historically, this could play out in two ways: the trees were never replaced or Howard County taxpayers had to make up the difference. With recent state law changes, counties are now responsible for replanting the acres for which they take money. If the fee is lower than the cost to acquire land, replant the trees, and maintain the trees, then taxpayers will be on the hook for covering the difference.

Replanted trees take years to reach the same ecosystem benefits that mature forests provide. In our area, it often takes 50 years for replanted trees to produce substantial floral resources and soils may not adopt their sponge-like qualities for thirty years.¹ It is best to preserve existing forest, and some counties do not accept fees-in-lieu.

If fees-in-lieu are to be collected, they must be high enough to adequately capture the costs and maintenance risks the county is accepting when they take that money.

We support increasing the Forest Conservation fees-in-lieu to better capture the cost of acquiring land, replanting trees, and maintaining trees.

¹ Cunningham, S.C., R. Mac Nally, P.J. Baker, T.R. Cavagnaro, J. Beringer, J.R. Thomson, R.M. Thompson. "Balancing the Environmental Benefits of Reforestation in Agricultural Regions." 6 June 2014. *Perspectives in Plant Ecology, Evolution and Systematics* 17 (2015) 301-317: <https://doi.org/10.1016/j.ppees.2015.06.001>

Signed,

Emily Ranson
Maryland Program Coordinator
Clean Water Action
eranson@cleanwater.org
443-562-2832



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, LISA MARKOVITZ, have been duly authorized by
(name of individual)

The Peoples Voice LLC to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 62-2019 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Lisa Markovitz

Signature: [Handwritten Signature]

Date: _____

Organization: The Peoples Voice LLC

Organization Address: The Peoples Voice, LLC

3600 Saint Johns Lane Ste D Ellizott City MD 21042

Number of Members: 3486

Name of Chair/President: Lisa Markovitz President

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HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, LISA MARKOWITZ, have been duly authorized by
(name of individual)

The Peoples Voice LLC to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR 142 - 2019 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Lisa Markowitz

Signature: [Handwritten Signature]

Date: _____

Organization: The Peoples Voice LLC

Organization Address: The Peoples Voice, LLC

3600 Saint Johns Lane Ste D Ellizott City MD 21042

Number of Members: 3486

Name of Chair/President: Lisa Markowitz President

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County Council Public Hearing November 18, 2019

Testimony – CB 62 – Support with requested amendment

Lisa Markovitz, President, The Peoples Voice

We are pleased to see Howard County come into compliance with the State Forest Conservation laws, and add further strengthening of it. We are especially appreciative that the Bill increases reforestation requirements, specifies replanting of native trees, and gives incentive to reforest in the same watershed.

We ask you to consider expanding the definition of Historic Site and Historic Structure to include properties and districts listed on the National Register of Historic Places, which will help to better identify and protect these areas in other county decisions as well, where the Planning Board met with confusion from DPZ regarding these definitions.

Please consider increasing the reforestation ratios even further, for each land use category to more closely approach the goal of no-net loss. One cannot claim that a large, old lost tree is replaced by one new one. The increase in this ratio is commendable but needs to be higher. We realize it cannot be the reality of many studies saying it takes 1000 new little trees to make up for the benefits lost by one large one, but we can maybe go for twice here, especially when we often see the new trees cut down later sometimes, all over again before any even reach anywhere near what they replaced.

There are benefits to increasing forest definition from 35' to 50' for reforestation goals, but it would be nice if the deforestation issues could be kept to defining at 35'. I wish we could grandfather trees in legal changes, the way we do elsewhere. ☺

Please make the language more clear regarding the fact that DPZ, Dept of Rec and Parks, and Office of Sustainability will grant the variances together with approval needed by all three, and with a safety net measure of the fact that if all three cannot come to an agreement, the variance is denied.

Please also remove the Planning Board from any and all decisions in these areas, or all areas if you are ever so inclined, but let's start here please. The informed and experienced knowledge of the three department heads having to agree, is far more comforting, with their own ability to use County resources and attorneys to answer their questions over time and not on the fly.

Take a look at some exemptions in 16.1209 of less than ten units and consider lowering that to five. Thank you!

County Council Public Hearing November 18, 2019

Testimony – CR142 – Support with requested amendment

Lisa Markovitz, President, The Peoples Voice

We are very grateful to see increased fees in this area, and ask for a higher rate to be considered, \$2.00 - \$3.00 so as to create a bigger incentive not to forego forest conservation, and better match replanting costs and the lost ecosystem services of mature trees.

New tree saplings cannot compare to larger mature trees and the benefits they provide, nor the cost of replacement.

We also ask that very large fines be implemented for any disobeying of Forest Conservation regulations, whenever it is discovered, even after construction, so as to not allow the following of these important rules be a decision that is ever just a cost comparison.

Lastly, it sounds good that the fee-in-lieu provision can only be used for up to an acre of reforestation, but that is most limiting to large projects, and even though the reality might be that you are seeing more of those with effect in this area, we still have lots of small projects that add up. Therefore, please add a limitation to the acre max, to ALSO be no more than a small percentage of the property like 5%. We do realize that there is already the percentage limitations regarding compliance, but there should also be a limitation specifically for smaller projects as well, regarding just the fee-in-lieu allowance.



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Carolyn Parsa, have been duly authorized by
(name of individual)

Sierra Club Howard County to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-62 & CB-64 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Carolyn Parsa

Signature: 

Date: November 18, 2019

Organization: Sierra Club Howard County

Organization Address: 7338 Baltimore Ave, College Pk

7338 Baltimore Ave, College Pk

Number of Members: 1450

Name of Chair/President: Carolyn Parsa

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HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Angelica Bailey, have been duly authorized by
(name of individual)

Maryland Building Industry Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB62-2019 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Angelica Bailey

Signature: 

Date: November 19, 2019

Organization: Maryland Building Industry Association

Organization Address: 11825 West Market Place

Fulton, MD 20759

Number of Members: 1,000+

Name of Chair/President: Lori Graf, CEO

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**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Tom Ballentine, have been duly authorized by
(name of individual)

NAIOP Maryland to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 62-19 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Tom Ballentine

Signature: _____

Date: 11-18-19

Organization: NAIOP Maryland

Organization Address: Baltimore, MD 21210

Baltimore, MD 21210

Number of Members: 700

Name of Chair/President: Vince Bagley

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HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Kurt R. Schwarz, have been duly authorized by
(name of individual)

Howard County Bird Club / Maryland Ornithological Society to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB62 to express the organization's
(bill or resolution number)

request to amend this legislation.
(Please circle one.)

Printed Name: Kurt R. Schwarz

Signature: [Handwritten Signature]

Date: November 15, 2019

Organization: Howard County Bird Club / Maryland Ornithological Society

Organization Address: 9045 Dunloggin Ct. Ellicott City MD

21042

Number of Members: 200 / 1800

Name of Chair/President: Mary Lou Clark / Robin Todd

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HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Robin Clark Eilenberg, have been duly authorized by
(name of individual)

Chesapeake Bay Foundation to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding Bill No. 02-2019 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Robin Clark Eilenberg

Signature: RCEilenberg

Date: 11/15/2019

Organization: Chesapeake Bay Foundation

Organization Address: 6 Herndon Avenue, Annapolis,

MD 21403

Number of Members: 300,000 members and e-subscribers

Name of Chair/President: Will Baker

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Benjamin Alejandro, have been duly authorized by
(name of individual)

Maryland League of Conservation Voters to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding 12 + 142 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Benjamin Alejandro

Signature: Ben Alejandro

Date: 11 / 18 / 19

Organization: Maryland League of Conservation Voters

Organization Address: 30 West St, Suite C, Annapolis

MD

Number of Members: 40,000 ish, 1000+ in Howard County

Name of Chair/President: Kim Coble

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

Sayers, Margery

From: Stephanie Tuite <Stephanie@fcc-eng.com>
Sent: Monday, November 18, 2019 8:02 AM
To: CouncilMail
Subject: Testimony for Nov 18, 2019 hearing (CB61, CB62, CB63)
Attachments: Stephanie Tuite.vcf; STuite Testimony for Nov 18 2019.pdf

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

Council,

Please see the attached letter/testimony with regard to proposed legislation being heard on the above date. I will try to be at the hearing to present this testimony, but please accept this written version. Thank you.

Steph



FISHER, COLLINS & CARTER, INC.
 CIVIL ENGINEERING CONSULTANTS & LAND SURVEYORS
 ESTABLISHED 1898 OFFICE PARK - 10222 BALTIMORE NATIONAL PIKE
 BELTSVILLE CITY, MARYLAND 21042
 (410) 461-8825

Stephanie Tuite
 R.L.A. PE, LEED AP BD&C
 (410) 461-2855
 Stephanie@fcc-eng.com

Dear Howard County Council,

CB62

I have worked with the forest conservation regulation as well as the Zoning Code and Subdivision and Land Development regulations over the past 25 years. I became a DNR qualified professional after receiving training from DNR in 1995. I am a Registered Landscape Architect (2000) and Professional Engineer (2010) as well. I have had occasions to work on school projects, commercial developments, as well as residential developments. Although there are main times that we create easements that are more than 35 feet wide, there are always aspects of the plan that we need to go down to the 35 foot minimum.

"Trees that are part of a historic site or associated with a historic site" (pg 12) leaves a lot of room for interpretation and could be left up to interpretation differently, needs more clear language. Also on page 12(B)(5) references "Critical Habitat areas and Forest Corridors with a minimum width of 300 feet" which is based on what? Who determines whether this area is critical? Many references I have heard are based on large scale mapping. A decent planning tool, but when you get to a county level look at things, the large scale planning tool isn't very reliable since it needs to be at a more site specific detailed level.

Making the ratio higher for reforestation outside the watershed does not make it easier to find off-site locations (forest banks). Our clients look for what is available. If a site is not available in the watershed, then the site is being further penalized.

In order for subdivisions to "reduce lot sizes, cluster lots and maximize open space" (pg 17), the subdivision regulations need to support it, like what is referenced for R-20. Without supporting language in other sections of the subdivision regulations, it would be unreasonable to expect this new section to be able to be utilized. Also, on this same page, if RC and RR lots are importing density, it is due to the fact that soils have been found suitable for septic. Properties that are sending density are doing so most times because soils are not suitable for septic. Based on this, the subdivision is "reducing lot sizes, clustering lots and maximizing open space" since it would be clustering per zoning regulations. Areas suitable for development are utilizing the density for those that cannot.

Although I understand the 35-foot setback for on-site (pg 18), I do not understand off-site. If another subdivision creates a forest conservation easement on their property, that should not limit what is done on someone else's property. That would force a site to have a 35 foot side setback where they might normally have a 10 foot setback.

References on page 22 state that variances for projects that don't go to planning board require approval from "Director of Dept of Planning and Zoning, the Administrator of office of Community Sustainability, and the Director of Recreation and Parks" and per what was stated in the pre-file meeting, this requires a unanimous approval. It isn't majority rules. This need to be clarified since it was my understanding that this was not the intent, that it was to be a coordinated effort.

Please note that there are references to "waivers" on sheet 23 and references to "Forest Conservation Bank" which terminology needs to be consistent with the regulations. The references should be "Alternative Compliances" and "Forest Bank" or "Forest Mitigation Bank". Also, not real clear how we "verify" the conditions with (D)(5 and 6) on this page. It would be hard to prove either side of the argument.

CB61

Economic hardship needs to still be a part of the consideration. Whether it be with demonstration that other factors must exist, and not just economic hardship would be a consideration. (pg 1)

Slopes less than 20,000 sq.ft. should still be allowed to be graded. There should not be a distinction between manmade and natural. What limitation would you put on what is considered natural vs. manmade? Recent grading? Within last 5, 10, 15 yrs?

(D)(1) (pg 6) states that "For private development projects, Director of Dept of Planning and Zoning, the Administrator of office of Community Sustainability, and the Director of Recreation and Parks" and per what was stated in the pre-file meeting, this "requires a unanimous approval. It isn't majority rules." This need to be clarified since it was my understanding that this was not the intent, that it was to be a coordinated effort.

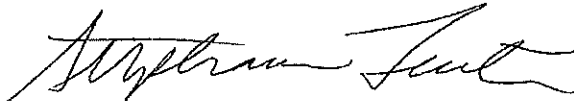
CB63

During a prior iteration of this bill and I assume the same or similar reasoning is being offered for the widening of the buffer along a roadway. Creating a "corridor for habitat" along a roadway to buffer subdivision only offers more opportunity for collision between wildlife and vehicles on the roadway. Visual character which is the purpose of the scenic roads legislation can be achieved with the current buffer. The first part of the legislation states "helps to preserve the scenic character of the landscape viewed from these roads", not to create a habitat.

(4)(I)(B) states the "Only to the extent vehicular access cannot be practicably located along a non-scenic road, access along a scenic road shall be permitted at an existing driveway location." This should not be the only situation to be acceptable. Some situations exist where relocating the existing driveway entrance creates a safer entrance with better visibility. Also, it is occasionally necessary to clear trees along the road to have a safer entrance in order to provide visibility and meet Sight Distance requirements to create a safe entrance which is evaluated by the county's review by Development Engineering Division, who are trained to review these types of requirements.

With regard to the amendment to administrative waivers to add what essentially is the requirements of a pre-submission community meeting notification for a Planning Board meeting, which is a bit excessive when the Planning Board notice is put in two newspapers and a sign is posted on the property as part of the Planning Board meeting. Also, the 30 days for public comment isn't clear when the Planning Board meeting is the forum for public comment. This also seems a bit excessive.

Thanks for your time and consideration of my testimony.



Stephanie Tuite, RLA, PE, LEED AP BD&C
DNR Qualified Professional

Sayers, Margery

From: Edward Packard <ed.packard@gmail.com>
Sent: Sunday, November 17, 2019 11:08 AM
To: CouncilMail
Subject: I Support CB61-2019 and CB62-2019

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

Howard County Council

MD
US

RE: I Support CB61-2019 and CB62-2019

Dear Howard County Council,

I support CB61-2019 and CB62-2019 to address many of the problems with waivers and variances around environmental protections (and the requirement for sidewalks!) and improve protections for our remaining forests in Howard County.

[Why Do You Like Trees?

- Water Benefits including water quality by filtering out pollutants, water quantity by absorbing and slowing stormwater runoff
- Habitat for animals and birds
- Visual enjoyment
- Recreation
- Air Quality by filtering air
- Climate by sequestering carbon]

Thank you!

Sincerely,
Mr. Edward Packard
3161 Elmmede Rd
Ellicott City, MD 21042
(410) 750-1994

Sayers, Margery

From: Andrew Aversa <aaversa@gmail.com>
Sent: Saturday, November 16, 2019 11:41 PM
To: CouncilMail
Subject: Support for CB-62

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

I'm a Fulton homeowner, business owner, and father. I am gravely concerned about global warming and the world's constantly growing carbon emissions. Without substantial and rapid changes, we will all suffer from the worsening effects of climate change. This isn't about our children and grandchildren. Climate change is already here in Howard County: Ellicott City's flooding is proof of that.

As such, I vehemently support CB-62. Our forests are the very best tools to draw carbon back down out of the atmosphere. If we can reduce emissions, conserve forests, and plant trees faster than we cut them down, we may yet be able to avoid a worst-case climate scenario. Furthermore, conserving trees will help prevent flooding and reduce erosion, both of which are desperately needed.

I call upon the council to support this bill and every other effort to protect our forests as well as reduce carbon emissions.

Andrew Aversa
www.impactsoundworks.com
www.impactgameworks.com
www.zirconmusic.com

Sayers, Margery

From: Cathy Hurley <redcat72@gmail.com>
Sent: Saturday, November 16, 2019 8:21 PM
To: CouncilMail
Subject: Support for CB61-2019, CB62-2019, and CR142-2019

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

Hello,

I wanted to send in my vote of support for legislation, CB61-2019, CB62-2019, and CR142-2019 which are being presented Nov 18th. It is important to our county that this legislation passes!

Thank you,
Cathy Hurley
North Laurel

Sayers, Margery

From: Kimberly Golden Brandt <kbrandt@presmd.org>
Sent: Friday, November 15, 2019 10:41 AM
To: Walsh, Elizabeth; Jones, Opel; Rigby, Christiana; Jung, Deb;
dyungmann@howardcountymd.org; CouncilMail
Cc: Ball, Calvin; Feldmark, Joshua
Subject: SGAHC Support for CB62 & CR142, Forest Conservation
Attachments: SGAHC Support for CB62 & CR142, Forest Conservation .pdf

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

Dear Council Members,

Please see the attached letter supporting CB62 and CR142 from Audubon Maryland-DC, 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, and Transition Howard County.

Sincerely,
Kimberly

Kimberly Golden Brandt
Director of Smart Growth Maryland
PRESERVATION MARYLAND
3600 Clipper Mill Road, Suite 248
Baltimore, Maryland 21211
o. 410-685-2886 x305 c. 410-598-9026

Smarter Growth Alliance for Howard County

November 15, 2019

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

RE: CB62-2019, Forest Conservation & CR142-2019, Forest Conservation Fee-in-Lieu

Dear Council Members:

The Smarter Growth Alliance for Howard County is an alliance of local and state organizations working together to protect the county's outstanding environmental assets to preserve and enhance the quality of life enjoyed by residents.

We strongly support the proposed changes to local forest conservation law that will not only bring the County into compliance with the Maryland Forest Conservation Act, but also help to better retain priority forests and reforest where needed. Specifying the replanting of native trees will help grow forests that nurture wildlife and provide consistent habitat with other adjoining forested areas. The Site Design Requirements, which stipulate that residential developments with more than one acre of obligation shall meet 75% of it on site, are important for storm water management and for residents to benefit from the natural environment. And using the State standard of "unwarranted hardship" for review and consideration of variances will protect champion trees.

We thank you for taking action to protect and maintain Howard County's forested land. To that end, we ask that you consider the following strengthening amendments to CB62-2019.

- 1. Expanding the definitions of Historic Site and Historic Structure** to include properties and districts listed on the National Register of Historic Places, the Nation's list of historic places worthy of preservation. (Section 16.1201, Definitions)

2. **Adding isolated Targeted Ecological Areas (TEAs) to the list of Forest Retention Priorities.** TEAs represent the most ecologically valuable places in the state as determined by the Maryland Department of Natural Resources. Howard County's TEAs include some of the few remaining natural areas. (Section 16.1205, Forest Retention Priorities)
3. **Increasing reforestation thresholds by 10% for each land use category** to more closely approach the goal of no-net-loss. (Section 16.1206, Reforestation)
4. **Increasing the reforestation ratio** for sites within the same watershed to 1:1 (from ½:1) and to 1.5:1 (from 1:1) for sites outside the same watershed, recognizing that replanted trees do not provide the same ecological benefits as mature trees. (Section 16.1206, Reforestation)
5. **Limiting approval/denial authority for variances** to the Director of Planning and Zoning, the Administrator of Office of Community Sustainability, and the Director of Recreation and Parks in agreement to provide consistent and multi-disciplinary review for all variance applications. This amendment would require removing the Planning Board as an approving/denying entity. (Section 16.1216, Variances)

We also support CR142-2019, which increases forest conservation fee-in-lieu. To ensure that fee-in-lieu is only used when other options are not possible, we ask that you consider further increasing the fees from \$1.25 and \$1.50 per square foot to the \$2.00 - \$3.00 per-square-foot range to better match replanting costs and lost ecosystem services of mature trees.

Finally, we ask that you **further increase fines for violations** to discourage the practice of willfully violating forest conservation laws to reduce project costs.

We thank you for your kind consideration of these comments and for your leadership on this issue.

Sincerely,

Audubon Maryland-DC
David Curson
Director of Bird Conservation

Maryland Conservation Council
Paulette Hammond
President

Clean Water Action
Emily Ranson
Maryland Program Coordinator

Coalition for Smarter Growth
Stewart Schwartz
Executive Director

Community Ecology Institute
Chiara D'Amore, Ph.D.
President

Earth Forum of Howard County
Sue L. Harris
Director

HARP
Lisa Soto
Chair

Howard County Citizens Association
Stu Kohn
President

Howard County Conservancy
Meg Boyd
Executive Director

Howard County Sierra Club
Carolyn Parsa
Chair

Maryland League of Conservation Voters
Kim Coble
Executive Director

Maryland Ornithological Society
Kurt R. Schwarz
Conservation Chair

Patapsco Heritage Greenway
Mark Southerland, Ph.D.
Vice President for Environment

Preservation Maryland
Kimberly Golden Brandt
Director of Smart Growth Maryland

Safe Skies Maryland
Mark Southerland, Ph.D.
Legislative Director

Savage Community Association
Susan Garber
Board Chair

The People's Voice, LLC
Lisa M. Markovitz
President

Transition Howard County
Margo Duesterhaus
President

cc: The Honorable Calvin Ball, County Executive

Sayers, Margery

From: Eric Miller <indyx86@alumni.american.edu>
Sent: Thursday, November 14, 2019 6:06 PM
To: CouncilMail
Subject: I Support CB61-2019 and CB62-2019

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

Howard County Council

MD
US

RE: I Support CB61-2019 and CB62-2019

Dear Howard County Council,

I support CB61-2019 and CB62-2019 to address many of the problems with waivers and variances around environmental protections (and the requirement for sidewalks!) and improve protections for our remaining forests in Howard County.

Canopy cover requirements and protection are a big part of why I choose to move to the Columbia Area a few years ago. I am concerned about the amount of on-going development posing a threat to our natural spaces.

Thank you!

Sincerely,
Mr. Eric Miller
4906 Columbia Rd
Unit 1
Columbia, MD 21044
(740) 591-1507

Sayers, Margery

From: Cheryl Arney <cherylarney@gmail.com>
Sent: Thursday, November 14, 2019 5:29 PM
To: CouncilMail
Subject: I Support CB61-2019 and CB62-2019

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

Howard County Council

MD
US

RE: I Support CB61-2019 and CB62-2019

Dear Howard County Council,

I support CB61-2019 and CB62-2019 to address many of the problems with waivers and variances around environmental protections (and the requirement for sidewalks!) and improve protections for our remaining forests in Howard County.

My lot in the Dorsey Hall neighborhood of Columbia had a woods on it when we bought it in 1980. Thankfully the developer did not cut it down. Over the last 39 years it has grown and new trees have emerged from seeds dropped from the old trees. Wildflowers grow in our own small forest. I wake up in the morning watching squirrels and birds of all kinds carry on life in "my" woods. My husband puts the leaves that fall from the trees back on the woodland floor to nourish the woods. For me, improving quality of life is reason enough to conserve forests.

But of course there are so many other reasons. Woodland absorbs water from rain better than grass does, which helps keep run-off from entering the storm drain at the curb bordering our property. Trees improve air quality by filtering the air. Trees absorb carbon dioxide which is our first line of defense against climate change. The acorns and hickory nuts and black walnuts provide food for our squirrels and birds and deer and other wildlife. Branches that fall decay and are returned to the soil. What a miracle a forest is.

We have stayed in our house in Dorsey Hall not so much because it's a great house but because that woods that is our front yard is simply irreplaceable. It's largely what keeps us here. It's what ties us to this very special place.

I hope the Council will do all it can to incentivize developers to remove as few trees as possible. A natural woodland is a very special place and not easily duplicated.

Thank you!

Sincerely,
Mrs. Cheryl Arney
4361 Wild Filly Ct
Ellicott City, MD 21042
(410) 480-9609

Sayers, Margery

From: Wanda Prather <wprather42@gmail.com>
Sent: Thursday, November 14, 2019 4:02 PM
To: CouncilMail
Subject: I Support CB61-2019 and CB62-2019

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

Howard County Council

MD
US

RE: I Support CB61-2019 and CB62-2019

Dear Howard County Council,

I support CB61-2019 and CB62-2019 to address many of the problems with waivers and variances around environmental protections and improve protections for our remaining forests in Howard County.

We need to preserve tree cover in HoCo. Trees improve air and water quality by slowing stormwater runoff and address climate change by sequestering carbon.

We have personally seen the devastating and expensive impacts of climate change in the water problems on our property. For the first 20 years we lived here, we had no water issues. In the past 5 years, we have spent \$50,000 to deal with erosion caused by the extreme storms that have become common - and this is a TINY amount compared to the devastation wreaked on Ellicott city.

It will be MUCH CHEAPER to slow down climate change than to deal with the devastating impacts we can expect if we don't ACT NOW.

Thank you!
Wanda Prather

Sincerely,
Ms. Wanda Prather
6320 VELVET PATH
Columbia, MD 21044
(410) 868-4872

Sayers, Margery

From: Jung, Deb
Sent: Thursday, November 14, 2019 11:59 AM
To: Sayers, Margery
Subject: FW: CB 61- 2019 and CB 62-2019
Attachments: CB 62 AnalysisV9LEMNRV.docx; CB 61 AnalysisV7LEMNRV.docx

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](#).

From: LEILA MAHLIN <samlnbm@comcast.net>
Sent: Wednesday, November 13, 2019 9:33 PM
To: Jung, Deb <djung@howardcountymd.gov>
Cc: Neal Vanderlipp <nrv@xcal-sol.com>
Subject: CB 61- 2019 and 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 Council Member Jung,

We are pleased with Howard County's attempts to move toward being in compliance with State Forest Conservation and enhanced support of the local environment.

Please see the attached. We spent time carefully reviewing both bills (CB 61-2019 and CB 62-2019). We found some changes that we think should be made to enhance both bills.

If you have any questions please contact us,

Respectfully,

Leila Mahlin and Neal Vanderlipp
samlnbm@comcast.net nrv@xcal-sol.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, November 14, 2019 11:59 AM
To: Sayers, Margery
Subject: FW: CB 61- 2019 and CB 62-2019
Attachments: CB 62 AnalysisV9LEMNRV.docx; CB 61 AnalysisV7LEMNRV.docx

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](#).

From: LEILA MAHLIN <samlnbm@comcast.net>
Sent: Wednesday, November 13, 2019 9:33 PM
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[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

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Please see the attached. We spent time carefully reviewing both bills (CB 61-2019 and CB 62-2019). We found some changes that we think should be made to enhance both bills.

If you have any questions please contact us,

Respectfully,

Leila Mahlin and Neal Vanderlipp
samlnbm@comcast.net nrv@xcal-sol.com

Table of Contents

**CB 62-2019 Analysis
Repeal and Reenacting the Forest Conservation Act of Howard County
November 13, 2019**

**By Leila Mahlin and Neal Vanderlipp
samlnbm@comcast.net nrv@xcal-sol.com**

Section	Page
Summary	1
I Alignment with CB 61-2019	2
II State Compliance.....	2
III Forest Conservation Move to Improve “Compact Environment” Focus	3
IV Disproportionate Impact on Lower Wealth Index Communities in Howard County.....	4
V Areas for Clarification	5
NOTES	6

CB 62-2019 Analysis
Repeal and Reenacting the Forest Conservation Act of Howard County
November 11, 2019

SUMMARY-

The purpose of the proposed repeal and reenactment of the Forest Conservation Act of Howard County appears to enhance standards and guidelines to ensure compliance with State standards, to ensure the continued health of the County's forests, and to balance the need for development in the County. (See Note ^{1,3})

We note areas:

I) To enhance alignment between CB 61-2019 and CB 62-2019

II) Suggestions for enhanced alignment with State compliance

III) To enhance forest conservation of parcels less than one acre or less than 10 lots.

The minimal protections to Compact Environments (smaller less developed areas which support Howard County's environmental infrastructure and the Green Infrastructure Network) will end up impacting nearby businesses and homes and impact sub-watersheds. This has been shown to cause flooding and damage to adjacent properties, roads and habitats. In addition to flooding properties, and springs coming up through roads, deepened channels can become sluiceways to destruction downstream. Many established Howard County neighborhoods have been affected by this. 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 even small parcels of forested land become apparent.

IV) The focus on larger parcel of lands disproportionately impacts neighborhoods and citizens in the county with average lower income than in other parts of the county.

The forest conservation focus on larger parcels benefits most of the Western part of the county, which in recent "wealth index" reports had four (4) of the five (5) wealthiest zip codes in the State. (See link <https://www.bizjournals.com/baltimore/news/2018/08/10/glenelg-glenwood-wealthiest-zip-codes-in-maryland.html>)

For the remainder of this report the item will be referenced by CB62-2019 page and line number, and occasionally topic so that they can be easily found in the Bill.

I Alignment with CB 61-2019-

- A- P22 L20- Consider changing the language in CB 62-2019 16.1216 Variances (A) to state: "THE DEPARTMENT MAY GRANT **RELIEF** TO THE REQUIREMENTS OF THIS SUBTITLE IN ACCORDANCE WITH THE WAIVER PROCEDURES OF **ONLY** SUBSECTIONS 16.104(B) AND 16.104 (C) OF THE SUBDIVISION REGULATIONS." (Bold words would be added.) This section in CB 62-2019 refers to information addressed in CB 61-2019.
This would be in closer alignment with the variance language of the Maryland Forest Conservation Act.
- B- P 22 L 23-25- The word "use" in this context in Maryland law appears to refer to not only ability to use the land but also the zoning district. ²
- C- P 22 L 29-32 In this section the Director of the Department of Recreation and Parks is listed as a third party to approve or deny waivers. In CB 61-2019 (P 6 L 15) the Director of the Department of Public Works is mentioned as granting waivers.
 - a. How do these different components relate to each other?
 - b. Could there be 4 different department heads working to grant waivers/variances (additionally DPZ and Office of Sustainability)?
 - c. How will they work together? What if they are not in agreement?

II State Compliance

- A- P 9 L 1-12 If a person fails to file a declaration of intent or is not in compliance they should be required to perform all of I, II, III, and IV. Particularly since (I) is attempting to be in compliance with State standards, (I) should be required. The rest should occur since the non-compliant actions may serve to negatively impact other citizens.
- B- P 23 L 17-19 – The first few words of this read "VERIFY THAT THE *CONDITION* DID NOT ARISE FROM A CONDITION...". The State regulation "COMAR Sec. 08.19.04.10 Variance B. (5)" uses the language "VERIFY THAT THE REQUEST DID NOT ARISE FROM A CONDITION...". It is recommended to change the CB62-2019 language to parallel the State regulation which was updated on Nov. 6, 2019.

III Forest Conservation Move to Improve “Compact Environment” Focus

- A- P 5 L19-21 -Urban Canopy refers to providing “habitat benefits”. Does “habitat” include soil and animals? There is acknowledgement that there is benefit to Urban Canopy. These are the areas most likely to have vegetation removed since they will be the smaller parcels. They are most likely to be less than one acre, less than 10,000 square feet of “forest” type vegetation without the required 100 foot width.
- B- P 6 L 10-12 -A single lot smaller than 40,000 square feet which is not subject to a previously approved Forest Conservation Plan does not require a Declaration of Intent to be exempt from filing a Forest Conservation Plan. This exemption may not adequately take into account the impact on adjacent properties and Compact Environments. The loss of thousands of square feet of forest can impact the natural environment and the adjacent properties.
- C- P 8 L 6-7 -An exemption to filing a Forest Conservation Plan for a lot less than 20,000 square feet “not subject to a previously approved forest conservation plan” requires a Declaration Of Intent. See above (B). How does this statement align with that? Should it say within a lot smaller than 40,000 sq feet or is there different intent?
- D- P 8 L 16-21 What size subdivision connected with, for example a real estate transaction of transfer of title without change of land use would be exempt from a forest conservation plan but require a declaration of intent?
- E- P 12 L 13-33 Regards On-Site Forest Retention Priorities- Does not appear to address impact on Compact Environments nor prioritize Compact Environments, nor address forest stands in smaller parcels or smaller areas of forest, based on earlier items in the code.
- F- P 16 L 1- 27. Reforestation and Afforestation Priorities- There are small sections of land adjacent to priority locations on this list that are filled with trees, wildlife habitat etc.. that don’t meet the current criteria for forest conservation. Some appear to be adjacent to the Green Infrastructure Network. This appears to be a missed opportunity to protect not only the Compact Environments, the lower wealth index homes, and also the environmental connections for habitat throughout the County.
- G- P 17 L 28-30 Site design requirements for residential infill subdivisions of ten lots or less are exempt from this requirement of onsite obligations for forest conservation. What are the ramifications of exempting all such subdivisions and how that could impact the surrounding homes, businesses, and the environment ?
- H- P 20 L 16 and 23 -Feature extended to create Urban Canopy appears to benefit these areas. It would also appear to benefit the Urban Canopy if stands of trees in smaller parcels were identified and in some cases protected.

IV Disproportionate Impact on Lower Wealth Index Communities in Howard County

- A- P 5 L19-21 -Urban Canopy refers to providing “habitat benefits”. Does “habitat” include soil and animals? There is acknowledgement that there is benefit to Urban Canopy. These are the areas most likely to have vegetation removed since they will be the smaller parcels. They are most likely to be less than 40,000 square feet, less than 10,000 square feet of “forest” type vegetation without the required 100 foot width.
- B- P 6 L 10-12 -A single lot smaller than 40,000 square feet which is not subject to a previously approved Forest Conservation Plan does not require a Declaration of Intent to be exempt from filing a Forest Conservation Plan. This exemption may not adequately take into account the impact on adjacent properties and Compact Environments and how it may impact the residents and businesses of greater density areas in the County. These areas tend to be in lower wealth index communities and in the Eastern part of the County.
- C- P 13 L13- P 14 L1. – Reforestation thresholds, in essence, leaves the Majority of the Eastern part of the County (Non-Tiber) with 20% or less threshold. This area 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. The residents in these areas, based on wealth index by zip code are less likely to be able to afford remediation as this continues. As with the items mentioned in A and B above, this could end up not only negatively impacting these residents but also the tax base and “livability” of neighborhoods in these areas as well as business revenue.
- D- 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. (See link <https://www.bizjournals.com/baltimore/news/2018/08/10/glenelg-glenwood-wealthiest-zip-codes-in-maryland.html>)

V Areas for Clarification

- A- P 4 L 13-18 Net Tract Area- Is calculated to the nearest 1/10 of an acre but not required for smaller parcels in order to keep vegetation under many circumstances.
- B- P 6 L 31- Minor Subdivisions ... “create one additional lot”. Does this mean additional over what is currently approved and could thus include adding a 5th to a four lot, which does not seem to be currently allowed?
- C- P 8 L 16-21 What size subdivision, connected for example with a real estate transaction of transfer of title without change of land use, would be exempt from a forest conservation plan but require a Declaration Of Intent? Please give a range of square footage.
- D- P 8 L 30-33 States that no regulated activity may occur within 5 years of clearing or cutting for any items listed on p 6 L 7 through p 8 L 25, correct?
 - a. Please clarify, does this refer to DPZ regulated?
 - b. Please clarify what happens after 5 years? Is there a process that must be followed?
- E- P 12 L 11 –“STATE CHAMPION TREES, TREES 75% OF THE DIAMETER OF STATE CHAMPION TREES...” Please consider inserting after “75% OF THE DIAMETER ” the words “OR GREATER” or some words to that effect.
- F- P 12 L 13-33 Regards On-Site Forest Retention Priorities- Please explain significance of “ORDER OF PREFERENCE”. What is the impact of this order? Are all of these addressed? What is the procedure for approach?
- G- P 14 L 15-16 -If forest acreage is retained above the threshold why does it need to be credited? How is it credited?
- H- P 17 L 29-30 Site design requirements for residential infill subdivisions of ten lots or less are exempt from this requirement of onsite obligations for forest conservation. What are the ramifications of exempting all such subdivisions and how that could impact the surrounding homes, businesses, and the environment ?

NOTES

¹ Given need to balance rights of owners/developers, government, and other citizens please find the attached information on this.

Attached:

“Various National Cases regarding Real Property Use” – Summary/excerpts from AmericanBar.org

² (Below are notes from presentation Sept 11, 2011 on the Variance Process. Critical Area Commission for the Chesapeake and Atlantic Coastal Bays Coastal Training Program. Link: https://dnr.maryland.gov/criticalarea/Documents/Other_Resources/Building%20in%20the%20Critical%20Area/VarianceProcessWorkshop_092111.pdf)

Variations Can Be Problematic: – Boards grant too many for the wrong reasons – Treated as “minor” regardless of impacts to natural resources – Not treated as a rare exception – Standards, especially “unwarranted hardship” difficult for Boards to apply effectively – Often granted “after-the-fact” and treated as a “solution” to a violation – Often granted on sites with other violations – Mitigation sometimes considered optional, not implemented, or not effective


Variance Standards - Must Meet All 5: – Special features of a site – literal enforcement would result in an unwarranted hardship Applicant deprived of use permitted to others under a local Critical Area program – Cannot confer a special privilege that would be denied others in the Critical Area – Not based on actions by the applicant or related to a neighboring property – Will not adversely affect water quality or habitat and will be in harmony with the general spirit and intent of the law and regulations

Unwarranted Hardship: – Consider special features of the site relating to an applicant’s land or structure – Without the variance, applicant would be denied reasonable and significant use of the entire parcel or lot – Very high standard – goes well beyond “practical difficulty” (strengthened by General Assembly in 2004) – Should not be considering: – Landowner convenience – After-the-fact construction – Owner not knowing regulations – Boards often don’t consider creative site design or engineering options

3 Poster from October 17th, 2019 forest conservation update announcement at Savage Park, Howard County, Maryland

FOREST CONSERVATION ACT UPDATE

FULL COMPLIANCE WITH STATE LAW



12th updates to the Howard County Forest Conservation Act will officially bring Howard County into compliance with State Law.

- Includes required on-site retention for champion and specimen trees.


REPLANTING OBLIGATIONS

Raised replanting obligation ratios and created Incentive to meet obligations in the affected watershed.


	Forest Cleared	Required Forest Replanted
Current Reforestation	1	.25
Proposed Reforestation	1	1
Proposed In Watershed	1	.5

IMPROVES STEWARDSHIP OF THE GREEN INFRASTRUCTURE NETWORK (GIN)

- GIN added to retention and reforestation priorities.
- Requires the delineation of the GIN on development plans.



NEW SITE DESIGN REQUIREMENTS



75%
ON-SITE

Before off-site compliance can be considered:


- residential developments must meet 75% of their forest conservation obligations on-site.
- nonresidential developments must protect all sensitive areas with Forest Conservation Easements.

FEE-IN-LIEU

Maximum of 1 acre forest obligation can be met through fee-in-lieu in a residential development.

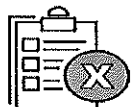
Inside Planned Service Area
Raised from \$0.75 to \$1.25 per sq ft

Outside Planned Service Area
Raised from \$0.95 to \$1.50 per sq ft



VARIANCES

- Variations will only be granted to applicants meeting the unwarranted hardship standard.
- Increased costs and Inconvenience, including loss of lots, does NOT constitute unwarranted hardship.



Sayers, Margery

From: Ralph Heimlich <heimlichfamily@comcast.net>
Sent: Thursday, November 14, 2019 9:31 AM
To: CouncilMail
Subject: I Support CB61-2019 and CB62-2019

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

Howard County Council

MD
US

RE: I Support CB61-2019 and CB62-2019

Dear Howard County Council,

I support CB61-2019 and CB62-2019 to address many of the problems with waivers and variances around environmental protections (and the requirement for sidewalks!) and improve protections for our remaining forests in Howard County.

Trees solve a number of existing and potential environmental problems:

- Improve water quality by filtering out pollutants,
- Reduce water quantity by absorbing and slowing stormwater runoff
- Provide habitat for animals and birds
- Enhance visual enjoyment because they are beautiful
- Provide places for outdoor recreation
- Improve air Quality by filtering air
- Reduce climate change impacts by sequestering carbon] Please pass and implement these new protections.

Thank you!

Sincerely,
Mr. Ralph Heimlich
3873 Paul Mill Rd
Ellicott City, MD 21042
na

Sayers, Margery

From: Valerle Leonard <valerieleonard@comcast.net>
Sent: Wednesday, November 13, 2019 8:14 PM
To: CouncilMail
Subject: I Support CB61-2019 and CB62-2019

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

Howard County Council

MD
US

RE: I Support CB61-2019 and CB62-2019

Dear Howard County Council,

I support CB61-2019 and CB62-2019 to address many of the problems with waivers and variances around environmental protections (and the requirement for sidewalks!) and improve protections for our remaining forests in Howard County.

[Why Do You Like Trees?

- Water Benefits including water quality by filtering out pollutants, water quantity by absorbing and slowing stormwater runoff
- Habitat for animals and birds
- Visual enjoyment
- Recreation
- Air Quality by filtering air
- Climate by sequestering carbon]

Thank you!

Sincerely,
Mrs. Valerle Leonard
5479 Hound Hill Ct.
Columbia, MD 21045
(410) 740-9758

Sayers, Margery

From: Tony Cho <tonychodwyer@gmail.com>
Sent: Wednesday, November 13, 2019 3:18 PM
To: CouncilMail
Subject: I Support CB61-2019 and CB62-2019

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

Howard County Council

MD
US

RE: I Support CB61-2019 and CB62-2019

Dear Howard County Council,

I support CB61-2019 and CB62-2019 to address many of the problems with waivers and variances around environmental protections (and the requirement for sidewalks!) and improve protections for our remaining forests in Howard County.

[Why Do You Like Trees?

- Water Benefits including water quality by filtering out pollutants, water quantity by absorbing and slowing stormwater runoff
- Habitat for animals and birds
- Visual enjoyment
- Recreation
- Air Quality by filtering air
- Climate by sequestering carbon]

Thank you!

Sincerely,
Mr. Tony Cho
840 Oella Avenue
319
Oella, MD 21043
(215) 816-9867

Sayers, Margery

From: Pragna Bramandlapalli <pragna.b@gmail.com>
Sent: Wednesday, November 13, 2019 1:37 PM
To: CouncilMail
Subject: I Support CB61-2019 and CB62-2019

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

Howard County Council

MD
US

RE: I Support CB61-2019 and CB62-2019

Dear Howard County Council,

I support CB61-2019 and CB62-2019 to address many of the problems with waivers and variances around environmental protections (and the requirement for sidewalks!) and improve protections for our remaining forests in Howard County.

[Why Do You Like Trees?

- Water Benefits including water quality by filtering out pollutants, water quantity by absorbing and slowing stormwater runoff
- Habitat for animals and birds
- Visual enjoyment
- Recreation
- Air Quality by filtering air
- Climate by sequestering carbon]

Thank you!

Sincerely,
Mrs. Pragna Bramandlapalli
7105 Samuels Ln
Elkridge, MD 21075
(443) 364-4127

Sayers, Margery

From: Maggie Walker <mlwalker528@hotmail.com>
Sent: Tuesday, November 12, 2019 6:41 PM
To: CouncilMail
Subject: CB 62

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

To the Entire Council of Howard County,

I am sending this email to share my support for the CB 62 bill.

With global warming becoming more and more obvious and real, we need to bring in more trees. I also find it necessary to restrict waivers since the last three delegates in the council gave very little consideration of the lives in down town Ellicott City. I think it's time that we actually tried to keep this planet living a little longer and put greedy people in their places.

Sincerely,

Margaret Walker

Sayers, Margery

From: Kurt Schwarz <krschwa1@verizon.net>
Sent: Tuesday, November 12, 2019 8:18 AM
To: CouncilMail
Cc: Ball, Calvin B
Subject: Howard Bird Club Support for CB62-2019 Forest Conservation Act
Attachments: MOS HCBC CB 62 Forest Conservation.docx

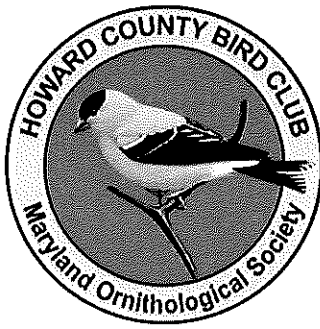
[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Members of the Howard County Council,

The Howard County Bird Club and its parent, Maryland Ornithological Society present their compliments, and is please to submit the attached letter in support of CB62-2019 Forest Conservation Act. Please see the attached file, and enter it into the testimony on CB62.

Best Wishes,

Kurt R. Schwarz
Conservation Chair
Maryland Ornithological Society/Howard County Bird Club
9045 Dunloggin Ct., District 1
Ellicott City, MD 21042
410-461-1643
krschwa1@verizon.net



RE: CB62-19: SUPPORT WITH AMENDMENT

November 12, 2019

Howard County Council
George Howard Building
2430 Court House Drive
Ellicott City, MD 21043
councilmail@howardcountymd.gov

Dear Members of the Howard County Council:

The Howard County Bird Club (HCBC) and its parent organization, the Maryland Ornithological Society (MOS), support CB62-09., the Forest Conservation Act. We applaud any effort to protect trees and habitat from development, and believe CB62-10 would help promote efforts to preserve said trees and habitat.

This bill would enhance forest conservation measures so as to meaningfully protect trees and forested areas that are absolutely critical for local and migratory bird species. As recently reported in the journal Science, North America has lost almost 30% of its birds (nearly 3 billion) since the 1970s, in large part due to habitat loss.¹ Forests, needless to say, are a vital habitat for many bird species, in particular Forest Interior Dwelling Species (FIDS).²

We have witnessed profound declines in FIDS here in Maryland. Between the First Maryland Breeding Bird Atlas (1983-1987) and the Second (2002-2006) the number of blocks occupied by breeding FIDS such as Eastern Whip-poor-wills decreased by 57%,³

¹ Rosenberg, Kenneth, et al, Decline of the North American avifauna, Science, October 4, 2019
<https://science.sciencemag.org/content/366/6461/120.full?ijkey=dcWYzH9MGv13I&keytype=ref&siteid=sci>

² Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, June 2000.

³ Ellison, Walter ed, 2nd Atlas of the Breeding Birds of Maryland and the District of Columbia, Baltimore, 2010, page 197.

Cerulean Warblers by 40%,⁴ Kentucky Warblers by 38%,⁵ Hooded Warblers by 10%,⁶ and Veery by 5%.⁷ This sharp decline over a miniscule amount of time (relative to an ecological timeframe) is one of many red flags that indicate bird species are seriously threatened by habitat loss. For some FIDS the rate of decrease in occupied blocks on the Western Shore was greater than the state-wide decrease, highlighting the significance of lost forests in central Maryland.

While we support the bill, we are puzzled that reforestation ratios seem to fall far short of the “no-net-loss” standard of Maryland’s Forest Conservation Act. We would hope to see this corrected in an amendment or a subsequent bill. We suggest these changes:

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. We propose 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, including adding the Green Infrastructure Network to retention and reforestation priorities, as well as requiring its inclusion on development plans. It is critically important that the few remaining natural areas in the county be retained, so we would propose that small Targeted Ecological Areas (TEAs) also be included and that minimum widths for all buffers and reforestation areas be increased to 100 feet.

Reforestation ratios to mitigate forest clearing have been increased from 1/4 :1 to 1/2:1. We would like to see the ratio be increased to 1:1, 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). We propose that the amount of forest that can be cleared with mitigation be no more than 50% for any land use

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,⁸ increase property values as much as 20 percent,⁹ and improve mental and general human health. To protect our forests and to help reverse the

⁴ Ibid, page 345.

⁵ Ibid, page 363.

⁶ Ibid, page 369.

⁷ Ibid, page 299.

⁸ National Public Radio. Trees Are Key To Fighting Urban Heat — But Cities Keep Losing Them, September 4, 2019,

<https://www.npr.org/templates/transcript/transcript.php?storyId=755349748>

⁹ Chesapeake Bay Foundation. Forest Loss: Trees Play a Crucial Role in Keeping Our Waters Clean, <https://www.cbf.org/issues/forest-loss/>, viewed October 2, 2019.

alarming trends we are seeing across many bird species in the Chesapeake Bay watershed and beyond, we ask you to support Bill 62-19.

The Howard County Bird Club is a volunteer organization of over 200 members, which seeks to promote the knowledge, development, protection, and conservation of bird life and other naturally occurring species and their habitats. We are a chapter of the Maryland Ornithological Society (www.mdbirds.org), which is state-wide and has about 1,800 members, and 15 Chapters.

Sincerely,

Mary Lou Clark
President
Howard County Bird Club
5153 Morningside Lane
Columbia, MD 21043
410-465-4061
doctorfx_99@yahoo.com

Kurt R. Schwarz
Conservation Chair
Maryland Ornithological Society/Howard County Bird Club
9045 Dunloggin Ct., District 1
Ellicott City, MD 21042
410-461-1643
krschwa1@verizon.net

CC: County Executive Dr. Calvin Ball

10/28/2019

Sayers, Margery

From: chloe.shader5@gmail.com
Sent: Monday, October 28, 2019 3:06 PM
To: CouncilMail
Subject: Forest Conservation Act Testimony

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

Hello!

My name is Chloe Shader and I am a Senior at Atholton High School, and I am the co-president of Atholton's activist club called Be the Change.

I am writing in strong support of the Forest Conservation Act. I think that it is vitally important to protect our trees and to plant more in the same watershed when they are cut down, as well as complying with state law.

Thank you,
Chloe Shader

Sayers, Margery

From: chloe.shader5@gmail.com
Sent: Monday, October 28, 2019 3:05 PM
To: CouncilMail
Subject: Forrest Conservation Act

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

Hello!

My name is Chloe Shader and I am a Senior at Atholton High School, and I am the co-president of Atholton's activist club called Be the Change.

I am writing in strong support of the Forrest Conservation Act. I think that it is vitally important to protect our trees and to plant more in the same watershed when they are cut down, as well as complying with state law.

Thank you,
Chloe Shader

Sayers, Margery

From: Divija S <divija.sadula@gmail.com>
Sent: Monday, October 28, 2019 3:03 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.]

County Council,

Hello I am Divija Sadula, a senior at Atholton High School and Vice President of the activist club, Be the Change. I would advocate for you to vote in favor of the Forest Conservation Act for the health and environmental wellbeing of our community and county.

Regards,
Divija Sadula

Sayers, Margery

From: B Saunders <b.saunders38@yahoo.com>
Sent: Monday, October 28, 2019 3:02 PM
To: CouncilMail
Subject: Support for 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 County Council,

I am Bella Saunders, the Co-President of Be the Change Club, Atholton High School's premiere activism club. I am writing in strong support of the Forest Conservation Act.

Climate change is happening and its consequences are dire. Luckily, our community is taking action. County Executive, Dr. Calvin Ball, introduced a bill called The Forest Conservation Act. This is an essential first step in taking action. It is astounding that Howard County has not been in compliance with state law and it is imperative that we act now. If we do not take action, there is no Plan B. Our county and our world cannot continue to develop if we do not advocate for our climate first.

Last month, Greta Thunberg called upon world leaders for their inaction. And now, you have the power to be on the right side of history and advocate for the future of our county. While economic development, is important that development cannot progress when our environment and our world crumble. There is no future without action on climate change. Please, we implore you, as the future of this county, to vote for this bill.

Thank you,
Bella Saunders

Sayers, Margery

From: Nehal Naqvi <nehalnaqvi8@gmail.com>
Sent: Monday, October 28, 2019 2:58 PM
To: CouncilMail
Subject: Supporting the 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 County Council,

I support the Forest Conservation Act. I believe it is of utmost importance to protect our environment and support increased environmental initiatives.

Thank you for hearing from me,

Nehal Naqvi

Sent from my iPhone