

County Council of Howard County, Maryland

2019 Legislative Session

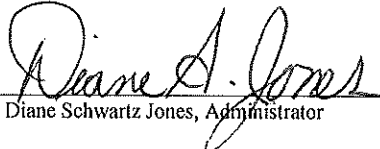
Legislative Day No. **13**

Resolution No. 142 -2019

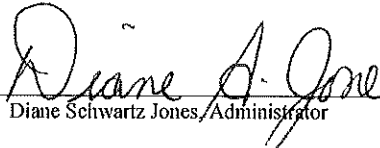
Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION increasing Forest Conservation fees-in-lieu.

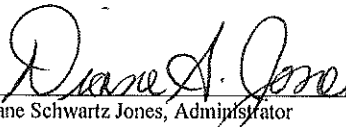
Introduced and read first time November 4, 2019.

By order 
Diane Schwartz Jones, Administrator

Read for a second time at a public hearing on November 18, 2019.

By order 
Diane Schwartz Jones, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments , Failed___, Withdrawn___, by the County Council on December 2, 2019.

Certified By 
Diane Schwartz Jones, Administrator

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 **WHEREAS**, on May 29, 2019, the County Council adopted Council Resolution No. 73-
2 2019 which sets forth a schedule of fees for functions regulated by the Department of Planning
3 and Zoning; and

4
5 **WHEREAS**, among those fees is a schedule of rates adopted pursuant to Section
6 16.1211 of the Howard County Code that allows a developer to pay for the costs of afforestation
7 or reforestation; and

8
9 **WHEREAS**, the County now wishes to increase the fee in-lieu.

10
11 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
12 Maryland this 2nd day of December, 2019 that it amends the schedule for fee-in-lieu of
13 afforestation or reforestation, as shown in the attached Exhibit A; and

14
15 **BE IT FURTHER RESOLVED** that, subject to Council Resolution No. 122-2019, all
16 other Fee Schedules adopted by Council Resolution No. 73-2019 shall remain in effect until
17 changed or repealed by subsequent Resolution of the County Council.

**DEPARTMENT OF PLANNING AND ZONING
SCHEDULE OF FEES**

This fee schedule allows a developer to pay for the costs of afforestation or reforestation by the County in accordance with the County guidelines for forest conservation regulations set forth in the Howard County Code, Section 16.1211.

Forest Conservation Fees	
Afforestation or reforestation	[[\$0.75]] \$1.25 Per square foot within the Planned Service Area boundary [[\$0.95]] \$1.50 per square foot outside of the Planned Service Area boundary
Easement abandonment	[[\$1.25]] \$2.00 Per square foot
Non-compliance with forest conservation	[[\$1.20]] \$1.25 - <u>\$5.00</u> Per square foot

Amendment 1 to Council Resolution No. 142-2019

BY: Deb Jung and
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 1

(This Amendment alters the fees-in-lieu for afforestation or reforestation.)

1 On the schedule for fee-in-lieu, as shown in Exhibit A attached to the Resolution, in the
2 "Afforestation or reforestation" category, strike "\$1.25" and substitute "\$5.00" and strike
3 "\$1.50" and substitute "\$6.00".
4
5

ADOPTED _____

FAILED _____

SIGNATURE _____

12/2/2019
Debra A. Jones

Amendment 2 to Council Resolution No. 142-2019

**BY: Deb Jung and
Liz Walsh**

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 2

(This Amendment alters the fee for non-compliance.)

- 1 On the schedule for fee-in-lieu, as shown in Exhibit A attached to the Resolution, in the “Non-
2 compliance with forest conservation” category, strike “\$1.25” and substitute “\$5.00”.
3

ADOPTED 12/2/2019
FAILED _____
SIGNATURE Diane A. Goer

County Council of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 13

Resolution No. 142-2019

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION increasing Forest Conservation fees-in-lieu.

Introduced and read first time November 4, 2019.

By order Diane A. Jones
Diane Schwartz Jones, Administrator

Read for a second time at a public hearing on November 18, 2019.

By order Diane A. Jones
Diane Schwartz Jones, Administrator

This Resolution was read the third time and was Adopted __, Adopted with amendments __, Failed __, Withdrawn __, by the County Council on _____, 2019.

Certified By _____
Diane Schwartz Jones, Administrator

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

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2 2019 which sets forth a schedule of fees for functions regulated by the Department of Planning
3 and Zoning; and

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5 **WHEREAS**, among those fees is a schedule of rates adopted pursuant to Section
6 16.1211 of the Howard County Code that allows a developer to pay for the costs of afforestation
7 or reforestation; and

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11 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
12 Maryland this ___ day of _____, 2019 that it amends the schedule for fee-in-lieu of
13 afforestation or reforestation, as shown in the attached Exhibit A; and

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15 **BE IT FURTHER RESOLVED** that, subject to Council Resolution No. 122-2019, all
16 other Fee Schedules adopted by Council Resolution No. 73-2019 shall remain in effect until
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Easement abandonment	[[$\\$1.25$]]$\\2.00 Per square foot
Non-compliance with forest conservation	[[$\\$1.20$]]$\\1.25 Per square foot

Amendment 1 to Council Resolution No. 142-2019

BY: Deb Jung and
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 1

(This Amendment alters the fees-in-lieu for afforestation or reforestation.)

1 On the schedule for fee-in-lieu, as shown in Exhibit A attached to the Resolution, in the
2 “Afforestation or reforestation” category, strike “\$1.25” and substitute “\$5.00” and strike
3 “\$1.50” and substitute “\$6.00”.

4
5

Amendment 2 to Council Resolution No. 142-2019

R

**BY: Deb Jung and
Liz Walsh**

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 2

(This Amendment alters the fee for non-compliance.)

1 On the schedule for fee-in-lieu, as shown in Exhibit A attached to the Resolution, in the “Non-
2 compliance with forest conservation” category, strike “\$1.25” and substitute “\$5.00”.

3

Amendment 2 to Council Resolution No. 142-2019

BY: Deb Jung and
Liz Walsh

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 2

(This Amendment alters the fee for non-compliance.)

1 On the schedule for fee-in-lieu, as shown in Exhibit A attached to the Resolution, in the "Non-
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Easement abandonment	[[[\$1.25]] \$2.00 Per square foot
Non-compliance with forest conservation	[[[\$1.20]] \$1.25 Per square foot

CR 142-2019

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: kellieann21@everyactioncustom.com <kellieann21@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.

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,
Kellie Korba
8255 Stone Trail Ct Laurel, MD 20723-1181 kellieann21@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.

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,
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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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,
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,

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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,

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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,

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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,
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,

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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.

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

CR142

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**

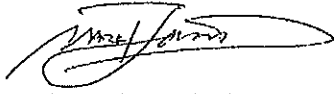
I was formerly chair of Howard County Environmental Sustainability Board and now serve on boards of Howard County Conservancy, Patapsco Heritage Greenway, and Safe Skies Maryland, but I am testifying as an individual today.

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", enclosed within a large, loopy, horizontal oval stroke.

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 noboby 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: 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: Susan Garber <buzysusan23@yahoo.com>
Sent: Monday, November 18, 2019 3:28 PM
To: CouncilMail
Subject: Questioning Council Bill No CR 142-2019; Forest Conservation Fees in Lieu

[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 appreciate the effort that went into proposing higher fees-in-lieu and the explanation by the administration of how they are calculated. Ultimately fees-in-lieu never seem to benefit the County and its citizens. Despite being quite pleased by one acre being the proposed maximum for which one can use fee-in-lieu, I am somewhat disappointed that the fee calculation does not include the cost of county land or easements on which the trees will be planted.

In fact, I have to admit that I did not previously grasp that all reforestation resulting from fee in lieu must occur on existing County property. If the fee actually included the cost of additional land, one of Howard County's most precious and costly resources, it could produce a better outcome, i.e. more forested open space. Ideally, Howard County would establish an Open Space Zone and PLAN for its acquisition over time, rather than just accept scraps from development projects. The fact that every square foot of Howard County has an underlying residential zone assigned to it—including even the Patapsco State Park—should be alarming to all.

As a fan of purchasing and protecting EXISTING forested land, due to the significantly higher benefit produced by mature trees (increased oxygen production, carbon sequestration, ground and air absorption of rain, soil stabilization, etc.) I would prefer consideration of what could be called a Land- in- Lieu system. Perhaps land banking could be expanded to include this concept.

In summary, I believe that if we are to continue with fees-in-lieu, they should be increased at least to the level proposed.

Regards,

Susan Garber

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 <lmclarty@howardchamber.com>
Sent: Monday, November 18, 2019 1:51 PM
To: CouncilMail
Cc: Sidh, Sameer; Jones, Jennifer D.
Subject: Written Testimony RE: CB 61, CB 62, CB 63, and CR 142
Attachments: Forest Conserve Bills_11.18.19.pdf

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

Council members:

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

Thanks

Leonardo McClarty



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

November 18, 2019

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

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

Dear Councilwoman Rigby:

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

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

The following bills and resolutions are of concern:

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

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

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

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

Respectfully,



Leonardo McClarty, CCE
President/CEO, Howard County Chamber

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

CF 142-2019

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)

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.

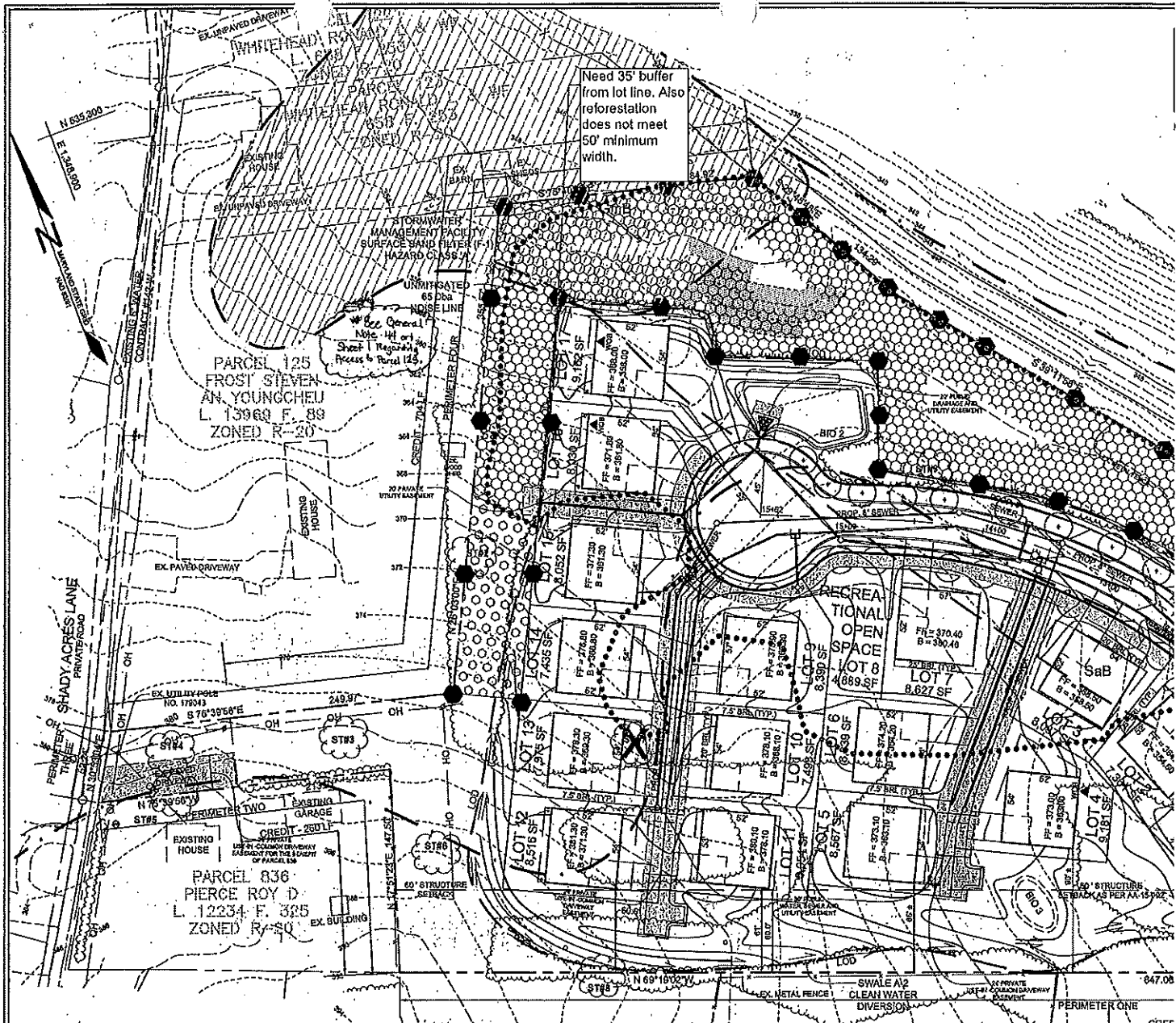
I am going to focus my testimony on the proforma impact of the new bill on a project where we're currently active called Doves Fly in Fulton. I have attached the approved Forest Conservation Plan for the site and highlighted the impact of the new legislation. Doves Fly is an 8.3-acre site subdivided 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. 13963 F. 89
ZONED R-20

PARCEL 836
PIERCE ROY D.
L. 12234 F. 325
ZONED R-20

PARCEL 871
ELLINGER ARVELLA L/E
L. 11773 F. 455
ZONED R-20

PARCEL 794
WESSEL DOROTHY E L/E
L. 10079 F. 414
ZONED R-20

PARCEL 703
LATEIF PRO
LOT 4
ZONED R-20

APPROVED
PLANNING BOARD
OF HOWARD COUNTY

DATE March 19, 2016
DSD signed April 14, 2016

TENTATIVELY APPROVED
DEPARTMENT OF PLANNING AND ZONING
HOWARD COUNTY

Valerie J. Collins
PLANNING DIRECTOR

8-10-16
DATE

POST-CONSTRUCTION MANAGEMENT PLAN

HOWARD COUNTY requires a two year post-construction management plan be prepared as part of the forest conservation plan. The 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:

- A. FENCING AND SIGNAGE
PERMANENT SIGNAGE INDICATING THE LIMITS OF THE RETENTION/PLANTING AREA SHALL BE MAINTAINED.
- B. 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.
- C. 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 IMPORTANCE OF THE FOREST CONSERVATION PLAN.
- D. 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, FARM 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 RECORDATION WILL OCCUR PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.

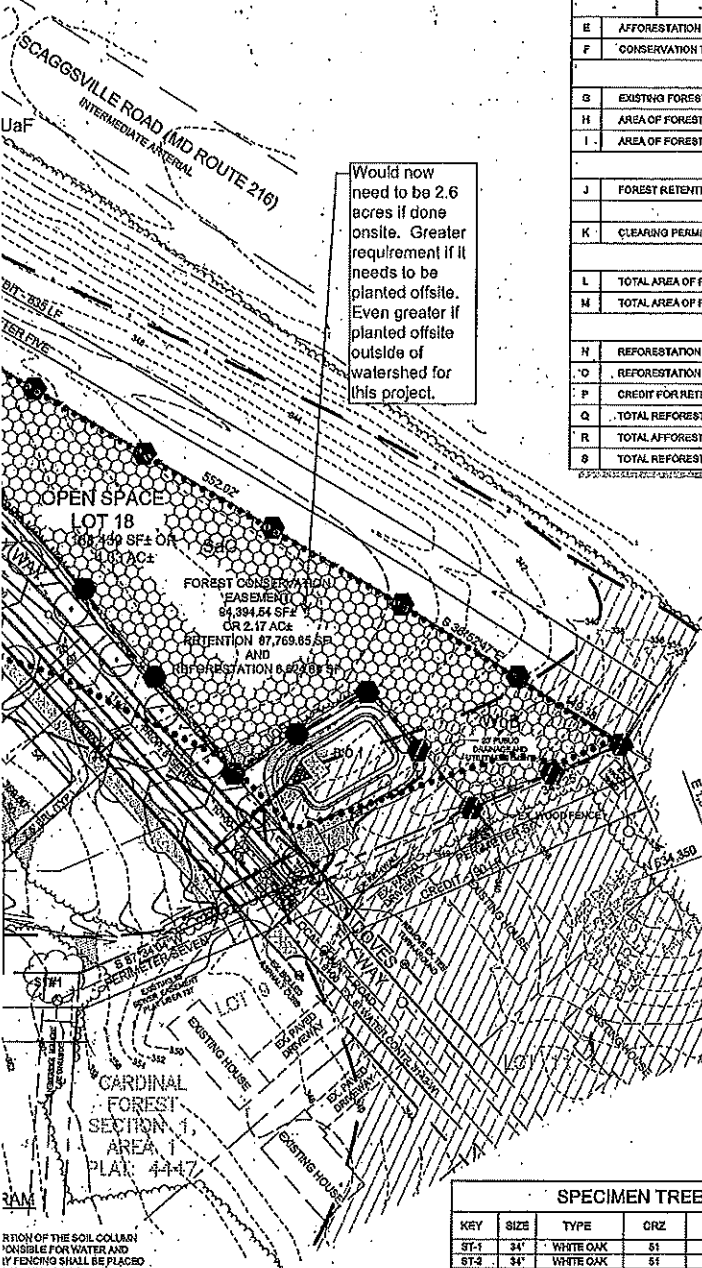
CONSTRUCTION PERIOD PROTECTIVE

1. SOIL PROTECTION TECHNIQUES
THE SOIL PROTECTION AREA (CRITICAL ROOT ZONE) OR CRITICAL ROOT ZONE, OF AT WHICH MOST OF A TREE'S ROOTS MAY BE FOUND, THE MAJORITY NUTRIENT UPTAKE ARE LOCATED JUST BELOW THE SOIL SURF, AROUND THE CRITICAL ROOT ZONE OF THE FOREST IN AREAS FEET OF THE BASE OF DISTURBANCE.
2. FENCING AND SIGNAGE
EXISTING FOREST LIMITS OCCURRING WITHIN 25 FEET OF THE USING TEMPORARY PROTECTIVE FENCING, PERMANENT SIGNAGE AFFORVESTATION AREA PRIOR TO PLANT INSTALLATION, AS SHOWN.
3. PRE-CONSTRUCTION MEETING
UPON STAKING OF LIMITS OF DISTURBANCE A PRE-CONSTRUCTION MEETING AND APPROPRIATE COUNTY AGENCIES TO VERIFY THAT ALL SEDIMENT CONTROL IS IN ORDER, AND TO PENALTIES FOR NONCOMPLIANCE WITH THE FCP.
4. STORAGE FACILITIES/EQUIPMENT CLEARING
ALL EQUIPMENT STORAGE, PARKING, SANITARY FACILITIES WITHIN CONSTRUCTION OF THE PROJECT WILL BE RESTRICTED TO FOREST CONSERVATION EASEMENT. CLEANING OF EQUIPMENT THE PROPOSED LIMITS. WASTEWATER RESULTING FROM PRESENT RAINFALL INTO ENVIRONMENTALLY SENSITIVE AREAS.
5. SEQUENCE OF CONSTRUCTION
THE FOLLOWING TIMETABLE REPRESENTS THE PROPOSED SUBJECT PROPERTY. THE ITEMS OUTLINED IN THIS FOREST CONSERVATION PLAN WILL BE SUBDIVISION APPROVAL.
6. APPROVAL
BETWEEN A PROPOSED SEQUENCE OF CONSTRUCTION.
7. INSTALL ALL SIGNAGE AND SEDIMENT CONTROL DEVICE
8. HOLD PRE-CONSTRUCTION MEETING BETWEEN DEVELOPER
9. HOLD ACCESS ROADS, INSTALL WATER AND SEWER, IN DISTURBED AREAS ACCORDINGLY.
10. REMOVE SEDIMENT CONTROL.
11. HOLD POST-CONSTRUCTION MEETING WITH COUNTY FOR SUBMIT CERTIFICATION OF RETENTION.
12. CONSTRUCTION MONITORING
ECO-SCIENCE PROFESSIONALS, OR ANOTHER QUALIFIED DEVELOPER, WILL MONITOR CONSTRUCTION OF THE PROJECT COMPLIANCE WITH THE FOREST CONSERVATION PLAN.
13. POST-CONSTRUCTION MEETING
UPON COMPLETION OF CONSTRUCTION, ECO-SCIENCE PROFESSIONAL DESIGNATED BY THE DEVELOPER, WILL NOTIFY COMPLETED AND ARRANGE FOR A POST CONSTRUCTION MEETING WILL ALLOW THE COUNTY INSPECTOR TO VERIFY THAT FOREST

SOILS LEGEND

NAME / DESCRIPTION	GROUP	% FACTOR
GLENNVILLE Silt LOAM, 2 TO 8 PERCENT SLOPES	C	0.37
BASSAFRAS LOAM, 2 TO 8 PERCENT SLOPES	B	0.37
SASAFRAS LOAM, 6 TO 10 PERCENT SLOPES	B	0.24
WOODSTOWN SANDY LOAM, 2 TO 6 PERCENT SLOPES	C	0.24

INFORMATION HAS BEEN TAKEN FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, WEB SOIL SURVEY. ERODIBLE SOILS ARE THOSE SOILS WITH A SLOPE GREATER THAN 16 PERCENT OR THOSE SOILS WITH A PROBABILITY FACTOR 'C' GREATER THAN 0.35 AND WITH A SLOPE GREATER THAN 6 PERCENT.

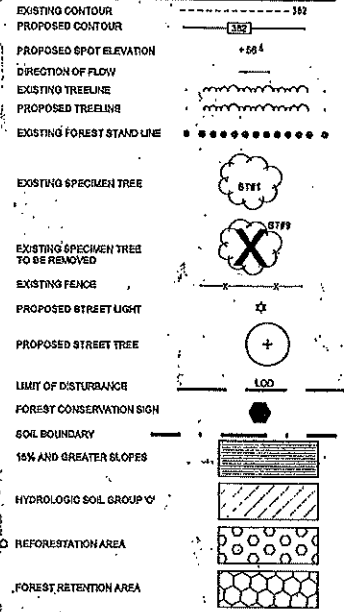


Would now need to be 2.6 acres if done onsite. Greater requirement if it needs to be planted offsite. Even greater if planted offsite outside of watershed for this project.

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	MOR	IDA
HDR	MPD	CIA
XX		
E	AFFORESTATION THRESHOLD (NET TRACT AREA x 15%)	1.2 AC
F	CONSERVATION THRESHOLD (NET TRACT AREA x 20%)	1.7 AC
EXISTING FOREST COVER		
G	EXISTING FOREST COVER (EXCLUDING FLOODPLAIN)	3.8 AC
H	AREA OF FOREST ABOVE AFFORESTATION THRESHOLD	2.6 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
BREAK-EVEN POINT		2.1 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	2.6 AC
PLANTING REQUIREMENTS		
N	REFORESTATION FOR CLEARING ABOVE CONSERVATION THRESHOLD	0.45 AC @ 0.60 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 @ 0.60 AC
R	TOTAL AFFORESTATION REQUIRED	0.0 AC
S	TOTAL REFORESTATION AND AFFORESTATION REQUIRED	0.15 AC @ 0.60 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 LAND COVENANTS.
- LIMITS OF DISTURBANCE SHALL BE RESTRICTED TO AREAS OUTSIDE THE LIMIT OF TEMPORARY FENCING OR THE FCE BOUNDARY, WHICHEVER IS GREATER.
- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FORESTED 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 60 FEET OF THE PROPOSED FCE LIMITS. PERMANENT SIGNAGE WILL BE POSTED AT 60-100 FOOT INTERVALS AND ON ALL FCE LIMITS, AS SHOWN HEREON.
- THE FOREST CONSERVATION ACT REQUIREMENTS FOR THIS PROJECT WILL BE MET THROUGH THE 2.6 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 LANDSCAPING MANUAL. IN ADDITION, NO SUBSTITUTIONS OR REPLACEMENT OF REQUIRED PLANTINGS 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 VERIFIED.
- THE OWNER, TENANT, AND/OR 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 CONTINUING 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	1	2	4	5
PERIMETER FRONTAGE DESIGNATION	3	7	1	2	4	5
LINEAR FEET OF ROADWAY FRONTAGE PER PERIMETER	0-100	0-100	0-100	0-100	0-100	0-100
CREDIT FOR EXISTING VEGETATION (YES, NO, LINEAR FEET)	NO	NO	YES (1)	YES (1)	YES (1)	YES (1)
REMAINING PERIMETER LENGTH (YES, NO, LINEAR FEET)	0-100	0-100	0-100	0-100	0-100	0-100
NUMBER OF PLANTS REQUIRED						
SHADE TREES	1:50-1	1:50-1	1:50-1	1:50-2	1:50-1	1:50-1
EVERGREEN TREES	1:50-1	1:50-1	1:50-1	1:50-2	1:50-1	1:50-1

1. 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
(Symbol)	DOVES FLY WAY	1,278	32	32

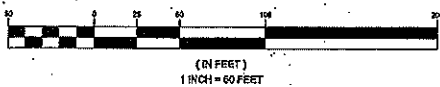
OWNER/DEVELOPER

WILLIAMSBURG GROUP
5483 HARPER FARM ROAD, SUITE 200
COLUMBIA, MARYLAND 21044
410.997.8400

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	33"	WHITE OAK	57	FAIR HEAVY VINES SOME LIMB DIEBACK
ST-4	37"	BLACK OAK	63.5	POOR CONDITION MAJOR LIMB DIEBACK
ST-5	33"	CHESTNUT OAK	45	GOOD CONDITION
ST-6	33"	CHESTNUT OAK	45	GOOD CONDITION
ST-7	33"	BLACK OAK	58.5	POOR CONDITION, TRUNK ROT, TO BE RELOCATED
ST-8	37"	RED OAK	65.5	FAIR CONDITION, LIMB DIEBACK, DAMAGE TO TRUNK NOTED
ST-9	37"	RED OAK	65.5	POOR STRUCTURE, LIMB DIEBACK

GRAPHIC SCALE



FRONT OF THE SOIL COLLAR IS THE POINT FOR WATER AND IRRIGATION FENCING SHALL BE PLACED AT THE LIMITS OF DISTURBANCE.

PERIMETER SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.

NO SIGNAGE WILL BE HELD BETWEEN THE PERIMETER AND THE PROPERTY LINE.

LANDSCAPING, ETC., ASSOCIATED WITH THIS PROJECT SHALL BE COMPLETED WITHIN THE PERIOD OF TWO (2) YEARS OF THE COMMENCEMENT OF THE PROJECT.

PERIOD OF DEVELOPMENT OF THE PROJECT SHALL BE TWO (2) YEARS OF THE COMMENCEMENT OF THE PROJECT.

OWNER AND COUNTY INSPECTOR SHALL BE NOTIFIED 14 DAYS PRIOR TO THE MEETING.

INSURE COMPLIANCE WITH FCP.

DESIGNATED BY THE PLAN FOR ALL ACTIVITIES ARE IN THE PLAN.

IF ANOTHER QUALIFIED PARTY CONSTRUCTION HAS BEEN IDENTIFIED, THE MEETING REQUIREMENTS HAVE BEEN MET.

Eco-Science Professionals, Inc.
Consulting Ecologists

P.O. Box 2044 Glen Arden, Maryland 21057 Telephone (410) 832-2460 Fax (410) 832-2466

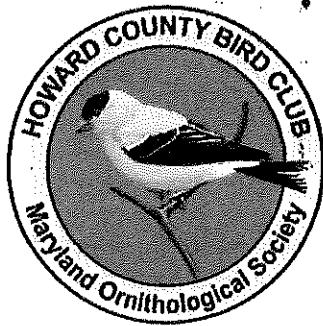
MD DNR Qualified Professional USACE Wetland Delinerator Certification # WD0P99MD091004482

John P. Canoles Date:



GILL ENGINEERING GROUP, LLC
11130 Dovedale, Suite 200
Marriottsville, Maryland 21104
Phone: 410.255.5976
Fax: 410.255.5022
Email: info@gillingengineering.com
Civil Engineering for Land Development

DESIGN BY: PS
DRAWN BY: KSG
CHECKED BY: PS
SCALE: 1"=50'
DATE: JUNE 18, 2015
PROJECT #: 14-010
SHEET #: 7 OF 7



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=dcWYzH9MGv131&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



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

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, Henry Hadju, 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 & 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: Henry Hadju

Signature: [Handwritten Signature]

Date: 11/18/19

Organization: HCCA

Organization Address: P.O. Box 84, Suitzoff City, MD 21041

Number of Members: 500

Name of Chair/President: Stu Sohn

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 conversation 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: ~~20~~ 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)

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



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

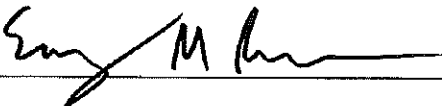
I, Emily Ranson, have been duly authorized by
(name of individual)

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**

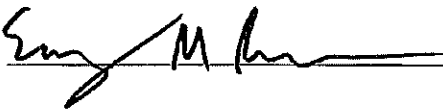
I, Emily Ranson, have been duly authorized by
(name of individual)

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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CLEAN WATER ACTION

MARYLAND

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



CLEAN WATER ACTION

MARYLAND

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 CB602-2019 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 Elliott City MD 21042

Number of Members: 3486

Name of Chair/President: Lisa Markovitz President

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, 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 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 Markovitz

Signature: [Handwritten Signature]

Date: _____

Organization: The Peoples Voice LLC

Organization Address: The Peoples Voice, LLC

3600 Saint Johns Lane Ste D Elizabeth City MD 21042

Number of Members: 3486

Name of Chair/President: Lisa Markovitz President

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.

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!



The People's Voice, LLC

Ethics Ballot™

3600 Saint Johns Lane, Suite D, Ellicott City, MD 21042

County Council Public Hearing November 18, 2019

Testimony – CR142 – Support with requested amendment

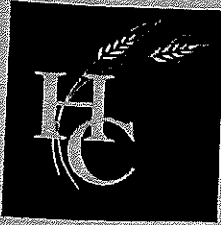
Lisa Markovitz, President, The Peoples Voice

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

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, 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

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, 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 Eitenberg, 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. 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: Robin Clark Eitenberg

Signature: RCEitenberg

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 62 + 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.

CR142

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

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