



Howard County

Internal Memorandum

Subject: Testimony on CB-XX-2021
A bill amending the Subdivision and Land Development Regulations to add protections for specimen trees and amending the Forest Conservation Act to add a surety requirement for forest retention.

To: Lonnie R. Robbins
Chief Administrative Officer

From: Amy Gowan, Director (AG)
Department of Planning and Zoning

Date: August 26, 2021

The Department of Planning and Zoning (DPZ) supports CB-XX-2021, which amends Sections 16.108 and 16.117 of the Subdivisions and Land Development Regulations to add protections for specimen trees, and Section 16.1210 of the Forest Conservation Act to add a financial security requirement for forest retention.

Specimen Tree Protection

The proposed amendment adds definitions from the Howard County Forest Conservation Manual for agricultural activity and specimen tree. The proposed amendment also establishes a requirement for a Notice to Proceed (NTP) from the Department of Planning and Zoning to cut or clear a specimen tree on a residential lot of one acre or greater or a non-residential lot. The cutting or clearing of a specimen tree is prohibited, unless the tree is dead or diseased. The amendment provides exemptions to the requirement for an NTP, including for trees subject to the Forest Conservation Act, trees that present an imminent threat to person or property, maintenance or repair of public infrastructure and utilities, forest management on County parkland and open space, and agricultural activities.

A violation of this amendment will include a replanting requirement and a prohibition on subdivision of the property for up to five years. Fines up to \$1,000 per tree may also be assessed. The intent of the proposed amendment is to prevent the removal of healthy specimen trees from properties with development potential before a development proposal is submitted to the County and becomes subject to the Forest Conservation Act.

Forest Retention Security

In February 2020, Council Bill 62-2019 repealed and replaced the Forest Conservation Act to provide major updates. These updates incorporated State law changes since 1999 and added improvements to increase forest retention, ensure more successful forest planting and strengthen the variance process. However, this update inadvertently removed the requirement for a financial security when forest retention was provided. The proposed

amendment restores this requirement, which will help ensure retention is implemented in accordance with the approved Forest Conservation Plan and if not, the County will have adequate funds to achieve the required retention.

Fiscal Analysis

These amendments are likely to result in minimal fiscal impacts to the County. The processing of Notice to Proceed applications will be reviewed by current DPZ staff and DPZ does not expect the volume of applications to require additional staffing. Processing of the retention security is a former practice that is being reinstated and occurs through the existing surety process for the Forest Conservation Act with current staffing levels. Violations of the new regulations will be enforced through the regular code enforcement process.

Some revenue may be collected through fines for violations, however, there is no way to anticipate the number of potential violations to estimate the amount.

cc: Holly Sun, Budget Administrator
Brook Mamo, Deputy Budget Administrator
Jennifer Sager, Legislative Coordinator, County Administration
Raul Delerme, Director, Recreation and Parks
Josh Feldmark, Director, Office of Community Sustainability