

Introduced 9-8-2021  
Public Hearing 9-20-2021  
Council Action 12-6-2021  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

**County Council of Howard County, Maryland**

2021 Legislative Session

Legislative Day No. 15

**Bill No. 64-2021**

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

AN ACT prohibiting the cutting or clearing of certain specimen trees; providing that a property owner may proceed under certain conditions and upon the submission and approval of certain applications; providing for the contents of certain applications; providing for the criteria to use in the review of certain applications; providing for certain exemptions; requiring certain compliance; providing certain penalties for noncompliance; requiring surety for forest retention; defining certain terms; and generally related to forest conservation and the preservation of natural cover in Howard County.

Introduced and read first time Sept 8, 2021. Ordered posted and hearing scheduled.  
By order Michelle Harrod  
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing on Sept 20, 2021.  
By order Michelle Harrod  
Michelle Harrod, Administrator

This Bill was read the third time on Dec 6, 2021 and Passed , Passed with amendments , Failed .  
By order Michelle Harrod  
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_ day of \_\_\_\_\_, 2021 at \_\_\_ a.m./p.m.  
By order \_\_\_\_\_  
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2021  
\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

Tabled 10-4-2021 Michelle Harrod  
Extended 11-1-2021 Michelle Harrod  
Failed 11-1-2021 Michelle Harrod

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

3  
4 *By inserting new subsections (b)(1.2) and (b)(48.1) into Section 16.108.*

5  
6 *By amending:*

7 *Title 16, Subtitle 1.*

8 *Section 16.117.*

9  
10 *Title 16, Subtitle 12.*

11 *Section 16.1210.*

12  
13 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

14 **Subtitle 1. Subdivisions and Land Development Regulations.**

15 **Article 1. General**

16  
17 **Section 16.108. Rules of Construction; definitions.**

18 (b) *Definitions.* As used in these regulations, the following terms shall be defined as follows:

19 (1.1) *Adjoining property* means land which is touching or would be touching in the absence  
20 of an intervening utility or road right-of-way, other than a principal arterial highway,  
21 shall be considered adjoining for purposes of this subtitle.

22 (1.2) *AGRICULTURAL ACTIVITY* MEANS THE USE OF LAND FOR AGRICULTURAL PURPOSES,  
23 INCLUDING: DAIRYING, PASTURAGE, GROWING CROPS, BEE KEEPING, HORTICULTURE,  
24 FLORICULTURE, ORCHARDS, PLANT NURSERIES, CHRISTMAS TREE FARMS, VITICULTURE,  
25 AQUACULTURE, SILVICULTURE, AND ANIMAL AND POULTRY HUSBANDRY; THE BREEDING,  
26 RAISING, TRAINING AND GENERAL CARE OF LIVESTOCK FOR USES OTHER THAN FOOD, SUCH  
27 AS SPORT OR SHOW PURPOSES; CONSTRUCTION AND MAINTENANCE OF BARNs, SILOS, AND  
28 OTHER SIMILAR STRUCTURES, THE USE OF FARM MACHINERY, THE PRIMARY PROCESSING OF  
29 AGRICULTURAL PRODUCTS AND THE SALE OF AGRICULTURAL PRODUCTS PRODUCED ON THE  
30 LAND WHERE THE SALES ARE MADE; AND OTHER USES DIRECTLY RELATED TO OR AS AN  
31 ACCESSORY USE OF THE PREMISES FOR FARMING AND AGRICULTURAL PURPOSES.

1  
2 (48) *Scenic road* means a public road or road segment that is included in the scenic roads  
3 inventory adopted by the County Council in accordance with section 16.1403 of this Code.

4 (48.1) *SPECIMEN TREE* MEANS:

5 (I) A TREE WITH A DIAMETER OF 75 PERCENT OR MORE OF THE DIAMETER OF THE  
6 CURRENT STATE CHAMPION TREE OF THAT SPECIES, MEASURED AT 4.5 FEET ABOVE  
7 THE GROUND; OR

8 (II) A TREE THAT IS 30 INCHES IN DIAMETER OR LARGER, MEASURED AT 4.5 FEET ABOVE  
9 THE GROUND.

10  
11 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

12 **Subtitle 1. Subdivisions and Land Development Regulations.**

13 **Article II. Design Standards.**

14  
15 **Section 16.117. Forest conservation, SPECIMEN TREE PROTECTION and preservation of**  
16 **natural cover.**

17 (a) *Forest Resource Protection.* Land to be subdivided or developed shall be designed and  
18 improved in reasonable conformity to existing topography in order to minimize clearing or  
19 alteration of existing plant communities, especially forest areas, and to minimize associated  
20 stormwater runoff and soil erosion impacts. Where required by subtitle 12 of this title, a forest  
21 conservation plan shall be submitted.

22 (b) *Residential Restrictions.* In residential subdivisions forest conservation easements shall be  
23 located in open space or a nonbuildable preservation parcel except as permitted in section 16.120  
24 of this subtitle.

25 (c) *PROHIBITED CONDUCT.* UNLESS OTHERWISE PROVIDED IN THIS SECTION, A SPECIMEN TREE  
26 MAY NOT BE CUT OR CLEARED ON ANY PROPERTY.

27 (d) A PROPERTY OWNER SHALL OBTAIN A NOTICE TO PROCEED FROM THE DEPARTMENT OF  
28 PLANNING AND ZONING BEFORE CUTTING OR CLEARING A DEAD OR DISEASED SPECIMEN TREE OR  
29 AN INVASIVE SPECIES SPECIMEN TREE, AS IDENTIFIED IN THE FOREST CONSERVATION MANUAL ON  
30 A RESIDENTIAL LOT OF ONE ACRE OR LARGER, OR ON ANY NON-RESIDENTIAL LOT.

1 (E) *APPLICATION REQUIRED.* TO OBTAIN A NOTICE TO PROCEED, A PROPERTY OWNER SHALL  
2 SUBMIT AN APPLICATION ON A FORM DEVELOPED BY THE DEPARTMENT, INCLUDING ALL REQUIRED  
3 ATTACHMENTS.

4 (F) *CONTENTS OF APPLICATION.* THE NOTICE TO PROCEED APPLICATION SHALL INCLUDE, BUT IS  
5 NOT LIMITED TO, ~~AN INVENTORY OF EACH SPECIMEN TREE TO BE CUT OR CLEARED THAT SHALL:~~

6 (1) FOR EACH NON-INVASIVE SPECIES SPECIMEN TREE TO BE CUT OR CLEARED:

7  
8 ~~(1)~~ I INCLUDE THE DIAMETER MEASURED AT 4.5 FEET ABOVE THE GROUND, SPECIES,  
9 LOCATION, AND HEALTH OF EACH SPECIMEN TREE, INCLUDING AN ASSESSMENT OF  
10 DISEASE AND VIABILITY; AND

11 ~~(2)~~ II BE PREPARED AND APPROVED BY A MARYLAND LICENSED TREE EXPERT OR  
12 CERTIFIED ARBORIST.

13 (2) FOR EACH INVASIVE SPECIES SPECIMEN TREE TO BE CUT OR CLEARED, A PHOTO OF THE  
14 TREE, DESCRIPTION OF THE SPECIES AND AN AERIAL PHOTOGRAPH IDENTIFYING THE  
15 LOCATION OF THE TREE ON THE PROPERTY.

16  
17 (G) *REVIEW OF APPLICATION.* THE DEPARTMENT SHALL REVIEW THE APPLICATION FOR THE NOTICE  
18 TO PROCEED AND APPROVE THE SAME WHERE CLEAR AND CONVINCING EVIDENCE IS SHOWN THAT A  
19 SPECIMEN TREE IS DISEASED OR DEAD OR THAT AN INVASIVE SPECIMEN TREE IS PRESENT. THE  
20 DEPARTMENT MAY REQUEST ADDITIONAL INFORMATION OR INSPECT THE SPECIMEN TREE IN  
21 FURTHERANCE OF ITS REVIEW OF AN APPLICATION. AN APPROVED NOTICE TO PROCEED  
22 AUTHORIZES A PROPERTY OWNER TO CUT OR CLEAR AN APPROVED SPECIMEN TREE OR TREES  
23 WITHIN ONE YEAR OF ISSUANCE.

24 (H) *EXEMPTIONS.* THE FOLLOWING CONDITIONS OR ACTIVITIES ARE EXEMPT FROM THE PROVISIONS  
25 OF THIS SECTION:

26 (1) DEVELOPMENT SUBJECT TO SUBTITLE 12 OF THIS TITLE.

27 (2) THE CUTTING OR CLEARING OF A SPECIMEN TREE THAT, DUE TO HEALTH,  
28 DETERIORATION OR DAMAGE NOT CAUSED BY OR AT THE BEHEST OF THE PROPERTY  
29 OWNER, PRESENTS AN IMMINENT THREAT TO PERSON OR PROPERTY. THE PROPERTY  
30 OWNER SHALL OBTAIN A CERTIFICATE FROM A MARYLAND LICENSED TREE EXPERT OR  
31 CERTIFIED ARBORIST INCLUDING THE DIAMETER MEASURED AT 4.5 FEET ABOVE THE

1 GROUND, SPECIES, LOCATION, AND DESCRIBING THE DEGREE OF THE DISEASE,  
2 DETERIORATION OR DAMAGE AND THE IMMINENT THREAT PRESENTED BY EACH TREE  
3 THAT IS TO BE CUT OR CLEARED.

4 (3) SPECIMEN TREE CUTTING OR CLEARING ASSOCIATED WITH REPAIR, MAINTENANCE OR  
5 MODIFICATION OF PUBLIC INFRASTRUCTURE AND UTILITIES SUCH AS ROADWAYS,  
6 SIDEWALKS, SHARED USE PATHWAYS, STORM DRAINS, WATER, SEWER, AND OTHER  
7 SIMILAR PUBLIC IMPROVEMENTS, WHICH ARE OWNED OR MANAGED BY A GOVERNMENT  
8 ENTITY OR HOMEOWNERS ASSOCIATION THAT HAS A FOREST STEWARDSHIP PLAN  
9 DRAFTED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES.

10 (4) SPECIMEN TREE CUTTING OR CLEARING IN PUBLIC UTILITY RIGHTS-OF-WAY, OR LAND  
11 FOR ELECTRIC GENERATING STATIONS LICENSED PURSUANT TO TITLE 7, SUBTITLE 2 OF  
12 THE PUBLIC UTILITY COMPANIES ARTICLE OF THE ANNOTATED CODE OF MARYLAND,  
13 IF:

14 (i) REQUIRED CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY HAVE BEEN  
15 ISSUED IN ACCORDANCE WITH THE NATURAL RESOURCES ARTICLE, SECTION 5-  
16 1603(F), ANNOTATED CODE OF MARYLAND; AND

17 (ii) CUTTING OR CLEARING OF SPECIMEN TREES IS CONDUCTED TO MINIMIZE THE LOSS  
18 OF SPECIMEN TREES.

19 (5) SPECIMEN TREE CUTTING OR CLEARING ON A RESIDENTIAL LOT LESS THAN ONE ACRE IN  
20 SIZE, UNLESS PROTECTED BY A FOREST CONSERVATION EASEMENT.

21 (6) SPECIMEN TREE CUTTING OR CLEARING ASSOCIATED WITH PARKLAND OR OPEN SPACE  
22 OWNED BY THE COUNTY PARKLAND AND COUNTY OPEN SPACE OR A HOMEOWNERS  
23 ASSOCIATION, WHERE A TREE HAS BEEN DEEMED HAZARDOUS BY A CERTIFIED  
24 ARBORIST OR A PUBLIC AGENCY ROADSIDE TREE CARE EXPERT.

25 (7) SPECIMEN TREE CUTTING OR CLEARING ASSOCIATED WITH INVASIVE SPECIES  
26 MANAGEMENT AND/OR FOREST MANAGEMENT ON PARKLAND OR OPEN SPACE OWNED  
27 BY THE COUNTY PARKLAND AND OPEN SPACE OR A HOMEOWNERS ASSOCIATION  
28 VERIFIED BY A CERTIFIED ARBORIST OR A PUBLIC AGENCY ROADSIDE TREE CARE  
29 EXPERT.

30 (8) SPECIMEN TREE CUTTING OR CLEARING WITHIN A PUBLIC STREET RIGHT-OF-WAY.

1 (9) SPECIMEN TREE CUTTING OR CLEARING IN ASSOCIATION WITH AGRICULTURAL  
2 ACTIVITY.

3 (i) *COMPLIANCE.* THE DEPARTMENT MAY ISSUE A NOTICE OF VIOLATION, STOP-WORK ORDER, OR  
4 CIVIL CITATION TO ANY PERSON THAT CAUSES OR ALLOWS A VIOLATION OF THIS SECTION.

5 (j) *NONCOMPLIANCE PENALTIES.* THE COUNTY SHALL ASSESS A NONCOMPLIANCE PENALTY FOR  
6 EACH VIOLATION OF THIS SECTION, TO INCLUDE A REPLANTING REQUIREMENT FOR EACH SPECIMEN  
7 TREE CUT OR CLEARED, AND THE COUNTY SHALL NOT ACCEPT AN APPLICATION FOR THE  
8 RESIDENTIAL SUBDIVISION OF THE PROPERTY FOR FIVE YEARS.

9 (k) *CIVIL PENALTY.* IN ADDITION TO AND CONCURRENT WITH ALL OTHER REMEDIES, THE  
10 DEPARTMENT MAY ENFORCE THE PROVISIONS OF THIS SECTION WITH CIVIL PENALTIES PURSUANT  
11 TO THE PROVISIONS OF TITLE 24, "CIVIL PENALTIES," OF THE HOWARD COUNTY CODE. A  
12 VIOLATION SHALL BE A CLASS A OFFENSE. EACH SPECIMEN TREE CUT OR CLEARED IN VIOLATION  
13 OF THIS SECTION IS A SEPARATE VIOLATION.

14  
15 **Title 16. Planning, Zoning, and Subdivisions and Land Development Regulations.**

16 **Subtitle 12. Forest Conservation.**

17  
18 **Section 16.1210. Financial security for [[reforestation and afforestation]] REFORESTATION,**  
19 **AFFORESTATION, AND RETENTION.**

20 (a) *Financial Security Required.* A person required to provide [[afforestation or reforestation]]  
21 AFFORESTATION, REFORESTATION, OR RETENTION under this subtitle shall furnish financial  
22 security in the form of a bond, an irrevocable letter of credit, or other security approved by the  
23 County. This shall be provided prior to plat recordation if the [[afforestation or reforestation]]  
24 AFFORESTATION, REFORESTATION, OR RETENTION is required for approval of a subdivision; prior  
25 to site development plan approval if the [[afforestation or reforestation]] AFFORESTATION,  
26 REFORESTATION, OR RETENTION is required for site development plan approval; and prior to  
27 grading permit issuance if the [[afforestation or reforestation]] AFFORESTATION, REFORESTATION,  
28 OR RETENTION is required for issuance of a grading permit. The security shall:

- 29 (1) Assure that the afforestation, reforestation, RETENTION, and the associated forest  
30 conservation agreement are implemented in accordance with the approved forest  
31 conservation plan;

1 (2) Be in an amount equal to the estimated cost, as approved by the County, of [[reforestation  
2 and afforestation]] AFFORESTATION, REFORESTATION, OR RETENTION; and

3 (3) Be in a form and of a content approved by the County.

4 (b) *Release of Financial Security.* If, after three growing seasons following the [[afforestation or  
5 reforestation]] AFFORESTATION, REFORESTATION, OR RETENTION or as provided in the forest  
6 conservation agreement, the plantings OR RETENTION associated with the [[afforestation or  
7 reforestation]] AFFORESTATION, REFORESTATION, OR RETENTION meet or exceed the standards of  
8 the manual, the amount of the bond, letter of credit, or other security shall be returned or  
9 released.

10 (c) *Default and Lien.* If, after three growing seasons or as provided in the forest conservation  
11 agreement, the plantings OR RETENTION do not meet the aforesaid standards, the County shall  
12 have the right to draw on the security according to its terms and use the sums withdrawn for the  
13 costs incurred by the County in achieving the [[afforestation or reforestation]] AFFORESTATION,  
14 REFORESTATION, OR RETENTION standards required by the plan and manual. Any costs incurred  
15 by the County in excess of the security amount shall be charged against the developer and, unless  
16 they are paid or appealed to the Board of Appeals within 30 days after billing by the County,  
17 shall become a final lien against the property being developed and shall in every respect be  
18 treated as County real estate taxes.

19

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

Amendment 1 to Council Bill No. 64-2021

BY: The Chairperson at the request  
of the County Executive

Legislative Day 16  
Date: October 4, 2021

Amendment No. 1

(This amendment:

- (1) Clarifies certain exemptions that relate to the Forest Conservation Act; and
- (2) Clarifies penalties for noncompliance.)

1 On page 3, strike line 19 and substitute:

2 “(1) SPECIMEN TREE CUTTING OR CLEARING SUBJECT TO SUBTITLE 12 OF THIS TITLE AND IN  
3 ACCORDANCE WITH:  
4 (I) AN APPROVED DECLARATION OF INTENT;  
5 (II) AN APPROVED FOREST CONSERVATION PLAN WITH RECORDED PLAT; OR  
6 (III) AN EXEMPTION FROM THE SUBTITLE;”.

7  
8 On page 4, in line 27, after “YEARS.” insert “IF THE VIOLATION RELATES TO A PROPERTY WITH A  
9 PLAN IN THE REVIEW PROCESS, THE PLAN SHALL BE VOIDED AND THE COUNTY SHALL NOT ACCEPT  
10 A NEW APPLICATION FOR RESIDENTIAL SUBDIVISION OF THE PROPERTY FOR FIVE YEARS FROM THE  
11 VOIDED PLAN DATE.”.

I certify this is a true copy of  
Am 1 to CB64-2021  
passed on 12-6-2021  
Michelle Oberdorfer  
Council Administrator

Failed



Amendment 2 to Council Bill No. 64-2021

BY: David Yungmann

Legislative Day No. 16

Date: 10-4-2021

Amendment No. 2

*(This Amendment replaces the definition of "specimen tree"; requires a certain statement related to forest conservation; alters a criterion for a certain tree removal; and alters references to cutting or clearing.)*

1 On the title page, in line 1 of the title, strike "cutting or".

2

3 On page 2, strike lines 5 through 9 and substitute:

4

5 "A TREE WITH A TRUNK OR TRUNKS EACH OF WHICH MEASURES 30 INCHES IN DIAMETER OR LARGER,  
6 MEASURED AT 4.5 FEET ABOVE THE GROUND."

7

8 On page 2, in line 26 strike "CUT OR".

9

10 Also on page 2, in line 26, after PROPERTY, add "FOR PURPOSES OF THIS SECTION, A TREE THAT IS  
11 REMOVED WITHOUT REMOVING THE STUMP IS CONSIDERED TO HAVE BEEN CLEARED".

12

13 On page 2, in line 28 strike "CUTTING OR".

14

15 On page 3, in line 5 strike "CUT OR".

16

17 Also on page 3, in line 10, before the period insert:

18

": AND

19

(3) INCLUDE A STATEMENT FROM THE PROPERTY OWNER THAT:

20

(1) NO SUBDIVISION, SITE DEVELOPMENT, OR OTHER ACTIVITY THAT WOULD SUBJECT THE

21

PROPERTY TO FOREST CONSERVATION REGULATIONS IS CONTEMPLATED FOR AT LEAST FIVE YEARS; OR

I certify this is a true copy of

Am 2 to CB 64-2021

Failed passed on 12-6-2021

Muellicke  
Council Administrator

22 (II) THE SUBJECT SPECIMEN TREES ARE DEAD OR DISEASED".

23  
24 Also on page 3, in line 12, strike "WHERE CLEAR AND CONVINCING EVIDENCE IS SHOWN THAT A  
25 SPECIMEN TREE IS DISEASED OR DEAD" and substitute "WHERE THE DEPARTMENT DETERMINES THE  
26 APPLICATION TO BE COMPLETE AND ACCURATE AND WHERE CLEAR AND CONVINCING EVIDENCE IS  
27 SHOWN THAT THE SPECIMEN TREE IS DISEASED OR DEAD IF SAID CONDITION IS THE BASIS FOR THE  
28 APPLICATION".

29  
30 Also on page 3, beginning in line 15, strike "CUT OR".

31  
32 Also on page 3, in line 20, strike "CUTTING OR".

33  
34 Also on page 3, in line 27, strike "CUT OR".

35  
36 Also on page 3, in line 28, strike "CUTTING OR".

37  
38 On page 4, in lines 1, 8, 10, 12, 15, 19, and 20 strike "CUTTING OR".

39  
40 Also on page 4, in line 11, after "SIZE" insert "INSIDE THE PLANNED SERVICE AREA OR LESS THAN SIX  
41 ACRES IN SIZE OUTSIDE THE PLANNED SERVICE AREA".

42  
43 Also on page 4, in line 26, strike "CUT OR".

44  
45 On page 5, in line 1, strike "CUT OR".

Amendment 3 to CB64-2021

BY: Liz Walsh

Legislative Day No. 16

Date: 10-4-2021

Amendment No. 3

*(This Amendment alters the diameter at which trees are considered specimen trees.)*

- 1 On page 2, in line 8, strike "30" and substitute "24"

I certify this is a true copy of

Am 3 to CB 64-2021

passed on 12-6-2021

Michelle Wood  
Council Administrator

Not moved

**Amendment 1 to Amendment No. 4 to Council Bill No. 64-2021**

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

**Legislative Day #17  
Date: November 1, 2021**

**Amendment No. 1 to Amendment No. 4**

*(This amendment clarifies that the exemption applicable for cutting or clearing associated with the repair, maintenance or modification of public infrastructure and utilities shall apply to a Homeowners Association that has a Forest Stewardship Plan approved by the Maryland Department of Natural Resources.)*

- 1 On page 2, in line 2, after "HOMEOWNERS ASSOCIATION", insert "THAT HAS A FOREST
- 2 STEWARDSHIP PLAN APPROVED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES."

*Not Moved*

I certify this is a true copy of  
Am 1 to Am 4 to CB 64-2021  
~~passed on~~ 12-6-2021  
Michelle Harrison  
**Council Administrator**

**Amendment 2 to Amendment No. 4 to Council Bill No. 64-2021**

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

**Legislative Day 17  
Date: November 1, 2021**

**Amendment No. 2**

*(This amendment clarifies that the exemption applicable for cutting or clearing associated with the repair, maintenance or modification of public infrastructure and utilities shall apply to a Homeowners Association that has a Forest Stewardship Plan drafted by the Maryland Department of Natural Resources.)*

- 1 On page 2, in line 2, after "HOMEOWNERS ASSOCIATION", insert "THAT HAS A FOREST
- 2 STEWARDSHIP PLAN DRAFTED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES."

I certify this is a true copy of  
Am 2 to Am 4 to CB 64-2021  
passed on 12-6-2021  
Michele D. [Signature]  
Council Administrator

Amendment 4 to Council Bill No. 64-2021

BY: The Chairperson at the request  
of the County Executive

Legislative Day 16  
Date: October 4, 2021

Amendment No. 4

(This amendment:

- (1) Clarifies that prohibitions against the cutting and clearing of Specimen Trees also apply to Invasive Species Specimen Trees; and
- (2) Allows for certain exceptions to apply on Open Space owned by Homeowners Association.)

1 On page 2, in line 28, after "TREE" insert "OR AN INVASIVE SPECIES SPECIMEN TREE, AS IDENTIFIED  
2 IN THE FOREST CONSERVATION MANUAL.".

3  
4 On page 3, in line 5, strike "an inventory of each specimen tree to be cut or cleared that shall:"  
5 and substitute a colon.

6  
7 On page 3, after line 5 insert:

8 "(1) FOR EACH NON-INVASIVE SPECIES SPECIMEN TREE TO BE CUT OR CLEARED:"

9  
10 On page 3, in line 6, strike "(1)" and substitute "I".

I certify this is a true copy of  
Am 4 to CB64-2021  
passed on 12-6-2021  
Michele Christ  
**Council Administrator**

11  
12 On page 3, in line 9, strike "(2)" and substitute "II".

13  
14 On page 3, after line 10, insert:

15 "(2) FOR EACH INVASIVE SPECIES SPECIMEN TREE TO BE CUT OR CLEARED, A PHOTO OF THE  
16 TREE, DESCRIPTION OF THE SPECIES AND AN AERIAL PHOTOGRAPH IDENTIFYING THE LOCATION OF  
17 THE TREE ON THE PROPERTY.".

18  
19 On page 3, in line 13, after "DEAD" insert "OR THAT AN INVASIVE SPECIMEN TREE IS PRESENT".

20

1 On page 3, in line 31, after “IMPROVEMENTS”, insert “, WHICH ARE OWNED OR MANAGED BY A  
2 GOVERNMENT ENTITY OR HOMEOWNERS ASSOCIATION THAT HAS A FOREST STEWARDSHIP PLAN  
3 DRAFTED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES.”.

4

5 On page 4, in line 12, after “WITH” insert “PARKLAND OR OPEN SPACE OWNED BY THE” and, in the  
6 same line, after “COUNTY”, strike “PARKLAND AND COUNTY OPEN SPACE” and substitute “OR A  
7 HOMEOWNERS ASSOCIATION”.

8

9 On page 4, in line 16, after “ON” insert “PARKLAND OR OPEN SPACE OWNED BY THE” and, in the  
10 same line, after “COUNTY”, strike “PARKLAND AND COUNTY OPEN SPACE” and substitute “OR A  
11 HOMEOWNERS ASSOCIATION”.

**Amendment No. 5 to Council Bill No. 64-2021**

**BY: Liz Walsh**

**Legislative Day #17**

**Date: November 1, 2021**

**Amendment No. 5**

*(This amendment expands the definition of Specimen Tree)*

1 On page 2, in line 7, strike "OR".

2

3 On page 2, in line 9, strike the period and substitute a semi-colon.

4

5 On page 2, immediately following line 9, insert the following:

6 "(III) A TREE IDENTIFIED ON THE LIST OF RARE, THREATENED, AND ENDANGERED SPECIES OF THE

7 U.S. FISH AND WILDLIFE SERVICE OR THE DEPARTMENT; OR

8 (VI) A TREE THAT IS PART OF A HISTORIC SITE OR ASSOCIATED WITH A HISTORIC STRUCTURE OR

9 DESIGNATED BY THE DEPARTMENT OR LOCAL AUTHORITY AS A NATIONAL, STATE, OR LOCAL

10 CHAMPION TREE".

11

12 Renumber the remainder of the subsection accordingly.

13

14

15

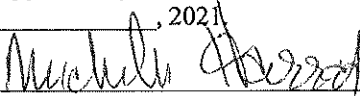
*Not Moved*

I certify this is a true copy of  
Am 5 to CB 64-2021  
12-6-2021  
Michelle Steward  
Council Administrator



BY THE COUNCIL

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

\_\_\_\_\_, 2021.  
  
\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

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

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

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

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

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

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

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

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

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

\_\_\_\_\_  
Michelle Harrod, Administrator to the County Council

Introduced 09.08.2021  
Public Hearing 09.20.2021  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 15

Bill No. 64 -2021

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

AN ACT prohibiting the cutting or clearing of certain specimen trees; providing that a property owner may proceed under certain conditions and upon the submission and approval of certain applications; providing for the contents of certain applications; providing for the criteria to use in the review of certain applications; providing for certain exemptions; requiring certain compliance; providing certain penalties for noncompliance; requiring surety for forest retention; defining certain terms; and generally related to forest conservation and the preservation of natural cover in Howard County.

Introduced and read first time Sept 8, 2021. Order posted and hearing scheduled.  
By order Michelle Harrod  
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing on Sept 20, 2021.

By order Michelle Harrod  
Michelle Harrod, Administrator

This Bill was read the third time on \_\_\_\_\_, 2021 and Passed \_\_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2021 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2021

\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

Tabled 10-4-2021 Michelle Harrod  
Extended 11-1-2021  
Failed 11-1-2021

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

3  
4 By inserting new subsections (b)(1.2) and (b)(48.1) into Section 16.108.

5  
6 By amending:

7 Title 16, Subtitle 1.

8 Section 16.117.

9  
10 Title 16, Subtitle 12.

11 Section 16.1210.

12  
13 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

14 **Subtitle 1. Subdivisions and Land Development Regulations.**

15 **Article 1. General**

16  
17 **Section 16.108. Rules of Construction; definitions.**

18 (b) *Definitions.* As used in these regulations, the following terms shall be defined as follows:

19 (1.1) *Adjoining property* means land which is touching or would be touching in the absence  
20 of an intervening utility or road right-of-way, other than a principal arterial highway,  
21 shall be considered adjoining for purposes of this subtitle.

22 (1.2) *AGRICULTURAL ACTIVITY* MEANS THE USE OF LAND FOR AGRICULTURAL PURPOSES,  
23 INCLUDING: DAIRYING, PASTURAGE, GROWING CROPS, BEE KEEPING, HORTICULTURE,  
24 FLORICULTURE, ORCHARDS, PLANT NURSERIES, CHRISTMAS TREE FARMS, VITICULTURE,  
25 AQUACULTURE, SILVICULTURE, AND ANIMAL AND POULTRY HUSBANDRY; THE BREEDING,  
26 RAISING, TRAINING AND GENERAL CARE OF LIVESTOCK FOR USES OTHER THAN FOOD, SUCH  
27 AS SPORT OR SHOW PURPOSES; CONSTRUCTION AND MAINTENANCE OF BARNs, SILOS, AND  
28 OTHER SIMILAR STRUCTURES, THE USE OF FARM MACHINERY, THE PRIMARY PROCESSING OF  
29 AGRICULTURAL PRODUCTS AND THE SALE OF AGRICULTURAL PRODUCTS PRODUCED ON THE  
30 LAND WHERE THE SALES ARE MADE; AND OTHER USES DIRECTLY RELATED TO OR AS AN  
31 ACCESSORY USE OF THE PREMISES FOR FARMING AND AGRICULTURAL PURPOSES.

1  
2 (48) *Scenic road* means a public road or road segment that is included in the scenic roads  
3 inventory adopted by the County Council in accordance with section 16.1403 of this Code.

4 (48.1) *SPECIMEN TREE* MEANS:

5 (I) A TREE WITH A DIAMETER OF 75 PERCENT OR MORE OF THE DIAMETER OF THE  
6 CURRENT STATE CHAMPION TREE OF THAT SPECIES, MEASURED AT 4.5 FEET ABOVE  
7 THE GROUND; OR

8 (II) A TREE THAT IS 30 INCHES IN DIAMETER OR LARGER, MEASURED AT 4.5 FEET ABOVE  
9 THE GROUND.

10  
11 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

12 **Subtitle 1. Subdivisions and Land Development Regulations.**

13 **Article II. Design Standards.**

14  
15 **Section 16.117. Forest conservation, SPECIMEN TREE PROTECTION and preservation of**  
16 **natural cover.**

17 (a) *Forest Resource Protection.* Land to be subdivided or developed shall be designed and  
18 improved in reasonable conformity to existing topography in order to minimize clearing or  
19 alteration of existing plant communities, especially forest areas, and to minimize associated  
20 stormwater runoff and soil erosion impacts. Where required by subtitle 12 of this title, a forest  
21 conservation plan shall be submitted.

22 (b) *Residential Restrictions.* In residential subdivisions forest conservation easements shall be  
23 located in open space or a nonbuildable preservation parcel except as permitted in section 16.120  
24 of this subtitle.

25 (c) *PROHIBITED CONDUCT.* UNLESS OTHERWISE PROVIDED IN THIS SECTION, A SPECIMEN TREE  
26 MAY NOT BE CUT OR CLEARED ON ANY PROPERTY.

27 (d) A PROPERTY OWNER SHALL OBTAIN A NOTICE TO PROCEED FROM THE DEPARTMENT OF  
28 PLANNING AND ZONING BEFORE CUTTING OR CLEARING A DEAD OR DISEASED SPECIMEN TREE ON A  
29 RESIDENTIAL LOT OF ONE ACRE OR LARGER, OR ON ANY NON-RESIDENTIAL LOT.

1 (E) *APPLICATION REQUIRED.* TO OBTAIN A NOTICE TO PROCEED, A PROPERTY OWNER SHALL  
2 SUBMIT AN APPLICATION ON A FORM DEVELOPED BY THE DEPARTMENT, INCLUDING ALL REQUIRED  
3 ATTACHMENTS.

4 (F) *CONTENTS OF APPLICATION.* THE NOTICE TO PROCEED APPLICATION SHALL INCLUDE, BUT IS  
5 NOT LIMITED TO AN INVENTORY OF EACH SPECIMEN TREE TO BE CUT OR CLEARED THAT SHALL:

6 (1) INCLUDE THE DIAMETER MEASURED AT 4.5 FEET ABOVE THE GROUND, SPECIES,  
7 LOCATION, AND HEALTH OF EACH SPECIMEN TREE, INCLUDING AN ASSESSMENT OF  
8 DISEASE AND VIABILITY; AND

9 (2) BE PREPARED AND APPROVED BY A MARYLAND LICENSED TREE EXPERT OR CERTIFIED  
10 ARBORIST.

11 (G) *REVIEW OF APPLICATION.* THE DEPARTMENT SHALL REVIEW THE APPLICATION FOR THE NOTICE  
12 TO PROCEED AND APPROVE THE SAME WHERE CLEAR AND CONVINCING EVIDENCE IS SHOWN THAT A  
13 SPECIMEN TREE IS DISEASED OR DEAD. THE DEPARTMENT MAY REQUEST ADDITIONAL  
14 INFORMATION OR INSPECT THE SPECIMEN TREE IN FURTHERANCE OF ITS REVIEW OF AN  
15 APPLICATION. AN APPROVED NOTICE TO PROCEED AUTHORIZES A PROPERTY OWNER TO CUT OR  
16 CLEAR AN APPROVED SPECIMEN TREE OR TREES WITHIN ONE YEAR OF ISSUANCE.

17 (H) *EXEMPTIONS.* THE FOLLOWING CONDITIONS OR ACTIVITIES ARE EXEMPT FROM THE PROVISIONS  
18 OF THIS SECTION:

19 (1) DEVELOPMENT SUBJECT TO SUBTITLE 12 OF THIS TITLE.

20 (2) THE CUTTING OR CLEARING OF A SPECIMEN TREE THAT, DUE TO HEALTH,  
21 DETERIORATION OR DAMAGE NOT CAUSED BY OR AT THE BEHEST OF THE PROPERTY  
22 OWNER, PRESENTS AN IMMINENT THREAT TO PERSON OR PROPERTY. THE PROPERTY  
23 OWNER SHALL OBTAIN A CERTIFICATE FROM A MARYLAND LICENSED TREE EXPERT OR  
24 CERTIFIED ARBORIST INCLUDING THE DIAMETER MEASURED AT 4.5 FEET ABOVE THE  
25 GROUND, SPECIES, LOCATION, AND DESCRIBING THE DEGREE OF THE DISEASE,  
26 DETERIORATION OR DAMAGE AND THE IMMINENT THREAT PRESENTED BY EACH TREE  
27 THAT IS TO BE CUT OR CLEARED.

28 (3) SPECIMEN TREE CUTTING OR CLEARING ASSOCIATED WITH REPAIR, MAINTENANCE OR  
29 MODIFICATION OF PUBLIC INFRASTRUCTURE AND UTILITIES SUCH AS ROADWAYS,  
30 SIDEWALKS, SHARED USE PATHWAYS, STORM DRAINS, WATER, SEWER, AND OTHER  
31 SIMILAR PUBLIC IMPROVEMENTS.

1 (4) SPECIMEN TREE CUTTING OR CLEARING IN PUBLIC UTILITY RIGHTS-OF-WAY, OR LAND  
2 FOR ELECTRIC GENERATING STATIONS LICENSED PURSUANT TO TITLE 7, SUBTITLE 2 OF  
3 THE PUBLIC UTILITY COMPANIES ARTICLE OF THE ANNOTATED CODE OF MARYLAND,  
4 IF:

5 (I) REQUIRED CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY HAVE BEEN  
6 ISSUED IN ACCORDANCE WITH THE NATURAL RESOURCES ARTICLE, SECTION 5-  
7 1603(F), ANNOTATED CODE OF MARYLAND; AND

8 (II) CUTTING OR CLEARING OF SPECIMEN TREES IS CONDUCTED TO MINIMIZE THE LOSS  
9 OF SPECIMEN TREES.

10 (5) SPECIMEN TREE CUTTING OR CLEARING ON A RESIDENTIAL LOT LESS THAN ONE ACRE IN  
11 SIZE, UNLESS PROTECTED BY A FOREST CONSERVATION EASEMENT.

12 (6) SPECIMEN TREE CUTTING OR CLEARING ASSOCIATED WITH COUNTY PARKLAND AND  
13 COUNTY OPEN SPACE, WHERE A TREE HAS BEEN DEEMED HAZARDOUS BY A CERTIFIED  
14 ARBORIST OR A PUBLIC AGENCY ROADSIDE TREE CARE EXPERT.

15 (7) SPECIMEN TREE CUTTING OR CLEARING ASSOCIATED WITH INVASIVE SPECIES  
16 MANAGEMENT AND/OR FOREST MANAGEMENT ON COUNTY PARKLAND AND OPEN  
17 SPACE VERIFIED BY A CERTIFIED ARBORIST OR A PUBLIC AGENCY ROADSIDE TREE  
18 CARE EXPERT.

19 (8) SPECIMEN TREE CUTTING OR CLEARING WITHIN A PUBLIC STREET RIGHT-OF-WAY.

20 (9) SPECIMEN TREE CUTTING OR CLEARING IN ASSOCIATION WITH AGRICULTURAL  
21 ACTIVITY.

22 (I) *COMPLIANCE.* THE DEPARTMENT MAY ISSUE A NOTICE OF VIOLATION, STOP-WORK ORDER, OR  
23 CIVIL CITATION TO ANY PERSON THAT CAUSES OR ALLOWS A VIOLATION OF THIS SECTION.

24 (J) *NONCOMPLIANCE PENALTIES.* THE COUNTY SHALL ASSESS A NONCOMPLIANCE PENALTY FOR  
25 EACH VIOLATION OF THIS SECTION, TO INCLUDE A REPLANTING REQUIREMENT FOR EACH SPECIMEN  
26 TREE CUT OR CLEARED, AND THE COUNTY SHALL NOT ACCEPT AN APPLICATION FOR THE  
27 RESIDENTIAL SUBDIVISION OF THE PROPERTY FOR FIVE YEARS.

28 (K) *CIVIL PENALTY.* IN ADDITION TO AND CONCURRENT WITH ALL OTHER REMEDIES, THE  
29 DEPARTMENT MAY ENFORCE THE PROVISIONS OF THIS SECTION WITH CIVIL PENALTIES PURSUANT  
30 TO THE PROVISIONS OF TITLE 24, "CIVIL PENALTIES," OF THE HOWARD COUNTY CODE. A

1 VIOLATION SHALL BE A CLASS A OFFENSE. EACH SPECIMEN TREE CUT OR CLEARED IN VIOLATION  
2 OF THIS SECTION IS A SEPARATE VIOLATION.

3  
4 **Title 16. Planning, Zoning, and Subdivisions and Land Development Regulations.**

5 **Subtitle 12. Forest Conservation**

6  
7 **Section 16.1210. Financial security for ~~[[reforestation and afforestation]]~~ REFORESTATION,  
8 AFFORESTATION, AND RETENTION.**

9 (a) *Financial Security Required.* A person required to provide ~~[[afforestation or reforestation]]~~  
10 AFFORESTATION, REFORESTATION, OR RETENTION under this subtitle shall furnish financial  
11 security in the form of a bond, an irrevocable letter of credit, or other security approved by the  
12 County. This shall be provided prior to plat recordation if the ~~[[afforestation or reforestation]]~~  
13 AFFORESTATION, REFORESTATION, OR RETENTION is required for approval of a subdivision; prior  
14 to site development plan approval if the ~~[[afforestation or reforestation]]~~ AFFORESTATION,  
15 REFORESTATION, OR RETENTION is required for site development plan approval; and prior to  
16 grading permit issuance if the ~~[[afforestation or reforestation]]~~ AFFORESTATION, REFORESTATION,  
17 OR RETENTION is required for issuance of a grading permit. The security shall:

- 18 (1) Assure that the afforestation, reforestation, RETENTION, and the associated forest  
19 conservation agreement are implemented in accordance with the approved forest  
20 conservation plan;
- 21 (2) Be in an amount equal to the estimated cost, as approved by the County, of ~~[[reforestation  
22 and afforestation]]~~ AFFORESTATION, REFORESTATION, OR RETENTION; and
- 23 (3) Be in a form and of a content approved by the County.

24 (b) *Release of Financial Security.* If, after three growing seasons following the ~~[[afforestation or  
25 reforestation]]~~ AFFORESTATION, REFORESTATION, OR RETENTION or as provided in the forest  
26 conservation agreement, the plantings OR RETENTION associated with the ~~[[afforestation or  
27 reforestation]]~~ AFFORESTATION, REFORESTATION, OR RETENTION meet or exceed the standards of  
28 the manual, the amount of the bond, letter of credit, or other security shall be returned or  
29 released.

30 (c) *Default and Lien.* If, after three growing seasons or as provided in the forest conservation  
31 agreement, the plantings OR RETENTION do not meet the aforesaid standards, the County shall

1 have the right to draw on the security according to its terms and use the sums withdrawn for the  
2 costs incurred by the County in achieving the [[afforestation or reforestation]] AFFORESTATION,  
3 REFORESTATION, OR RETENTION standards required by the plan and manual. Any costs incurred  
4 by the County in excess of the security amount shall be charged against the developer and, unless  
5 they are paid or appealed to the Board of Appeals within 30 days after billing by the County,  
6 shall become a final lien against the property being developed and shall in every respect be  
7 treated as County real estate taxes.

8  
9 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that*  
10 *this Act shall become effective 61 days after its enactment.*





Amendment 4 to Council Bill No. 64-2021

BY: The Chairperson at the request  
of the County Executive

Legislative Day 16  
Date: October 4, 2021

Amendment No. 4

(This amendment:

- (1) Clarifies that prohibitions against the cutting and clearing of Specimen Trees also apply to Invasive Species Specimen Trees; and
- (2) Allows for certain exceptions to apply on Open Space owned by Homeowners Association.)

1 On page 2, in line 28, after "TREE" insert "OR AN INVASIVE SPECIES SPECIMEN TREE, AS IDENTIFIED  
2 IN THE FOREST CONSERVATION MANUAL."

3  
4 On page 3, in line 5, strike "an inventory of each specimen tree to be cut or cleared that shall:"  
5 and substitute a colon.

6  
7 On page 3, after line 5 insert:

8 "(1) FOR EACH NON-INVASIVE SPECIES SPECIMEN TREE TO BE CUT OR CLEARED:"

9  
10 On page 3, in line 6, strike "(1)" and substitute "I".

11  
12 On page 3, in line 9, strike "(2)" and substitute "II".

13  
14 On page 3, after line 10, insert:

15 "(2) FOR EACH INVASIVE SPECIES SPECIMEN TREE TO BE CUT OR CLEARED, A PHOTO OF THE  
16 TREE, DESCRIPTION OF THE SPECIES AND AN AERIAL PHOTOGRAPH IDENTIFYING THE LOCATION OF  
17 THE TREE ON THE PROPERTY."

18  
19 On page 3, in line 13, after "HEAD" insert "OR THAT AN INVASIVE SPECIMEN TREE IS PRESENT".

20

I certify this is a true copy of

1

Am 4 to CB64-2021

passed on

Michelle D'Arco  
Council Administrator

1 On page 3, in line 31, after "IMPROVEMENTS", insert ", WHICH ARE OWNED OR MANAGED BY A  
2 GOVERNMENT ENTITY OR HOMEOWNERS ASSOCIATION".

3

4 On page 4, in line 12, after "WITH" insert "PARKLAND OR OPEN SPACE OWNED BY THE" and, in the  
5 same line, after "COUNTY", strike "PARKLAND AND COUNTY OPEN SPACE" and substitute "OR A  
6 HOMEOWNERS ASSOCIATION".

7

8 On page 4, in line 16, after "ON" insert "PARKLAND OR OPEN SPACE OWNED BY THE" and, in the  
9 same line, after "COUNTY", strike "PARKLAND AND COUNTY OPEN SPACE" and substitute "OR A  
10 HOMEOWNERS ASSOCIATION".

Amendment 1 to Council Bill No. 64-2021

BY: The Chairperson at the request  
of the County Executive

Legislative Day 16  
Date: October 4, 2021

Amendment No. 1

*(This amendment:*

- (1) Clarifies certain exemptions that relate to the Forest Conservation Act; and*
- (2) Clarifies penalties for noncompliance.)*

1 On page 3, strike line 19 and substitute:

2 “(1) SPECIMEN TREE CUTTING OR CLEARING SUBJECT TO SUBTITLE 12 OF THIS TITLE AND IN  
3 ACCORDANCE WITH:  
4 (i) AN APPROVED DECLARATION OF INTENT;  
5 (ii) AN APPROVED FOREST CONSERVATION PLAN WITH RECORDED PLAT; OR  
6 (iii) AN EXEMPTION FROM THE SUBTITLE;”.

7

8 On page 4, in line 27, after “YEARS.” insert “IF THE VIOLATION RELATES TO A PROPERTY WITH A  
9 PLAN IN THE REVIEW PROCESS, THE PLAN SHALL BE VOIDED AND THE COUNTY SHALL NOT ACCEPT  
10 A NEW APPLICATION FOR RESIDENTIAL SUBDIVISION OF THE PROPERTY FOR FIVE YEARS FROM THE  
11 VOIDED PLAN DATE.”.

Amendment 2 to Council Bill No. 64-2021

BY: David Yungmann

Legislative Day No. 16

Date: 10-4-2021

Amendment No. 2

*(This Amendment replaces the definition of "specimen tree"; requires a certain statement related to forest conservation; alters a criterion for a certain tree removal; and alters references to cutting or clearing.)*

1 On the title page, in line 1 of the title, strike "cutting or".

2

3 On page 2, strike lines 5 through 9 and substitute:

4

5 "A TREE WITH A TRUNK OR TRUNKS EACH OF WHICH MEASURES 30 INCHES IN DIAMETER OR LARGER,  
6 MEASURED AT 4.5 FEET ABOVE THE GROUND."

7

8 On page 2, in line 26 strike "CUT OR".

9

10 Also on page 2, in line 26, after PROPERTY, add "FOR PURPOSES OF THIS SECTION, A TREE THAT IS  
11 REMOVED WITHOUT REMOVING THE STUMP IS CONSIDERED TO HAVE BEEN CLEARED".

12

13 On page 2, in line 28 strike "CUTTING OR".

14

15 On page 3, in line 5 strike "CUT OR".

16

17 Also on page 3, in line 10, before the period insert:

18 “, AND

19 (3) INCLUDE A STATEMENT FROM THE PROPERTY OWNER THAT:

20 (1) NO SUBDIVISION, SITE DEVELOPMENT, OR OTHER ACTIVITY THAT WOULD SUBJECT THE  
21 PROPERTY TO FOREST CONSERVATION REGULATIONS IS CONTEMPLATED FOR AT LEAST FIVE YEARS; OR

22                   (II) THE SUBJECT SPECIMEN TREES ARE DEAD OR DISEASED".

23  
24       Also on page 3, in line 12, strike "WHERE CLEAR AND CONVINCING EVIDENCE IS SHOWN THAT A  
25       SPECIMEN TREE IS DISEASED OR DEAD" and substitute "WHERE THE DEPARTMENT DETERMINES THE  
26       APPLICATION TO BE COMPLETE AND ACCURATE AND WHERE CLEAR AND CONVINCING EVIDENCE IS  
27       SHOWN THAT THE SPECIMEN TREE IS DISEASED OR DEAD IF SAID CONDITION IS THE BASIS FOR THE  
28       APPLICATION".

29  
30       Also on page 3, beginning in line 15, strike "CUT OR".

31  
32       Also on page 3, in line 20, strike "CUTTING OR".

33  
34       Also on page 3, in line 27, strike "CUT OR".

35  
36       Also on page 3, in line 28, strike "CUTTING OR".

37  
38       On page 4, in lines 1, 8, 10, 12, 15, 19, and 20 strike "CUTTING OR".

39  
40       Also on page 4, in line 11, after "SIZE" insert "INSIDE THE PLANNED SERVICE AREA OR LESS THAN SIX  
41       ACRES IN SIZE OUTSIDE THE PLANNED SERVICE AREA".

42  
43       Also on page 4, in line 26, strike "CUT OR".

44  
45       On page 5, in line 1, strike "CUT OR".

Amendment 3 to CB64-2021

BY: Liz Walsh

Legislative Day No. 16

Date: 10-4-2021

Amendment No. 3

*(This Amendment alters the diameter at which trees are considered specimen trees.)*

- 1 On page 2, in line 8, strike "30" and substitute "24"

**Amendment 1 to Amendment No. 4 to Council Bill No. 64-2021**

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

**Legislative Day #17  
Date: November 1, 2021**

**Amendment No. 1 to Amendment No. 4**

*(This amendment clarifies that the exemption applicable for cutting or clearing associated with the repair, maintenance or modification of public infrastructure and utilities shall apply to a Homeowners Association that has a Forest Stewardship Plan approved by the Maryland Department of Natural Resources.)*

- 1 On page 2, in line 2, after "HOMEOWNERS ASSOCIATION", insert "THAT HAS A FOREST
- 2 STEWARDSHIP PLAN APPROVED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES."



**Amendment 2 to Amendment No. 4 to Council Bill No. 64-2021**

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

**Legislative Day 17  
Date: November 1, 2021**

**Amendment No. 2**

*(This amendment clarifies that the exemption applicable for cutting or clearing associated with the repair, maintenance or modification of public infrastructure and utilities shall apply to a Homeowners Association that has a Forest Stewardship Plan drafted by the Maryland Department of Natural Resources.)*

- 1 On page 2, in line 2, after "HOMEOWNERS ASSOCIATION", insert "THAT HAS A FOREST
- 2 STEWARDSHIP PLAN DRAFTED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES."

Amendment 4 to Council Bill No. 64-2021

BY: The Chairperson at the request  
of the County Executive

Legislative Day 16  
Date: October 4, 2021

Amendment No. 4

(This amendment:

- (1) Clarifies that prohibitions against the cutting and clearing of Specimen Trees also apply to Invasive Species Specimen Trees; and
- (2) Allows for certain exceptions to apply on Open Space owned by Homeowners Association.)

1 On page 2, in line 28, after "TREE" insert "OR AN INVASIVE SPECIES SPECIMEN TREE, AS IDENTIFIED  
2 IN THE FOREST CONSERVATION MANUAL."

3

4 On page 3, in line 5, strike "an inventory of each specimen tree to be cut or cleared that shall."  
5 and substitute a colon.

6

7 On page 3, after line 5 insert:

8 "(1) FOR EACH NON-INVASIVE SPECIES SPECIMEN TREE TO BE CUT OR CLEARED;"

9

10 On page 3, in line 6, strike "(1)" and substitute "I".

11

12 On page 3, in line 9, strike "(2)" and substitute "II".

13

14 On page 3, after line 10, insert:

15 "(2) FOR EACH INVASIVE SPECIES SPECIMEN TREE TO BE CUT OR CLEARED, A PHOTO OF THE  
16 TREE, DESCRIPTION OF THE SPECIES AND AN AERIAL PHOTOGRAPH IDENTIFYING THE LOCATION OF  
17 THE TREE ON THE PROPERTY."

18

19 On page 3, in line 13, after "DEAD" insert "OR THAT AN INVASIVE SPECIMEN TREE IS PRESENT".

20

1 On page 3, in line 31, after “IMPROVEMENTS”, insert “, WHICH ARE OWNED OR MANAGED BY A  
2 GOVERNMENT ENTITY OR HOMEOWNERS ASSOCIATION”.

3

4 On page 4, in line 12, after “WITH” insert “PARKLAND OR OPEN SPACE OWNED BY THE” and, in the  
5 same line, after “COUNTY”, strike “PARKLAND AND COUNTY OPEN SPACE” and substitute “OR A  
6 HOMEOWNERS ASSOCIATION”.

7

8 On page 4, in line 16, after “ON” insert “PARKLAND OR OPEN SPACE OWNED BY THE” and, in the  
9 same line, after “COUNTY”, strike “PARKLAND AND COUNTY OPEN SPACE” and substitute “OR A  
10 HOMEOWNERS ASSOCIATION”.

**Amendment No. 5 to Council Bill No. 64-2021**

**BY: Liz Walsh**

**Legislative Day #17**

**Date: November 1, 2021**

**Amendment No. 5**

*(This amendment expands the definition of Specimen Tree)*

1 On page 2, in line 7, strike "OR".

2

3 On page 2, in line 9, strike the period and substitute a semi-colon.

4

5 On page 2, immediately following line 9, insert the following:

6 "(III) A TREE IDENTIFIED ON THE LIST OF RARE, THREATENED, AND ENDANGERED SPECIES OF THE  
7 U.S. FISH AND WILDLIFE SERVICE OR THE DEPARTMENT; OR

8 (VI) A TREE THAT IS PART OF A HISTORIC SITE OR ASSOCIATED WITH A HISTORIC STRUCTURE OR  
9 DESIGNATED BY THE DEPARTMENT OR LOCAL AUTHORITY AS A NATIONAL, STATE, OR LOCAL  
10 CHAMPION TREE".

11

12 Renumber the remainder of the subsection accordingly.

13

14

15

CB-64-2021

**Sayers, Margery**

---

**From:** Jung, Deb  
**Sent:** Monday, October 18, 2021 2:19 PM  
**To:** Sayers, Margery  
**Subject:** Fw: Legislation CB-64 Feedback

Testimony

---

**From:** V. Wirth <vwccnp@yahoo.com>  
**Sent:** Friday, October 15, 2021 1:59 PM  
**To:** Jung, Deb <djung@howardcountymd.gov>  
**Cc:** vwccnp@yahoo.com <vwccnp@yahoo.com>  
**Subject:** Legislation CB-64 Feedback

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

Dear Ms. Jung,

As property owners in Western Howard County, we strongly oppose to the proposed CB-64 bill. Instead of helping homeowners such as ourselves with removal of large, multi-ton, hazardous trees (which are subject of the CB-64 bill), the Council is trying to do just the opposite--make it more difficult and expensive for the homeowners to do so.

For years, we have been dealing with the problem of having large trees on our 1.1-acre residential lot. We have suffered extensive losses, damage, and insurance rates increases due to fallen trees. We have firsthand knowledge and experience of the danger, expense, and hassle of having these trees in close proximity to our house and other structures on the property. In the past, we had to get many hazardous trees removed (and some of our neighbors did the same) since these gigantic trees with their shallow roots are hazardous just by the nature of their sheer size and multi-ton weight and require an ongoing, very expensive management. Please note that we are tree lovers--for each removed tree, we plant several young trees that are safe, aesthetically pleasing, and appropriate to have on a residential lot.

This bill is bound to make our life even more difficult. Aside from the fact that the County clearly intends to chip away at our property rights by regulating trees on our property, there is also an issue of liability. If the County makes and enforces decisions as to which tree can or can't be removed, then the County must also accept the liability resulting from making such decisions for the homeowner.

Moreover, if mature vegetation generally adds value to the property, the enormous 100-200 ft high trees, however, are a liability according to the realtors. In addition, the hazardous trees, for which CB-64 provides special protection, deplete soil on the homeowner's lot as well as damage neighboring properties (including underground utilities and buildings' foundations). Sudden failure of huge branches or the entire trees is common, especially after storms, which presents a real danger to life and property and should be your primary concern.

As well, this bill will result in thousands of dollars of additional expenses to the homeowner in order to make their property safe. It is easy to see that in many cases, the homeowner may choose to do nothing because of the exorbitant cost and bureaucratic hassle that will result from CB-64. In addition, CB-64 will also exacerbate the neighbor tree disputes, which is another issue we have to deal with.

Obviously, the CB-64 bill is supported by people who either have no understanding of the danger to life and property that these enormous trees present or hope to profit from this legislation. The Howard County administration seems to be concerned with preservation of forests (which is an admirable goal), but preservation means constant maintenance of these resources. In our opinion, the County is currently incapable of managing trees in the public areas and along the roads thus making the county roads unsafe, of which we also have a firsthand experience when a couple of years ago, a dead branch from an overhanging tree fell on the roof of our vehicle and destroyed the antenna.

With this bill, the County attempts to undertake the task of regulating the most dangerous category of trees on all private property in the entire County. Please do your due diligence before pushing such ill-thought legislation on the county residents.

Thank you for attention to this matter.

Respectfully,

Valerie and Veitl Wirth  
13575 Highland Rd, Clarksville, MD 21029

CB64-2021

**Sayers, Margery**

---

**From:** The Morris' <jmcubed@verizon.net>  
**Sent:** Sunday, September 26, 2021 7:48 AM  
**To:** CouncilMail  
**Subject:** Support for CB66-2021 and CB64-2021

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

To the Howard County Council:

I support passage of council bills CB66 and CB64 for forest conservation and for strengthening enforcement of forest conservation laws.

I watched the clear-cutting of a huge swath of forest in my development (Taylor Village), which included many very large trees. Understand that it costs a developer more money to preserve forest, but I also know that people will pay extra to live in community that doesn't look like it sits on a shaven, barren plain. When the land that my house sits on was developed, the developer promised to retain large parts of the forest. Of course he didn't. It was shaven nearly clean, with only the unbuildable (steep or water-containing) parts of the area designated "forest preservation."

Yes, there are a lot of trees in Howard County, but clear-cutting the wrong ones (and replacing them with concrete) also leads to future consequences, as we have seen in Old Ellicott City. This bill doesn't ban clear-cutting, it only requires oversight of additional areas of proposed clear-cutting. I support both these measures and believe that the county council should too.

Thank you,

Jeanine Murphy-Morris  
4329 Doncaster Drive  
Ellicott City, MD 21043

# Smarter Growth Alliance for Howard County

---

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

**RE: Requested amendments to CB64-2021**

September 20, 2021

Dear Council Members:

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

We are content to see a system set up to create further protections of specimen trees. It is vital to retain forest cover as new plantings do not come close to replacing lost trees for so very long. To fully implement the preservationist goals in the Bill, we offer the following requests for fewer exemptions.

The exemption for development subject to Forest Conservation regulations should instead read to have whichever more restrictive requirements apply; for current and future protection. For so long, Howard County was not in compliance with MD law and allowed more tree removal than was appropriate. We are playing catch-up. Thus, it would be best to have a stronger requirement and define specimen trees as a diameter of 75% or more of the diameter of the current State or County champion tree of that species, which is a smaller size measured at 4.5 feet above the ground, AND trees that are 24 inches in diameter or larger, measured at 4.5 feet above the ground.

The need to make non-compliance will affect the fiscal business decision never occurring due to more processing delays. The description of delay penalties for developments that do not comply should state that they begin after all other regulatory and procedural halts are completed, for example, after APFO waits are concluded.

The exemption for the agricultural activity should be related to a parcel's primary purpose. The usage of farm machinery alone, for exemption, should be clarified solely for correct farming needs.

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



In addition, there should be removal on the exemption for parcels less than an acre. Overall, it could be more productive to use a set number of trees, which requests must be made and exemptions not granted, versus the size or purpose of parcels. It would lead to more relevant and significant volume decisions. The County should not exempt itself from these evaluations either

Herein, please recall, that any lost exemption is not a disallowance of tree removal, but simply applying the process requiring permitting.

Sincerely,

Howard County Citizen's Association

Stu Kohn

President

Safe Skies Maryland

Mark Southerland

Legislative Director

Howard County Bird Club

Mary Maxey

President

Savage Community Association

Susan Garber

Board Member

Maryland Ornithological Society

Kurt Schwarz

Conservation Chair

Sierra Club Howard County

Carolyn Parsa

Chair

Maryland Conservation Council

Paulette Hammond

President

The People's Voice

Lisa Markovitz

President

cc: The Honorable Calvin Ball, County Executive

September 20, 2021

**RE: Support with amendments to CB64-2021**

Dear Council Members:

We are happy to see a system set up to create further protections of specimen trees. It is vital to retain forest cover as new plantings do not come close to replacing lost trees for decades. To fully implement the preservationist goals in the Bill, we offer the following requests for fewer exemptions.

The exemption for development subject to Forest Conservation regulations should instead read to have whichever more restrictive requirements apply, notwithstanding Amendment 1 which isn't fully clearly relating to events prior to the DPZ "process". This is important to actually close the referenced loophole, for current and future protection.

Howard County was not in compliance with MD law and allowed more tree removal than was appropriate, for a very long time. We are playing catch-up. Thus, it would be best to have a stronger requirement and define specimen trees at a lower measurement, such as 24 inches in diameter or larger, measured at 4.5 feet above the ground.

The need to make compliance never be a fiscal business decision requires adequate penalties. Processing delays are imperative and appreciated. The delay penalties for developments that do not comply should state that they begin after all other regulatory and procedural halts are completed, for example, after APFO waits are concluded.

The criteria for determining exemptions should be related to clearing reasons and numbers of trees, not the size or usage of parcels. For example, there should be removal of the exemption for parcels less than an acre. As we see Accessory Dwelling Units possibly utilized more in the future, smaller areas should be part of the process. If the goal is to relate solely to construction clearing management, then residential uses could be noted with minimal amounts exempted regardless of parcel size. Using a number of trees desired to be cut, as a criteria point, would capture all types of preservation concerns, and not scoop up small residential/farm needs in acreage limits.

If it is desired to retain usage and acreage limitations, the following exemptions still need clarifying. The exemption for agricultural activity should be related to a parcel's primary purpose. The usage of farm machinery alone, as an exemption, should be noted as solely for actual farming needs.

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

Lastly, the County should not exempt itself from these evaluations either

Herein, please recall, that any lost exemption is not a disallowance of tree removal, but simply applying the process requiring permitting.

Thank you.

Lisa Markovitz  
President



Main 410 715 1437  
Fax 410-715-1489  
Web www.hcar.org

September 16, 2021

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

RE: CB 64-2021, Prohibiting the Cutting or Clearing of Certain Specimen Trees

On behalf of the Howard County Association of REALTORS® (HCAR), an organization of over 2,100 real estate professionals, we write to offer the following comments on CB 64-2021.

HCAR supports the inclusion of exemptions in Section 16.117 (H) and asks that they be fully retained in the final bill. However, we do ask for clarification or possible amendment on the following items:

Section 16.117 (D) (Page 4, line 11): The bill does not provide a timeframe for Department review of a Notice to Proceed application. HCAR believes this expectation should be outlined for planning and scheduling purposes. In addition, if this review is expected to take a measurable length of time, it may be necessary to consider situations where the health of the tree deteriorates and necessitates immediate removal while an application is still pending.

Section 16.117 (J) (Page 5, line 24): This section imposes a 5-year ban on acceptance of a residential subdivision application from a person who violates this act. HCAR does not condone willful violations of this act, nor should penalties involved be considered a cost of doing business. However, the Council should consider an appeal process for truly inadvertent violations; for instance, when a subcontractor violates the act without the knowledge or approval of a landowner. This will assure that the most severe penalties are reserved for those acting in bad faith.

On behalf of HCAR, we thank the Council for considering our comments on CB 64.

Sincerely,

Shirley Matlock, CRS, ABR, ASP, CNE, EcoBROKER, ePRO, GRI, LTG, MRP, PMN, SFR, SRES  
President  
Howard County Association of REALTORS®



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 People's Voice to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CBC 4 2021 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: 9/20/21

Organization: The People's Voice

Organization Address: 3600 Saint Johns Lane

Ellicott City MD 21042

Number of Members: 4348

Name of Chair/President: Lisa Markovitz

***This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 2 hours prior to the start of the Public Hearing.***

**Sayers, Margery**

---

**From:** Carolyn Parsa <cparsa@gmail.com>  
**Sent:** Monday, September 20, 2021 3:17 PM  
**To:** Rigby, Christiana  
**Cc:** CouncilMail  
**Subject:** Testimony in support of CB64 with amendment 1 & CB66

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

County Council Member Rigby,

I am writing today to ask you to support and vote yes for CB64 and amendment 1. It is very important to support Howard County's specimen trees and for the legislation to come into effect before the plan goes in, just in case property owners or developers go ahead and remove trees in preparation for the project before they submit a plan for development.

Additionally, I support CB66, which would extend more protection to forested areas by tightening the definition of areas that would require county oversight for clearcutting. As we see our forested areas decreasing each year, we must do everything we can to retain them. This bill would help retain forest on site and make it more difficult for the standard clear cutting to continue.

Timing is critical and we must all do as much as we can as individuals and as lawmakers to insure that we mitigate the worst of climate change. These two bills will help us all towards that effort.

Thank you.

Sincerely,  
Carolyn Parsa  
7649 Woodstream Way

## Sayers, Margery

---

**From:** Susan Garber <buzysusan23@yahoo.com>  
**Sent:** Monday, September 20, 2021 5:56 PM  
**To:** CouncilMail  
**Subject:** CB64 and CB66

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

Dear Council Members,

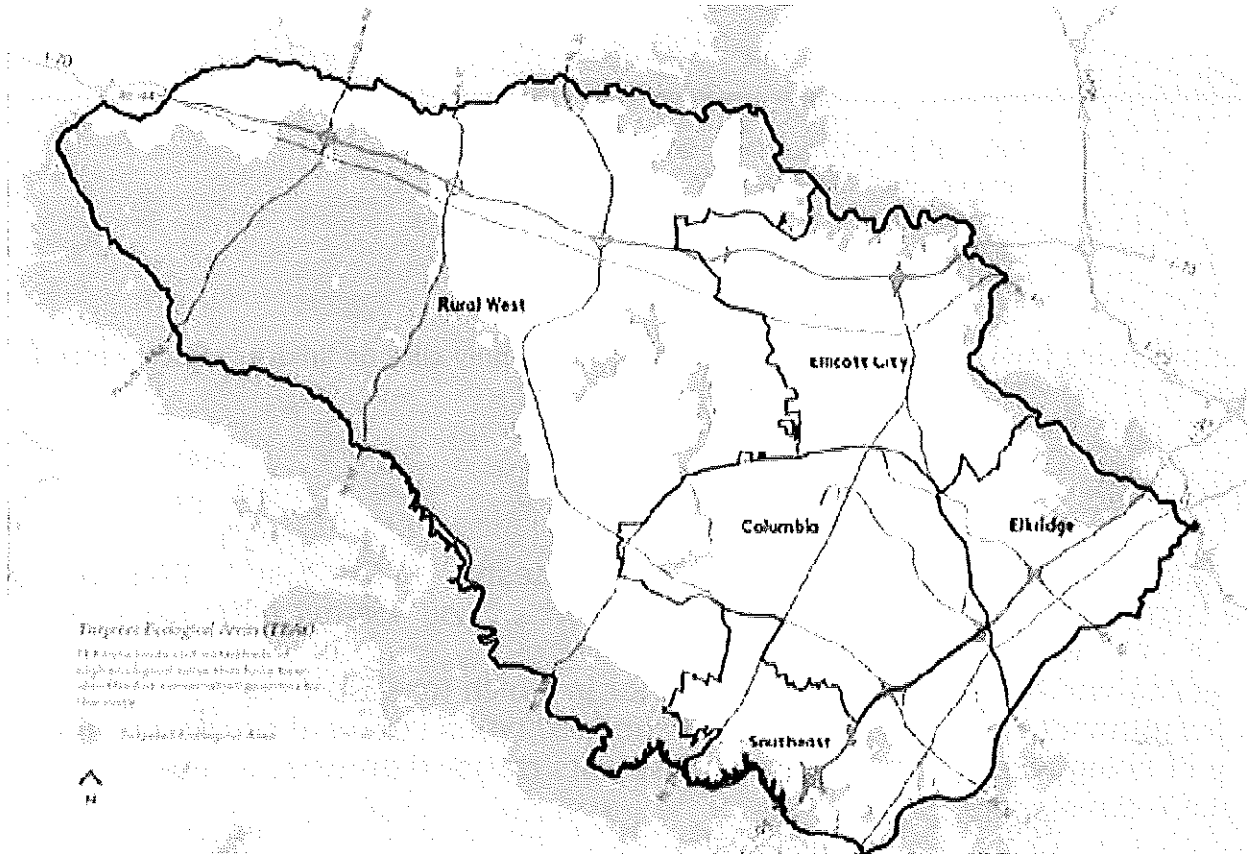
I regret that I am unable to attend tonight's session to testify on CB64 and CB66 and to wear my new t-shirt which reads "If you think I'm short..... you see my patience."

I am indeed feeling very impatient with the manner in which forest preservation legislation is being handled of late. I am quite dismayed when personalities and politics get in the way of doing what is best for HoCo residents rather than what is most lucrative for HoCo developers.

For now I will hold my tongue and specific comments on the 2 bills until I'm not under such a time crunch for competing priorities. But I do want to send along 2 resources which should guide your future actions and help you get a better understanding of what is at stake here.

First, a map from the DRP's 2017 Master Plan LPPRP identifying all of the DNR-declared Targeted Ecological Areas—the most valuable of valuable lands which should be preserved. To my surprise a large swath of Western Howard County is so identified. We need to determine which of these lands are forested and protect them from HoCo by Design development or from ground mounted solar. It would be quite inappropriate to incentivize solar installations on these lands with tax credits or to exempt them as in CB64 just because there may be SOME broadly defined agricultural use of the land, including driving farm equipment on it.





Secondly, references which should answer any questions you have about the value of trees, especially mature ones vs. new ones are listed. Please follow the science.

<https://news.mongabay.com/2019/05/tall-and-old-or-dense-and-young-which-kind-of-forest-is-better-for-the-climate/amp/?print>

<https://nph.onlinelibrary.wiley.com/doi/full/10.1002/ppp3.39> benefit of trees for livable and sustainable communities [MOTHERLOAD OF RESOURCES}

I'd welcome a chance to discuss any of this with you further.

Susan Garber

North Laurel



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

I, Alan Schneider, have been duly authorized by  
(name of individual)

Howard County Citizens Association to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding 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: Alan Schneider

Signature: [Handwritten Signature]

Date: 9/20/21

Organization: Howard County Citizens Association

Organization Address: POB 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](mailto:councilmail@howardcountymd.gov) no later than 2 hours prior to the start of the Public Hearing.***



# HCCA

## Howard County Citizens Association

*Since 1961...*

*The Voice Of The People of Howard County*

Date: 20 September 2021

My name is Alan Schneider. My address is Clarksville, Md. I speak for Howard County Citizens Association against passage of CB 64 and requests that it be tabled for further consideration and testimony on a proposed amendment.

We applaud efforts to protect our forests and specimen trees. However, there are major problems with CB 64 which warrant strong opposition. CB 64 is in effect a "Show Bill". In essence the proposed bill is meaningless, ineffective, and virtually useless. A late filed amendment has been proposed. HCCA and others have had inadequate time to fully evaluate and prepare testimony on the Bill with a late filed amendment.

Attached is a map of the State's Targeted Ecological Areas which is one of several factors which should be included in any legislation for Forest Conservation improvement.

HCCA's concerns include but are not limited to:

1. Lack of resources and staffing to adequately protect Howard County's forests.
2. Lack of standing for citizens to take immediate protective action.
3. Noncompliance.
4. Lack of enforcement.
5. Impending perils of climate change.
6. It is far less costly to protect against damage, rather than to repair the damage later.
7. Statements by DPZ officials that "if a project meets minimum existing code requirements then DPZ must approve the proposal".

HCCA greatly appreciates your consideration of its request to table this bill to permit time for submission of written testimony.

Sincerely,  
Alan Schneider

HCCA

**Targeted Ecological Areas (TEAs)**  
These lands and watersheds of  
High ecological value that have been  
identified as conservation priorities by  
the state.

Targeted Ecological Area

