

Introduced	<u>9-8-2021</u>
Public Hearing	<u>9-20-2021</u>
Council Action	<u>11-1-2021</u>
Executive Action	<u>11-3-2021</u>
Effective Date	<u>1-3-2022</u>

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No # 15

Bill No. 66 -2021

Introduced by Liz Walsh

AN ACT removing exemptions from the Forest Conservation Plan requirements for certain Planned Unit Developments and Planned Business Parks; preserving an existing exemption to the Forest Conservation Plan requirements for certain HOMEOWNERS ASSOCIATIONS THAT HAVE A FOREST STEWARDSHIP PLAN APPROVED DRAFTED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES; preserving an existing exemption to the Forest Conservation Plan requirements for certain Howard County Public School System Properties; and generally relating to forest conservation in the County.

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

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

This Bill was read the third time on Nov 1, 2021 and Passed Passed with amendments Failed
 By order Michelle Harrod
 Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 2 day of Nov, 2021 at 4⁰⁰ a.m./p.m.
 By order Michelle Harrod
 Michelle R. Harrod, Administrator

Approved by the County Executive November 3, 2021
Calvin Ball
 Calvin Ball, County Executive

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

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

3 *By amending:*

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

5 *Subtitle 12. Forest Conservation.*

6 *Section 16.1202. Applicability; exemptions; declaration of intent.*

7 *Subsection (b) Exemptions to Requirement for Forest Conservation*
8 *Plans.*

9 *Number (1) Exemptions not requiring a Declaration of Intent.*

10

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

12 **Subtitle 12. Forest Conservation.**

13

14 **Sec. 16.1202. Applicability; exemptions; declaration of intent.**

15 (a) *Forest Conservation Plan Required for Subdivision Plan, Site Development Plan or*
16 *Grading Permit.* Unless exempted by subsection (b) of this section, any person or
17 unit of local government developing land 40,000 square feet or greater in area shall
18 file a forest conservation plan with the Department. Plan approval is required prior
19 to development and prior to approval of a:

20 (1) Subdivision plan;

21 (2) Site development plan;

22 (3) Grading permit; or

23 (4) County road and utility construction plans.

24 (b) *Exemptions to Requirement for Forest Conservation Plans.*

25 (1) *Exemptions not requiring a Declaration of Intent.* The following development
26 is exempt from the requirement of this subtitle:

1 (i) Development activity on a single lot smaller than 40,000 square feet, as
2 long as the cutting, clearing or grading does not include any area already
3 subject to a previously approved forest conservation plan.

4 ~~[[~~(ii) A Planned Unit Development which has preliminary development plan
5 approval and 50 percent or more of the land is recorded and substantially
6 developed before December 31, 1992. If new land area is added to the
7 planned unit development, that new land area is subject to this subtitle;

8 (iii) A planned business park of at least 75 acres which has preliminary plan
9 approval before December 31, 1992, and which meets the intent of this
10 subtitle by retaining forest in high-priority locations (floodplains,
11 wetlands, wetland and stream buffers, steep slopes, and/or wildlife
12 corridors/green infrastructure network);]]

13 (ii) ANY PROPERTY OWNED BY A HOMEOWNERS ASSOCIATION IN A PLANNED
14 UNIT DEVELOPMENT WHICH HAS PRELIMINARY DEVELOPMENT PLAN APPROVAL
15 AND 50 PERCENT OR MORE OF THE LAND IS RECORDED AND SUBSTANTIALLY
16 DEVELOPED BEFORE DECEMBER 31, 1992, IF THE HOMEOWNERS ASSOCIATION HAS
17 A FOREST STEWARDSHIP PLAN APPROVED DRAFTED BY THE MARYLAND
18 DEPARTMENT OF NATURAL RESOURCES;”

19
20 (iii) ANY PROPERTY OWNED BY THE HOWARD COUNTY PUBLIC SCHOOL
21 SYSTEM IN A PLANNED UNIT DEVELOPMENT WHICH HAS PRELIMINARY
22 DEVELOPMENT PLAN APPROVAL AND 50 PERCENT OR MORE OF THE LAND IS
23 RECORDED AND SUBSTANTIALLY DEVELOPED BEFORE DECEMBER 31, 1992;

24
25 ~~[[iv]]~~ iv) Any agricultural activity, including agricultural support
26 buildings and structures built using accepted best management practice

- 1 unless it involves the clearing of 40,000 square feet or greater of forest
2 within a 1-year period;
- 3 (~~[[v]]~~~~HH~~ ~~IV~~ ~~V~~) Agricultural preservation subdivision, unless it involves the
4 clearing of 20,000 square feet or greater of forest;
- 5 (~~[[vi]]~~~~IV~~ ~~v~~ ~~VI~~) Resubdivisions, that do not create additional lots, deed
6 adjinders, property consolidations, reconfigurations and correction plats
7 as provided for in sections 16.102 and 16.103 of this title;
- 8 (~~[[vii]]~~~~v~~ ~~VI~~ ~~VII~~) Minor subdivisions that create one additional lot and have
9 no further subdivision potential;
- 10 (~~[[viii]]~~~~vH~~ ~~VH~~ ~~VIII~~) Mining or other extractive activity exempted by state law
11 from the forest conservation requirements;
- 12 (~~[[ix]]~~~~vH~~ ~~VH~~ ~~IX~~) Routine maintenance of existing roads and public utility
13 rights-of-way;
- 14 (~~[[x]]~~~~vHH~~ ~~IX~~ ~~X~~) Highway construction using full or partial state funding is
15 exempt from this subtitle but subject to state reforestation requirements set
16 forth in title 5, subtitle 1 of the Natural Resources Article of the Annotated
17 Code of Maryland;
- 18 (~~[[xi]]~~~~IX~~ ~~X~~ ~~XI~~) The cutting or clearing of public utility rights-of-way, or
19 land for electric generating stations licensed pursuant to title 7, subtitle 2
20 of the Public Utility Companies Article of the Annotated Code of
21 Maryland, if:
- 22 a. Required certificates of public convenience and necessity have been
23 issued in accordance with the Natural Resources Article, section 5-
24 1603(f), Annotated Code of Maryland; and
- 25 b. Cutting or clearing of the forest is conducted to minimize the loss of
26 forest.

1 (~~[[ii]]~~ ~~XI~~ XII) Howard County capital improvement projects, including
2 those with partial state funding, provided that:

- 3 a. The activity is conducted on a single lot of any size;
4 b. The activity does not result in the cutting, clearing or grading of more
5 than 20,000 square feet of forest; and
6 c. The impacted forest is not subject to a previously approved forest
7 conservation plan;

8 (~~[[xiii]]~~ ~~XII~~ XIII) An activity on a previously developed area covered by an
9 impervious surface and located in the Priority Funding Area;

10 (~~[[xiv]]~~ ~~XIII~~ XIV) Maintenance or retrofitting of a stormwater management
11 structure that may include clearing of vegetation or removal and trimming
12 of trees, so long as the maintenance or retrofitting is within the original
13 limits of disturbance for construction of the existing structure, or within
14 any maintenance easement for access to the structure; or

15 (~~[[xv]]~~ ~~XIII~~ XIV XV) Stream restoration project, as defined in this subtitle, for
16 which the applicant for a grading or sediment control permit has executed
17 a binding maintenance agreement of at least five years with the affected
18 property owner or owners.

19 (2) *Exemptions requiring a Declaration of Intent.* The following development is
20 exempt from the requirements of this subtitle, provided that the developer files
21 a Declaration of Intent with the Department as provided in subsection (c)
22 below:

- 23 (i) Residential development on an existing single lot of any size if:
24 a. The total cutting, clearing or grading of forest resources is less than
25 20,000 square feet; and

- 1 b. The forest resources affected by the development are not subject to a
2 previously approved forest conservation plan;
- 3 (ii) Commercial logging and timber harvesting operations conducted subject
4 to the forest conservation and management program under the Tax-
5 Property Article section 8-211, Annotated Code of Maryland;
- 6 (iii) Any agricultural activity, including agricultural support buildings and
7 structures built using accepted best management practice involving the
8 clearing of 40,000 square feet or greater of forest within a one-year period;
- 9 (iv) Subdivision in connection with real estate transactions to provide a
10 security, leasehold, or other legal or equitable interest, including a transfer
11 of title, of a portion of a lot or parcel, if:
- 12 a. The transaction does not involve a change in land use, or new
13 development or redevelopment, with associated land-disturbing
14 activities; and
- 15 b. Both the grantor and grantee file the declaration of intent; and
- 16 (v) Linear projects that are not exempt and that disturb less than 20,000 square
17 feet of forest, if the impacted forest is not subject to a previously approved
18 forest conservation plan.

19 (c) *Declaration of Intent.*

- 20 (1) A person seeking an exemption under subsection (b) above shall submit a
21 declaration of intent to the Department to verify that the proposed activity is
22 exempt.
- 23 (2) No regulated activity may occur on the area covered by the Declaration of
24 Intent within five years of the completion of cutting, clearing or grading of
25 forest resources, or in the case of real estate transactions, within five years of
26 the effective date of the declaration of intent.

1 (3) The Department may require a person failing to file a declaration of intent or
2 found not in compliance with a declaration of intent to perform one or any
3 combination of the following:

4 (i) Meet the retention, reforestation and afforestation requirements established
5 by this subtitle;

6 (ii) Pay a penalty fee established by fee schedules approved by resolution of
7 the County Council per square foot of forest cut or cleared, but in no case
8 less than the minimum set by state law;

9 (iii) Be subject to other enforcement actions appropriate under title 5, subtitle
10 16 of the Natural Resources Article of the Annotated Code of Maryland,
11 and this subtitle; or

12 (iv) File a declaration of intent with the Department.

13
14
15 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
16 *Maryland that this Act shall become effective 61 days after its enactment.*

Amendment No. 1 to Council Bill No. 66-2021

BY: Liz Walsh

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

Amendment No. 1

(This amendment preserves an existing exemption to the Forest Conservation Plan for certain HCPSS properties.)

1 On the title page, in line 2 of the purpose paragraph, after the semicolon, insert "preserving an
2 existing exemption to the Forest Conservation Plan requirements for certain Howard County
3 Public School System Properties";.

4

5 On page 2, immediately following line 12, insert the following:

6 "(II) ANY PROPERTY OWNED BY THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM IN A PLANNED
7 UNIT DEVELOPMENT WHICH HAS PRELIMINARY DEVELOPMENT PLAN APPROVAL AND 50 PERCENT
8 OR MORE OF THE LAND IS RECORDED AND SUBSTANTIALLY DEVELOPED BEFORE DECEMBER 31,
9 1992";.

10

11 Renumber the remainder of the subsection accordingly.

12

13

14

I certify this is a true copy of
Am 1 to CB 66-2021
passed on Nov 1, 2021
Michelle DeGroot
Council Administrator

Amendment No. 2 to Council Bill No. 66-2021

BY: Liz Walsh

Legislative Day #17

Date: November 1, 2021

Amendment No. 2

(This amendment preserves an existing exemption to the Forest Conservation Plan for certain Homeowner Association properties.)

1 On the title page, in line 2 of the purpose paragraph, after the semicolon, insert "preserving an
2 existing exemption to the Forest Conservation Plan requirements for certain HOMEOWNERS
3 ASSOCIATIONS THAT HAVE A FOREST STEWARDSHIP PLAN APPROVED DRAFTED BY THE
4 MARYLAND DEPARTMENT OF NATURAL RESOURCES;".

5
6 On page 2, immediately following line 12, insert the following:

7 "(II) ANY PROPERTY OWNED BY A HOMEOWNERS ASSOCIATION IN A PLANNED UNIT
8 DEVELOPMENT WHICH HAS PRELIMINARY DEVELOPMENT PLAN APPROVAL AND 50 PERCENT OR
9 MORE OF THE LAND IS RECORDED AND SUBSTANTIALLY DEVELOPED BEFORE DECEMBER 31, 1992,
10 IF THE HOMEOWNERS ASSOCIATION HAS A FOREST STEWARDSHIP PLAN APPROVED DRAFTED BY
11 THE MARYLAND DEPARTMENT OF NATURAL RESOURCES;".

12
13 Renumber the remainder of the subsection accordingly.

14
15

16

I certify this is a true copy of
Am 2 as Amended to CB 66-2021
passed Nov 1 2021
Michelle Harris
Council Administrator

Amendment 1 to Amendment 2 to Council Bill No. 66-2021

BY: Liz Walsh

Legislative Day No. 17

Date: November 1, 2021

Amendment No. 1

(This Amendment would change the status of the required Forest Stewardship Plan from "approved" to "drafted".)

1 On page 1, in lines 3 and 10, strike "APPROVED" and substitute "DRAFTED".

2

3

I certify this is a true copy of

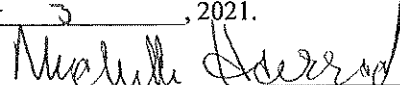
Am to Amd to CB 66 2021

passed on Nov 1, 2021

Michelle Hazzard
Council Administrator

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on November 3, 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. 6 2021

Introduced by Liz Walsh

AN ACT removing exemptions from the Forest Conservation Plan requirements for certain Planned Unit Developments and Planned Business Parks; and generally relating to forest conservation in the County.

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

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

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

Approved 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

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

3 By amending:

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

5 Subtitle 12. Forest Conservation.

6 Section 16.1202. Applicability; exemptions; declaration of intent.

7 Subsection (b) Exemptions to Requirement for Forest Conservation
8 Plans.

9 Number (1) Exemptions not requiring a Declaration of Intent.

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

12 Subtitle 12. Forest Conservation.

13
14 **Sec. 16.1202. Applicability; exemptions; declaration of intent.**

15 (a) *Forest Conservation Plan Required for Subdivision Plan, Site Development Plan or*
16 *Grading Permit.* Unless exempted by subsection (b) of this section, any person or
17 unit of local government developing land 40,000 square feet or greater in area shall
18 file a forest conservation plan with the Department. Plan approval is required prior
19 to development and prior to approval of a:

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25 (1) *Exemptions not requiring a Declaration of Intent.* The following development
26 is exempt from the requirement of this subtitle:

- 1 (i) Development activity on a single lot smaller than 40,000 square feet, as
2 long as the cutting, clearing or grading does not include any area already
3 subject to a previously approved forest conservation plan.
- 4 [[(ii) A Planned Unit Development which has preliminary development plan
5 approval and 50 percent or more of the land is recorded and substantially
6 developed before December 31, 1992. If new land area is added to the
7 planned unit development, that new land area is subject to this subtitle;
- 8 (iii) A planned business park of at least 75 acres which has preliminary plan
9 approval before December 31, 1992, and which meets the intent of this
10 subtitle by retaining forest in high-priority locations (floodplains,
11 wetlands, wetland and stream buffers, steep slopes, and/or wildlife
12 corridors/green infrastructure network);]
- 13 ([[iv]]ii) Any agricultural activity, including agricultural support buildings
14 and structures built using accepted best management practice unless it
15 involves the clearing of 40,000 square feet or greater of forest within a 1-
16 year period;
- 17 ([[v]]iii) Agricultural preservation subdivision, unless it involves the
18 clearing of 20,000 square feet or greater of forest;
- 19 ([[vi]]iv) Resubdivisions, that do not create additional lots, deed adjinders,
20 property consolidations, reconfigurations and correction plats as provided
21 for in sections 16.102 and 16.103 of this title;
- 22 ([[vii]]v) Minor subdivisions that create one additional lot and have no
23 further subdivision potential;
- 24 ([[viii]]vi) Mining or other extractive activity exempted by state law from the
25 forest conservation requirements;

1 so long as the maintenance or retrofitting is within the original limits of
2 disturbance for construction of the existing structure, or within any
3 maintenance easement for access to the structure; or

4 ([[xv]]XIII) Stream restoration project, as defined in this subtitle, for which the
5 applicant for a grading or sediment control permit has executed a binding
6 maintenance agreement of at least five years with the affected property
7 owner or owners.

8 (2) *Exemptions requiring a Declaration of Intent.* The following development is
9 exempt from the requirements of this subtitle, provided that the developer files
10 a Declaration of Intent with the Department as provided in subsection (c)
11 below:

12 (i) Residential development on an existing single lot of any size if:

13 a. The total cutting, clearing or grading of forest resources is less than
14 20,000 square feet; and

15 b. The forest resources affected by the development are not subject to a
16 previously approved forest conservation plan;

17 (ii) Commercial logging and timber harvesting operations conducted subject
18 to the forest conservation and management program under the Tax-
19 Property Article section 8-211, Annotated Code of Maryland;

20 (iii) Any agricultural activity, including agricultural support buildings and
21 structures built using accepted best management practice involving the
22 clearing of 40,000 square feet or greater of forest within a one-year period;

23 (iv) Subdivision in connection with real estate transactions to provide a
24 security, leasehold, or other legal or equitable interest, including a transfer
25 of title, of a portion of a lot or parcel, if:

1 a. The transaction does not involve a change in land use, or new
2 development or redevelopment, with associated land-disturbing
3 activities; and

4 b. Both the grantor and grantee file the declaration of intent; and

5 (v) Linear projects that are not exempt and that disturb less than 20,000 square
6 feet of forest, if the impacted forest is not subject to a previously approved
7 forest conservation plan.

8 (c) *Declaration of Intent.*

9 (1) A person seeking an exemption under subsection (b) above shall submit a
10 declaration of intent to the Department to verify that the proposed activity is
11 exempt.

12 (2) No regulated activity may occur on the area covered by the Declaration of
13 Intent within five years of the completion of cutting, clearing or grading of
14 forest resources, or in the case of real estate transactions, within five years of
15 the effective date of the declaration of intent.

16 (3) The Department may require a person failing to file a declaration of intent or
17 found not in compliance with a declaration of intent to perform one or any
18 combination of the following:

19 (i) Meet the retention, reforestation and afforestation requirements established
20 by this subtitle;

21 (ii) Pay a penalty fee established by fee schedules approved by resolution of
22 the County Council per square foot of forest cut or cleared, but in no case
23 less than the minimum set by state law;

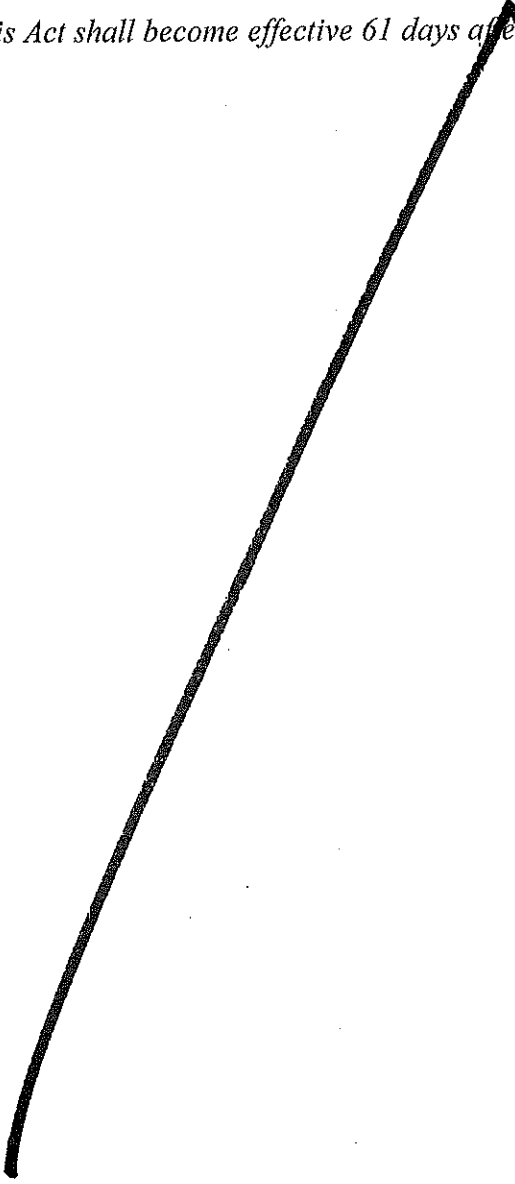
24 (iii) Be subject to other enforcement actions appropriate under title 5, subtitle
25 16 of the Natural Resources Article of the Annotated Code of Maryland,
26 and this subtitle; or

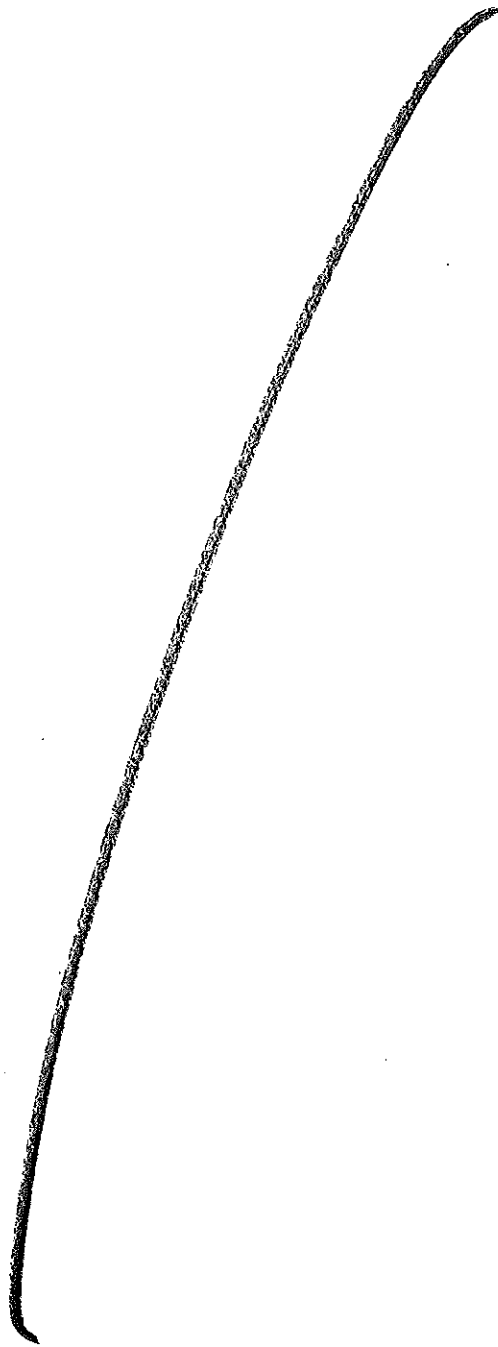
1 (iv) File a declaration of intent with the Department.

2

3

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





Amendment No. 2 to Council Bill No. 66-2021

BY: Liz Walsh

Legislative Day #17

Date: November 1, 2021

Amendment No. 2

(This amendment preserves an existing exemption to the Forest Conservation Plan for certain Homeowner Association properties.)

1 On the title page, in line 2 of the purpose paragraph, after the semicolon, insert "preserving an
2 existing exemption to the Forest Conservation Plan requirements for certain HOMEOWNERS
3 ASSOCIATIONS THAT HAVE A FOREST STEWARDSHIP PLAN APPROVED BY THE MARYLAND
4 DEPARTMENT OF NATURAL RESOURCES;".

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

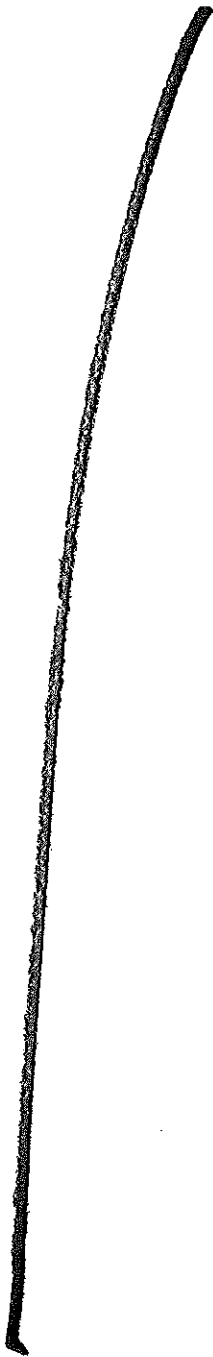
7 "(ii) ANY PROPERTY OWNED BY A HOMEOWNERS ASSOCIATION IN A PLANNED UNIT
8 DEVELOPMENT WHICH HAS PRELIMINARY DEVELOPMENT PLAN APPROVAL AND 50 PERCENT OR
9 MORE OF THE LAND IS RECORDED AND SUBSTANTIALLY DEVELOPED BEFORE DECEMBER 31, 1992,
10 IF THE HOMEOWNERS ASSOCIATION HAS A FOREST STEWARDSHIP PLAN APPROVED BY THE
11 MARYLAND DEPARTMENT OF NATURAL RESOURCES;".

12
13 Renumber the remainder of the subsection accordingly.

14
15 **I certify this is a true copy of**

16 _____
passed on _____

Council Administrator



Amendment No. 1 to Council Bill No. 66-2021

BY: Liz Walsh

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

Amendment No. 1

(This amendment preserves an existing exemption to the Forest Conservation Plan for certain HCPSS properties.)

1 On the title page, in line 2 of the purpose paragraph, after the semicolon, insert “preserving an
2 existing exemption to the Forest Conservation Plan requirements for certain Howard County
3 Public School System Properties;”.

4

5 On page 2, immediately following line 12, insert the following:

6 “(II) ANY PROPERTY OWNED BY THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM IN A PLANNED
7 UNIT DEVELOPMENT WHICH HAS PRELIMINARY DEVELOPMENT PLAN APPROVAL AND 50 PERCENT
8 OR MORE OF THE LAND IS RECORDED AND SUBSTANTIALLY DEVELOPED BEFORE DECEMBER 31,
9 1992;”.

10

11 Renumber the remainder of the subsection accordingly.

12

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14

Amendment No. 2 to Council Bill No. 66-2021

BY: Liz Walsh

Legislative Day #17

Date: November 1, 2021

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4 DEPARTMENT OF NATURAL RESOURCES;".

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10 IF THE HOMEOWNERS ASSOCIATION HAS A FOREST STEWARDSHIP PLAN APPROVED BY THE
11 MARYLAND DEPARTMENT OF NATURAL RESOURCES;".

12

13 Renumber the remainder of the subsection accordingly.

14

15

16

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: Support of CB66-2021

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.

The recently updated Forest Conservation regulations were needed after a long history of non-compliance with State Law; with the severe loss, in Howard County, of far more intended trees and forests than should have been allowed. The County has areas they need to improve on forest conservation regulations; but, the implementation of the updates, and exemptions, have delayed the process of getting appropriate preservations in place.

CB66-2021 seeks to eliminate the exemption of certain Planned Unit Developments and Planned Business Parks. It is commendable that additional land added to a preliminary plan must adhere, but grandfathering; of any kind in Forest Conservation is inappropriate given how long we were out of compliance, removing trees inappropriately.

CB66 is very different from CCB64, which should be treated independently and passed on its own with considerable and commendable merits.

*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*

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 of CB66-2021

Dear Council Members:

Thank you to Council Member Liz Walsh for this Bill. It's simplicity belies its significant importance.

The recently updated Forest Conservation regulations were needed after a long history of non-compliance with State Law; with the severe loss, in Howard County, of far more intended trees and forests than should have been allowed. The County has areas they need to improve on forest conservation regulations; but, the implementation of the updates, and exemptions, have delayed the process of getting fully appropriate preservations in place.

CB66-2021 seeks to eliminate the exemptions of certain Planned Unit Developments and Planned Business Parks. It is commendable that additional land added to a preliminary plan must adhere, but grandfathering of any kind, in Forest Conservation, is inappropriate given how long we were out of compliance, removing trees inappropriately for so long.

CB66 is very different from CB64, which should be treated independently and passed on its own with considerable and commendable merits. It addresses completely different issues than CB66.

Thank you.

Lisa Markovitz
President

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

Laurel, MD 20723

Sayers, Margery

From: Sam Mangione <SamM@mfe.bz>
Sent: Monday, September 20, 2021 5:13 PM
To: CouncilMail
Subject: CB 66-2021

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

Dear Howard County Council Members:

I am contacting you as corporate counsel for Mangione Enterprises of Turf Valley LP ("METV") and other affiliated entities, in opposition to Council Bill 66-2021. METV is the developer of the Turf Valley PGCC mixed-use development. Our family has owned the Turf Valley PGCC district since 1978. Our family has premised its business and development decisions and obligations on the applicable regulations. We object to the unpredictable and irrational nature of CB 66. Thank you.

Very truly yours,

Samuel J. Mangione
1205 York Road – Penthouse
Lutherville, MD 21093
410-825-8400

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.]

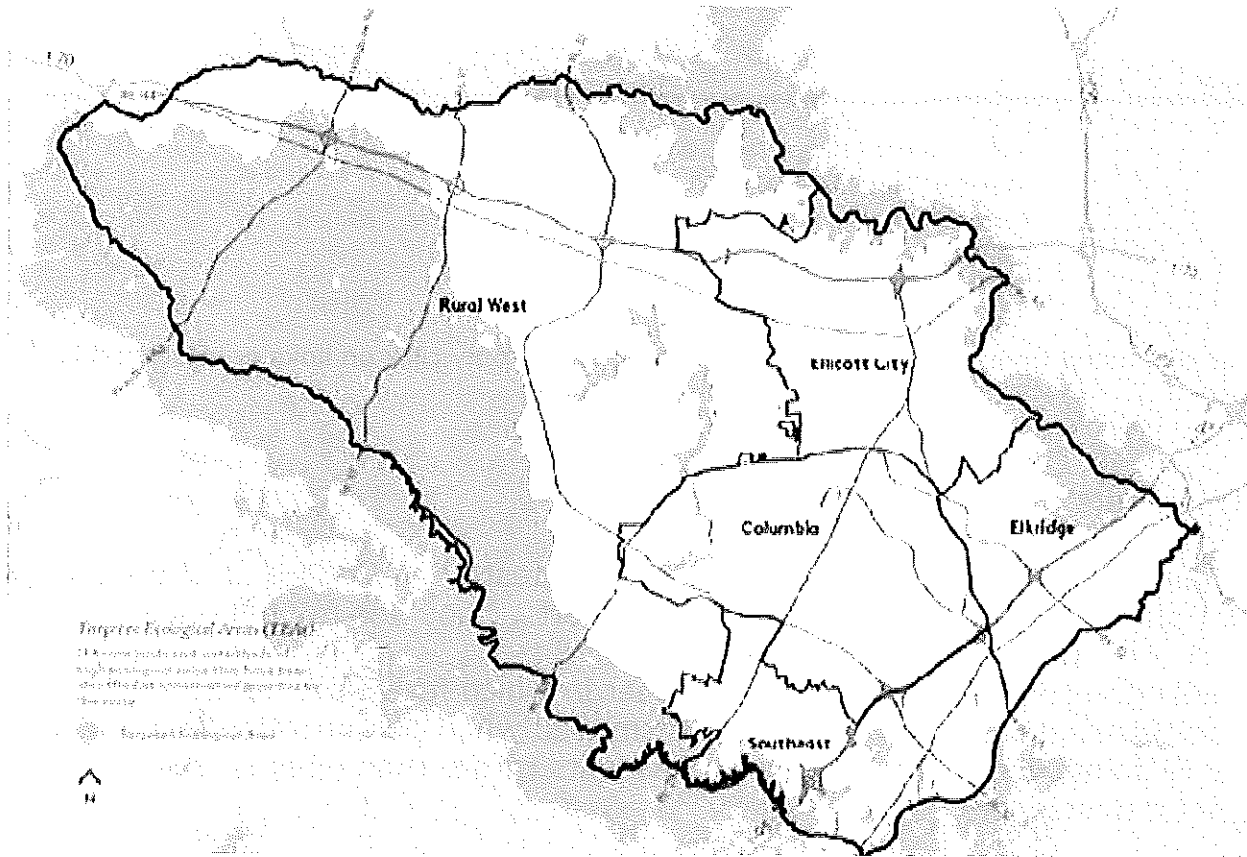
Dear Council Members,

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

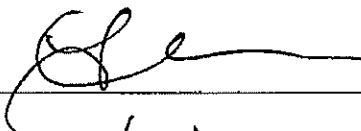
I, Lisa Markovitz, have been duly authorized by
(name of individual)

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

County Council regarding CB60 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: 

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 no later than 2 hours prior to the start of the
Public Hearing.**