



February 22, 2022

Re: OPPOSITION TO CB14 – AN ACT to add requirements to a forest conservation plan; and generally relating to forest conservation in the County.

Dear Counsel Chair Jones and Members of the Howard County Council:

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in opposition to Council Bill 14, which would create enhanced penalties for violations of the county Forest Conservation Act.

This legislation would require that each tree that is 24 inches in diameter or larger be measure and labeled in Howard County. MBIA respectfully opposes this measure. Currently there is no requirement in Howard County that treats 24 inch trees as a special category. While the purpose of potentially saving smaller diameter trees where a particular species doesn't grow as large is laudable, the cost of inventorying these items and potentially saving these additional trees have to be considered. The CB62-2019, the most recent forest conservation legislation passed in December 2019. Most projects that are currently active in Howard County were approved under the previous legislation. Future projects which are just now going through the subdivision process are just now dealing with the new legislation and it is having major impacts on these projects. CB62-2019 is tough, requires mostly onsite forest conservation, a much tougher review of specimen tree waivers, and increased calculations for the forest conservation area required. To add this new requirement will potentially kill some of these projects because of the additional consideration for smaller trees. We strongly recommend that the new legislation mature before making additional changes. While the cost to inventory the trees can be labeled as significant, the next steps will be for a more detailed review and waiver process that will further limit development.

For these reasons, MBIA respectfully requests the Council vote against Council Bill 14-2022. Thank you for your attention to this vital issue and your continued support of the local home building industry. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at iambruso@marylandbuilders.org or (202) 815-4445.

Best regards,

Isaac Ambruso, Director of Legislative and Regulatory Affairs

- Cc: Counsel Chair Opel Jones
- Vice-Chair Christiana Rigby
- Councilmember Deb Jung
- County Executive Calvin Ball
- Councilman David Yungmann
- Councilmember Liz Walsh



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 14 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: 

Date: February 21, 2022

Organization: Howard County Citizens Association

Organization Address: PO Box 89, Ellicott City, Md 21041

PO Box 89, Ellicott City, Md 21041

Number of Members: 500+

Name of Chair/President: Stu Kohn, President

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.



Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: February 22, 2022

My name is Alan Schneider. I live in Clarksville, Md. I speak for Howard County Citizens Association (HCCA). HCCA strongly supports tree protection. CB 14, **as proposed, is not enough. At the very least the proposal must be amended to protect 24" trees. Other provisions are important, as well as other measures to effectively protect trees.**

The veto was frustrating and perplexing; supposedly because it was too burdensome on DPZ. However, the new bill is more cumbersome and appears to be ineffective in protecting trees.

Sidestepping environmental protection is intolerable. Last year's bill last year was a step in the right direction. Its veto was flawed. The reintroduction in CB 14 exacerbates deficiencies.

FIX HOWARD COUNTY'S LACK OF RESOURCES FOR COMPLIANCE, ENFORCEMENT, AND ENACT EASILY RECOGNIZABLE STANDARDS.

1. It is easy to measure the diameter of a tree. It is easy to comprehend that a 24 inch tree is a mature tree. It is burdensome to add a 75% comparison to other trees.
2. Qualified experts cannot assist DPZ because experts have been threatened with trespass violations, jeopardizing their credentials, by stepping one foot on any site.
3. If there are no penalties, there is no motive for compliance; compliance is disregarded.
4. Enforcement must be strengthened by enabling others. **STANDING** must be granted to environmental groups to bring action against violators, as is permitted under federal laws.

CB 14 is effectively and virtually useless. In brief, HCCA requests resolution of:

1. Lack of resources and staffing to adequately protect Howard County's trees.
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 would greatly appreciate your response to its request to enact stronger tree protection. More comprehensive inclusion of the many suggestions made by the majority of concerned Howard County voters for its leaders to protect mature trees, as expressed more than 10 years ago in Maryland's recognition of the need for local climate change actions. . . .

Your legislative mandate is enact much better tree protection, and supporting legislation.

Trees are vital for human life. Trees store carbon & act as carbon sink, produce oxygen which is vital for existence of life on the earth, they help in regulating hydrological cycle, planetary climate, purify water, provide wild life habitat, reduce global warming, absorb toxic gases & noise, reduce pollution, conserve soil, and mitigate natural hazards.

Howard County's officials are responsible for following up ten years after **Maryland's 2011 Comprehensive Strategy for Reducing Maryland's Vulnerability to Climate Change; Phase II: Building societal, economic, and ecological resilience.**

Underscoring the overdue need to engage local leaders and agencies in acting to effectively minimize burdens to citizens is the **April 2016 Maryland Climate and Health Profile Report.**

Bringing it home to everyone, saving trees saves children and grandchildren, i.e. the future of Howard County. It is critically necessary **to enact a bill that *effectively* saves our trees.** Fundamentally, Plan Howard requires adherence to protecting health, safety and enhancing the quality of life in Howard County. Prioritizing the protection of existing mature trees is vital.

Protect the HEROs of our environment. One mature 100' tree produces the oxygen of 1000 little trees. (Nowak, David J.; Hoehn, Robert; Crane, Daniel E. Oxygen Production by Urban Trees in the United States. *Arboriculture & Urban Forestry* 2007.33(3):220–226.) It takes 1000 trees a lifetime to replace the benefits of 1 mature tree. Protect nature' protectors.

Protect against flooding. The amount of rainfall intercepted by a 40 year old tree vs. a 5 year old one can be forty times as great. (McPherson, et al. 2006. More about tree size and interception.)

Protect real estate values. Preservation of mature trees on residential lots adds a premium price to individual lots. Old signs included, "Other than you, this tree is the most valuable thing on this lot."

HCCA greatly appreciates your commitment to tree protection. Listen to and adopt comprehensive inclusion of the many suggestions made by the majority of concerned Howard County voters. .

Sincerely,
Alan Schneider
HCCA

Good evening Council Members,

I'm Susan Garber testifying **in support** of CB-62 on behalf of the Howard County Citizen Association, HCCA, where I frequently 'speak for the trees'

This legislation needs to be supported because trees are our best single tool to fight climate change.

Trees serve many positive functions, including:

- sequestering carbon dioxide and producing oxygen needed to breathe.
- intercepting rainfall, slowing and allowing for absorption that prevents run-off and flooding.
- stabilizing the soil on steep slopes with their root structure.
- providing serene beauty
- creating a measurable positive effect on our physical and mental health
- providing habitat for the woodland animals and all manner of rare, threatened and endangered species.

Clearly we need to save the trees in order to save our planet.

And bottom line, most importantly,

We need to save our trees to save our children. Failure to pass this bill jeopardizes their future in measurable ways.

Unlike the development community, we at HCCA think trees are NOT just an inconvenient and expensive nuisance, something to be removed in order to provide a blank slate on which a computer can generate an uninspiring site plan that looks pretty much like every other.

The time has long past for HC to comply with the State's Forest Conservation regulations—two decades in fact. That lack of compliance coupled with foolishly valuing unlimited development over our future wellbeing has resulted in the steady decimation of our forested lands. It has resulted in flooding, in a decline on our quality of life, and the need, for example, to construct ridiculously expensive 'shade shelters' in our school playgrounds and parks to protect our children from skin cancer.

We urge the Council to emphasize prioritizing conservation of existing mature trees because **all trees are not created equal** in terms of the benefits they deliver. While reforestation efforts are worthwhile, they can't compare with the retention of mature trees.

Nowhere is this more critical than in our densely populated east.

The statistics are astounding. One mature 100' tree produces the oxygen of 1000 little trees. (Nowak, David J.; Hoehn, Robert; Crane, Daniel E. Oxygen Production by Urban Trees in the United States. *Arboriculture & Urban Forestry* 2007.33(3):220–226.) Yet

two 3" caliper trees are all developers have been required to plant to replace specimen trees 30 inches or more in diameter. [The 44,000 native trees replanted through the County Executive's laudable program this year will eventually produce benefits down the road and we sincerely applaud the effort. But it is none the less frightening to think that **these 44,000 trees, should every one survive, would replace only 44 specimen trees which DPZ allowed to be removed –rather than requiring an adjustment in a site plan.**

Mature trees "intercept," or prevent from hitting the ground, far more rainwater per year than young ones. This allows more time for absorption. It reduces the amount of storm water that flows into sewers and rivers, which frequently causes flooding and carries pollutants. The amount of rainfall intercepted by a 40 year old tree vs. a 5 year old one can be forty times as great. (McPherson, et al. 2006. More about tree size and interception.)

Another little mentioned issue is TREE EQUITY Neither is there equity in the presence of trees in all parts of the County. This county should not worsen the tree equity situation by considering, as AA County did, **reducing** conservation standards in densely populated areas like Laurel. Those living in the eastern part of the county should demand tree equity.

There was a time when developers like Jim Rouse sought to preserve as many trees as possible ON a residential lot. He recognized that mature tree(s) would qualify an individual lot to command a premium price. I'm told that in Columbia's early days, signs were erected which said, "Other than you, this tree is the most valuable thing on this lot."

Much of what has contributes to soulless treeless development today is the declaration by developers— embraced by the DPZ and DPW-- that "**this** is how we build today." "This" means we strip and regrade and go for maximum density over good design or even good marketing sense. (Real example: a proposed site plan for a parcel surrounded with forest on 3 sides and a river on two—with NO units facing either feature!)

Real estate and building representatives will say the proposed Forest Conservation Act ~~could cause a housing shortage and sprawl~~ with more people just working, but not living, in Howard County. They ridiculously assert there will be a decline in air quality from longer commutes, when retaining and replanting trees is needed to clean the air for our very existence..

But the true priority issue to the development community is that forest conservation cuts down on the buildable space on a property. That correlates to fewer units in a residential development or less square feet to rent in a commercial one; thereby less

profit margin. But just as developers were subsidized with ridiculously inadequate school impact fees for decades, so too has the county subsidized their profits by not having forest conservation regulations compliant with state law. Worse yet, former administrations failed to enforce the lesser ones we have.

It is our opinion that the development community already **owes** residents of HoCo and their children in overcrowded schools **a great debt. Now is not the time to subsidize them further at the sacrifice of our health and well being by watering down this legislation.** Previous administrations and department heads permitted—even encouraged-- the destruction of our forests with over use of waivers, administrative adjustments, etc. for the mythical income from property taxes.



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

I, Isaac Ambruso, have been duly authorized by
(name of individual)

Maryland Building Industry Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding Cb 14-22 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Isaac Ambruso

Signature: Isaac Ambruso

Date: February 22, 2022

Organization: Maryland Building Industry Association

Organization Address: 11825 W. Market Place Fulton, MD 20759

11825 W. Market Place Fulton, MD 20759

Number of Members: 911 Member Companies

Name of Chair/President: Lori Graf

***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.***



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

I, Jake Burdett, have been duly authorized by
(name of individual)

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

County Council regarding CB-14 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Jake Burdett

Signature: 

Date: 2/21/2022

Organization: Progressive Democrats of Howard County

Organization Address: 6801 Oak Hall Lane P.O. Box #6523 Columbia MD 21045

6801 Oak Hall Lane P.O. Box #6523 Columbia MD 21045

Number of Members: 25

Name of Chair/President: Jake Burdett

*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.*

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 CB14-2022 with Amendment

February 21, 2022

Dear Howard County Council Members:

The Smarter Growth Alliance for Howard County (SGAHC) 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 Alliance has long-standing interests in forest conservation, and as such, we support CB14 *only with the proposed amendment below*. Without that amendment, we cannot support the legislation.

The benefits of forests to the health and wellbeing of Howard County are vast and varied. SGAHC has been proud to work over the last few years to ensure that Howard County does all it can to protect its forests as development continues throughout the county. CB14 comes as a response to the County Executive's veto of previous legislation (CB78-2021), which sought to protect more trees from development by decreasing the tree diameter to be retained on-site, from 30 to 24 inches. Current law has the minimum diameter as 30 inches to be retained on site.

This bill would amend the *Forest conservation plan* section of the Forest Conservation Subtitle (Subtitle 12 - Sec. 16.1204) and places the onus on the applicant to locate and list trees of a specific width, with the inferred understanding that those are trees that should be protected. While this change is good, we believe that the legislation is only step one in the process to conserve those trees. CB14 will not achieve the supposed goal because it only requires the applicant to identify and list the trees with no real protection for those trees. It does not clearly indicate that 24-30" trees being identified, would protect them if they are more than 75% width of a champion tree of their species; however, even that would save very few trees, versus reducing the minimum to 24".

*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 ● 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 ● Safe Skies Maryland ● Savage Community Association ● Smart Growth Maryland ● The
People's Voice ● Transition Howard County*

Fortunately, a minor amendment could correct that. We suggest that an amendment be made to the *Forest retention priorities* subtitle of the County code (Subtitle 12 – Sec. 16.1205) to decrease the minimum diameter to 24 inches from 30 inches, thereby requiring such trees to be retained on-site and not just identified in section 1204.

We understand the impetus to require the applicant and not the County to create and submit the forest conservation plan, including the new list that would be required by CB14. However, it is worth noting that there is no penalty for applicants who submit inaccurate or incomplete plans. While we appreciate that this creates less work for DPZ, there must be penalties in place for any inaccurate or incomplete submissions, and it is unfortunate that CB14 does not address this.

In summation, we are supportive of the proposed goal of CB14, the conservation of more trees, and request an amendment be made to ensure that the goal is achieved. Without the attached amendment, we do not believe that this legislation will have any measurable effect on forest conservation in Howard County.

Please make this amendment so that the promise of the goal of saving the 24” and larger trees is reached. The Smarter Growth Alliance for Howard County stands ready to help in any way possible to achieve that goal. Thank you.

Sincerely,

Clean Water Action
Emily Ranson
Maryland State Director

Smart Growth Maryland
Elly Colmers Cowan
Director of Government Relations

The Howard County Bird Club
Mary Maxey
President

The Maryland Ornithological Society
Kurt Schwarz
Conservation Chair

Howard County Citizens Association
Stu Kohn
President

The People’s Voice
Lisa Markovitz
President

Howard County Sierra Club
Carolyn Parsa
Chair

cc: The Honorable Calvin Ball, County Executive

Amendment to CB14

Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard County

Code is amended as follows:

By amending:

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

Subtitle 12. Forest Conservation.

Section 16.1204. Forest conservation plan. SECTION
16.1205. FOREST RETENTION PRIORITIES.

SEC.16.1205. FOREST RETENTION PRIORITIES

(a)*On-Site Forest Retention Required.* Subdivision, site development, and grading shall leave the following vegetation and specific areas in an undisturbed condition.

3) State champion trees, trees 75 percent of the diameter of state champion trees, and trees ~~30~~**24** inches in diameter or larger.

Sayers, Margery

From: Susan White <whitehogan@verizon.net>
Sent: Thursday, February 17, 2022 4:53 PM
To: CouncilMail
Subject: CB -14

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

I wholeheartedly support this bill to protect our tree cover and mature trees. Thanks to Council member Rigby for submitting this important piece of legislation.

Susan White
Kings Contrivance
Columbia

Susan White