

Bruce A. Harvey
Testimony 06/20/2023
Howard County Council
Bill CB30-2023

My name is Bruce Harvey, and I am President of Williamsburg Homes. I live on Elmwood Road in Fulton, MD. I am testifying on Council Bill CB30.

While I encourage the County to get in line with the new State Forest Conservation legislation passed in the last session, CB30 has been rushed forward and needs to be delayed and amended to consider the important elements of the State Legislation that was negotiated extensively by all parties on all sides.

Specifically, we need the following elements addressed.

Conservation thresholds – In a major concession by our industry, we have agreed to 1:1 forest replacement in the State bill. Therefore, if we clear an acre, we need to reforest an acre. To continue with conservation thresholds that penalize for clearing beyond a certain threshold no longer makes sense. In addition, the State bill requires us to plant in certain unforested stream buffers without any credit. If there is no forest on the site, we will create new forest areas that didn't exist prior to development. Thus, the State bill will create a net gain in forest cover in most cases. Obviously, the conservation thresholds need to be removed from the bill.

Grandfathering – There is no exception or grandfathering for forest conservation plans that have been submitted and are currently under review. The current forest conservation bill is still very stringent and often produces net gains in forest as well. Plans in process should not have to be totally redone if completed within a reasonable timeframe.

Exceptions – The State bill provided for exceptions for Transit Oriented Development, Priority Funding Areas, and multifamily development. These need to be added to the Howard County bill.

Mitigation banking – With a 1:1 forest replacement, the mitigation banks become very important to accomplishing no net loss of forest. If a site is completely forest covered, where are you going to put the new forest that's been cleared? We need this bill modified to give full credit to planted mitigation banks. The current bill only gives 50% credit which is a disincentive to create the bank.

Thank you for listening to my testimony.

Page 2 line 26 – Words and Phrases not specifically defined...shall be construed according to the common and generally recognized usage of the language. This seems very open ended. Should be changed to dictionary definition.

- Page 6 Line 1 – Adjoining Property – OK to define Adjoining Property, but the legislation requires property not Adjoining to be separate cases or hearings. This could be very limiting down the road as Assemblages of property where an owner in the middle holds out would have to be processed separately. Most recent situation that would apply is Bethany Glen in Ellicott City separated by I-70. Would have required to separate hearings under this legislation, even though the property was owned by a single owner.
- Page 11, line 4 – Allows an Individual or Entity to become a Party of Record up until the Close of the Record for the case. This is much longer than previously allowed and could extend hearings for a great deal of time.
- Page 28, starting on Line 20 – The residential addresses of applicants, especially owners of Corporations and LLC's that are applicants should not be required. There is a safety factor here that should be considered. Also public companies are excluded from this requirement. Doesn't make sense to me that local companies have to show their home addresses.
- Page 33, Page 2 – Conditional Approval – To approve a petition Conditionally is very open ended. A zoning category is stringently defined. The ability to set unlimited number of Conditions is concerning. In addition, Planning and Zoning is being required to enforce and not sure they have staffing necessary if there are conditions on every approval.

Thank you for hearing my testimony.

June 20,2023
CB 30-2023
Strengthened Forest Protection


Chairperson Rigby and members of the Howard County Council:

I urge the County Council to adopt CB 30=2023 “ Strengthened Forest Protection”
introduced by Councilmember Liz Walsh.

By adoption Howard County will be in compliance with Senate Bill 526 and House Bill
723: Natural Resources –“Forest Preservation and Retention” signed into law by
Governor Wes Moore..

A key provision of the legislation is the purpose of the Forest Conservation Act which is
to increase the forest areas. Protection of existing forest is essential but we have to
expand our forests.

Thank you for your consideration.



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