

Smarter Growth Alliance for Howard County

November 14, 2019

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

RE: CB62-2019, Forest Conservation & CR142-2019, Forest Conservation Fee-in-Lieu

Dear Council Members:

The Smarter Growth Alliance for Howard County is an alliance of local and state organizations working together to protect the county's outstanding environmental assets to preserve and enhance the quality of life enjoyed by residents.

We strongly support the proposed changes to local forest conservation law that will not only bring the County into compliance with the Maryland Forest Conservation Act, but also help to better retain priority forests and re-forest where needed. Specifying the replanting of native trees will help grow forests that nurture wildlife and provide consistent habitat with other adjoining forested areas. The Site Design Requirements, which stipulate that residential developments with more than one acre of obligation shall meet 75% it on site, are important for storm water management and for residents to benefit from the natural environment. And using the State standard of "unwarranted hardship" for review and consideration of variances will protect champion trees.

We thank you for taking action to protect and maintain Howard County's forested land. To that end, we ask that you consider the following strengthening amendments to CB62-2019.

- 1. Expanding the definitions of Historic Site and Historic Structure** to include properties and districts listed on the National Register of Historic Places, the Nation's list of historic places worthy of preservation. (Section 16.1201, Definitions)

2. **Adding isolated Targeted Ecological Areas (TEAs) to the list of Forest Retention Priorities.** TEAs represent the most ecologically valuable places in the state as determined by the Maryland Department of Natural Resources. Howard County's TEAs include some of the few remaining natural areas. (Section 16.1205, Forest Retention Priorities)
3. **Increasing reforestation thresholds by 10% for each land use category** to more closely approach the goal of no-net-loss. (Section 16.1206, Reforestation)
4. **Increasing the reforestation ratio** for sites within the same watershed to 1:1 (from ½:1) and to 1.5:1 (from 1:1) for sites outside the same watershed, recognizing that replanted trees do not provide the same ecological benefits as mature trees. (Section 16.1206, Reforestation)
5. **Limiting approval/denial authority for variances** to the Director of Planning and Zoning, the Administrator of Office of Community Sustainability, and the Director of Recreation and Parks in agreement to provide consistent and multi-disciplinary review for all variance applications. This amendment would require removing the Planning Board as an approving/denying entity. (Section 16.1216, Variances)

We also support CR142-2019, which increases forest conservation fee-in-lieu. To ensure that fee-in-lieu is only used when other options are not possible, we ask that you consider further increasing the fees from \$1.25 and \$1.50 per square foot to the \$2.00 - \$3.00 per-square-foot range to better match replanting costs and lost ecosystem services of mature trees.

Finally, we ask that you **further increase fines for violations** to discourage the practice of willfully violating forest conservation laws to reduce project costs.

We thank you for your kind consideration of these comments and for your leadership on this issue.

Sincerely,

cc: The Honorable Calvin Ball, County Executive