



Howard County

Internal Memorandum

To: Opel Jones, Chair, Howard County Council

From: Lynda Eisenberg, AICP, Director of Planning & Zoning
Nicholas Mooneyhan, Director, Department of Recreation & Parks
Tim Lattimer, Administrator, Office of Community Sustainability

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Date: April 2, 2026

Subject: Forest Conservation Act Monitoring Report

In accordance with the Howard County Forest Conservation Act (FCA) Section 16.1219, the Department of Planning and Zoning (DPZ), in collaboration with the Department of Recreation and Parks (DRP) and the Office of Community Sustainability (OCS), are submitting this report to the Howard County Council, the Council Administrator and County Auditor.

Also included with this report is a list of the 56 plans that were subject to the Forest Conservation Act and used as the basis for this analysis.

Please reach out to Lynda Eisenberg from the Department of Planning & Zoning if you have any questions.

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Forest Conservation Act Monitoring Report

April 2, 2026



The Howard County Forest Conservation Act (FCA), Section 16.1219, requires the Department of Planning and Zoning (DPZ), in collaboration with the Department of Recreation and Parks and the Office of Community Sustainability, to establish a system of data collection to measure the effectiveness of the forest conservation regulations effective on February 5, 2020, including data on the retention of existing forest and mitigation measures. This section requires DPZ to analyze the data collected over a 3-year period and to submit a report to the County Council.

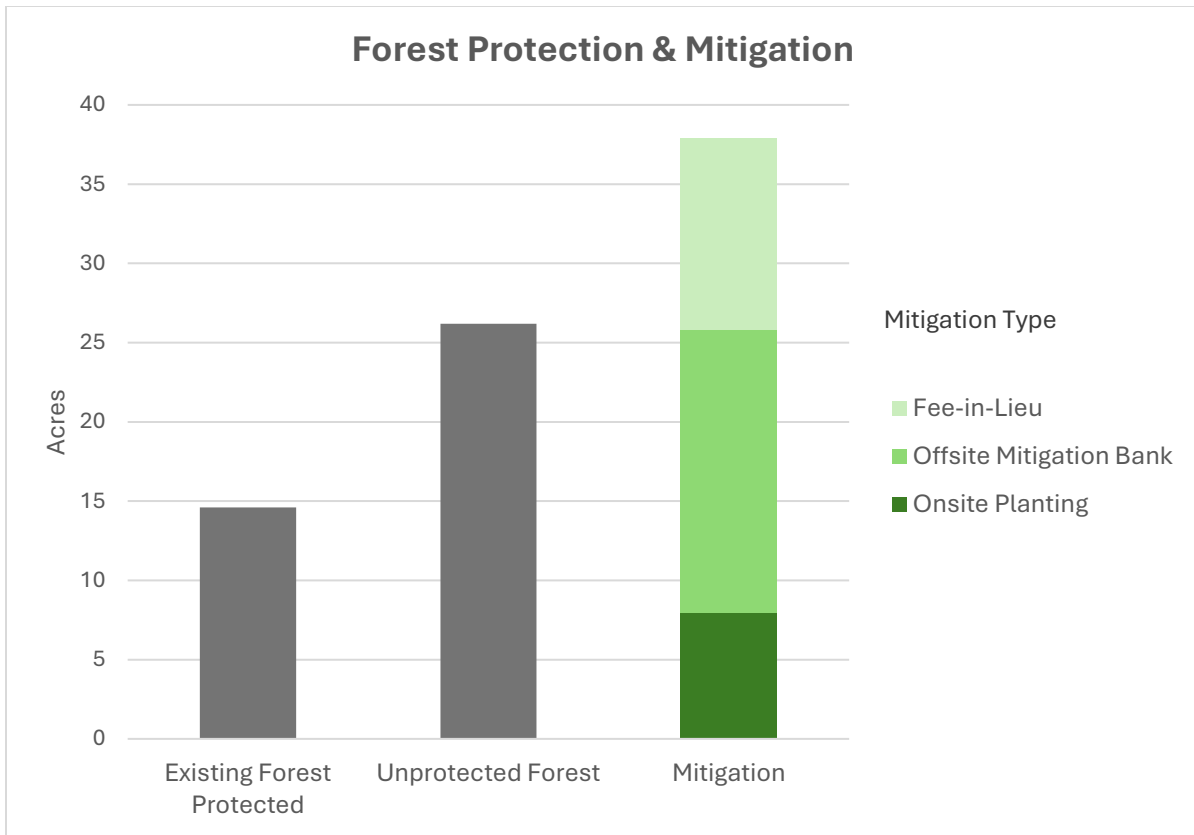
This report demonstrates the delicate balance required to ensure healthy forest cover throughout the County while allowing opportunity for the appropriate use of the land. A total of 56 projects were evaluated in this report- 51.29 acres of existing forest were retained in protective easement, 7.99 acres of new forest were planted, and 17.9 acres of credits were obtained from offsite forest mitigation banks within the County. Additionally, fee-in-lieu was collected for the equivalent of 12.1 acres, which will be used by the County to establish protective easements in planted or retained forests, maintain existing forests, or to create urban tree canopy.

Evaluation of Plans

The projects included in the data collection are recorded Final Plans, signed Site Development Plans and Alternative Compliance requests approved for the Site Development Plan process. The data collection period began on January 1, 2023, and ended on December 31, 2025.

Fifty-six (56) projects were subject to the Forest Conservation Act. Attached is a spreadsheet with information for those projects.

Forty-six (46) projects utilized onsite forest retention, planting or offsite mitigation to fulfill their obligation. A total of 40.8 acres of forest existed on these sites prior to plan approval. At the conclusion of the projects and related retention, afforestation and reforestation efforts in accordance with the County's FCA, 40.4 acres of forest will be protected and subject to perpetual easement, resulting in forest being protected at a rate of 1 to 1. Additionally, fee-in-lieu was collected for the equivalent of 12.1 acres.



14.6 acres of forest were retained in protective easement (36% of the existing forest) resulting in 26.2 acres of unprotected forest. A total of 37.92 acres of mitigation was provided through the following means:

- 7.92 acres planted onsite
- 12.10 acres of fee-in-lieu paid
- 17.90 acres of credits purchased within forest mitigation banks

16 projects satisfied their obligation inside the watershed (29% of the projects) and 40 projects satisfied their obligation outside of the project’s watershed (71%).

Below is additional analysis of the projects, categorized by land use:

- Thirty (30) residential projects were reviewed.
 - 14 projects contained existing forest onsite (57.49 ac). The average rate of retention was 46.8% (29.7 acres retained in easement, 27.19 acres cleared, 0.6 acres of unprotected forest remained onsite)
 - 18.32 acres of mitigation were provided for the 27.79 acres of unprotected forest
 - 8 projects planted 7.72 acres onsite
 - 11 projects utilized an offsite forest mitigation bank (7.5 acres)
 - 10 projects paid a fee-in-lieu for a portion of their obligation (3.1 acres)
 - 9 projects fulfilled 100% of their obligation onsite
 - 9 projects satisfied their obligation inside of the watershed, and 21 projects satisfied their obligation outside of the project’s watershed

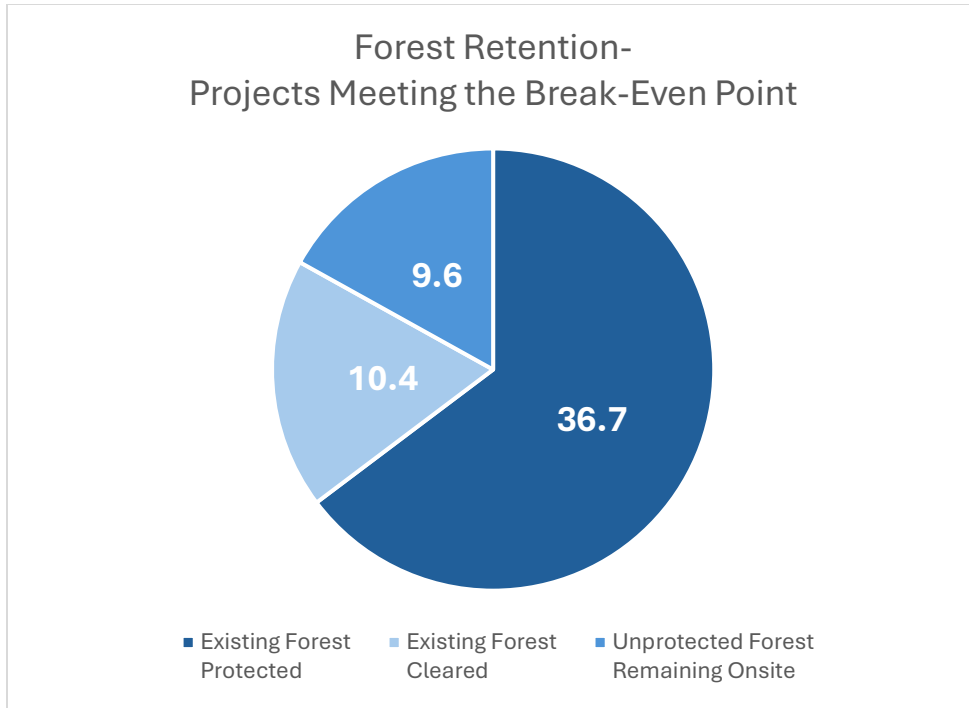
- Nineteen (19) commercial projects were reviewed.
 - 6 projects contained existing forest onsite (33.61 ac). The average rate of retention was 26.5% (18.5 acres retained in easement, 4.91 acres cleared, 10.2 acres of unprotected forest remained onsite)
 - 14.6 acres of mitigation were provided for the 15.11 acres of unprotected forest
 - 1 project planted 0.2 acres onsite
 - 8 projects utilized an offsite forest mitigation bank (10.1 acres)
 - 10 projects paid a fee-in-lieu for a portion of their obligation (4.3 acres)
 - 2 projects fulfilled 100% of their obligation onsite
 - 4 projects satisfied their obligation inside of the watershed, and 15 projects satisfied their obligation outside of the watershed

- Four (4) institutional projects were reviewed (churches and private institutions)
 - 3 projects contained existing forest onsite (3.26 ac). The average rate of retention was 90.5% (3.09 acres retained in easement, 0.07 acres cleared, 0.1 acres of unprotected forest remained onsite)
 - 0.37 acres of mitigation were provided for the 0.17 acres of unprotected forest
 - 1 project planted 0.07ac onsite
 - 1 project utilized an offsite forest mitigation bank (0.3 acres)
 - 3 projects satisfied their obligation inside of the watershed, and 1 project satisfied its obligation outside of the watershed

- Three (3) capital projects were reviewed.
 - All 3 projects contained existing forest onsite (3.2 acres of forest, 2.3 ac cleared, 0.9 ac of unprotected forest remained onsite)
 - 4.7 acres of mitigation were provided for the 3.2 acres of unprotected forest
 - All 3 projects fulfilled their obligation by paying a fee-in-lieu (4.7 acres)

To incentivize the retention of existing forests, the State and County’s system for calculating the reforestation obligation incorporates a retention credit for maintaining forest cover above the reforestation threshold. One acre is deducted from the reforestation obligation for each acre retained above the threshold. This creates a “break-even point” where the credit fully offsets the reforestation obligation. Projects that meet the break-even point onsite in forest retention easements have met their obligation and do not require additional planting. This results in projects being able to clear a portion of the existing forest without providing mitigation if the break-even point is met.

Ten (10) projects met the break-even point by utilizing onsite forest retention to fulfill their obligation (36.7 acres). Due to the retention credits and break-even point, 65% of the existing forest was retained in protective easement on these sites, which left 20 acres of forest unprotected and able to be cleared without mitigation. Approximately 10.4 acres of forest were cleared for construction of the projects, which left 9.6 acres of unprotected forest remaining on the sites.



If existing forests are not protected in a Forest Conservation Easement, they are not given credit as ‘forest retention’. It is important to note, however, that some of the projects will retain forest onsite, but outside of protected easements. For example, one of the projects (SDP-23-002) met the break-even point by retaining 59% of the existing forest on the parcel within a Forest Conservation Easement. However, the project did not clear any forest, so 41% of the forest will remain onsite (unprotected) once the project is completed.

Of the 26 projects which contain existing forests evaluated in this report, approximately 11.8 acres of unprotected forest are planned to remain after the sites are cleared and the projects are completed. Forest can remain unprotected if a project meets the break-even point, or if the forested areas do not meet the minimum size or other criteria for a Forest Conservation Easement.

Planting of trees and forest also occurs during the projects that are not always protected by forest conservation easements, often through landscaping requirements or the re-planting of disturbed areas, which will increase tree canopy throughout the County as the trees mature. The capital projects evaluated in this report include stream restoration and stormwater management projects, which can necessitate forest clearing for access and construction. For these capital projects, in addition to paying a fee-in-lieu to meet their forest conservation obligation, replanting of trees or forest was done within the disturbed areas. However, because Forest Conservation Easements were not created, credit was not given for onsite mitigation. Easements are not typically created in these projects since the replanting areas can be located on multiple parcels and include smaller privately-owned properties.

Alternative Compliance requests to sections of the Forest Conservation Act (FCA) require approval by the Director of Planning and Zoning, Director of Recreation and Parks, and the Administrator of the Office of Community Sustainability (the Committee). During the reporting period, a total of 56 Alternative Compliance requests were approved by the Committee. However, before rendering a decision on 21 of these requests, the Committee required a redesign to reduce impacts to trees or forest resources, or deferred action until additional details or justification were provided. Examples of modifications made to protect trees or forest resources include the rearrangement or reduction of proposed lots, modifications to site circulation and access, etc. The Committee denied four Alternative Compliance requests.

Evaluation of the Forest Conservation Act

The previous Forest Conservation Act Monitoring Report (dated June 2023) analyzed 32 projects with forest conservation obligations during the 2020-2022 reporting period. The current report analyzes 56 projects. There are several key differences in the types of projects and types of mitigation provided in the two reports. Projects in the current report contain 97 acres of existing forest, versus only 23 acres in the previous report. Projects in the current report are retaining more forest onsite- 53% versus 32% in the previous report, and they are utilizing less offsite mitigation- 33% versus 60% in the previous report. This is likely due to many factors that encourage forest conservation obligations to be met onsite, including the higher ratios for mitigation outside of the watershed, updated site design requirements, limitations for residential fee-in-lieu and the required justification for clearing in priority retention areas.

As discussed earlier, the break-even point is met when the retention credit fully offsets the reforestation obligation, which can result in forest clearing without mitigation. The previous monitoring report contained only 1 project which met the break-even point and was able to clear 0.2 acres of forest without providing mitigation. In the current report, 10 projects met the break-even point and were able to clear 20 acres of existing forest without providing mitigation. This results in a lower rate of forest protection in the current report.

It was unexpected how the nature of the projects in the reporting period can have such an effect on the overall rate of forest protection. The higher number of projects meeting the break-even point and the trend of fulfilling more of the obligation onsite (and therefore not incurring the higher mitigation ratios) appears to result in overall lower rates of forest protection. When analyzing the entire 6-year reporting period (2020-2025), forest is being protected in perpetual easements at an average rate of 1 to 1, not including fee-in-lieu funds collected.

One of the changes in the updated Forest Conservation Act was an increase in the maintenance period for Forest Conservation Easements from 2 to 3 years. Observations by inspectors in the Department of Recreation & Parks suggest that the additional growing season and maintenance period, along with the updated deer protection and mulching requirements, appear to be providing better survival rates in the afforestation and reforestation areas.

Recommendations

The County's forest conservation program will need reevaluating during the next year for compliance with State law - SB526 of 2023 – which includes major changes that will become effective for local programs on July 1, 2026. These changes reflect an overall goal to increase forest and tree canopy coverage in the State by replacing the previous target of 'no net loss'.

The data collected from the 2023-2025 reporting period may necessitate a reevaluation of the retention credit and break-even point to minimize unmitigated forest clearing. Recent updates to the FCA encourage the obligation to be fulfilled onsite, so the retention credit might not be necessary to achieve the desired goal of more onsite forest retention.

It is important to note that the higher ratios required in the County's program if a project provides mitigation outside of the watershed are critical to 'balance out' the unmitigated forest clearing in the overall reporting data. It may be necessary to reevaluate the ratios to encourage additional mitigation within the project's watershed and to ensure forest is being protected at an overall minimum rate of 1 to 1 to comply with the new State requirements.

File Number	Project Name	Use	FC Obligation Satisfied By	Existing Forest Onsite (acres)	Protected Forest (retention)	Unprotected Forest	Cleared Forest	% of Forest Protected	Onsite Planting (acres)	Offsite or Mitigation Bank (acres)	Fee-in-Lieu (acres)	Total Forest Protection & Mitigation (acres)	Watershed
SDP-22-025	7561 Washington Blvd	commercial	forest mitigation bank	0.00					0.00	0.20	0.00	0.20	outside
SDP-23-030	8570 Mission Road	commercial	fee-in-lieu	0.00					0.00	0.00	0.20	0.20	outside
SDP-23-032	Auto Spa Ellicott City	commercial	forest mitigation bank	0.00					0.00	0.60	0.00	0.60	inside
WP-23-058	Autumn Harvest Stream Restoration	capital project	fee-in-lieu	0.50	0.00	0.50	0.30	0.0%	0.00	0.00	0.70	0.70	outside
SDP-15-011	Bethel Baptist Church *	institutional	onsite retention	1.10	1.00	0.10	0.00	90.9%	0.00	0.00	0.00	1.00	inside
SDP-21-004	Boosalis Property	commercial	forest mitigation bank	0.00					0.00	0.10	0.00	0.10	outside
SDP-12-001	Buch Property	residential	mitigation bank	0.60	0.00	0.60	0.60	0.0%	0.00	1.30	0.00	1.30	outside
F-24-008	Capstone Estates	residential	mitigation bank	0.00					0.00	0.40	0.00	0.40	outside
F-25-027	Cattail Chase Overlook	residential	onsite retention and planting	0.50	0.50	0.00	0.00	100.0%	1.50	0.00	0.00	2.00	inside
SDP-23-002	Chaberton Solar Lime Kiln *	commercial	onsite retention	22.60	13.30	9.30	0.00	58.8%	0.00	0.00	0.00	13.30	inside
F-24-031	Charu Gardens	residential	fee-in-lieu	0.00					0.00	0.00	0.40	0.40	outside
SDP-25-020	Chesapeake Conference Assoc	commercial	fee-in-lieu	0.00					0.00	0.00	0.10	0.10	outside
SDP-24-008	Community Ecology Institute *	institutional	onsite retention	1.80	1.80	0.00	0.00	100.0%	0.00	0.00	0.00	1.80	inside
SDP-21-051	Corridor Square- Parcel B	residential	forest mitigation bank	0.92	0.00	0.92	0.92	0.0%	0.00	2.60	0.00	2.60	outside
SDP-24-034	Crested View at Taylor Highlands	residential	onsite retention and planting	23.40	12.20	11.20	11.20	52.1%	1.32	0.00	0.00	13.52	inside
SDP-20-074	Dorsey Overlook	residential	onsite retention & planting, forest mitigation bank	0.40	0.40	0.00	0.00	100.0%	0.20	0.20	0.00	0.80	outside
SDP-22-010	Drenner Concrete	commercial	fee-in-lieu	0.00					0.00	0.00	0.10	0.10	outside
SDP-17-043	DT Crescent Neighborhood PH 2	residential	fee-in-lieu	0.00					0.00	0.00	0.20	0.20	outside
WP-23-041	Ellicott City Tunnel North	capital project	fee-in-lieu	0.60	0.00	0.60	0.60	0.0%	0.00	0.00	0.90	0.90	outside
F-24-040	Faustin Estates *	residential	onsite retention and planting	8.70	5.00	3.70	3.70	57.5%	0.00	0.00	0.00	5.00	inside
F-23-055	Flack Property *	residential	onsite retention	6.00	3.70	2.30	2.20	61.7%	0.00	0.00	0.00	3.70	inside
SDP-23-038	Friendly Inn	residential	forest mitigation bank	0.00					0.00	0.30	0.00	0.30	outside
SDP-23-003	Grandview Kit Kat	commercial	onsite retention, fee-in-lieu	1.70	0.10	1.60	1.00	0.1%	0.00	0.00	2.70	2.80	outside
SDP-22-020	Glenelg Solar *	commercial	onsite retention	5.10	5.10	0.00	0.00	100.0%	0.00	0.00	0.00	5.10	inside
F-20-034	Grove Angle Property	residential	forest mitigation bank	0.00					0.00	0.30	0.00	0.30	outside
SDP-22-022	Guilford Solar	commercial	offsite retention	0.00					0.00	3.80	0.00	3.80	inside
F-25-029	Holiday Hills- Section 5	residential	fee-in-lieu	0.00					0.00	0.00	0.20	0.20	outside
SDP-24-018	Kerger Pond	residential	onsite afforestation	0.00					1.10	0.00	0.00	1.10	inside
WP-24-116	Lee's Towing of Laurel	commercial	fee-in-lieu	0.00					0.00	0.00	0.20	0.20	outside
SDP-23-009	Lisbon Center	commercial	forest mitigation bank	0.00					0.00	0.30	0.00	0.30	outside
WP-23-052	Little Patuxent River Mitigation Project	commercial	fee-in-lieu	0.00					0.00	0.00	0.30	0.30	outside
WP-23-035	LKQ- 8125 Washington Blvd	commercial	fee-in-lieu	0.00					0.00	0.00	0.10	0.10	outside
F-24-024	Mallan's Property *	residential	onsite retention	3.00	1.60	1.40	1.40	53.3%	0.00	0.00	0.00	1.60	inside
SDP-22-007	New Path Reformed Church	institutional	forest mitigation bank	0.00					0.00	0.30	0.00	0.30	outside
F-23-049	Old Montgomery Meadows	residential	onsite retention, planting, fee-in-lieu	0.60	0.30	0.30	0.20	50.0%	0.50	0.00	0.20	0.90	outside
SDP-23-026	Patuxent Commons	residential	onsite retention & planting, forest mitigation bank	2.40	0.40	2.00	2.00	16.6%	1.20	0.90	0.00	2.50	outside
F-21-039	Pierce Property *	residential	onsite retention	3.30	1.60	1.70	1.70	48.5%	0.00	0.00	0.00	1.60	inside
F-24-048	Pointers View	residential	forest mitigation bank	0.00					0.00	0.20	0.00	0.20	outside
F-19-077	Pope Property	residential	forest mitigation bank	0.00					0.00	0.30	0.00	0.30	outside
SDP-24-014	Popeyes and Adanced Auto	commercial	fee-in-lieu	0.00					0.00	0.00	0.10	0.10	outside
SDP-23-025	Primrose School	commercial	forest mitigation bank, fee-in-Lieu	1.90	0.00	1.90	1.80	0.0%	0.00	2.40	0.40	2.80	outside
F-21-046	Sapariya Property	residential	forest mitigation bank	0.47	0.10	0.37	0.17	21.3%	0.00	0.80	0.00	0.90	outside
WP-24-081	South Meadow Court Pond	capital project	fee-in-Lieu	2.10	0.00	2.10	1.40	0.0%	0.00	0.00	3.10	3.10	outside
SDP-21-052	Stonewood 5 Storage	commercial	forest mitigation bank	1.21	0.00	1.21	1.01	0.0%	0.00	1.40	0.00	1.40	outside
SDP-25-035	Taco Bell on Rt 40	commercial	fee-in-Lieu	0.00					0.00	0.00	0.10	0.10	outside
SDP-23-039	That Place at Patapsco Park	residential	fee-in-Lieu	0.00					0.00	0.00	0.40	0.40	outside
SDP-23-037	The Apostles and Continuation Church *	institutional	onsite retention and planting	0.36	0.29	0.07	0.07	80.5%	0.00	0.00	0.00	0.36	inside
SDP-24-017	Trotter's Retreat	residential	onsite afforestation	0.00					1.40	0.00	0.00	1.40	inside
SDP-22-048	U.S. # Joint Venture	commercial	onsite planting, forest mitigation bank	1.10	0.00	1.10	1.10	0.0%	0.20	1.30	0.00	1.50	outside
SDP-22-051	VOHC- Ranleagh Court Apartments	residential	fee-in-Lieu	0.00					0.00	0.00	0.10	0.10	outside
F-25-041	Waterford Section 2, Lot 16 *	residential	onsite retention	4.80	3.30	1.50	1.30	68.8%	0.00	0.00	0.00	3.30	inside
SDP-23-045	Waverly Winds Apartments	residential	fee-in-Lieu	0.00					0.00	0.00	0.30	0.30	outside
F-22-030	Wellington Farms, Phase 2	residential	onsite planting, fee-in-Lieu	2.40	0.60	1.80	1.80	25.0%	0.50	0.00	0.90	2.00	outside
F-22-012	Wharff Lane	residential	forest mitigation bank	0.00					0.00	0.20	0.00	0.20	outside
F-22-016	Wynne Property- Lots 1 & 2	residential	fee-in-Lieu	0.00					0.00	0.00	0.20	0.20	outside
F-22-026	Yali Li Property	residential	fee-in-lieu	0.00					0.00	0.00	0.20	0.20	outside
	* project met break-even point												
			TOTAL	97.56	51.29	46.27	34.47	52.5%	7.92	17.90	12.10	89.18	