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Civic Federation Testimony to County Council on Expedited Bill 53-10, Forest Conservation law

I am Jim Humphrey, testifying on behalf of the Montgomery County Civic Federation as Chair of the Planning and Land Use Committee. At their November 17, meeting the MCCF Executive Committee voted unanimous support of the following position on Expedited Bill 53-10, Forest Conservation law conforming amendments.

We are disappointed that this is not the set of comprehensive amendments to the county forest conservation law before you today which the Planning Board and Department staff, the Council T&E Committee, and the Forest Conservation Advisory Committee have been working on for quite some time. That having been said, we do support the goal of this bill to bring county law into alignment with the standards in state law. But we do have concerns with the section related to variance approval.

We are concerned with the proposal in the bill to allow the Planning Director to approve variances to forest conservation plans. We oppose the granting of this authority, as we believe that since the Planning Board approves the plans they should also be the body to approve variances. If, however, the Council should decide to grant the Director this authority, as you granted authority for Director approval of limited site plan amendments 3 years ago (ZTA 07-05), the MCCF believes the Council should direct that the same process be applied to forest conservation variances as that for limited site plan amendments.

We urge that following the approval of a forest conservation plan variance by the Director, the approval be listed on the agenda for the next Planning Board session, under "Other Consent Items" on the Consent Agenda. This listing should include the property location, in a form readily understood by the public, and a description of the variance that was granted. The benefits are twofold. The public will be informed of all approved variances. And the Board will retain a degree of authority with their yes-or-no vote on the Consent Agenda, as well as being alerted to the number and location of approved variances in order to consider the possible cumulative impact.

Finally, we ask the staff to investigate why the text of existing law for "22A-21 (e). *Approval procedures; conditions.*" printed in the bill (lines 124 through 130) does not match the language in the online County Code posted on the American Legal Publishing website. Thank you.