

Trees in Montgomery County



*Chesapeake Bay and Water Resources
Policy Committee
July 27, 2018*

Benefits of Trees and the Urban Forest

Trees and forests alike are essential for livable communities and our well-being.



Photo courtesy of Bob Haight, USFS NRS

What is Tree Canopy?

Tree Canopy is the area covered by the crown of one or more trees.



What is Canopy Cover?

We measure tree canopy, or tree canopy cover, from the top down. Canopy goals often include the percentage of area covered by tree canopy.



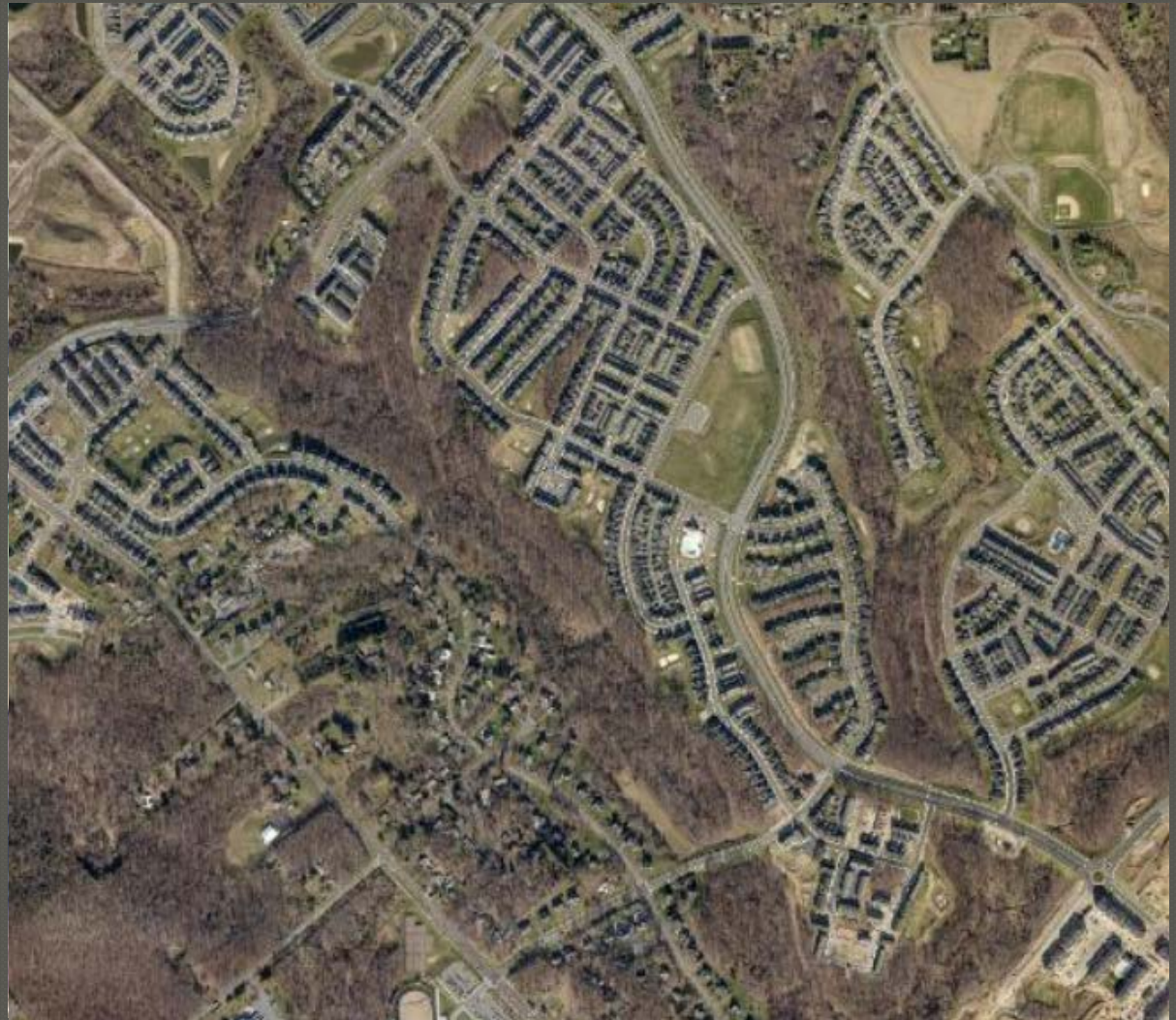
What is Forest Cover?



Forest cover is a subset of canopy cover. It includes only areas that meet the definition of 'forest'. It does not include individual trees.

The Forest Conservation Law

The FCL was designed to slow the loss of forest at a time when large tracts of land were subdivided into small lots.



The FCL and Mitigation

Mitigation requirements are largely met through reforestation and forest banking.



Changes in Development



Redeveloped in 2011; Lot is 1.02 acres

Changes in Development



Redeveloped in 2011; Lots are 6,100 – 7,200 sq. ft.

Changes in Development



Redevelopment from 2002 to 2011 in red, 2012 to 2016 in blue.

Changes in Development



Changes in the character of neighborhoods is a factor.



Two Laws in 2014

In the spring of 2014, after many years of discussions, two laws took effect in Montgomery County.

- The Roadside Tree Protection Law
- The Tree Canopy Law

Roadside Tree Protection Law



The Roadside Tree Protection Law is intended to protect street trees during development activity AND to provide funds to replace roadside trees removed as a result of development.

Why is the Roadside Tree Protection Law needed?



When does it apply?

Applies to any activity requiring a permit from Montgomery County for:

- work in the right-of-way,
- sediment & erosion control, and
- building.



Mitigation and the Roadside Tree Protection Law



If a roadside tree is removed, the law requires:

- planting one replacement tree at or near the location of the removed tree, and
- payment for two additional roadside trees.

Tree Canopy Law



The Tree Canopy Law is intended to encourage the protection of trees during development activity AND to provide funds to replace some of the tree canopy lost as a result of development.

Tree Canopy Law and the Limit of Disturbance



The Limit of Disturbance (LOD) is the outside edge of the area where development activity can occur.

The LOD is reviewed and approved on a sediment control permit.

Tree Canopy Law and Mitigation



The area, in square feet, within the LOD on the sediment control permit determines the number of shade trees to be planted on the property. Fees can be paid instead of planting for any reason.

Tree Canopy Law

Applies if you need a Sediment Control Permit

- A sediment control permit from Montgomery County is required for:
 - New primary dwelling or non-residential building;
 - 5,000 square feet or more of ground disturbance; or
 - 100 cubic yards or more of earth movement.
- The cutting of 5,000 square feet or more of canopy is considered ground disturbance.
- Many municipalities require their own sediment control permits.

Tree Canopy Law

Does the Tree Canopy Law apply to me?



The Law does NOT apply when a sediment control permit is not required.

Therefore, individual trees and small groups of trees are not regulated in by the Tree Canopy Law.

What's not covered?

- Exemptions include:

- Activity subject to Article II (mitigation) of the FCL
- Any activity conducted by the Montgomery Parks Department
- Most public utility activities related to construction of new transmission or distribution lines

- The Law does NOT apply when a sediment control permit is not required:

- Most agricultural activity
- Most activity by public utilities

Mitigation and the Tree Canopy Law

Area of LOD			Shade Trees	In-Lieu Fees
0	to	6,000	3	\$750
6,001	to	8,000	6	\$1,500
8,001	to	12,000	9	\$2,250
12,001	to	14,000	12	\$3,000
14,001	to	40,000	15	\$3,750

- If the area in the LOD exceeds 40,000 square feet, the number of shade trees required is prorated using the ratio of 15 trees per 40,000 sq. ft.
- Each tree requires at least 400 sq. ft. of open surface area
- Trees may be planted anywhere on the subject property

Implementation

- The Department of Permitting Services is responsible for implementation and enforcement of the Tree Canopy Law.
- The Department of Environmental Protection is responsible for planting programs and outreach campaigns to increase the number of trees planted and generally raise the awareness of the benefits of trees and long-term care.

Tree Montgomery



Tree Montgomery is a planting program funded through the Tree Canopy Law.

It provides shade trees, installed with assistance for after care – **FOR FREE.**



Tree Montgomery



The shade trees are 2- to 3-inches in caliper and more than 12 feet tall when installed.

Each will grow to more than 50 feet tall when mature.



Tree Montgomery

Tree Montgomery assists with after-care by providing information and alerts for watering, mulching, weeding, deer protection, and pruning.





Tree Montgomery



DEP staff meet with property owners.

Together, species and locations for new shade trees are selected.



Tree Montgomery

Nearly all native shade trees are available including oaks, maples, honeylocust, blackgum, sweetgum, and many more.





Tree Montgomery



Each tree needs 400 square feet of open surface area. This area cannot include driveways, sidewalks, drywells, bedrock, and anything else that will keep the tree from developing roots.



Tree Montgomery

Tree Montgomery is targeting areas with little canopy cover or lots of redevelopment.



Single-family residences



Multi-family communities



Tree Montgomery



There is not set number or limit for shade trees. We work closely with each owner and community to plant what is needed and what works best.



Tree Montgomery

Through FY 2018...

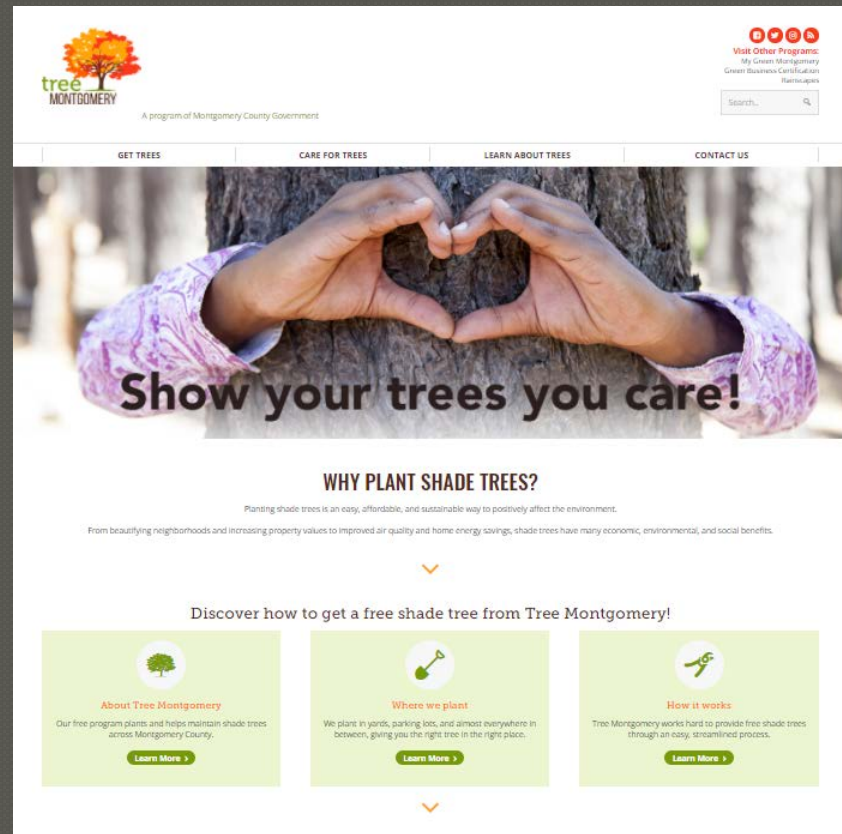
- More than \$2,240,000 has been paid into the Tree Canopy Account.
- More than 2,100 shade trees have been planted.
- Nearly 60% are on single-family properties.
- More than 15% are on multi-family properties.
- More than 35 different species have been planted.
- More than 85% of all trees planted are native.
- All trees were protected from damage by deer.
- Nearly all will receive assistance with after-care.



Tree Montgomery

TreeMontgomery.org

The website has great information about the program, why shade trees are important, and how to care for them.



More Issues to Discuss

- Development conflicts with trees
- The value of trees
- MS4 credit for trees
- Canopy goals



Development Conflicts with Trees



Development Conflicts with Trees



The Value of Trees



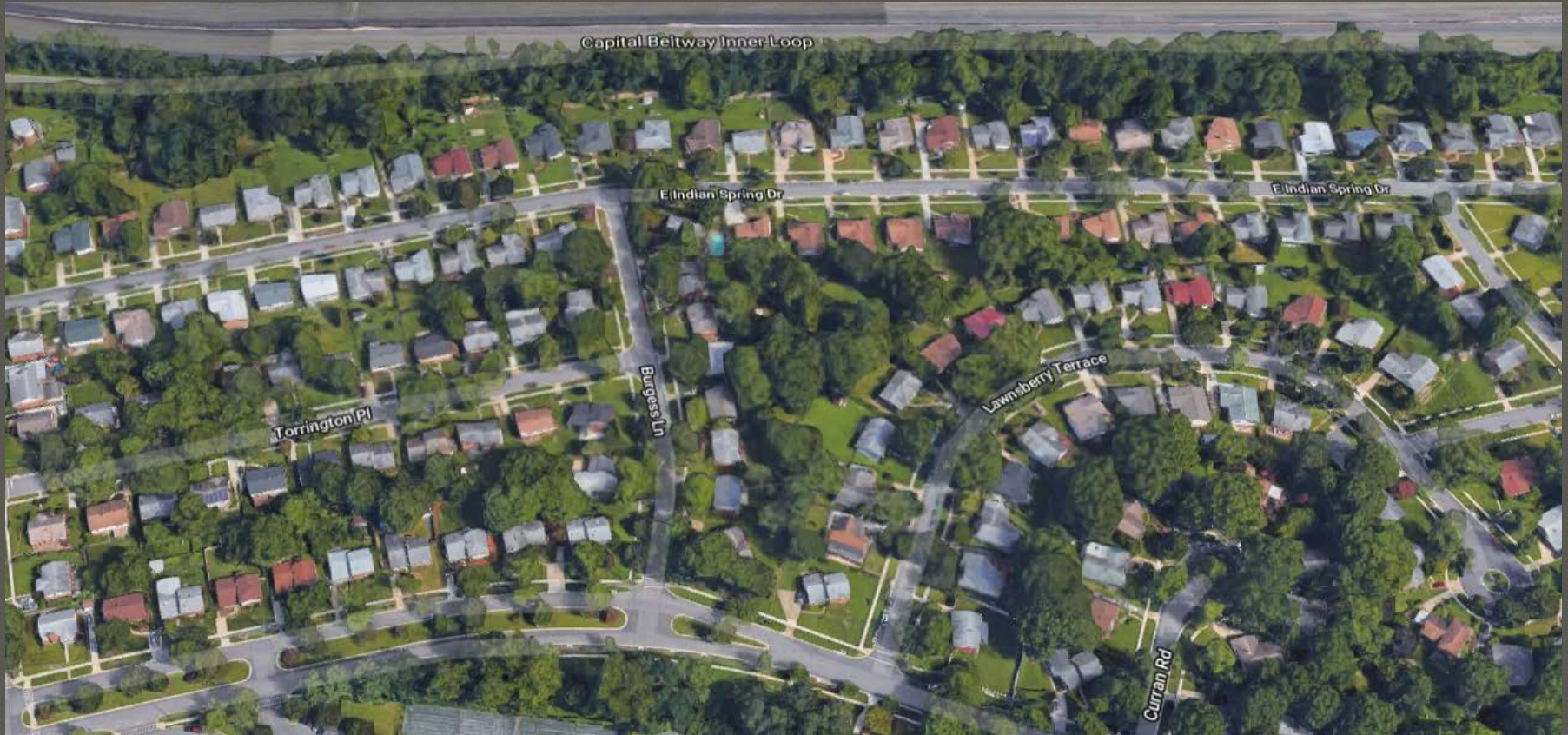
MS4 Credits for Trees

Current Recommendation

300 individual trees planted = 1 acre of impervious surface restored



Tree Canopy Goals



Montgomery County Department of Environmental Protection: Protecting and improving our air, water and land

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**ENVIRONMENTAL
PROTECTION**
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