

TREE CANOPY COMMITTEE AND TREE CONSERVATION COOKBOOK

REGIONAL TREE CANOPY SUBCOMMITTEE
presentation to the
Planning Directors Technical Advisory Committee
February 19, 2021

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Presentation Overview

- Regional Tree Canopy Subcommittee (RTCS)
- Overview of Tree Conservation Cookbook
- Current RTCS Activities and Next steps

Regional Tree Canopy Subcommittee

January 2019 - CEEPC Resolution to Broad to form a regional tree committee

February 2019 - The board endorses establishment of the RTCS charged with creating policies and recommendations to encourage COG communities to:

- Protect, manage, and expand tree and forest resources
- Strengthen local urban forestry programs
- Inspire the community to take ownership of tree conservation efforts
- Integrating urban forestry into local and regional planning processes
- Monitor the long-term effectiveness of regional tree conservation efforts and programs



Regional Tree Canopy Subcommittee

- COG invited 14 participants from various COG Member jurisdictions, plus two NGOs, and COG Staff (17 total)
- Two-year work plan based on recommendations of the 2018 *Regional Tree Canopy Management Strategy Report*
- Deliverables based on what could be accomplished within a two-year timeframe
- Kick-off Meeting on June 14, 2019

Overarching Goal and Focus

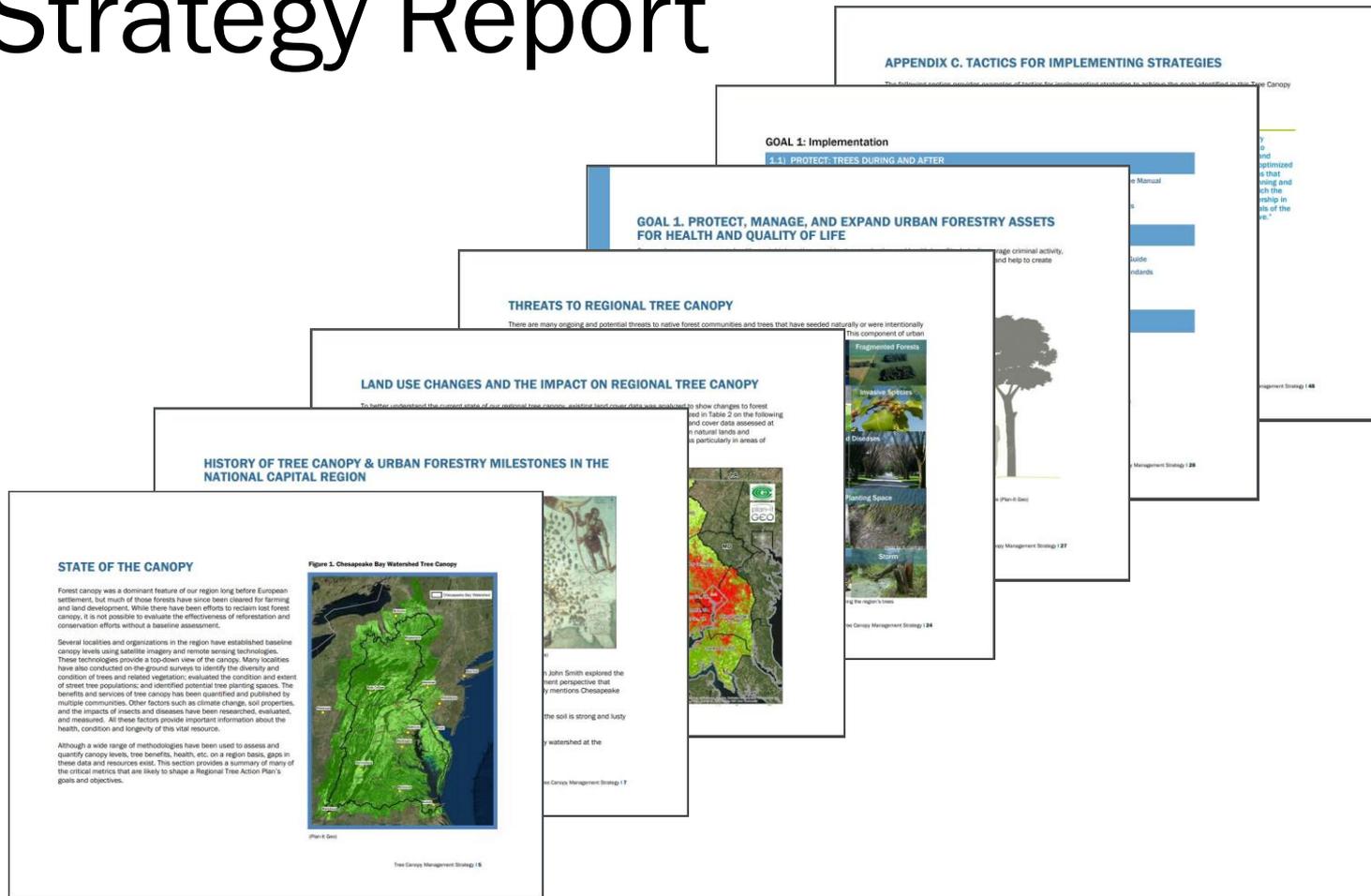
To assist COG communities with conserving trees and forests in a manner that maximizes the capacity of these resources to deliver environmental, socioeconomic, health and aesthetic benefits while minimizing their inherent risks

“Tree canopy” includes native forest communities, riparian forests, and urban trees

Tree Canopy Management Strategy Report



Tree Canopy Management Strategy Report



<https://www.mwcog.org/documents/tree-canopy-management-strategy/>

Tree Conservation Cookbook

The **Tree Canopy Management Strategy Report** included a recommendation to “*Examine local tree-related policies and ordinances for opportunities to enhance and strengthen tree preservation and maintenance policies.*”

In response, RTCS developed the **Tree Conservation Cookbook** which provides examples of regulatory and technical language that jurisdictions can consult when strengthening local regulations, policies, and programs.

TREE CONSERVATION COOKBOOK - DRAFT

Essential Recipes for Tree Canopy Preservation and Enhancement in the Metropolitan Washington Region

January 2020



Tree Conservation Cookbook

Document mimics a cookbook - with contents separated into two categories:

- **17 Essential Recipes** represent “must have” ordinance/policy features
- **7 Side Dishes** represent features that localities may find useful to address specific conditions or concerns

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Essential Recipes for Tree Canopy Preservation and Enhancement in the Metropolitan Washington Region

January 2020



Tree Conservation Cookbook

- Each example provided is classified as originating from *Central, Inner, or Outer* jurisdictions
- Each example is associated with a *State, County, City or Town*
- Designations help readers target examples associated with communities similar to their own
- An entry-level model ordinance is provided in Appendix 1

TREE CONSERVATION COOKBOOK - DRAFT

Essential Recipes for Tree Canopy Preservation and Enhancement in the Metropolitan Washington Region

January 2020



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EXECUTIVE SUMMARY

The urban forests of the metropolitan Washington region represent a diverse mixture of native and imported tree species of differing age, size, condition, and distribution within our landscapes. In addition, a tree may be part of a native forest or woodland community or may have been planted in a landscaped setting. This diversity, coupled with differing social, economic, and political environments, requires COG jurisdictions to craft local tree conservation ordinances, regulations and policies so they address the specific set of conditions found in their communities.

The **Tree Conservation Cookbook** was prepared in response to a COG Climate, Energy, and Environment Policy Committee (CEEPC) request to help jurisdictions better manage, protect, and preserve their urban forests. This document specifically supports Recommendation 2.2 of the *Regional Tree Canopy Management Report*, which is to “*Examine local tree-related policies and ordinances for opportunities to enhance and strengthen tree preservation and maintenance policies.*” The information contained here represents examples of regulatory concepts and technical language that the Regional Tree Canopy Subcommittee associates with effective tree conservation programs. The examples provided are offered as a resource for local jurisdictions to consider when strengthening their existing regulations, policies, and programs, or while creating new ones.

This document mimics the structure of a cookbook. The contents are separated into two categories: **Essential Recipes**, which represent the “must have” features; and, **Side Dishes**, which represent a variety of features that localities may find useful in addressing specific conditions or concerns. A description of how the recipe or dish is applied is provided to help place the examples provided in context. In addition, each example provided is classified as originating from a *Central, Inner, or Outer* jurisdiction based on their proximity relative to the core jurisdiction of Washington D.C. Finally, each example is associated with a *State, County, City or Town*. These designations may help readers target example language that originates from communities similar to their own in terms of population density, land use, demographics, and tree canopy composition.

Tree conservation language is often found scattered throughout local ordinances, regulations, policies and the technical language of jurisdictions. This document uses the following symbols to identify the category each example provided is derived from:

1. ordinance language is designated using the 📄 symbol;
2. regulation language is designated using the 🌞 symbol;
3. policy language is designated using the 🌀 symbol; and,
4. technical language is designated using the ✨ symbol

The authority to enact the concepts identified in the examples provided may be restricted in certain localities due to different levels of local autonomy granted by state or federal authority. Consequently, local governments may need to obtain state enabling legislation as a prerequisite to enacting local regulations.

NOTE: The example language, tables, and technical illustrations provided in this document are subject to change, therefore readers are encouraged to verify the current accuracy of examples before quoting this publication or using the examples as references.



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Essential Recipe 6

Requirements to protect existing tree canopy

Application: This Recipe is used to conserve existing trees and forests. Although tree replacement can be an essential component of tree conservation, research conducted by the U.S. Forest Service indicates that mature trees typically provide 60 times the level of environmental services provided by newly planted trees. These services may include air and water quality improvements, stabilization of soil, energy conservation, carbon storage, etc. Subsequently, tree preservation is preferable over tree planting if preservation opportunities are present and are determined to be realistic given the level of disturbance and environmental change that is likely to occur. Regulations should emphasize that tree preservation must be considered early in the land development planning process and must result in healthy and structurally sound trees that will be assets to the new development and surrounding community.

Essential Recipe Example 6.A

Central Jurisdiction (City)

Code of the District of Columbia

Chapter 6B. Urban Forest Preservation.

Sec. 8-651.04. Preservation of Special Trees; permits; penalties

8-651.04. Preservation of Special Trees; permits; penalties.

(a) It shall be unlawful for any person or nongovernmental entity, without a Special Tree removal permit issued by the Mayor, to top, cut down, remove, girdle, break, or destroy any Special Tree.

(b) The Mayor shall issue a Special Tree removal permit under this section where the applicant has:

(1) Shown that the Special Tree in question is a Hazardous Tree;

(2) Shown that the Special Tree in question is of a species that has been identified, by regulation, as appropriate for removal; or

(3) Paid into the Tree Fund an amount not less than \$55 for each inch of the circumference of the Special Tree in question.

(4) Repealed.

(c) Repealed.

(d) A violation of subsection (a) of this section, or a failure to comply with the conditions contained in a Special Tree removal permit, shall constitute a violation subject to a fine of not less than \$300 per each inch of the circumference of the Special Tree in question.

(e) The Mayor may increase the fee described in subsection (b)(3) of this section or the fine described in subsection (d) of this section by regulation.



Side Dish 1

Provisions to allow for tree and forest mitigation banking

Application: This Side Dish can be used to protect trees and forest through the land development process. The examples below show how tree mitigation banks and funds can be created as an in-lieu mechanism when tree preservation cannot be met on site. There may be opportunity to use similar processes during other land development process (i.e. rezoning, revitalization districts) to allow for high density or multiple land use designations. This would allow for less tree canopy in areas converting from high canopy land uses to lower canopy land uses by mitigating the canopy off-site. Other mechanisms that could be used in conjunction with this include multiplication ratios (e.g. mitigation can be off-site if preserving twice the canopy area) or higher credit given to areas that are afforested or connecting two already existing, but disjointed, ecological corridors. Regulations should emphasize that on-site tree preservation and canopy is prioritized before off-site mitigation could be considered. Justifications for such off-site mitigation should include clear criteria and conditions to ensure appropriate use of such banking mechanisms.

Side Dish Example 1A ❖

Inner Jurisdiction (County)
Prince George's County, Maryland
Environmental Technical Manual
7.0 Type 2 Tree Conservation Plans

- 7.3.1 *When the woodland conservation requirements for a site cannot be met on-site, due to site constraints or other considerations, an alternative is fulfilling the requirement off-site by securing woodland conservation credits from a woodland conservation bank. A woodland conservation bank is defined in the WCO as:*

"A lot or parcel, or portions of a lot or parcel, that has been intentionally preserved or afforested as perpetual woodlands and has been protected by the documents recorded in the land records for the purpose of meeting the requirements of this Division for land development activities occurring on another property in the county."



Other Resources

Making Your Community Forest-Friendly: A Worksheet for Review of Municipal Codes and Ordinances. Prepared by: Center for Watershed Protection for the USDA Forest Service: October 2018 [Forest-Friendly: A Worksheet for Review of Municipal Codes and Ordinances](#)

ANSI A300 Standards for Tree Care: These standards are the generally accepted industry standards for tree care practices. They are voluntary industry consensus standards developed by TCIA and written by a committee called the Accredited Standards Committee (ASC) A300, whose mission is to develop consensus performance standards based on current research and sound practice for writing specifications to manage trees, shrubs, and other woody plants.

http://www.tcia.org/TCIA/Build_Your_Business/A300_Standards/A300_Standards.aspx?hkey=96ef3b27-af56-4ada-8670-d848787d1e30&WebsiteKey=b9a41e1f-978d-4585-9172-c411c78c5c14

American Standards for Nursery Stock. *American Horticulture Industry ANSI Z60.1-2014* (www.ansi.org). www.AmericanHort.org

Forest Conservation Act - Forest Conservation, Annotated Code of Maryland Natural Resources Article Title 5, Subtitle 16 and Code of Maryland Regulations 08.19, May 2003. Any activity requiring an application for a subdivision, grading permit or sediment control permit on areas 40,000 square feet (approximately 1 acre) or greater is subject to the Forest Conservation Act and will require a Forest Conservation Plan prepared by a licensed forester, licensed landscape architect, or other qualified professional UNLESS you are subject to exemptions (determined by the State FCA Coordinator or your local Forest Conservation Program Coordinator).

Code of Maryland Regulations: *Annotated Code of Maryland Natural Resources Article: Title 5, Subtitle 16; Title 08, Subtitle 19: Forest Conservation Regulations: May 2019*

Maryland State Forest Conservation Technical Manual (Third edition, 1997):

The Forest Conservation Technical Manual outlines submittal requirements for Forest Strand Delineations and includes required information for the approval of Forest Conservation Plans such as specific forest conservation criteria and protection techniques.

<https://mdstatedocs.slrc.info/digital/collection/mdgov/id/11130/>

Code of Virginia: § 15.2-961. *Replacement of trees during development process in certain localities*

Code of Virginia: § 15.2-961.1. *Conservation of trees during land development process in localities belonging to a nonattainment area for air quality standards.*



APPENDIX 1 - Basic Model Ordinance Language

TITLE Chapter XX Protection and Management of Publically Owned Trees

Be it ordained that the Governing Body of this Municipality enacted a new chapter XX of Municipal Code entitled *Protection and Management of Publically Owned Trees* on April 22, 2025 to conserve and manage tree canopy on public lands. This chapter shall become effective at 12:00 a.m. on May 1, 2025.

FINDINGS

The Governing Body finds that it is in the public interest to regulate the maintenance, protection, planting and removal of trees growing on public lands such those found in parks, governmental facilities, schools, and rights of ways maintained by the municipality. Publicly owned trees are a valuable component of our community's public infrastructure and represent a significant percentage of our community's overall tree canopy. Public trees contribute significant levels of environmental, social, economic, ecological, and human health services to the public at large. The Governing Body finds that it is important to take steps to maximize the capacity of our public tree canopy to deliver these important services in order to sustain a high quality of life and environmental health for current and future generations, and to set a good example of natural resource stewardship for our citizens to follow. At the same time, it is equally important to minimize the potential risks and disservices of public trees by establishing regulations to govern their establishment, removal, management and long-term conservation.

INTENT AND PURPOSE

This chapter establishes goals, strategies, policies, regulations, and standards necessary to ensure that the municipality will continue to realize the benefits provided public trees. The provisions of this chapter are enacted to:

- A. establish and maintain the maximum sustainable amount of tree cover on public lands;
- B. maintain public trees in a healthy and nonhazardous condition through good arboricultural practices;
- C. establish standards to protect existing tree and to minimize their unwarranted removal during the development and/or expansion of municipal lands and facilities;
- D. encourage the planting of trees to help the community achieve broad environmental, socioeconomic, and ecological goals;
- E. establish technical standards to guide the planting of trees to ensure that trees species selected:
 - 1) are planted in spaces large enough to facilitate future growth and root development needs
 - 2) do not cause significant damage to underground utilities, pavement, sidewalks, curb and gutter and other grey infrastructure



Pending RTCS Reports

Tree Canopy Goals and Metrics for the Metropolitan Washington Region (draft)

- Current Tree Canopy Levels
- Tree Canopy Goals for Land Uses
- Tree Canopy Goals for Jurisdictions
- A Tree Canopy Goal for the Region
- Metrics of Success



Pending RTCS Reports

- Tree Planting Programs (final draft in review by RTCS)
- Interim Urban Forest Action Plan (draft 50%)
- Storm Management and Preparedness (rough draft)

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