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It's working!

County Government Makes Headway with Tree Programs

By Caren Madsen

Landmark tree legislation is beginning to pay off – in trees. With funds collected as a result of these laws, the County has made commendable progress in planting shade trees on private property and along roadways.

To get the bills passed, Conservation Montgomery formed and led a grassroots coalition called "Trees Matter." The roadside tree law covers street or roadside trees in the public rights-of-way. The tree canopy law mandates replacement of tree canopy destroyed primarily by new and infill development. Both bills went into effect in March 2014.

A recent annual report on the canopy law notes progress in setting up the *Tree Montgomery* planting program and administering the law. Fees are collected from developers whenever there is disturbance of trees in an area where building will require a County sediment control permit. The County Department of Permitting Services (DPS) collects fees for planting; the Department of Environmental Protection (DEP) is responsible for implementing programs that use the funds collected for canopy replanting on private property.

While the goal is to replace shade trees on the same property where removal or damage occurs, permit applicants can opt out of planting and instead pay a fee into the Tree Canopy Conservation Account. This fund can only be used for planting and establishing what will become tall shade trees instead of smaller ornamental trees which provide minimal environmental benefit.

Supporting DEP's work are efforts to increase public awareness of the benefits of shade trees and to educate the public on the long-term care of trees. For example, the agency partnered with Conservation Montgomery to offer Home Tree Care 101 programs during each of the past two fiscal years.

"Working with all our partners, to date we have planted over 500 trees and we are looking forward to a very busy fall planting season," said Lisa Feldt, Director of Montgomery County's Department of Environmental Protection, the agency administering the canopy planting program. "Thanks to the fees





contributed by the development community, we expect to plant our 1000th shade tree through the program this fall.”

DEP reports that compliance by developers has been high, and despite on-going complaints that the law would delay the DPS permitting process and review time, there is no evidence of an increase in delays. [Builders continue to complain about the laws.](#) They are also lobbying County Council members with their complaints, according to one county employee.

DPS approved 738 applications for sediment control permits submitted between the time the tree canopy law took effect and the end of 2015. “Of these approved permits, 375 permits had to meet the mitigation requirements set forth under the Tree Canopy Law. Lot sizes varied widely from small single-family lots of less than 5000 square feet to large projects with disturbances over 25 acres,” as stated in the report. Fees collected for these permits require the planting of over 4,000 shade trees.

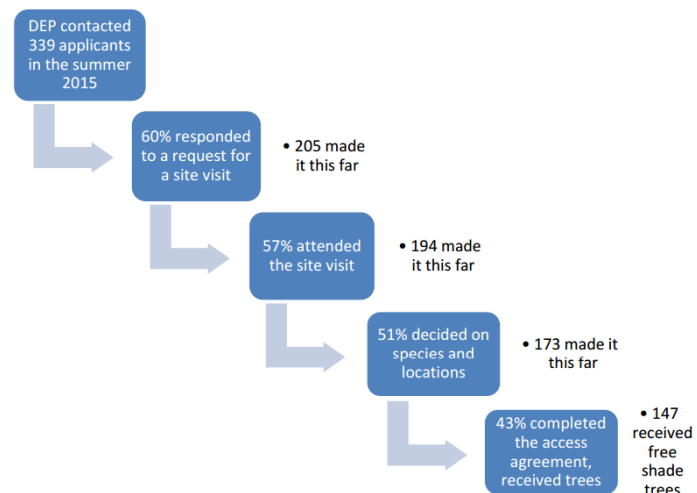
The report goes on to note that 12 percent of the applicants proposed to install at least one shade tree on site. These 44 permit holders proposed installation of 488 trees, with 92 percent planted on sites larger than 12,000 square feet. Those who opted out paid fees in lieu to meet requirements. Fee payments were made by 357 permit holders, totaling \$907,250 for the Tree Canopy Conservation Fund.

According to Stan Edwards, chief of the Environmental Policy and Compliance Division of DEP, the county has planted trees on a first-come/first-serve basis but will be working in the future to target areas for planting trees in various zip codes where canopy is most needed.

To encourage tree preservation and assist developers in meeting the requirements of the tree laws, the Department of Permitting Services, i.e., DPS, has developed a web-based Tree Planting Area Guideline, Standard Tree Canopy Notes, a Tree Canopy Requirements Table, an Approved Shade Tree List, a Sediment Control Plan Review Checklist, and Tree Planting Detail.

To further assist developers and others requiring right-of-way permits, Rick Brush, Chief of the DPS Division of Land Development, reported that his department is ready to release a technical manual that provides detailed guidance on planting requirements and methods of tree conservation for

Figure 8. Progress of Tree Montgomery Applicants Contacted by DEP in Summer 2015



roadside trees. "After talking with developers and other stakeholders, it was clear that a technical manual was needed," said Brush.

DPS Urban Forester Michael Knapp developed the manual. Conservation Montgomery board member Arlene Bruhn provided editorial assistance. Bruhn originally approached the County about drafting the roadside tree legislation and also played a significant role in the passage of amendments to the Maryland State Roadside Tree Law prior to 2013 that enabled the County to pass its own roadside tree law.

Since the law was enacted, DPS reports that as of March 20, 2016, \$179,000 has been collected for use by DOT to plant street trees. These funds supplement those allocated in the annual County budget. There is additional good news when it comes to funding the street tree planting program that helps to beautify and cool county streets.



On May 25th, the Council passed the FY17 County operating budget, which called for adding a total of \$480,000 –a 10 percent increase -- in the street tree maintenance budget. According to a letter from Council Member Roger Berliner (D-District 1), the funds are intended to reduce a four-year backlog for removal of tree stumps in the public rights-of-way (\$200,000 added to what will be a total of \$700,000 budget for stump removal), plant additional trees (\$100,000), remove hazardous trees (\$100,000), and hire an additional DOT arborist who will focus on protecting trees during construction work in the rights-of-way along County streets.

"These investments are complemented by two other decisions that the Council made during this budget

process," wrote Berliner. "On the capital side, we added \$500,000 in FY18 to the street tree preservation program, a nearly 17% increase in that line item. We also approved a supplemental appropriation of \$117,000 for FY16, the current fiscal year to increase tree planting, using funds collected under the roadside tree law. This additional appropriation will allow the County to plant a total of 1,140 street trees in FY16."

The increase in funds allocated for stump grinding is significant. At the present time, a proliferation of stumps in the rights-of-way is delaying planting and interfering with seasonal planting cycles.

And there are even more signs of progress. Since early spring 2016, DPS has required developers and others to plant 333 trees. DPS has also approved 387 tree protection plans that have caused 619 existing roadside trees to be protected during construction or development activities.

According to DOT's Street Tree Maintenance Section Chief Brett Linkletter, about 35 tree protection plans have been completed in DOT right-of-way construction projects in the past two fiscal years. There have been more than 3,600 trees protected in the past two fiscal years of the program. During the same time period, 2,557 trees have been planted in the rights-of-way.

"Typically, requests for street trees come through the "MC311" call center or the DOT Tree Maintenance web site, which has an option to request a tree electronically," said Linkletter who is a certified arborist and urban forester by training. "We also get requests from neighborhood organizations. The neighborhood organization requests are submitted by an officer of the organization with signatures of the homeowners of property adjacent to the rights-of-way where the trees are being requested for planting. We actually get quite a few requests each year by this method."



In April, Conservation Montgomery member Arlene Bruhn contacted Leslie Hamm, Director of the MC311 Customer Service Center, to address a growing need to provide clear and consistent information about tree planting to residents who contact the county through the 311 number. Bruhn and Hamm will meet soon to discuss ways to clarify information for residents who are interested in having a tree planted in the right-of-way or on their property, or who wish to plant their own trees.

Recent County tree legislation has brought increased attention to the many benefits of trees. Citizens are becoming increasingly aware that trees reduce the heat island effect associated with urbanizing communities and at the same time produce oxygen and counteract air pollution. In the face of on-going climate change, trees are essential to the sustainability of our communities.

Conservation Montgomery encourages you to plant trees whenever you can. Free trees are available from both DEP and DOT. Just call 311, make an inquiry, and plant a tree.

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