Work Session
Discussion of the Proposed Approach to Council Review of the Tree Ordinance and Tree Canopy Goal

Recommended Council Action
Discuss the proposed course of action

Context with Key Issues
The City Council designated taking action on these tree-related matters as a Council priority earlier this year. Through the Council Priorities process, three Councilmembers (Dyballa, Kostiuk and Kovar) were tasked with recommending a process and timetable for addressing these issues.

Council last amended the Tree Ordinance in 2011 (Resolution 2011-28). A number of residents have suggested changes to the Tree Ordinance and/or how it is implemented. The Tree Ordinance provisions and processes affect a growing number of residents; preliminary numbers from City staff indicate that requests for tree impact assessments and submissions of tree protection plans have tripled from FY 16 to FY 18.

Separately, the Tree Commission and the Committee on the Environment in past years have urged the Council to establish a formal tree canopy goal, which would be based on analysis of the current tree canopy, making use of current data compiled by Montgomery County and slated to be analyzed by the University of Vermont.

Three inter-related goals have been identified, which are based on Council Priorities:

1. Formulate tree canopy goals to strengthen and expand Takoma Park's commitment to growing canopy and helping address climate change.

2. Review Tree Ordinance policies and processes to address resident concerns and ensure appropriate alignment with canopy goals.

3. Explore improved approaches for education and outreach to community with focus on tree retention, maintenance and growth.

In moving forward with a Council review of the Tree Ordinance and the Tree Canopy Goal, there are a number of stakeholders to hear from:

- Residents

- Applicants for Tree Protection and Tree Removal Permits

- The Tree Commission

- The Committee on the Environment

- City staff

Methods to gather information from these stakeholders could include an online comment form, public meetings, Newsletter article or blog, consultation with the Tree Commission and the Committee on the Environment, input from City staff and review of the tree canopy data analysis being prepared by the University of Vermont.

Some of the initial areas identified to review are:

- What decisions can, and cannot, be appealed
- Definition of "hazardous" and "hardship" in Section 12.12.120 B3
- Uses of emergency tree fund
- Timeframes for various actions
- Replacement tree calculations, fee structure and assessment criteria
- Parameters that allow for a tree removal waiver
- Requirements by third parties, such as insurance companies
- Tree assessment procedures for inclement weather and emergencies
- Multi-family building tree replacement
- Possible role of a second professional opinion in certain situations
- Clarification of when more expensive tree protection measures are required
- Procedures for resident requests for neighbor's potentially hazardous tree
- Focus of tree canopy goal on larger, more mature trees vs a range of healthy trees at different stages of growth.

Council Priority
Environmentally Sustainable Community, Engaged Responsive Service-Oriented Government

Environmental Considerations
Implementation of the Tree Ordinance and protection of the tree canopy are important aspects of the City's environmental sustainability efforts. Expanding the tree canopy will benefit residents by reducing energy costs and by contributing to climate change remediation.

Fiscal Considerations
To be determined.

Racial Equity Considerations
A 2014 review indicated that tree canopy coverage in Wards 4 and 6 (which have 85.1 and 81.5 percent residents of color, respectively) substantially lags behind other areas in the City. Residents who don't speak English as their first language may be less familiar with the process for permits and for appealing Tree Commission decisions, and lower income residents may be less able to afford tree re-planting requirements. It is important to engage with all portions of the community about the benefits of maintaining healthy trees.

Attachments and Links
- Tree Permit Information on City Website

- An Urban Tree Canopy Goal for Takoma Park?

Proposed Approach to Council Review of Tree Ordinance & Tree Canopy Goals

Related City Council Priorities 2018-19 (excerpts)
Goal: Preserve and grow tree canopy.
- Strategy: Establish and support tree and tree canopy goals through programs and education; identify opportunities for tree retention, maintenance, and growth.
- Coordinate efforts to review tree ordinance with tree canopy goals to ensure changes to the tree ordinance advance and do not adversely impact tree canopy goals.
- Desired outcome: Greater maintenance of mature trees; more plantings on City and private property.

Goal: Improve policies and processes related to the tree ordinance; traffic calming; sidewalk requests, repair and maintenance; and residential/commercial boundary conflicts.
- Strategy: Review existing tree ordinance, and develop and implement improvements.
- Desired outcome: More user-friendly and easy to understand tree ordinance.

Proposed Tentative Schedule:
October
- City Council work session on proposed approach
- Council asks Tree Commission and Committee on the Environment to provide recommendations on tree ordinance and process changes
- Blog post outlining anticipated process
- Online comment form for residents created and posted (closes in December)

November
- Newsletter article (November/December)?

December
- Online comment form closes
- City receives tree canopy data from the County; initiates University of Vermont analysis (estimated timeline: 2 months)

February
- University of Vermont data analysis on tree canopy completed
- Joint University of Vermont work session with City Council and committees on tree canopy data
- Possible open house/University of Vermont workshop for residents
- Tree Commission and Committee on the Environment begin to review and develop recommended tree canopy goals
- Tree Commission and Committee on the Environment give Council their recommendations on tree ordinance changes
- City Council work session on tree ordinance changes and education/outreach efforts

March

- Additional Council work session on tree ordinance and canopy goals
- Target date for vote on changes to the tree ordinance

April

- Committees finalize recommended tree canopy goals and present to the Council

May

- Council adopts tree canopy goals

AN URBAN TREE CANOPY GOAL FOR TAKOMA PARK?

Frequently asked questions

In keeping with its commitments to the Sustainable Maryland program and consistent with recommendations of Arbor Day, National Forest Service, Maryland Department of Natural Resources and others, the Committee on the Environment (COE) in consultation with the Tree Commission has undertaken to develop a numerical urban tree canopy (UTC) for the City of Takoma Park. During outreach to different stakeholders, many questions have been brought up about this concept. The goal of these FAQs is to answer those questions.

What is an Urban Tree Canopy?

The tree canopy is basically the part of trees that we see when we look up. The formal definition of a UTC is the layer of leaves, branches and stems that cover the group when viewed from above.

How does this differ from urban forest trees?

In Takoma Park, an urban forest tree is defined by ordinance as a tree that measures 24 inches or more in circumference or seven and five-eighths inches in diameter at four and one-half feet above ground level. The UTC includes urban forest trees and smaller trees including trees known as understory trees. Oaks, maples and wild cherries are good examples of our urban forest trees. Understory trees include redbuds, dogwoods, and service berries.

What are the benefits of an Urban Tree Canopy?

The Alliance for Community Trees has listed many kinds of benefits from trees and urban forests. These include green infrastructure (economic, reducing storm water runoff, improving air quality, improving water and soil quality); public health (improving mental attention, reducing asthma, obesity, hospital stays, UV rays, and noise with overall improvements to physical and mental health; roads and traffic benefits (traffic calming, accident reduction, reduced road maintenance costs); business benefits, property value benefits; fighting climate change (storing carbon, reducing carbon emissions, reducing the heat island effect; lowering energy use; and benefits to wildlife and diversity.

How is Urban Tree Canopy measured?

There are many ways that are used to measure tree canopy. Some are "bottom up": They start with a physical inventory of the type and size of tree and calculate the canopy that the tree

provides. Others are "top down": They start with data gathered by satellites or airplanes and use methods like areal light and infrared photography, light detecting and ranging (LIDAR) using lasers, and computerized geographical information systems. Many scientists believe that bottom up methods are more reliable, but also much harder to do and more costly than top down methods.

What is our current tree canopy?

Our current canopy was measured in 2014 by the University of Vermont under sponsorship of Maryland National Capital Park and Planning Commission using a top down approach; the data by ward and for the city as a whole is shown below:

Ward	Percent Canopy
1	72.3
2	75.9
3	69.9
4	53.4
5	70.3
6	52.6
City Overall	66.9

One thing that is easy to see from this chart is that some wards have a much lower canopy than others, or compared to the City as a whole. Since there are so many benefits of trees, many environmental scientists believe that people have a right to equal access to the UTC.

How does this compare to other jurisdictions?

It is difficult to compare the current canopy since different jurisdictions use different measuring techniques. In 2009, the City had an existing canopy of 59% using measurement techniques different than in 2014. At this time, Takoma Park had 59% canopy and the range for cities in Maryland was from 12% to 62%.

What is the recommended UTC goal?

The recommendation by COE in consultation with the Tree Commission is for a UTC goal of 72% which represents an increase of 25% for all land that is not currently occupied by a building, street, current canopy, or water. Other goals that have been discussed range from 70% to 80%. In addition, the tree canopy should be biologically diverse so that too many closely related trees are not present at one time. Ideally the long-term should include biological diversity, a canopy comprised primarily of urban forest trees, and a canopy that is resistant to the effects of climate change.

How can this be attained?

Tree canopy can be attained by both planting new trees and maintaining and protecting existing trees. One key to attainment is an educational program. Tree canopy does not grow on public land alone and residents should be given the tools to both understand the benefits of trees and to make it easier to plant and maintain trees on private land.

How long would it take to reach the recommended goal?

Tree canopy growth, protection, and maintenance is a long-term process. Overall, it could take up to 30 years to attain the goal. Most scientists recommend measuring the canopy every 10 years to see if progress toward the goal is being made. Initially, plantings should be in areas where there is the least existing canopy using trees that would make the greatest contribution to the canopy on reaching maturity.

How would this be implemented?

Right now, there is really very little information regarding our current Urban Tree Canopy and no information on the cost-effectiveness of our existing programs. The City should consider an audit of its existing urban forest and tree-related programs to help develop a long term plan. Independent groups like Casey Trees and American Forests along with government agencies like the U.S. Forest Service and the Maryland Department of Natural Resources can help to plan and conduct a tree audit. In the meantime, the City can adopt this UTC goal and continue and even expand current tree planting and educational efforts.

Does this mean the existing tree ordinance needs to be amended?

Maybe. Changes should not be necessary to adopt the UTC goal, continue or enhance planting and education, or to conduct a performance audit. The City Manager and City Attorney should work in collaboration with both the Tree Commission and COE, along with public input, in order to determine any needed changes to the ordinance.

What will be the costs to the City?

Initially, the only additional costs would be for the audit, which would be minimal. Based on the results of the audit there may be additional costs to the City in the future for tree planting, maintenance and protection. Other costs could involve hiring an environmental educator, subsidizing the planting of trees on private property and developing educational and outreach materials for residents.

Where can I get further information?

Alliance for Community Trees (http://actrees.org/)

Arbor Day Foundation (https://www.arborday.org/)

Maryland Department of Natural resources
(http://dnr.maryland.gov/forests/Pages/programs/urban/treecanopygoals.aspx)

U.S Forest Service (http://www.fs.fed.us/managing-land/urban-forests/ucf)

Or contact the Committee on the Environment or Tree Commission