MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION **MCPB**
2/17/11
Item # 8

January 31, 2011

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John Carter, Chief
            Planning Area #3

            Mary Dolan, Environmental Coordinator
            Functional Planning and Policy Division

FROM: Katherine Nelson, Planner Coordinator
            Planning Area #3
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SUBJECT: Forest Conservation Program Annual Report

RECOMMENDATION: Transmit Data to Maryland Department of Natural Resources (DNR)

Overview of FY2010

The State Forest Conservation Law requires all jurisdictions to report to DNR each year regarding efforts to implement and enforce the law. In addition to presenting these findings to the Planning Board and the State, staff would also like to highlight other aspects of the forest conservation program and forest related issues for the Planning Board.

Data Requested by State DNR	
Exemptions	108
Forest Conservation Plans Approved	55
Financial Security/Bonds Required	$17,250
In-Lieu Fees Collected	$30,056
Mitigation Bank Use	31.6 acres
Civil Citations	23
Forest Conservation Plan Data:	**Acres**
Tract Area of Forest Conservation Plans	1063
Existing Forest w/in Plan	377
Forest Loss During Development	106
Planting Requirements	47
Forest Retention On Site	271

Outreach to Easement Owners

Staff has received universally good feedback from the completed easement inventory and the online easement finder tool. Although the tool was developed to serve the general public, many within the public realm have incorporated the use of this tool into their work program. The tool has received widespread praise in several articles showing new ways to provide information to the public on the web.

Staff forest conservation inspectors, in addition to monitoring active construction sites, have placed the forest conservation easements on a three-year rotation so that easements will be visited and assessed for compliance at least once every three years. Notifications of violations received on the web are investigated before other routine assessments.

Reforestation Program

- **Reddy Branch** - The reforestation program using in-lieu fees began in the spring of 2008 with a 1.5 acre planting within Reddy Branch Stream Valley Park in Brookeville. Planting has continued along denuded stream areas since then, with a total of 3.5 acres and over 500 trees by the end of 2009.

- **Rock Creek** - A second 2.5-acre reforestation project took place in the fall of 2008 along the Rock Creek mainstem in Chevy Chase. This area had already been the subject of extensive invasive species control by the Parks Department and was ready to be reforested. Fee-in-lieu money was used for further site preparation, plant material and installation, and deer protection. A "Weed Warrior" volunteer group, specializing in invasive species control, has been enlisted to help with maintenance of this site and the 500 trees planted there.

- **Watts Branch** - A third 5.5-acre site within Watts Branch Stream Valley Park was planted in March of 2010. This floodplain area along the mainstem of Watts Branch, just upstream from the Potomac Filtration Plant Intake, has been a contentious area of Park encroachment for some years. Over 1000 trees were planted in this field to help jump-start its return to a natural setting.

- **Hawlings River** - The most recent planting site is located along the Hawlings River mainstem in Rachel Carson Conservation Park. Work began in the fall of 2010 with site preparation. Planting of 3.3 acres will take place early this spring. An additional 4 acres will be planted there in the near future.

Formalizing Fee-in-lieu Agreement with the Department of Parks

The Department of Parks and the Planning Department have been working closely together on these planting projects. They assist with site location and planting and providing oversight during the maintenance period. An informal agreement on the standards for planting and maintenance has been developed. The Department of Parks wants to formalize this agreement. Elements of this agreement will include how sites are selected, site preparation methods, planting standards,

noticing, long-term maintenance methods and length of maintenance period. Staff will bring this agreement to the Planning Board within the next year.

Volunteer Effort

The Department of Parks has agreed to help establish a volunteer program for the four planting areas. The Izaak Walton League and occasional other groups have contributed in a significant way to maintenance at Reddy Branch. With the help of the volunteer program at the Department of Parks, staff hopes to enlist other groups to help with the maintenance of the other planting areas. Five volunteer efforts have been organized by staff, so far clocking about 150 hours. Staff looks forward to increasing that effort at the newest planting sites. Tasks include removal of invasives, repair of deer protection and the placement of deer protection around naturally regenerating trees.

Urban Forest Planting Effort

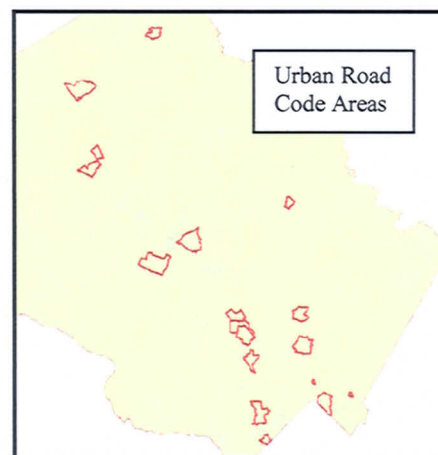### Recent developments in fund use guidelines

In 2009, the Maryland State DNR amended the restrictions that governed the use of in-lieu-fee funds. Rather than being restricted to use for forest only, the fund could now be used to meet urban tree canopy goals. This opened up the potential for using developer funds to enhance urban forest and improve the quality of life in urban areas.

Unlike forested areas, urban tree canopy coexists with and overlaps other land uses such as lawns, roads, sidewalks and buildings. A relatively high canopy coverage percentage in intensely developed areas with high levels of imperviousness can be achieved with the overlap. According to American Forests:

> In an urban setting, trees make up a fully functional, incredibly valuable urban tree canopy that performs a number of essential services for the city and the surrounding ecosystem. The greater the tree cover, and the less impervious surfaces in a community, the more ecosystem services are performed. They can be grouped into four major categories: reducing stormwater runoff, increasing air and water quality, storing carbon, and reducing energy expenditures.

Staff proposes to create incentives for "infill" tree planting in already developed urban areas to achieve an enhanced urban forest. The Urban Road Code has defined CBDs, Transit Station Areas, and Town Centers. Within these areas tree planting may take place in unused areas such as empty parking lot islands and perimeters, front yard areas between building and the sidewalk, and unused areas between buildings and courtyards. Closely spaced street tree planting in the public right-of-way is permitted by the Urban Road Code. Streetscape plans in the Bethesda CBD,

Urban Road Code Areas

Friendship Heights CBD, Silver Spring and Wheaton CBD provide opportunities to substantially increase tree canopy by the private and public sectors. Staff will explore opportunities with DHCA and other County agencies to augment the private sector efforts.

Forest Conservation Bank Policies

Staff is undertaking a review of forest conservation bank policies. Policies have evolved over time. They should be examined comprehensively, and they should be revised if necessary. One goal of Montgomery's bank program should be to complement and strengthen water quality protection efforts, given the new State guidelines for watershed and Chesapeake Bay protection.

Other issues include:
- Overlapping a bank easement with the Agriculture Easements such as Rural Legacy and MALPF easements
- Requiring a significant upland forest in already *existing* forest banks
- Banking in the remnants of subdivisions (outlots, HOA areas, etc.)
- Restricting forest harvest in exceptional circumstances

Staff is researching how other jurisdictions in Maryland implement the forest bank provision of the Forest Conservation Law. Findings that differ from current Montgomery County policy:

- Allow only *planted* forest banks
- Allow banks only in denuded stream buffer areas
- Allow existing forest banks only in areas of Rare Threatened or Endangered species
- Require three tiers of mitigation
  - o   1:1 in the urban area
  - o   2:1 in the suburban area
  - o   4:1 in rural area

A number of inter-jurisdictional meetings have been scheduled to begin discussion of these issues. Guidelines will be brought before the Board later this year.

Tree Canopy Assessment Tool

The Planning Department recently partnered with the City of Takoma Park to piggyback on a Department of Energy contract to analyze land cover in the Baltimore corridor. The University of Vermont's Spatial Analysis Laboratory (SAL) performed an assessment that included a high-resolution land cover dataset and tree-canopy/land-cover data.

Staff has received the draft results. Some specific questions that staff will be able to answer include:
- What percentage of the county is covered by tree canopy?
- How much room is there to plant trees on any given property?
- What is a realistic tree-canopy goal?
- What watersheds have the greatest percentage of impervious surfaces?

- Is the majority of tree canopy on private or public land?
- What is the distribution of tree canopy within riparian buffers?
- What neighborhoods have below-average tree canopy?

The goal of the tree canopy assessment is to increase understanding of our green infrastructure that currently exists, particularly the amount of tree canopy, and particularly within urban areas. Tree canopy cover should be analyzed for study areas such as master plans, site plans and subwatersheds. It will help staff to set realistic canopy goals in urban and suburban areas. This analysis will help prioritize forest retention and reforestation within the forest conservation program and prioritize tree planting efforts on private and public land. Staff will brief the Board on the findings of this analysis when it is quality checked and finalized.

KN:rb