

**College Park Urban Forest Protection Recommendations**  
*revised 6/16/2021*

**Proposed Phases**

**Phase 1 (ordinance approval)**

- Implement the Tree Canopy Protection Policy (Permit Program)
  - Defer tree replacement requirement until Phase 2, replanting encouraged
  - Include enforcement and penalties for removing trees greater than 36" in circumference (12" in diameter) or pruning more than 20% of a tree canopy without a permit.
- Increase TCEP reimbursement amount from \$150 to \$250
- Develop an educational campaign to increase awareness about the importance of the tree canopy and the intent of the program
  - Meet the City's Strategic Goal of increasing urban canopy by 5% by 2025
  - Educate citizens about the benefits of trees and biodiversity
  - Highlight greatest planting potential on Private land (Graphic)
- Build relationships with M-NCPPC and University of Maryland
  - Partner to increase planting on land owned and managed by these entities within the boundaries of the City
  - Partner to protect and enhance green infrastructure for stormwater mitigation projects throughout the City

**Phase 2 (beginning 6 months after ordinance approval)**

- Implement tree replacement requirement for Tree Canopy Protection Policy (Permit Program)
  - Tree replacement can be achieved with smaller trees on site, or other suitable land, if available
- Create Tree Registry
  - Encourage residents to register private trees with the City
  - Create a public online GIS map of all registered trees, to include species and circumference size (estimated age)
  - Consider allowing registered private trees to receive maintenance support grants through the Tree Maintenance Fund
- Create Tree Maintenance Fund (TMF)
  - Budget funding for maintenance of private trees. Suggest \$10,000 / year contribution from the City into a revolving fund (unspent funds carry over)
  - Encourage Developers who remove urban canopy trees to contribute to the TMF
  - Private tree assessments qualify for use of fund
  - Develop guidelines for applicants applying for funding from the TMF (e.g. due to financial hardship, participation in tree registry)

**Phase 3**

- Develop relationship with Prince George's County planning representatives to advocate for revisions to the Woodland and Wildlife Habitat Conservation Ordinance for increased tree canopy coverage in development projects. Strongly encourage developers to mitigate tree loss entirely within the City boundaries.
- Lobby the County to include municipalities with private tree planting funding programs in the County's rain check rebate program.

**Purpose of Urban Forest Protection Recommendations**

The purpose of these recommendations is to enhance, protect, preserve, restore, and promote the City of College Park's urban forest, which is part of a larger ecosystem that:

- contributes significantly to air, noise, and visual pollution control;
- provides stormwater runoff control;
- moderates climate extremes;
- promotes energy conservation; and
- provides significant aesthetic benefits affecting property values and the community's quality of life.

The proposed regulation of actions affecting the urban forest provides benefits to City residents, property owners, and the entire community by encouraging protection of healthy trees and planting of replacement trees.

Trees, and the tree canopy to which they belong, constitute important environmental resources. In addition to the benefits listed above, trees remove atmospheric carbon dioxide, fix carbon, generate oxygen, offset the heat island effects of urban development, significantly reduce energy needs, and provide habitat for insects, birds, and wildlife. They improve the quality of life in communities by providing a greater sense of well-being, increasing neighborhood esthetic appeal, and enhancing compatibility among different land uses. Trees filter groundwater, reduce surface runoff and soil erosion, and significantly alleviate flooding, by reducing the impact of rain events. The 2019 College Park Tree Canopy Assessment (TCA) found that the loss of tree canopy as a result of tree aging, injury from extreme weather, and commercial development, is a serious problem in the City. In particular, the City's tree canopy has significantly declined over a nine-year period from 44% (2009) to 38% (2018). Maintaining existing shade trees, and planting new and replacement trees, is imperative if the City is to arrest this decline and meet its stated Strategic Goal of restoring tree canopy coverage to 40% by 2025.

## **PHASE 1**

### **A. Tree Canopy Protection Policy (Permit Program)**

#### *Background*

The Tree Canopy Assessment, dated April 2019, clearly shows that the largest opportunity for College Park to preserve and grow its tree canopy is on residentially zoned property. Therefore, the Urban Forest Protection Recommendations focus on residential property in the following zoning categories: R-80, R-55, R-35, R-20, R-T, R-30, R-30C, R-18, and R-18C, which is where the majority of the possible tree planting space is located. These zoning categories span Districts 1, 2, 3, and 4.

The City Council recognizes that trees and the tree canopy are valuable community resources that require active conservation and replanting efforts of all landowners in the City, including Maryland Capital Park and Planning (M-NCPPC), the University of Maryland (UMD), the City of College Park (CP), and private landowners. The purpose of this policy is to provide a basic framework for maintaining, conserving, and increasing the tree canopy cover across the City.

Tree Canopy coverage is determined by data from satellite imagery, which is compared to data collected in earlier years to identify the change (increase or decrease) in the tree canopy coverage over the land below. Previous measurements of the tree canopy showed 44% cover in 2009, 40% cover in 2014, and 38% cover in 2018.<sup>1</sup> Data from satellite imagery on the City's tree canopy cover should be obtained about every 5 years. Therefore the next satellite measurement

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<sup>1</sup> The TLB strongly believes that the tree canopy in the City likely has decreased below 38% as of 2021.

should be made in 2023 or as information or conditions permit. The results of future satellite imagery can provide a comparison measurement as to the change in tree canopy coverage.

The proposed recommendations are intended to discourage private landowners from removing healthy canopy trees and encourage them to plant replacement trees for those that must be removed because they are damaged, diseased, or dead.

### *Applicability*

The following trees are considered part of the City's Urban Forest and are subject to the provisions of this policy:

1. Public trees in public rights-of-way or on property owned by the City or any governmental agency.
2. Trees on private residentially zoned property with trunks that measure greater than 36 inches in circumference (12-inch diameter), measured at 4 1/2 feet above ground level. If a tree divides into branches at less than 4 1/2 feet height, the trunk shall be measured immediately beneath the dividing point.
3. Trees measuring greater than 120 inches in circumference (38-inch diameter) are considered *Heritage Trees*. A Heritage Tree is a large individual tree with unique value, which is considered irreplaceable. If a Heritage Tree is in a healthy, non-hazardous condition it cannot be removed.

### *Requirements*

No person shall remove or destroy any tree in the City's Urban Forest (as defined above), undertake construction or other action that significantly detracts from the health or growth of such a tree, or prune more than 20% of such a tree, without first applying for and obtaining a permit from the City.

**NOTE: A tree removal application shall not be required in or as a result of an emergency situation.** The removal of trees destroyed or severely damaged during or immediately following an emergency (hurricane, tropical storm, tornado, or any other act of nature) shall be granted an exemption from the application process when the Public Works Director, or designee determines that permitting requirements will hamper private or public work to restore order and or safety.

The removal of trees that pose imminent danger to the public health, safety and general welfare may be granted a verbal authorization by the Public Works Director, or designee to remove the tree; a tree removal application is required to be submitted within 72 hours of the removal.

### *Permit*

**An application for a permit to prune more than 20% of a tree or to remove a tree from private property must be filed with the City, for data collection purposes.** There is no fee associated with either the application or the permit. The application shall be submitted by the property owner or the property owners' authorized agent. Tree pruning or removal applications for trees less than 36" in circumference will be approved.

Tree removal applications submitted for tree(s) 36" or larger in circumference will be inspected

and receive a level II tree risk assessment conducted by the Public Works Director, or designee, to determine the progression of the application. The applicant will be notified of the status of the application. **A tree removal permit will be issued if the tree is determined to be dead, diseased, hazardous to the safety of persons or property in a way that cannot be addressed by using the current tree care, ANSI Z Standards (American National Standard Institute), or is deemed either an invasive species (as identified on the list maintained by the Maryland Invasive Species Council) or undesirable because of its location, condition, or effect on other structures or trees.**<sup>2</sup>

Additional factors may also be considered in the decision, such as:

- the overall health of the tree;
- the potential hazards associated with the tree;
- the desirability of preserving the tree by reason of its age, size, or outstanding quality, such as uniqueness, rarity or status as a landmark or species variety;
- the extent to which the area would be subject to environmental degradation due to removal of the tree or trees;
- the extent of the tree canopy in the immediate area; and
- the applicable county zoning and state law.

**A permit for removal will be issued if the tree is located in a place proximal to houses or utilities, or in a place that would make it difficult for a property owner to expand the footprint of the house in conjunction with an approved building permit from the County and City.**

If at the conclusion of the basic level II assessment, the applicant disputes the findings by the Public Works Director or designee, they can obtain a second opinion.<sup>3</sup> At this point, the applicant will have the opportunity to select a third-party assessor, which is an International Society of Arboriculture (ISA) certified arborist or a Tree Risk Assessment Qualified arborist, licensed and insured to perform tree assessments in the State of Maryland, to determine the condition of the tree. The selected arborist will perform an advanced level III assessment and provide a written report of the findings with recommendations. The results of the level III assessment shall be provided by the applicant to the Public Works Director to review for further consideration of the tree removal application. The City will provide reimbursement to the applicant for one-half of the cost of the certified arborist's level III assessment.

An approved permit must be conspicuously posted on the property until the tree is removed. Tree permits are valid for one year from the date issued.

### *Process*

The Public Works Director or designee will administer the program, including receipt and

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<sup>2</sup> A list of Maryland's invasive species can be found at <https://mdinvasives.org/species-of-concern/#>

<sup>3</sup> A tree risk assessment, in short, is a process used to determine the overall risk that a tree, or its parts, poses to potential targets (people, vehicles, buildings, other things of value or importance). All trees pose a potential risk of some level, but that doesn't mean that every tree should be removed. Most trees' risk levels are very low and often don't need any immediate attention to eliminate risk. A tree risk assessment is used to determine which trees pose a threat by having a high likelihood of failure within a specified time frame.

evaluation of applications, issuance or denial of tree removal and replacement permits, and collection of fees.

If a person disputes a decision by the Public Works Director, that person may appeal the decision, in writing, to the College Park Tree and Landscape Board within 15 business days of the date of permit denial. The applicant will be invited to the next Board meeting following the 15 day appeal date to review their application. The Board will evaluate all the information presented by the applicant and will make a final decision within one month of the applicant review process.

### *Enforcement and Penalties*

If a person removes or prunes more than 20% of a tree that is considered part of the City's Urban Forest as defined above without receiving a permit, the person will be issued a municipal infraction and assessed a \$500 fine to be paid to the City's Tree Canopy Enhancement Program fund (or other designated fund where contributions would be preserved from year-to-year).

### **B. Increase in TCEP Reimbursements**

The Tree and Landscape Board (TLB) supports the Department of Public Works' request for an increase in funding of the Tree Canopy Enhancement Program (TCEP). We suggest offering City residents reimbursement for tree plantings up to \$250 per fiscal year. (Current reimbursement is \$150 per year.) In addition, the TLB proposes using TCEP funds to promote targeted marketing of the TCEP program to City residents, in order to increase awareness of the program.

### **C. Education Campaign**

The TLB will partner with the City and the Council in initiating an educational campaign on the importance of the City's tree canopy and the purpose of the program. It is important to share with the City's residents: 1) the Council's strategic goal of increasing the urban tree canopy by 5% by 2025, and 2) that based on the SavATree assessment, the greatest potential to increase the canopy is on private land. Informational flyers should be disseminated to every resident's address that include facts, graphics, and direction to the City's Trees site. Additionally, the TLB, CBE, and Council can host educational events on tree maintenance, tree planting techniques, and biodiversity.

### **D. Building Relationships with Maryland National Capital Park and Planning Commission (M-NCPPC) and the University of Maryland**

Since College Park has no permitting or land use zoning authority, all construction and development projects are reviewed and permitted by M-NCPPC and Prince George's County Department of Permitting, Inspection and Enforcement (DPIE). The TLB, with the assistance of the College Park Planning Director, plans to meet with M-NCPPC to better understand tree mitigation requirements as they pertain to construction and development projects in the City, and will begin a discussion to explore ways the City can work with M-NCPPC to address and minimize the loss of City tree canopy, as new developments are proposed.

The University of Maryland (UMD) and the City of College Park recently agreed to extend their strategic partnership. One of the goals of "University Community Vision 2030" is to build a

sustainable environment for both the residents of College Park and the UMD community.<sup>4</sup> One dimension of that environment is the tree canopy. The University of Maryland is a level IV certified arboretum, which is integral to its stormwater mitigation strategic plan. Both the City of College Park and UMD have a goal of increasing the tree canopy to 40% in the next 5 years. For purposes of measuring the tree canopy, the UMD tree canopy is included in the City tree canopy assessment. To meet challenges of finding space for replacement trees, the City and University could collaborate to locate tree replacement plantings on campus when trees are lost due to development projects. This collaboration might include partnering on the University's GIS-based tree management system.<sup>5</sup>

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## PHASE 2

### A. Additional Requirements for Tree Canopy Protection Policy (Permit Program)

#### *Tree Replacement Required*

**Replacement trees are strongly encouraged, but not required for trees removed between 24" and 36" circumference; removed trees 36" or larger in circumference will require replacement.**

Removal of an Urban Forest tree, as defined above, requires replacement trees based on the circumference of the tree to be removed, as listed below:

- 36"- 47" circumference: replace with 1 tree
- 48" circumference and greater: replace with 2 trees

The applicant's property is the preferred location for planting replacement tree(s). If no suitable planting site can be identified on the applicant's property, a neighboring property can be selected/utilized with appropriate consent. Partnerships with M-NCPPC and UMD may also yield suitable planting sites.

If a suitable location cannot be identified, or an applicant is unable or unwilling to comply with the Tree Replacement Requirements by planting replacement tree(s) on their own, or a neighboring property, they may instead make a contribution/payment to the City's Tree Canopy Enhancement Program fund (or other designated fund where contributions would be preserved from year-to-year) based on the tree circumference of the tree to be removed (as listed below):

- 36"- 47": \$250
- 48" and above: \$500

Property owners that can demonstrate financial hardship may request a waiver of a contribution/payment to the Tree Canopy Enhancement Fund.

Following the removal of any tree, all property owners are strongly encouraged to replace the

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<sup>4</sup> [https://www.collegeparkmd.gov/AgendaCenter/ViewFile/Agenda/\\_10202020-1047](https://www.collegeparkmd.gov/AgendaCenter/ViewFile/Agenda/_10202020-1047)

<sup>5</sup> Each tree on campus is georeferenced and can be identified on the UMD Arboretum's interactive map. <https://maps.umd.edu/abg/>

tree loss on their property. Property owners are eligible to receive reimbursement funding for required replacement trees from the City's Tree Canopy Enhancement Program (TCEP) fund as identified in the TCEP guidelines. Replacement tree(s) species shall be approved prior to planting and planted within 6 months from the date tree removal is complete. Replacement trees shall meet the tree size guidelines specified in the TCEP, whether or not reimbursement from the fund is requested.

Requests for reimbursement will be processed 6 months after planting, only if the replacement tree(s) is (are) alive and healthy, in the opinion of the Director of Public Works or designee.

### *Enforcement and Penalties*

If an applicant removes a tree in the urban forest per issuance of a permit but does not replant all replacement trees as required within 6 months, the applicant shall be charged a \$500 fine per replacement tree to be paid to the City's Tree Canopy Enhancement Program fund (or other designated fund where contributions would be preserved from year-to-year).

### **B. Creation of City Tree Registry**

To obtain data about the private tree canopy in College Park, the City will develop a survey for residents to inventory the number, species, and size of the trees on their private property. Upon return of this information, it will be used to develop a City Tree Registry which will be maintained as a virtual map on the City's public website using a Geographic Information System (GIS). The City may be able to collaborate with UMD's GIS-based tree management system. Residents with private trees on the registry will be eligible for tree maintenance grants through the Tree Maintenance Fund.

### **C. Creation of a Tree Maintenance Fund (TMF)**

The City of College Park has no permitting or land use zoning authority; all construction and development projects are reviewed and permitted by the Maryland National Capital Park and Planning Commission (M-NCPPC) and Prince George's County Department of Permitting, Inspection and Enforcement (DPIE).

All property owners are encouraged to support the current canopy by maintaining their trees. However, concern with the expense of mature tree maintenance has been voiced by residents. TLB recommends that the City create a Tree Maintenance Fund (TMF) with a suggested annual contribution from the City of \$10,000. The TMF will be a fund where property owners can apply for rebates to offset tree maintenance expenses for trees greater than 24" in circumference. Funds may also be used to offset the price of tree assessments on private property. To qualify for funding, residents must demonstrate financial hardship or participate in the City's tree registry. The Tree Maintenance Fund would be a revolving fund, where unspent funds will carry over to the following year.

During the planning stage of a new construction/development project, College Park's Mayor and City Council and City Planning Department review these projects and have the ability to provide comments and suggestions. This planning stage is an opportunity for the City to protect trees by encouraging developers to mitigate tree canopy loss by replacing trees lost to new construction, with the caveat that replacement occurs within City limits. If this is not possible, the developer should be encouraged to contribute to the City's Tree Maintenance Fund.

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## **PHASE 3**

### **A. Building relationship with Prince George's County**

Currently the state of Maryland allows developers to mitigate tree loss anywhere in the state. The TLB will work with the City and the Council to develop a working relationship with Prince George's County in order to identify avenues for tree mitigation within the City's boundaries. Therefore, when developers remove trees in the City of College Park, they should be required to replant within the City. Additionally, the TLB will request the County to allow trees on private property to be eligible for the County's rain check rebate program to decrease a residents' cost to plant trees on their property.