

**Maryland National Capital Building Industry Association**  
**Position**  
**Urban Tree Conservation**  
**July 2011**

**Scope of Urban Tree Legislation on Private Builders and Homeowners**

All lots 40,000 sq. ft. and smaller not already covered by the Forest Conservation Law  
Annually approximately 100 – 150 new homes or home additions would be subject to the legislation

**MNCBIA Goals and Objectives**

1. Enhance the value of homes and communities through tree conservation
2. Incorporate a reasonable minimum number of trees (saved, planted or transplanted) into a landscape plan for all subject lots subject to lot size
3. Encourage tree saving, transplanting and planting on-site to maximize the benefit to the homeowner and the community
4. Allow without penalty the right to clear and grade to meet all market requirements and county requirements for construction and remodeling including but not limited to:
  - a. Stormwater management
  - b. Sediment control
  - c. Utility trenching and installation
  - d. Setback requirements
  - e. House construction or renovation
  - f. Driveway construction or renovation
  - g. Customer demands
5. Utilize existing administrative processing
6. Utilize existing county staff
7. Utilize existing plans with minor modifications
8. Provide an incentive to saving trees
9. Maximize compliance through simplicity and clarity
10. Have no impact on the existing successful Forest Conservation Law
11. Provide a reasonable compliance period
12. Apply equally to all lots whether wooded or clear

**Issues with the DEP Proposed Forest Conservation Amendment**

1. Adds a new layer of plans and reviews for tree canopy to the existing Forest Conservation Law (FCL)
  - a. Possible Solution: Exempt lots already covered under the FCL
2. Requires approval and possible denial for removing certain trees and forests over and above existing law
3. Requires an undetermined payment of a fee or mitigation for all clearing within a canopy
4. Requires payment of an undetermined fee or mitigation for removing dangerous trees
  - a. Possible Solution: Exempt dangerous trees
5. Does not provide any credits for tree transplanting or planting on site
  - a. Possible Solution: Provide canopy credits based on the mature canopy expected from a new or transplanted tree
6. Requires extensive staff review and thereby additional administrative costs (How much will each new home have to pay to administer the program?)

7. Requires a new layer of plans to be prepared by professionals
8. Provides little incentive for on-site conservation
9. Requires professional preparation and review that may lead to disagreements and costly appeals

**Alternative Urban Tree Conservation Bill Proposed Outline**

1. Applies to lots not already covered by the FCL
2. Set a realistic minimum standard for Canopy and Understory Trees based on lot size

Lot Size	Understory Trees Required (4'-7' height) Saved or new	Canopy Trees Required (1 1/2" – 2" DBH) saved or new
<5000	0	1
5000+ to <10,000	0	2
10,000+ to <15,000	0	3
15,000+ to <20,000	1	4
20,000+ to <25,000	2	5
25,000+ to <30,000	3	6
30,000+ to <35,000	4	7
35,000+ to <40,000	5	8

3. Provide credit for plant, saving or transplanting an existing tree on site, in the right-of-way or on an adjacent lot
4. Include on the Sediment Control Plan the trees to be saved and the approximate location of trees to be transplanted or planted to meet the total number of canopy and understory trees required
5. Tie the tree requirements to the Sediment Control Bond
  - a. Final sediment control inspection includes review of trees planted or saved
6. Bill Effective Date is for any sediment control application after 90 days of passage

