

TOWN OF CHEVY CHASE
PRIVATE TREE REMOVALS AND APPEALS
STANDARD OPERATING PROCEDURES

Tree Law Applicability

- Private tree removals are regulated by Chapter 29 of the Town Code, titled “Urban Forest.”
 - All trees measuring at least 24” in circumference at 4 ½ feet above the ground must receive an approved permit prior to removal.

Standard

- The following trees can be removed with an approved permit:
 - Trees that are not “canopy trees” as defined in the Town’s Urban Forest Ordinance.
 - Canopy trees that are determined to be dead, dying, or in danger of falling, or hazardous to the safety of persons or property.

Permit Application

- The Town’s permit application form is available online or in the Town Office.
 - A permit application should include:
 - contact information, including name, address, phone number and email address, for the applicant;
 - the size, species, and location of any tree requested for removal;
 - whether the applicant would like an in-person consultation with the Town Arborist as part of the evaluation of the request;
 - a statement from the applicant indicating whether they believe that the tree is dead, dying, in danger of falling, or hazardous to persons or property; and,
 - any other information that may be useful to the Town in evaluating an application.

Trees that Threaten Imminent Harm to Life or Property

- If, at any time during the permitting process, the Town Arborist finds that the tree threatens imminent harm to life or property, the Town Manager issues an emergency tree removal permit with no mandatory waiting period before the tree can be removed.
 - If an emergency tree removal permit is issued, the Town posts a notice of approval on the property.

Tree Removal Procedures

- Upon receipt of a permit application, the Town Arborist schedules an in-person consultation with the applicant, if requested. The arborist provides a preliminary evaluation of tree condition and can answer questions and discuss tree maintenance options and programs, including the Private Canopy Tree Maintenance Program, that may

help in preserving the tree. If, following the consultation, the applicant decides not to proceed with the removal request, the arborist notes that the request has been withdrawn and provides the application form to the Town Manager for recordkeeping purposes.

- If the applicant does not request an in-person consultation, or if the applicant decides to proceed with the tree removal request following the in-person consultation, the Town posts a notice on the property indicating the address of the property, the species of tree(s) requested for removal, and the date that the request will be evaluated (usually 5 days after posting). The notice also indicates that comments on the proposed removal may be provided to the Town Office within 5 days. Contact information for the Town Office is included on the notice.
 - The Town Manager and arborist consider comments received from residents about proposed tree removals; however, consideration proceeds based on the standards outlined in the Urban Forest Ordinance.
- On the evaluation date posted on the notice, the arborist submits to the Town Manager his written evaluation of the tree based on the standards listed in the ordinance.
 - The arborist evaluates removal requests based on conditions observable from the ground. If the arborist believes that there may be hazardous conditions that are not observable from the ground, he may advise the applicant of options for having the condition of the tree further documented by other certified arborists prior to a final decision.
- If the Town Arborist does not find a canopy tree proposed for removal to be dead, dying, in danger of falling, or hazardous, the Town Manager or his designee consults with the property owner about the requested tree removal. Based on additional information provided in the consultation and the information included in the application, the Town Manager may find that the tree meets the standards for removal in the ordinance and approve the permit request. During this evaluation, the Town Manager, in consultation with the Town Arborist, may suggest maintenance options that could allow the tree to be preserved and advise the applicant of any tree maintenance assistance programs that may be available.
 - If the Town Manager determines that a tree removal permit should be issued for a canopy tree that the Town Arborist does not find to be dead, dying, in danger or falling, or hazardous, the permit is issued with a condition that one reforestation tree be installed on the subject property for each canopy tree removed or an impact fee be paid in accordance with the approved Council resolution. The Town Manager consults with the applicant about their preference for reforestation or payment of an impact fee before granting such a permit.
 - In the event that the payment of an impact fee is required, the Town collects the impact fee prior to issuing the permit.

- Trees planted by the Town through the Native Canopy Tree Planting program are not considered to be reforestation trees required under the Urban Forest ordinance.
- Following permit consideration, the notice sign posted on the property is updated to indicate the resolution of the permit request and, if the permit is approved, the earliest permissible removal date (at least 7 days from the approval date). The reason for the decision is detailed in the permit, on the notice sign on the property, and posted on the Town website.
- If approved, the applicant is provided a copy of the permit for their records. For any permit approved without reforestation requirements, the Town includes information about the Town's Native Canopy Tree Planting program to educate residents about opportunities for tree replacement.
- If denied, the applicant is provided a copy of the denied permit for their records as well as detailed appeal information.

Recordkeeping

- The Town keeps records of all permitted tree removals, including the location, size, species, basis for removal, tree condition, any public comments received, and any required reforestation trees to be planted or impact fees collected.
 - The Town maintains a list of trees planted via the Native Canopy Tree Planting program, and identifies, where possible, if they were planted following the removal of a tree.
 - A list of approved and denied tree removal permits is provided to the Council each month.
 - The Town ensures that reforestation trees are planted and maintained through the two-year warranty period.

Appeal Procedures

- An appeal of the denial of a tree removal permit application is considered by the Town Council through a public hearing process.
 - Appeals must be filed within 30 days of the denial of a tree removal application.
 - Upon receipt of a completed appeal application, a hearing date is scheduled.
 - At least 15 days in advance of the hearing, the appeal record is delivered to the applicant and to all abutting and confronting properties, and a notice of public hearing is placed on the subject property.
 - Residents may present information or have experts testify at the hearing.
 - The Council considers 9 factors in evaluating an appeal:
 - The reasons cited by the applicant for wanting to remove the canopy tree.
 - The applicant's intention to plant replacement trees, with consideration of the number, size and desirability of species, and with a minimum goal of replacing the canopy tree to be removed.

- The applicant's intention to retain and protect existing trees.
 - The facts in support or opposition presented by town residents.
 - Residents can testify at the public hearing or can provide written comments in advance of the hearing.
 - Information provided by the Town Arborist.
 - The extent to which no alternative to canopy tree removal exists that would allow the proposed development, construction, or land use otherwise permitted under the town building code.
 - The desirability of preserving a canopy tree by reason of its age, size or outstanding qualities, including uniqueness, rarity or species.
 - The overall effect on the tree canopy of the adjacent properties, the neighborhood and the town.
 - The aggregate or cumulative effect of the proposed canopy tree removal(s), including any and all canopy tree removals from the property within the prior two-year period.
- Following a public hearing the Council may affirm the denial of a permit application, may direct the Town Manager to issue a permit, or may direct the Town Manager to issue a permit upon such conditions, terms or restrictions as the Council may deem necessary to accomplish the intent and purposes of the Urban Forest Ordinance.

Adopted March 9, 2016