



Committee: TE
Committee Review: At a future date
Staff: Jim Ogorzalek, Legislative Attorney
Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #3C
July 21, 2026
Introduction

SUBJECT

Bill 35-26, Forest Conservation – Trees – Applicability – Brush Management

Lead Sponsors: Councilmember Sayles and Council Vice President Balcombe

Co-Sponsor: Councilmember Luedtke

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

Bill 35-26 would:

- (1) clarify that the forest conservation requirements do not apply to routine vegetation maintenance in conformance with certain federal standards on agricultural land; and
- (2) generally amend the law regarding forest conservation.

SUMMARY OF KEY DISCUSSION POINTS

N/A

This report contains:

Staff Report
Bill 35-26

Pages 1–2
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MEMORANDUM

July 16, 2026

TO: County Council

FROM: Jim Ogorzalek, Legislative Attorney

SUBJECT: Bill 35-26, Forest Conservation – Trees – Applicability – Brush Management

PURPOSE: Introduction – no Council votes required

Bill 35-26, Forest Conservation – Trees – Applicability – Brush Management, is scheduled for introduction on July 21, 2026. Its Lead Sponsors are Councilmember Sayles and Council Vice President Balcombe. Its co-sponsor is Councilmember Luedtke. A public hearing is tentatively scheduled for September 15, 2026, at 1:30 p.m.

Bill 35-26 would:

- (1) clarify that the forest conservation requirements do not apply to routine vegetation maintenance in conformance with certain federal standards on agricultural land; and
- (2) generally amend the law regarding forest conservation.

Background

Under current law, any person “who expects to cut, clear, or grade more than 5,000 square feet of forest or any champion tree must request an exemption” from the forest conservation law’s requirements from the Planning Department. M.C.C. § 22A-4. Prior to performing such work, the person must receive “confirmation from the Planning Director that the activity is in fact exempt” because “[p]erforming any cutting, clearing, or grading before the Director confirms that an exemption applies is a violation of this Chapter.” M.C.C. § 22A-4.

Bill Specifics

Bill 35-26 would clarify the relationship between certain agricultural activity and the exemption process. Specifically, the bill provides that routine vegetation maintenance performed on land used or intended for use as agriculture need not obtain a written exemption from the Planning Director if it falls within one of two scenarios: (1) the work is performed in accordance with the United States Department of Agriculture Natural Resources Conservation Service’s Field Office Technical Guide and approved by the Soil Conservation District within a soil conservation

and water quality plan; or (2) the work is performed in accordance with the United States Department of Agriculture Natural Resources Conservation Service's Conservation Practice Standard 314 for brush management. If the work to be performed falls within one of those two subsets, the requirements of the forest conservation law do not apply and the work may be performed without an advance written exemption from the Planning Department.

This packet contains:
Bill 35-26

Circle #
1

Bill No. 35-26
Concerning: Forest Conservation - Trees
- Applicability - Brush Management
Revised: 7/8/2026 Draft No. 1
Introduced: July 21, 2026
Expiration: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Sayles and Council Vice President Balcombe
Co-Sponsor: Councilmember Luedtke

AN ACT to:

- (1) clarify that the forest conservation requirements do not apply to routine vegetation maintenance in conformance with certain federal standards on agricultural land; and
- (2) generally amend the law regarding forest conservation.

By amending

Montgomery County Code
Chapter 22A, Forest Conservation - Trees
Section 22A-4

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 22A-4 is amended as follows:

22A-4. Applicability.

Except as otherwise expressly provided in this Chapter, this Chapter applies to:

* * *

(g) clearing or grading conducted on [two] 2 or more platted contiguous lots:

(1) that collectively total 40,000 square feet or larger;

(2) that are graded at the same time; and

(3) where sediment control is required.

Notwithstanding the above, any person who expects to cut, clear, or grade more than 5,000 square feet of forest or any champion tree must request an exemption under Section 22A-5 or must comply with the requirements of Article II. Any person who believes that cutting, clearing, or grading is exempt under Section 22A-5, 22A-6, or 22A-8 must receive confirmation from the Planning Director that the activity is in fact exempt from Article II. Performing any cutting, clearing, or grading before the Director confirms that an exemption applies is a violation of this Chapter.

The requirements of this Chapter do not apply on land used or intended for use as agriculture to routine vegetation maintenance performed in accordance with the United States Department of Agriculture Natural Resources Conservation Service's Field Office Technical Guide and approved by the Soil Conservation District within a soil conservation and water quality plan or performed in accordance with the United States Department of Agriculture Natural Resources Conservation Service's Conservation Practice Standard 314 for brush management. Performance of such routine vegetation management does not require a waiver or written exemption from the Planning Director as otherwise set forth in this Chapter or applicable regulation.

28 The Planning Director must notify the Department of Permitting Services if this
29 Chapter would apply to any cutting, clearing, or grading of which the
30 Department would otherwise not be notified.