Montgomery County Council

Committee: TE
Committee Review: Completed
Staff: Jim Ogorzalek, Legislative Attorney
Purpose: Final action – vote expected

AGENDA ITEM #18B
November 10, 2026
Action

SUBJECT

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

Lead Sponsors: Councilmember Sayles and Council Vice President Balcombe

Co-Sponsors: Councilmembers Luedtke, Katz, and Evans

EXPECTED ATTENDEES

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- The Transportation & Environment (TE) Committee recommends (3-0) the enactment of Bill 35-26, with an amendment.
- The Council will hold a roll call vote on the TE Committee recommendation to enact Bill 35-26, as amended.

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	Pages 1–4
Bill 35-26	© 1
Climate Assessment	© 4
Racial Equity and Social Justice Impact Statement	© 6
Economic Impact Statement	© 10
Fiscal Impact Statement	© 13

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AGENDA ITEM #18B
November 10, 2026
Action

MEMORANDUM

November 5, 2026

TO: County Council

FROM: Jim Ogorzalek, Legislative Attorney

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

PURPOSE: Action – roll call vote expected

Committee Recommendation: The Transportation & Environment (TE) Committee voted (3-0) to recommend the enactment of Bill 35-26, with an amendment.

Bill 35-26, Forest Conservation – Trees – Applicability – Brush Management was introduced on July 21, 2026. Its Lead Sponsors are Councilmember Sayles and Council Vice President Balcombe. Its Co-Sponsors are Councilmembers Luedtke, Katz, and Evans. A public hearing occurred on September 15, 2026, at 1:30 p.m. The Transportation & Environment (TE) Committee considered the bill on October 19, 2026, and recommended (3-0) the enactment of the bill, with an amendment.

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.

SUMMARY OF IMPACT STATEMENTS

Climate Assessment. "The Office of Legislative Oversight (OLO) anticipates Bill 35-36 will have no impact on the County's contribution to addressing climate change as it is proposing changes to an existing exemption process for routine vegetation maintenance on agricultural land."

Racial Equity and Social Justice Impact Statement. "The Office of Legislative Oversight (OLO) anticipates Bill 35-26 could have a negative impact on racial equity and social justice (RESJ) in the County. Reducing administrative requirements related to vegetation maintenance as proposed in Bill 35-26 could disproportionately benefit White community members and decrease tree planting in Black, Indigenous, and other People of Color (BIPOC) communities."

Economic Impact Statement. "The Office of Legislative Oversight (OLO) anticipates that Bill 35-26 would positively impact overall economic conditions in the County, as measured by the Council's priority economic indicators. The Bill would clarify that routine vegetation maintenance performed on land used or intended for use as agriculture would not need to obtain a Forest Conservation Plan Exemption (FCPE) from the Planning Director. . . . The Bill would primarily benefit certain local farmers by no longer requiring them to apply for an FCPE for routine vegetation maintenance. By doing so, farmers may not incur operating costs associated with the application fee and costs related to administration or waiting for FCPE approval."

Fiscal Impact Statement. "This bill relates only to the amendment of the forest conservation law and is not expected to have a financial impact. The bill does not require any new expenditures or impact existing revenues."

SUMMARY OF PUBLIC TESTIMONY

The Council held a public hearing on Bill 35-26 on September 15, 2026. The Council also received additional written testimony as part of the record. Testimony received was largely in support of the Bill.

Supporters argued that routine vegetation and brush management on agricultural land is not land conversion or forest clearing, and that applying forest conservation exemption requirements to these activities imposes an unnecessary and burdensome process on farmers. They emphasized that farmers in Montgomery County already operate under soil conservation and water quality plans approved by the Soil Conservation District, and that the bill would properly vest authority over agricultural land management in that body, consistent with practice across the rest of Maryland. Supporters also noted that the bill would help farmers respond to vegetation encroachment in a timely way, protect agricultural productivity, and reduce redundant administrative hurdles. In addition to testifying in support of Bill 35-26, the Montgomery Countryside Alliance asked that the Council also establish a clear process to ensure that the exemption is not used improperly to clear forests rather than manage brush and invasives.

The Montgomery County Planning Board raised concerns about the bill as introduced. Specifically, it suggested the phrase "intended for use as agriculture" could allow forest clearing on land without an established agricultural use, that USDA guidelines contain broad discretionary language not specific to Montgomery County, and that the terms "routine vegetation management" and "brush" lack clear definitions. To address these concerns, the Planning Board proposed an amendment removing from the law's applicability agricultural activities on land with an approved Soil Conservation and Water Quality Plan approved by the Soil Conservation District.

SUMMARY OF THE COMMITTEE WORKSESSION

THE TRANSPORTATION & ENVIRONMENT (TE) COMMITTEE CONSIDERED THE BILL ON OCTOBER 19, 2026, AND RECOMMENDED (3-0) THE ENACTMENT OF THE BILL, WITH AN AMENDMENT.

1. Planning Board Proposed Amendment

Prior to the TE Committee worksession, the Montgomery County Planning Board approved and recommended a proposed amendment to Bill 35-26, intended to address concerns raised by the Planning Department in its public testimony. The amendment—which the Committee adopted in its recommendation—would delete the bill's new language, set forth on lines 17 through 26, and replace it with alternative new language. Rather than narrowing the law's applicability by virtue of the type of work done on agricultural land (as was provided for in the bill as introduced), the Planning Board's proposed language (below, with minor non-substantive revisions incorporated by Council Staff) would narrow the applicability to exclude agricultural activities on land with an approved Soil Conservation and Water Quality Plan.

Amend lines 17–26 as follows:

[[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.**]]** The requirements of this Chapter do not apply to agricultural activities, including routine vegetation maintenance, performed on land that has a Soil Conservation and Water Quality Plan approved by the Soil Conservation District.

ISSUES FOR THE COUNCIL'S CONSIDERATION

Next Step:[1] Roll call vote on whether to enact Bill 35-26.

This packet contains:	Circle #
Bill 35-26	1
Climate Assessment	4
Racial Equity and Social Justice Impact Statement	6
Economic Impact Statement	10
Fiscal Impact Statement	13

[1] The Council authorizes Council Legislative Attorneys to make non-substantive technical corrections necessary to fix any typographical, stylistic, formatting, or grammatical errors in Bill 35-26.

Bill No. 35-26
Concerning: Forest Conservation - Trees – Applicability – Brush Management
Revised: 10/29/2026 Draft No. 2
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	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets**]**	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets**]]**	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

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.**]]** The requirements of this Chapter do not apply to agricultural activities, including routine vegetation

maintenance, performed on land that has a Soil Conservation and Water Quality Plan approved by the Soil Conservation District.

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

Climate Assessment

Office of Legislative Oversight

BILL 35-26: FOREST CONSERVATION – TREES – APPLICABILITY – BRUSH MANAGEMENT

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 35-36 will have no impact on the County's contribution to addressing climate change as it is proposing changes to an existing exemption process for routine vegetation maintenance on agricultural land.

BACKGROUND AND PURPOSE OF BILL 35-26

Currently under County Code, 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 Planning Director.[1]

Bill 35-26 seeks to clarify the relationship between specific agricultural activity and the exemption process. Specifically, it would clarify that routine vegetation maintenance performed on land used or intended for use as agriculture would not need to obtain a written exemption from the Planning Director if:

- 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
- The work is performed in accordance with the Department's Conservation Practice 314 for brush management.[2]

Bill 35-26 was introduced by the County Council on July 21, 2026.

ANTICIPATED IMPACTS

As the Bill is proposing changes to an existing exemption process for routine vegetation maintenance on agricultural land, OLO anticipates Bill 35-26 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.[3] OLO does not offer recommendations or amendments as Bill 35-26 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help increase the County's community climate resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

[1] Montgomery County Code, Chapter 22A. Forest Conservation - Trees, Accessed 7/27/2026.
[2] Montgomery County Council, Introduction Staff Report for Bill 35-26, Introduced July 21, 2026.
[3] Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 35-26: FOREST CONSERVATION - TREES - APPLICABILITY - BRUSH MANAGEMENT

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 35-26 could have a negative impact on racial equity and social justice (RESJ) in the County. Reducing administrative requirements related to vegetation maintenance as proposed in Bill 35-26 could disproportionately benefit White community members and decrease tree planting in Black, Indigenous, and other People of Color (BIPOC) communities.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.[1] This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.[2]

PURPOSE OF BILL 35-26

County law requires that 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 Planning Director.[3]

The purpose of Bill 35-26 is to clarify the exemption process for specific agricultural activity. If enacted, Bill 35-26 would clarify that routine vegetation maintenance performed on agricultural land would not need to obtain a written exemption. This would apply if:[4]

- The work is performed "in accordance with the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service's Field Office Technical Guide[5] and approved by the Soil Conservation District[6] within a soil conservation and water quality plan"; or
- The work is performed in accordance with the USDA's Conservation Practice 314[7] for brush management.

According to its lead sponsors, Bill 35-26 intends to reduce regulatory burdens on farmers while maintaining environmental protections.[8]

The Council introduced Bill 35-26 on July 21, 2026.

This RESJIS builds on the ones for:

- Zoning Text Amendment (ZTA) 23-09, Farming – Incidental Outdoor Stays, published in January 2024, which provides racial equity context on the Agriculture Reserve and agricultural businesses;[9] and
- Bill 25-22, Forest Conservation – Trees, published in October 2022, which provides racial equity context on the climate gap and tree cover.[10]

ANTICIPATED RESJ IMPACTS

According to Montgomery Planning staff, farmers are currently allowed to perform routine vegetation maintenance on agricultural land without obtaining a written exemption, as long as the maintenance does not involve clearing of forest. As introduced, Bill 35-26 would effectively allow anyone (including farmers, developers and others) to clear forest on agricultural land without a written exemption if they claim it is used or intended to be used for agricultural activity.[11]

To consider the anticipated impact of Bill 35-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

Community members who perform routine vegetation maintenance on agricultural land would benefit from not needing to obtain a written exemption from Planning for this work. This would likely save them time and costs associated with requesting the exemption. Most of the County's agricultural land is located within the Agricultural Reserve (AR). As shown in Figure A (Appendix), White community members are overrepresented in most Census tracts within the AR. Asian community members are overrepresented within a few Census tracts in the AR, while Latinx community members are overrepresented in one Census tract in the AR. None of the Census tracts in the AR have a disproportionate representation of Black community members.

Community members who live in Equity Focus Areas could be burdened by less tree planting in their communities**.** To help conserve forest, the County's Forest Conservation Law requires the planting of forest or trees whenever forest is cleared in the County.[12] Regulations for the law encourage tree planting in Equity Focus Areas (EFAs) to meet planting requirements for clearing forest.[13] EFAs are Census tracts in the County with high concentrations of BIPOC community members, lower-income households, and households with limited English proficiency.[14]

According to Planning staff, Bill 35-26 could lead to more clearing of forest that is not subject to the County's Forest Conservation Law.[15] This could lead to less tree planting in EFAs than would happen otherwise. Notably, racial inequities in tree cover exacerbate environmental burdens like the urban heat island effect and air pollution in BIPOC communities.[16]

Taken together, OLO anticipates Bill 35-26 could have a negative impact on RESJ in the County.

RECOMMENDED AMENDMENTS

The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.[17] OLO anticipates Bill 35-26 could have a negative impact on RESJ in the County. Should the Council seek to improve the RESJ impact of this Bill, OLO offers one policy option for Council consideration:

- **Engage County and environmental justice stakeholders to update Bill 35-26.** The Council can consider engaging County stakeholders such as the Planning Department and environmental justice stakeholders that advocate with BIPOC community members to amend Bill 35-26. Specifically, the Council could partner with stakeholders to determine amendments to offset decreased tree planting in BIPOC communities that may result from this Bill.

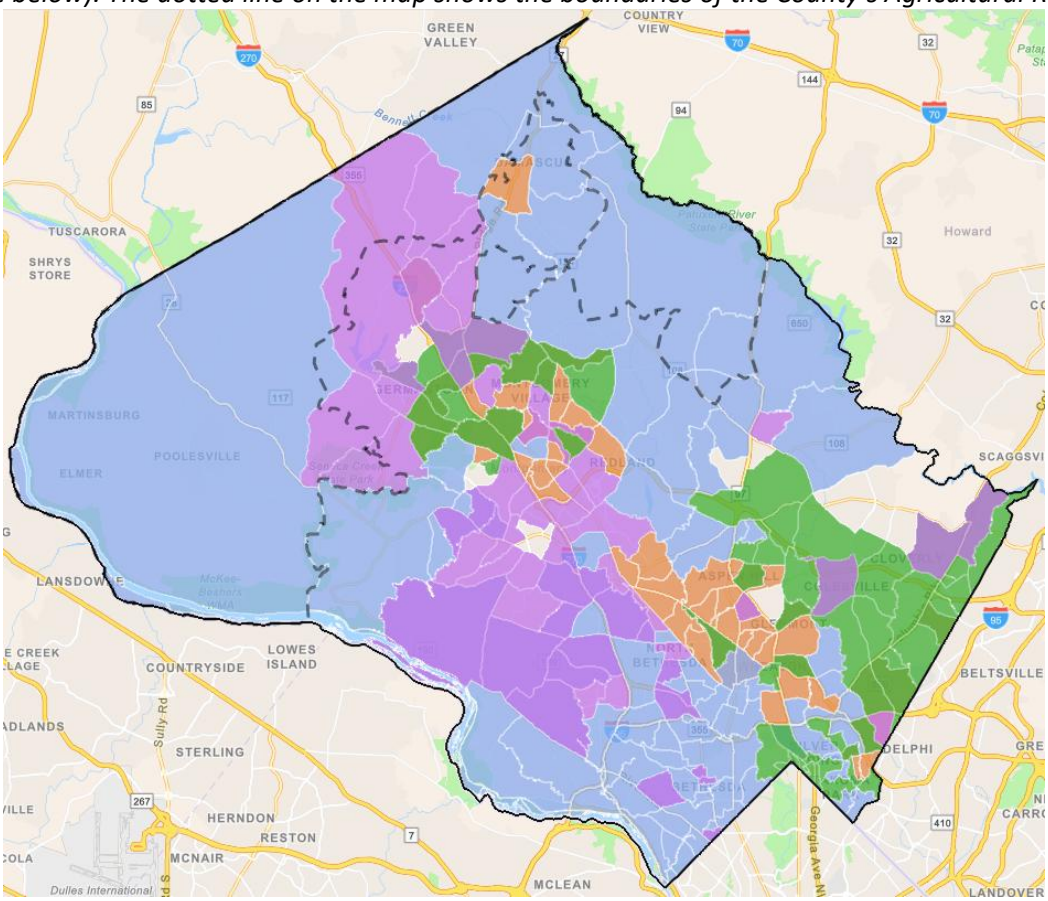
CAVEATS

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

APPENDIX

Figure A. Racial and Ethnic Disproportionality in Agricultural Reserve

Census tracts are shaded to show racial and ethnic groups that are overrepresented in each tract (color coding explained in table below). The dotted line on the map shows the boundaries of the County's Agricultural Reserve.



Source: OLO analysis of ACS Race and Hispanic Origin Feature Layer, ESRI.

Figure A Census Tract Color Coding

Race or ethnicity	Share of county population (2024)	Overrepresented if share of population in tract is greater than…[18]	Census tract color in Figure A if group is overrepresented
Asian, non-Latinx	15.3	19.1	Purple
Black, non-Latinx	18.3	22.9	Green
White, non-Latinx	39.5	49.4	Blue
Latinx (of any race)	21.0	26.3	Orange

Source: Table DP05, 2024 American Community Survey 5-Year Estimates, Census Bureau.

[1] Definition of racial equity and social justice adopted from M. Gamblin et al., "Applying Racial Equity to U.S. Federal Nutrition Programs," Bread for the World and Racial Equity Tools.
[2] Ibid.
[3] Introduction Staff Report for Bill 35-26, Montgomery County Council, Introduced July 21, 2026, pg. 1.
[4] Ibid, pgs. 1-2.
[5] The USDA's Natural Resources Conservation Service maintains a Field Office Technical Guide for each state. The guides contain technical information about the conservation of soil, water, air, and related plant and animal resources. Refer to "Field Office Technical Guide (FOTG)," U.S. Department of Agriculture.
[6] Maryland has 23 soil conservation districts that deliver local soil conservation and water quality programs across the state. Refer to "Soil Conservation Districts," Maryland Department of Agriculture and "Montgomery County Resources and Programs," Montgomery Soil Conservation District.
[7] The USDA's Conservation Practice 314 includes standard criteria for brush management – the management or removal of woody plants including those that are invasive and noxious. Refer to "Brush Management (Ac.) (314) Conservation Practice Standard," U.S. Department of Agriculture.
[8] Councilmember Sayles comments on introduction of Bill 35-26, Montgomery County Council YouTube, July 21, 2026.
[9] RESJIS for ZTA 23-09, Office of Legislative Oversight, January 3, 2024.
[10] RESJIS for Bill 25-22, Office of Legislative Oversight, October 4, 2022.
[11] OLO conversation with Planning staff on September 1, 2026.
[12] "Montgomery County Forest Conservation Law," Montgomery Planning.
[13] The County's Forest Conservation Regulations allow landscaping to meet afforestation or reforestation requirements in EFAs (Code of Montgomery County Regulations Sec. 22A.00.01.08). This is intended to allow as much tree planting as possible in EFAs (Montgomery Planning Staff Report, pg. (51)). Of note, *landscaping* refers to onsite planting of trees, shrubs and other plants that are not necessarily considered to be forest; *afforestation* refers to planting of forest when little to no forest has been cleared; and r*eforestation* refers to replanting of forest when forest has been cleared (Montgomery County Code Sec 22A-3).
[14] "The Equity Focus Areas Analysis," Montgomery Planning.
[15] OLO conversation with Planning staff on September 1, 2026.
[16] "Trees and Environmental Justice," National Wildlife Federation.
[17] Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council.
[18] For Figure A, OLO considers a racial or ethnic group to be overrepresented in a Census tract if the group's share of the population in the Census tract is greater than 25 percent of their share in the County population.

Economic Impact Statement

Montgomery County, Maryland

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

Summary

The Office of Legislative Oversight (OLO) anticipates that Bill 35-26 would positively impact overall economic conditions in the County, as measured by the Council's priority economic indicators. The Bill would clarify that routine vegetation maintenance performed on land used or intended for use as agriculture would not need to obtain a Forest Conservation Plan Exemption (FCPE) from the Planning Director. To assess economic impacts of the Bill, this analysis draws on Montgomery Planning sources about the FCPE process, communication with Planning staff, and a systematic review of research on the economic benefits and costs of trees.

The Bill would primarily benefit certain local farmers by no longer requiring them to apply for an FCPE for routine vegetation maintenance. By doing so, farmers may not incur operating costs associated with the application fee and costs related to administration or waiting for FCPE approval.

Background and Purpose of Bill 35-26

Currently under County Code, 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 Planning Director.[1]

Bill 35-26 seeks to clarify the relationship between specific agricultural activity and the exemption process. Specifically, it would clarify that routine vegetation maintenance performed on land used or intended for use as agriculture would not need to obtain a written exemption from the Planning Director if:

- 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
- The work is performed in accordance with the Department's Conservation Practice 314 for brush management.[2]

Bill 35-26 was introduced by the County Council on July 21, 2026.

Information Sources, Methodologies, and Assumptions

As required by Section 2-81B of the Montgomery County Code, this Economic Impact Statement evaluates the impact of Bill 35-26 on residents and private organizations, using the Council's priority economic indicators as

[1] Montgomery County Code, Chapter 22A. Forest Conservation - Trees, Accessed 7/27/2026.
[2] Montgomery County Council, Introduction Staff Report for Bill 35-26, Introduced July 21, 2026.

the measure. In doing so, it examines whether the Bill would have a net positive or negative impact on overall economic conditions in the County.[3]

Information Sources: To assess the Bill's potential economic impact, this analysis draws on the following sources:

- Montgomery Planning sources about Forest Conservation Plan Exemptions (FCPEs); and
- OLO communication with Planning staff, September 1, 2026.

Variables

The economic effects of Bill 35-26 would primarily depend on the following variables:

- Total cost of FCPEs per year.

Impacts

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Businesses, Non-Profits, Other Private Organizations

OLO anticipates that Bill 35-26 would positively impact certain private organizations in the County.

The Bill would primarily impact local farmers in the agricultural reserve. In total, the local agricultural industry includes 583 farms that employ more than 10,000 people.[4]

According to Planning staff, farmers are currently allowed to perform routine vegetation maintenance on agricultural land without obtaining a written exemption, as long as the maintenance does not involve clearing of forest. As introduced, Bill 35-26 would effectively allow farmers to clear trees on agricultural land without a written exemption from the Planning Director if they claim it is used or intended to be used for agricultural activity.[5]

The Bill would likely prevent certain farmers from going through the process of attaining an FCPE for vegetation maintenance. According to Montgomery Planning resources on FCPEs, attaining an exemption Involves a fee of $500 and takes up to 30 days to receive an approval or denial.[6] Every farmer who would otherwise apply for an FCPE in the absence of the Bill would prevent them from incurring operating costs associated with the application fee, in addition to any additional costs related to administration or waiting for approval.

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[3] Montgomery County Code, "Sec. 2-81B, Economic Impact Statements."
[4] Office of Agriculture, Data Summarized from the 2022 USDA Census of Agriculture, Montgomery County, accessed on September 10, 2026.
[5] OLO communication with Planning staff, September 1, 2026.
[6] Montgomery Planning, Natural Resource Inventory/Forest Conservation Plan Exemption, accessed September 10, 2026.

Beyond this impact, OLO does not expect the Bill to impact other private organizations in terms of the Council's priority economic indicators.

Residents

OLO anticipates that Bill 35-26 would have insignificant direct impacts on County residents.

Overall Impact

OLO anticipates that Bill 35-26 would positively impact overall economic conditions in the County. By preventing certain farmers from applying for an FCPE, the Bill would likely ensure that certain farmers do not incur operating costs associated with the application fee and costs related to administration or waiting for approval.

Discussion Items

Not applicable

Caveats

Two caveats to the economic impact analysis conducted here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

Contributions

Stephen Roblin, PhD (OLO) prepared this report.

Fiscal Impact Statement

Office of Management and Budget

Bill 35-26	Forest Conservation - Trees - Applicability - Brush Management
Bill Summary	Bill 35-26 would clarify that forest conservation requirements do not apply to routine vegetation maintenance conducted on agricultural land in accordance with specific federal standards, and it would more broadly modify provisions of the County's forest conservation law.
Fiscal Impact Summary	This bill relates only to the amendment of the forest conservation law and is not expected to have a financial impact. The bill does not require any new expenditures or impact existing revenues.
Fiscal Impact Analysis	This bill is not expected to have a fiscal impact.
Staff Impact	The bill is not expected to impact staff time or duties.
Actuarial Analysis	The bill is not expected to impact retiree pension or group insurance costs.
Information Technology Impact	The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.
Other Information	
Later actions that may impact revenue or expenditures if future spending is projected	The bill does not authorize future spending.
Contributors	Abdul Rauf, Office of Management and Budget Kate Bentley, The Maryland-National Capital Park and Planning Commission