Bill No. 35-26
Concerning: Forest Conservation - Trees – Applicability – Brush Management
Revised: 10/29/2026 Draft No. 2
Introduced: July 21, 2026
Enacted: November 10, 2026
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-Sponsors: Councilmembers Luedtke, Katz, and Evans

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.

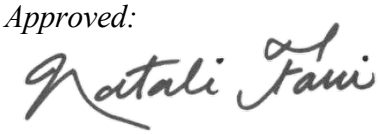
Notwithstanding the above, any person who expects to cut, clear, or grade more than 5,000 square feet of forest or any champion tree must request an exemption under Section 22A-5 or must comply with the requirements of Article II. Any person who believes that cutting, clearing, or grading is exempt under 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.

Approved:



November 10, 2026

Natali Fani-González, President, County Council — Date

Approved:

Marc Elrich, County Executive — Date

This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council — Date