

Expedited Bill No. 45-06  
Concerning: Forest Conservation -  
Protection of Champion Trees  
Revised: 10-17-06 Draft No. 3  
Introduced: October 3, 2006  
Enacted: October 17, 2006  
Executive: October 26, 2006  
Effective: October 26, 2006  
Sunset Date: None  
Ch. 35, Laws of Mont. Co. 2006

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Denis and Praisner

**AN EXPEDITED ACT to:**

- (1) apply the forest conservation law to certain champion trees; and
- (2) generally amend the forest conservation law.

By amending

Montgomery County Code  
Chapter 22A, Forest Conservation - Trees  
Sections 22A-3, 22A-4, and 22A-12

<b>Boldface</b>	<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:*

1           **Sec. 1. Sections 22A-3, 22A-4, and 22A-12 are amended as follows:**

2   **22A-3.       Definitions.**

3           In this Chapter, the following terms have the meanings indicated:

4                                   \*       \*       \*

5           Champion tree means the largest tree of its species in the County, as  
6   designated by the County Forest Conservancy District Board ~~[[or the Planning~~  
7   Board,]] or ~~[[the]]~~ its designee ~~[[of either]].~~

8                                   \*       \*       \*

9   **22A-4.       Applicability.**

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

- 12          (a) a person required by law to obtain development plan approval,  
13             diagrammatic plan approval, project plan approval, preliminary plan of  
14             subdivision approval, or site plan approval;
- 15          (b) a person required by law to obtain special exception approval or a  
16             sediment control permit on a tract of land 40,000 square feet or larger,  
17             and who is not otherwise required to obtain an approval under  
18             subsection (a);
- 19          (c) a person who performs any cutting or clearing, or any other land  
20             disturbing activity that would directly threaten the viability of, any  
21             champion tree, wherever located;
- 22          ~~[(c)]~~ (d) a government entity subject to mandatory referral on a tract of land  
23             40,000 square feet or larger which is not exempt under subsection 22A-  
24             5(f);
- 25          ~~[(d)]~~ (e) highway construction not exempt under subsections 22A-5(e) or (p);  
26             and

27 [(e)] (f) a public utility not exempt under subsections 22A-5(g), (o)(1) and (2),  
28 or (p).

29 Any person who expects to cut, clear, or grade more than 5000 square feet of  
30 forest or any champion tree, and who believes that the cutting, clearing, or grading is  
31 exempt under Section 22A-5, 22A-6, 22A-7, or 22A-8, must notify the Planning  
32 Director in writing before performing any cutting, clearing, or grading and seek  
33 confirmation from the Director that the cutting, clearing, or grading is in fact exempt  
34 from Article II. Failing to notify the Director as required by this Section, or  
35 performing any cutting, clearing, or grading before the Director confirms that an  
36 exemption applies, is a violation of this Chapter.

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

40 **22A-12. Retention, afforestation, and reforestation requirements.**

41 \* \* \*

42 (b) Retention.

43 \* \* \*

44 (2) In general, areas protected under this subsection include:

45 (A) floodplains, stream buffers, steep slopes, and critical  
46 habitats;

47 (B) contiguous forests;

48 (C) rare, threatened, and endangered species;

49 (D) trees connected to an historic site;

50 (E) champion trees and other exceptionally large trees; and

51 (F) areas designated as priority save areas in a master plan or  
52 functional plan.

53 \* \* \*

