



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

September 22, 2020

Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20850

Good afternoon. I am Kristin Taddei, Forest Conservation Planner Coordinator with Montgomery Planning, speaking today on behalf of the Montgomery County Planning Board (Planning Board).

On February 20, 2020 the Planning Board voted 3-0 to transmit to the County Council required and recommended amendments to Chapter 22A of the County Code. The Planning Board is supportive of these changes as they would align the county Forest Conservation Law with the enabling state law, amended per Senate Bill 234, which became effective on October 1, 2019. Montgomery County is obligated to incorporate these changes. Therefore, a number of proposed changes incorporate a revised preferred sequence for fulfilling reforestation and afforestation requirements, ensuring that forest mitigation banks are considered before fee-in-lieu if the requirement is above a threshold.

Other proposed changes are needed to clarify and update sections of the Forest Conservation Law. For example, one proposed change would close a loophole that currently allows certain developments over 40,000 square feet to not meet the applicability requirements of the Forest Conservation Law as they should. Another change would increase the length of the binding maintenance agreement required as part of a forest conservation plan from “at least 2 years” to “at least 5 years” to align it with the length of binding maintenance agreements in special protection areas, and because most binding maintenance agreements are extended to at least 5 years before being released.

On July 16, 2020 the Planning Board voted 4-0 to transmit to the County Council recommended changes to the Forest Conservation and Trees Regulation of Chapter 22A of the Code of Montgomery County Regulations. This regulation has not been updated since 2001. Therefore, the Planning Board is also supportive of these changes which would keep the regulation current with the state and county Forest Conservation Law and incorporate current staff practice.

Thank you,

*Kristin Taddei*

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