

Resolution No.: 17-1021
Introduced: March 18, 2014
Adopted: March 18, 2014

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Approval of Executive Regulation 23-13, Streets and Roads - Roadside Trees Protection - Building Permits

Background


1. On February 25, 2014, the Council received Executive Regulation 23-13, Streets and Roads - Roadside Trees Protection - Building Permits. The proposed regulation would implement Bill 41-12, Streets and Roads - Roadside Trees - Protection which requires certain applicants to obtain a permit for certain roadside tree activities as part of the existing permit process.
2. The Council reviewed the regulation under Method (2). Under Method (2), if the Council does not approve or disapprove a regulation within 60 days after the Council receives the regulation, it is automatically approved and takes effect the day after the deadline for approval or a later date specified in the regulation.
3. On March 10, the Transportation, Infrastructure, Energy, and Environment Committee reviewed the proposed regulation and recommended approval.

Action

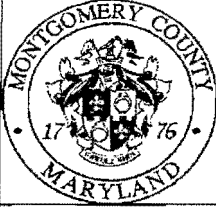
The County Council for Montgomery County Maryland approves the following resolution:

Executive Regulation 23-13, Streets and Roads - Roadside Trees Protection - Building Permits is approved.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject

Streets and Roads – Roadside Trees Protection – Building Permits

Number

23-13

Originating Department

Department of Permitting Services

Effective Date

March 1, 2014

Montgomery County Regulation on

STREETS AND ROADS - ROADSIDE TREES PROTECTION – BUILDING PERMITS

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive

Regulation No. 23-13

COMCOR No. 08.26.02

Authority: Montgomery County Code (2004) Section 8-26(o)

Supersedes: Executive Regulation N/A

Council Review: Method 2 under Code Section 2A-15

Register Vol. 30 No. 12

Effective Date: March 1, 2014

Comment Deadline: December 20, 2013

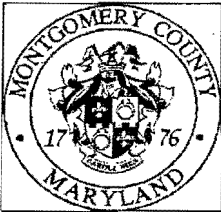
Sunset Date: None

Summary: This executive regulation is to establish procedures for implementing Streets and Road - Roadside Trees Protection Law, Chapter 8 of the Montgomery County Code.

Staff contact: For further information or to obtain a copy of this regulation, contact Rick Brush at 240-777-6343.

Address: Written Comments on these regulations should be sent to:

Department of Permitting Services
255 Rockville Pike, Second Floor
Rockville, Maryland 20850



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Streets and Roads – Roadside Trees Protection – Building Permits	Number 23-13
Originating Department Department of Permitting Services	Effective Date March 1, 2014

COMCOR 08.26.02 ROADSIDE TREES PROTECTION – BUILDING PERMITS

08.26.02.01 Purpose

This regulation implements the portion of the County's Roadside Trees Protection Law in Section 8-26 of the County Code as adopted by Bill No. 41-12.

08.26.02.02 Definitions

For the purpose of this regulation the following words and phrases will have a meaning respectively ascribed to them in this regulation unless the context indicates otherwise:

Critical Root Zone: the area beneath a tree represented by a concentric circle centering on the tree trunk with a radius equal in feet to 1.5 times the number of inches of trunk diameter measured four feet six inches above ground level on the uphill side of the tree.

Licensed Tree Expert: a person licensed under Natural Resources Article 5-415 et seq., Annotated Code of Maryland.

Roadside Tree Care Permit: a permit issued by the Maryland Department of Natural Resources in accordance with the laws of the State of Maryland.

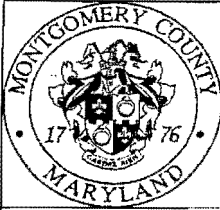
08.26.02.03 General Administration

Except as otherwise provided in this regulation, procedures for application, implementation, review, approval, denial, and appeal are the same as the procedures for right of way permits under Chapter 49 of the County Code

08.26.02.04 Documents Incorporated by Reference

The following documents are incorporated by reference as if fully set forth. Whenever the provisions of this regulation and those of the following documents are in conflict, the provisions of this regulation will govern and be enforced in the County:

- A. American National Standards for Tree Care Operations, ANSI A300, American Standards Institute, hereinafter referred to as ANSI A300, in effect as of December 1, 2013.
- B. American Standard for Nursery Stock, ANSI Z60.1, American Nursery & Landscape



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Subject

Streets and Roads – Roadside Trees Protection – Building Permits

Number

23-13

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Department of Permitting Services

Effective Date

March 1, 2014

Association, hereinafter referred to as ANSI Z60.1, in effect as of December 1, 2013.

08.26.02.05 Building Permit and Related Permit Applications

- A. When a building permit is required by the County Code for a development activity the applicant must provide a plan for review by the Department. The plan must show the critical root zone of all roadside trees within the delineated area of the proposed development activity. The plan must identify those roadside trees by species and size measured by the diameter of the trunk at an elevation of 4 ½ feet above existing ground.
- B. When the critical root zone of a roadside tree is within the delineated area of a development activity, the applicant must apply for a right of way permit or amend an existing application for a right of way permit to include a tree protection plan for the Department's review and approval. The Department will approve all measures necessary to protect street trees except when the right of way permit designates the removal of those trees.
- C. The applicant must also apply for a Roadside Tree Care Permit from the Maryland Department of Natural Resources.
- D. The building permit will not be issued until the Roadside Tree Care Permit, if one is required by the Maryland Department of Natural Resources, and the Right of Way permit have been issued.
- E. During construction, there must be no additional land disturbance outside of approved limits of disturbance without the approval of the Department. This includes the location of storage and staging areas as well as access drives for vehicles.

Isiah Leggett
County Executive

Approved as to form and legality:

Office of the County Attorney/Date