

Resolution No.:	<u>17-1022</u>
Introduced:	<u>March 18, 2014</u>
Adopted:	<u>March 18, 2014</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Approval of Executive Regulation 24-13, Streets and Roads - Roadside Trees Protection - Sediment Control Permits

Background

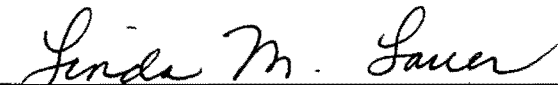
1. On February 25, 2014, the Council received Executive Regulation 24-13, Streets and Roads - Roadside Trees Protection - Sediment Control Permits. The proposed regulation would implement Bill 41-12, Streets and Roads - Roadside Trees - Protection which requires certain applicants to obtain a permit 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 24-13, Streets and Roads - Roadside Trees
Protection - Sediment Control 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 – Sediment Control Permits	Number 24-13
Originating Department Department of Permitting Services	Effective Date March 1, 2014

Montgomery County Regulation on

STREETS AND ROADS - ROADSIDE TREES PROTECTION – SEDIMENT CONTROL PERMITS

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 24-13
COMCOR No. 19.71.01

Authority: Montgomery County Code (2004) Section 19-71(c)
Supersedes: Executive Regulation N/A
Council Review: Method 2 under Code Section 2A-15
Register Vol. 30 No. 12

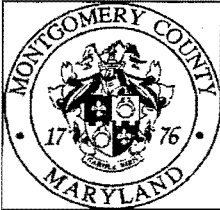
Effective Date: March 1, 2014
Comment Deadline: December 20, 2013
Sunset Date: None

Summary: This executive regulation is to establish procedures for implementing the Streets and Roads – Roadside Trees Protection, Chapter 19 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

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Subject Streets and Roads – Roadside Trees Protection – Sediment Control Permits	Number 24-13
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COMCOR 19.71.01 Roadside Trees Protection – Sediment Control Permits

19.71.01.01 Purpose

This regulation implements the portion of the County's Roadside Trees Protection Law in Section 19-71 of the County Code as adopted by Bill No. 41-12.

19.71.01.02 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.

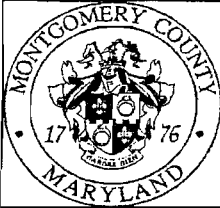
19.71.01.03 General Administration

Except as other 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 Code.

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



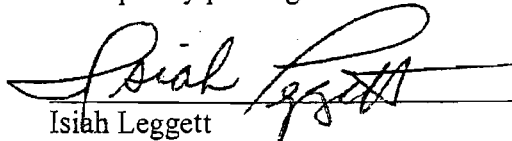
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19.71.01.05 Sediment Control Permit Applications

- A. If a sediment control permit is required by the County Code a natural resources inventory is required. In addition to any other requirements, the natural resources inventory must show the location, species, and size of all roadside trees along the frontage of the property subject to the sediment control permit application and fifty feet on either side of the property. The diameter of each tree shall be measured at a height of 4 ½ feet above the existing ground elevation.
- B. The natural resources inventory must also show the proposed limits of disturbance including that which is required for the installation of utilities, construction storage and staging areas, installation of sediment controls, as well as areas where vehicles will drive or park.
- C. If the area under the critical root zone of any roadside tree is impacted, the applicant must apply for a right of way permit or amend an existing application for a right of way permit to include the disturbance or removal. The right of way permit application must include a tree protection plan. The Department will approve all measures necessary to protect roadside trees unless the right of way permit designates the removal of those trees.
- D. The applicant must also apply for a Roadside Tree Care Permit from the Maryland Department of Natural Resources.
- E. The sediment control permit will not be issued until the Roadside Tree Care Permit, if one is required by the Maryland Department of Natural Resources, is issued.
- F. During construction there must be no additional land disturbance outside of the area designated by the permit without the approval of the Department. This includes the location of storage and staging areas as well as access drives for vehicles as well as temporary parking areas.


Isiah Leggett
County Executive

Approved as to form and legality:

 2/19/2014
Office of the County Attorney/Date