

# Sponsor's Report

## Forest Conservation Plan Appeals

Ordinance-26-23

### Purpose of legislation

1. **Remove Planned Development loophole/exemption** (page 1 lines 30-32) Removes an old loophole (not in State code/model ordinance) that permanently exempted Planned Unit Developments (PUD) that have older approvals. (There are no pending Planned Development projects that have not started work yet, so this would not kick in unless there was a further major modification to the project. Could potentially impact Rocky Gorge development given its age.)
2. **Prevent forest/trees from being irreversibly being cleared while an appeal is pending** (page 5 lines 1-3 & 7-8)

**Current law:** Allows trees or forests to be cleared even if an appeal of such allowance is pending.

**Rationale for change:** Mature trees take decades to replace and soil structure takes even longer. If an appeal is successful, approval to remove said trees/forest could be reversed, but in that situation it's impossible to restore the lost forest. Hence, the forest clearing should be halted until the appeal is settled.

**Proposed change:**

- For appeals to City's Board of Appeals - Requires a halt of any forest clearing if there is an appeal pending.
- For appeals to the State - The P&Z Department may require a halt of any forest clearing, but it is not required.

- ~~3. **Changes appeal board to Zoning Board of Appeals as opposed to Building Board of Appeals (*Will be removed from legislation per amendment #2*)** (page 5 lines 2 and 4-6)~~

~~**Current law:** Appeals go to the Building Board of Appeals.~~

~~**Rationale for change:** The Forest Conservation code resides in Chapter 21.71, which is under the zoning Board of Appeals jurisdiction, not the Building Board of Appeals.~~

~~**Proposed change:** Move appeals to the Zoning Board of Appeals as opposed to the Building Board of Appeals.~~