

## O-26-23 Forest Conservation Plan Appeals

### AMENDMENT 2 – ALD. SAVIDGE

#### **Amendment Summary:**

Amendment 2 changes the procedure for processing a preliminary forest conservation plan.

- Requires the plan to be prepared by a licensed forester, landscape architect or another similarly qualified professional
- The plan is to be submitted *after* the staff approves the Forest Stand Delineation
- Staff have 30 days to make their decision on the preliminary plan
- Limits appeals to the plan:
  - Must be made within 30 days after approval;
  - By a city resident or environmental group;
  - Cannot be appealed once the Planning Commission begins its consideration.

#### **Sponsor Notes:**

"It needs to be prepared by a qualified professional.

Considering that the Preliminary Forest Conservation Plan is important to get worked out (and appealed if need be) ASAP since it guides the development design, that should be approved and appealable prior to the final development package that gets submitted to the Planning Commission. For example, why have the developer go through all this design utilizing a potentially faulty (if appealed) PFCP? That is an inefficient use of time.

I'd like the PFCP approved by the trained DNR Qualified Professionals on our staff at least 30 days prior to delivery of the final development package to the Planning Commission.

As far as PFCP appeals, someone could appeal the staff approval of the PFCP, but once the application goes before the Planning Commission, it cannot be appealed, they can appeal the overall development approval by the PC to the circuit court but not the PFCP." -- *Ald. Savidge*

**Explanation:** ~~Strikethrough~~ indicates matter stricken from existing law.  
Underlining indicates a change to the City Code.  
Underlining & black - copyediting or reformatting of existing Code section  
Underlining & red - new matter added to the code.  
Blue - amendment to bill

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## O-26-23 - Amendment 2

On page 4, strike lines 17 through 40; on page 5, strike lines 1 through 8; and insert the following:

1. **Preliminary Plan Required.** A preliminary forest conservation plan shall be prepared by a licensed forester, landscape architect, or another qualified professional who meets the requirements stated in COMAR § 08.19.06.01(A).
2. **Time for submission.** A preliminary forest conservation plan shall be submitted after the forest stand delineation is approved by staff.
3. **Time for approval.** A preliminary forest conservation plan shall be approved or rejected by the Department at least 30 days prior to the submission of a final site development plan to the Planning Commission, or approved as a part of final staff site design approval if there is no required Planning Commission review.
4. **Appeals.**
  - a. Department approval of the preliminary forest conservation plan may be appealed within 30 days by a resident of Annapolis or a local environmental organization to the Board of Appeals.
  - b. Department approval of the preliminary forest conservation plan may not be appealed as a part of a final Planning Commission decision specified in § 21.08.

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**As the change would look in the ordinance:**

**A. General Provisions.**

1. ~~A preliminary forest conservation plan cannot be appealed. A final forest conservation plan is appealable as part of the appeal of a final administrative decision, Planning Commission decision or Board of Appeals decision specified~~

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in Chapter 21.08. A stay pending appeal shall be imposed during the time allowed to file an appeal, and if an appeal has been filed, for sixty days thereafter.

2. ~~With regard to (1) a plan of subdivision or a grading or sediment control plan that was administratively approved, or (2) a planned development that has obtained final planned development approval, prior to September 26, 2016, the disposition of which remain governed by former Section 17.09.025.B. of the city Code, any person aggrieved by a decision of the director to approve or disapprove the Forest Conservation Plan associated with such applications shall be entitled to note an appeal to the building board of appeals. Any party to the proceeding before the Building Board of Appeals aggrieved of the decision of the Building Board of Appeals shall be entitled to file a petition for judicial review of the decision of the Building Board of Appeals in the Circuit Court for Anne Arundel County.~~

~~a. With regard to:~~

~~i. A plan of subdivision or a grading or sediment control plan that was administratively approved; or~~

~~ii. Planned development that has obtained final planned development approval, prior to September 26, 2016, the disposition of which remains governed by former section 17.09.025.b. of the city code;~~

~~Any person aggrieved by a decision of the Director to approve or disapprove the forest conservation plan associated with such applications shall be entitled to note an appeal, and said project shall halt work on any forest clearing until the Board of Appeals settles the appeal.~~

~~b. Any party to the proceeding before the Building Board of Appeals aggrieved of the decision of the Building Board shall be entitled to file a petition for judicial review of the decision of the Building Board in the Circuit Court for Anne Arundel County. The Department may require any forest clearing to be halted until the judicial review has been completed.~~

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2. **Time for submission.** A preliminary forest conservation plan shall be submitted after the forest stand delineation is approved by staff.
3. **Time for approval.** A preliminary forest conservation plan shall be approved or rejected by the Department at least 30 days prior to the submission of a final site

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development plan to the Planning Commission, or approved as a part of final staff site design approval if there is no required Planning Commission review.

4. **Appeals.**

- a. Department approval of the preliminary forest conservation plan may be appealed within 30 days by a resident of Annapolis or a local environmental organization to the Board of Appeals.
- b. Department approval of the preliminary forest conservation plan may not be appealed as a part of a final Planning Commission decision specified in § 21.08.

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