

O-16-26 Forest Conservation

Summary of Savidge Amendments 2 through 6

Tags: **Conformance** = carries out or supports a state change. **Local enhancement** = stronger than the state floor. **Staff request** = requested by City staff.

Amendment 2. Stream buffer definition (21.71.020) **Conformance + Local enhancement**

Sets clear buffer widths that match the state retention standards, 100 feet on perennial streams and 50 feet on intermittent streams. At the Office of Law's request, it replaces the old open-ended standard, which let the Director set the width to prevent a "deleterious effect" with no criteria, with objective standards. The Director may expand the buffer up to 50 additional feet only where a specific condition exists: slopes of 15% or greater, highly erodible soils, hydric soils or nontidal wetlands, or habitat for sensitive species. Consistent with state law under NRA 5-1607(c) and more protective under 5-1606(d).

Amendment 3. Annual report (21.71.190) **Conformance**

State requirements: changes the due date for the annual report to the Department of Natural Resources from March 1 to August 31, and adds reporting on the acres for which fees were collected and the acres reforested, afforested, or conserved using those fees.

Amendment 4. Forest conservation plan appeals (21.71.070) **Conformance + Local enhancement + OOL**

The most substantial amendment. Today, an appeal of a forest conservation plan goes to the Building Board of Appeals. This amendment does three things. **(1) Establishes a separate appealable decision.** SB 526 and the Maryland Supreme Court in CREG Westport require that a forest conservation plan approval be a distinct, final, appealable decision. The amendment makes the plan appealable when the associated application receives its final approval. **(2) Moves the appeal to the Board of Appeals.** On the Office of Law's advice, forest conservation plan appeals now go to the Board of Appeals under Chapter 21.30 rather than the Building Board of Appeals. Because the ordinance is in Chapter 21, the Board of Appeals is the more appropriate body, and unlike the Building Board of Appeals it has adopted procedures. Planning Commission approvals are appealed to circuit court; grading permit and site design approvals go to the Board of Appeals within 30 days. **(3) Keeps forest and grading appeals separate.** A grading permit is still appealed to the Building Board of Appeals under Chapter 17, but the amendment prohibits that appeal from including forest conservation plan issues, which must follow the new forest conservation track to the Board of Appeals. This prevents two bodies from hearing the same forest question.

Amendment 5. Notice of plan approval (21.71.070.C) **Local enhancement**

Not required by the state; a local transparency measure. Forest conservation plan approvals authorize tree clearing that is often of significant public interest, yet there is no requirement to notify anyone when a plan is approved. This amendment requires, upon approval, written notice to abutting and adjacent property owners, publication in a newspaper of general circulation, and website posting, each stating the decision date and the appeal window. The cost is borne by the applicant, consistent with existing practice such as 21.24.120, so it carries no fiscal impact. It also corrects a paragraph numbering error in the same section. Fair notice lets the public exercise the appeal rights the state now guarantees. Amendments 4 and 5 are interdependent and should move together. *(This is going to be modified per Environmental Matters to remove the mailed public notification requirement as that is already included in the State changes. After modification it will be focused primarily on the newspaper notification requirement)*

Amendment 6. Applicability (Section II) **Conformance**

Closes a potential gap. The state's Forest Conservation Act changes took effect July 1, 2026, and until O-16-26 is adopted, likely at the end of this month, projects are reviewed under the interim state program. This amendment provides that, once adopted, the ordinance applies to any development application that does not yet have an approved final forest conservation plan. Applications submitted during the interim are brought under our updated Chapter 21.71 rather than grandfathered under the weaker interim standard, which removes ambiguity for applicants and staff about which rules apply. It includes a savings clause for any application already vested under Maryland law, including the Housing Certainty Act, so the City stays within state vesting protections.

Amendment 7. Appeal body fix (Environmental Matters) **Conformance + Local enhancement + OOL**

If Amendment 4 passes the other references to the Building Board of Appeals in this Chapter will need to be changed to the Board of Appeals.