

O-16-26**Forest Conservation — Program Changes to Conform with State Law****AMENDMENT 10 — Alderman Savidge**

Amendment Summary:

Amendment 10 replaces the automatic 30-day no-cutting period with a ten-day window in which a person entitled to appeal may file a notice of intent to appeal. If a notice of intent is filed, the stay continues through the appeal period and any appeal. If none is filed, the applicant may proceed after ten days.

MOTION:

On page 7, strike lines 14 through 17, and insert the following:

"2. Stay pending appeal to the Board of Appeals.

- a. No cutting, clearing, or grading of forest subject to the forest conservation plan may occur during the ten days after the later of the date notice of the approval is published in a newspaper of general circulation in the City and the date the plan is posted on the Department's website.
- b. If, within that ten day period, a person entitled to note an appeal files with the Department a written notice of intent to appeal, no cutting, clearing, or grading of forest subject to the forest conservation plan may occur for the remainder of the thirty days allowed to note an appeal to the Board of Appeals and, if an appeal is noted, until the Board of Appeals resolves the appeal.
- c. If no notice of intent to appeal is filed within the ten-day period, no stay applies under this paragraph, and the noting of an appeal after that period does not stay cutting, clearing, or grading.
- d. If a notice of intent to appeal is filed but no appeal is noted within the thirty days allowed, any stay under this paragraph dissolves at the end of that period.
- e. A notice of intent to appeal shall state the name and address of the person filing it and the forest conservation plan to which it relates. No fee may be charged for filing a notice of intent to appeal."

Explanation Note: ~~Strikethrough~~ indicates matter stricken from existing law.
 Underlining & black means copyediting or reformatting of the existing section
 Underlining & red means a Code change in the original legislation
 Underlining & blue means an amendment to legislation

As the Change Would Look in the Legislation

This is solely for showing changes & is *not* part of the Amendment Motion.

Section 21.71.070 Forest conservation plan.

A. General Provisions.

~~2. Stays.~~

- ~~a. No cutting, clearing, or grading of forest subject to the forest conservation plan may occur during the 30 days allowed to note an appeal to the Building Board of Appeals, and, if an appeal is noted, until the Building Board of Appeals resolves the appeal.~~
- ~~b. After the Building Board of Appeals issues its decision, the Department may require any forest clearing subject to the forest conservation plan to be halted during the time allowed to file a petition for judicial review and until the judicial review has been completed.~~
- ~~c. The noting of an appeal to the Building Board of Appeals or the filing of a petition for judicial review does not stay the review, processing, or approval of any associated subdivision, project plan, grading permit, or sediment control application.~~
- ~~d. Final action on an associated application shall be conditioned on the forest conservation plan as approved by the Department or as modified on appeal or judicial review.~~

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