

O-16-26**Forest Conservation – Program Changes to Conform with State Law****AMENDMENT 5A – Alderman Savidge**

Amendment Summary:

Amendment 5 corrects a numbering error in § 21.71.070(C)(3) through (9) and updates the forest conservation plan post-approval public notification requirements. The Planning and Zoning Department will, at the applicant's expense:

- Publish a notice in a widely circulated newspaper.
 - Include the decision date and the 30-day appeal window in all notifications.
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MOTION:

1) On page 9, in line 8, strike “2” and insert “4”, renumber the following paragraphs accordingly.

2) On page 10, strike lines 4 through 5, and insert the following:

“9. Upon the approval that finalizes the forest conservation plan under § 21.71.070(A)(1), the Department shall, at the applicant's expense, publish notice of the approval in a newspaper of general circulation in the City, and the Department shall post the plan on the Department's website within three business days. The notice, publication, and posting shall state the date of the applicable final approval and the right to appeal the forest conservation plan as provided in §21.71.070(A)(1), including the body to which the appeal is taken and the 30-day period within which it must be filed. For purposes of this paragraph, property separated from the subject property by a public right-of-way is considered abutting and adjacent.”

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.

C. Final Forest Conservation Plan.

3. Time for Notification.

- i. Notice and comment before approval. For any final forest conservation plan that proposes the clearing of a priority retention area, the Department shall provide the notice and opportunity for comment required under § 21.71.080(C)(2) before approving the plan.
- ii. Within 45 calendar days after receipt of the final forest conservation plan, the Department shall notify the applicant in writing whether the forest conservation plan is complete.
 - a. If the Department fails to notify the applicant within 45 calendar days, the plan shall be treated as complete and approved.
 - b. The Department may require further information or extend the deadline for an additional 15 calendar days under extenuating circumstances in its own discretion.
 - c. At the request of the applicant, the Department may extend the deadline under extenuating circumstances.
 - d. The Department shall post the notifications described in this section and the final forest conservation plan on the City's website.

24. Approval.

- i. The Department shall approve, approve with conditions, or disapprove the final forest conservation plan in a written decision.
- ii. The written decision shall include the findings required under § 21.71.080(C) where clearing of a priority retention area is proposed, and the findings required under § 21.71.110 where payment instead of afforestation or reforestation is proposed.
- iii. The Department's written decision, or the deemed approval under the completeness provision of this subsection, constitutes the approval of the forest conservation plan for purposes of Natural Resources Article, § 5-1605(d), Annotated Code of Maryland.

35. The Department's review of a final forest conservation plan shall be concurrent with the review of the final subdivision or project plan, grading permit

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application, or sediment control application associated with the project, except that the Department shall issue its written decision under this subsection before the Planning Commission or other decision-making authority takes final action on the associated application.

46. The Department may revoke an approved forest conservation plan if it finds that:

- i. A provision of the plan has been violated;
- ii. Approval of the plan was obtained through fraud, misrepresentation, a false or misleading statement, or omission of a relevant or material factor;
- iii. Changes in the development or in the condition of the site necessitate preparation of a new or amended plan; or
- iv. The project plan approval is terminated due to the applicant's inaction as specified in Title 17.

57. The Department may issue a stop work order against a person who violates a provision of this chapter or a regulation, order, approved forest conservation plan, or maintenance agreement.

68. Before revoking approval of a forest conservation plan, the Department shall notify the violator in writing and provide an opportunity for a hearing before the Department Director or their designee.

7. Upon approval of the final forest conservation plan, the Department shall post the plan on the Department's website within three business days.

9. Upon the approval that finalizes the forest conservation plan under § 21.71.070(A)(1), the Department shall, at the applicant's expense, publish notice of the approval in a newspaper of general circulation in the City, and the Department shall post the plan on the Department's website within three business days. The publication and posting shall state the date of the applicable final approval and the right to appeal the forest conservation plan as provided in §21.71.070(A)(1), including the body to which the appeal is taken and the 30-day period within which it must be filed.

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