

O-16-26**Forest Conservation — Program Changes to Conform with State Law****AMENDMENT 8 — Alderman Savidge**

Amendment Summary:

Amendment 8 clarifies that when a property is in the Critical Area, developers must follow whichever rule is stricter for that property: the Critical Area law or the Forest Conservation law.

Right now, City law treats the two as either-or: if a property is in the Critical Area, the Forest Conservation chapter does not apply at all. This amendment ends that full exemption and replaces it with a "stricter rule wins" standard.

MOTION:

On page 4, in line 18, after "Maryland," and before the semicolon, insert the following:

“, except that where a requirement of this chapter is more restrictive than a comparable requirement under the Critical Area Protection Law or Chapter 21.54 of this Code, the more restrictive requirement shall control.”

Explanation Note:

~~Strike through~~ indicates matter stricken from existing law.

Underlining & black means copyediting or reformatting of the existing Code section

Underlining & red means new matter added to the code.

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.

Chapter 21.71 FOREST CONSERVATION

Section 21.71.030 Application.

B. This chapter does not apply to:

1. Highway construction activities under Natural Resources Article, § 5-103, Annotated Code of Maryland;
2. Areas governed by the Chesapeake Bay Critical Area Protection Law, Natural Resources Article, §§ 8-1801—8-1817, Annotated Code of Maryland, including those areas into which critical area forest protection measures have been extended under Natural Resources Article, § 5-1602(c), Annotated Code of Maryland, except that where a requirement of this chapter is more restrictive than a comparable requirement under the Critical Area Protection Law or Chapter 21.54 of this Code, the more restrictive requirement shall control;
3. Commercial logging and timber harvesting operations, including harvesting conducted subject to the forest conservation and management program under Tax-Property Article, § 8-211, Annotated Code of Maryland, that are completed:
 - i. Before July 1, 1991; or
 - ii. After July 1, 1991, on property which:
 - a. Has not been the subject of application for a grading permit for development within five years after the logging or harvesting operation, and
 - b. Is the subject of a declaration of intent as provided for in Subsection C. ~~of this section~~, approved by the Department;

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