

O-16-26

Forest Conservation — Program Changes to Conform with State Law

AMENDMENT 7 — Alderman Savidge

Amendment Summary:

Amendment 7 removes all references to the “Building Board of Appeals” and requires all Forest Conservation reviews to be made by the (zoning) “Board of Appeals.”

MOTION:

On Page 6, in lines 31 and 34, and on Page 7, in lines 2, 6, 10, 16, 17, 18 and 23, strike “Building”.

Explanation Note:

~~Strikethrough~~ 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 21.71.070 Forest conservation plan.

A. General Provisions.

1. Appeals and Approvals.

- i. Preliminary Forest Conservation Plan. A preliminary forest conservation plan cannot be appealed.
- ii. Final Forest Conservation Plan.
 - a. The Department's approval, approval with conditions, or disapproval of a final forest conservation plan under Subsection C is a final decision of the Department.
 - b. A person aggrieved by the Department's decision on a final forest conservation plan shall be entitled to note an appeal to the ~~Building~~ Board of Appeals not later than 30 days after the Department issues its written decision.
 - c. In deciding the appeal, the ~~Building~~ Board of Appeals shall consider the record compiled by the Department and may receive additional evidence offered by any party, including evidence that information relied upon by the Department was incomplete or in error. The record compiled by the Department, together with any additional evidence received by the ~~Building~~ Board of Appeals, constitutes the record of the Department for purposes of judicial review under Natural Resources Article, § 5-1605(d), Annotated Code of Maryland.
 - d. A party to the proceeding before the ~~Building~~ Board of Appeals who is aggrieved by its decision shall be entitled to file a petition for judicial review in the Circuit Court for Anne Arundel County in accordance with the Maryland Rules, not later than 30 days after the ~~Building~~ Board of Appeals issues its decision. Judicial review shall be conducted in accordance with the Maryland Rules and limited to the record described in § 21.71.070(A)(1)(ii)(c).

2. Stays.

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- 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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