

(C) If the court finds the regulation is [an unreasonable exercise of the police power] INVALID, the court shall enter a finding that the regulation does not apply to the petitioner. However, the finding may not affect any land other than that of the petitioner. The Secretary shall record a copy of the finding among the land records in the county.

(d) [Either party] THE PERSON WHO APPEALED TO THE CIRCUIT COURT OR THE DEPARTMENT may appeal the decision of the circuit court to the Court of Special Appeals.

[9-307.

The applicant, the county, or the municipal government where the land is located may appeal from the Secretary's decision pursuant to § 9-306 of this subtitle to the Board of Review of the Department as provided in Title 1 of this article. The proceeding shall be in the county where the land is located and the Board of Review shall view the affected land.]

9-308.

(a) [Any party to the appeal to the Board of Review pursuant to § 9-307 of this subtitle may appeal] THE APPLICANT, THE COUNTY, OR THE MUNICIPAL GOVERNMENT WHERE THE LAND IS LOCATED MAY APPEAL FROM THE SECRETARY'S DECISION UNDER § 9-306 OF THIS SUBTITLE to the circuit court for the county in which the land is located within 30 days after the SECRETARY'S decision [of the Board of Review].

(b) [The appeal is not subject to the provisions of the Administrative Procedure Act. The court shall hear the case de novo. Either party may elect a jury trial. There is no right of removal.

(c) If the court finds that the decision of the Board of Review appealed from is an unreasonable exercise of police power, the court may set aside or modify the determination.]

(1) THE COURT SHALL REVIEW THE ADMINISTRATIVE RECORD OF THE SECRETARY'S DECISION.

(2) THE COURT SHALL DECLARE THE SECRETARY'S DECISION INVALID IF THE COURT FINDS THAT THE DECISION:

(I) IS UNCONSTITUTIONAL;

(II) EXCEEDS THE STATUTORY AUTHORITY OR JURISDICTION OF THE DEPARTMENT;

(III) RESULTS FROM AN UNLAWFUL PROCEDURE;

(IV) IS AFFECTED BY ANY OTHER ERROR OF LAW; OR

(V) IS UNSUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL EVIDENCE IN LIGHT OF THE ENTIRE RECORD AS SUBMITTED.