

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 13

Bill No. 62-21

Introduced by Ms. Haire

By the County Council, June 7, 2021

Introduced and first read on June 7, 2021
Public Hearing set for and held on July 6, 2021
Bill Expires on September 10, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Critical Area Overlay –
2 Forest Conservation Easements

3
4 FOR the purpose of requiring the County to convey a forest conservation easement back
5 to an owner upon a written request made by a certain date; providing for the
6 applicability of this Ordinance; and generally relating to subdivision and development.

7
8 BY repealing and reenacting, with amendments: § 17-8-901
9 Anne Arundel County Code (2005, as amended)

10
11 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
12 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 8. CRITICAL AREA OVERLAY

17-8-901. Forestation agreement and forest conservation easement.

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20 (A) **In general.** For all afforestation, reforestation, and replanting required by this title,
21 a developer shall enter into a forestation agreement. A forest conservation easement shall
22 be required for lots one-half acre or greater for any onsite planted area or coterminous area
23 of onsite plantings and woodland that totals 3,000 square feet or greater. The Planning and
24 Zoning Officer may grant a modification of the requirements of this section for a stream
25 restoration project.

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter repealed from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 (B) **Reconveyance of forest conservation easement.** UPON A WRITTEN REQUEST
2 FROM THE PROPERTY OWNER MADE ON OR AFTER THE EFFECTIVE DATE OF BILL NO. 62-
3 21, THE COUNTY SHALL PROMPTLY CONVEY A FOREST CONSERVATION EASEMENT BACK
4 TO THE OWNER IF ALL PERMITS AND PLAN APPLICATIONS AND APPROVALS RELATED TO
5 THE DEVELOPMENT HAVE EXPIRED, BEEN TERMINATED, OR ARE OTHERWISE NULL AND
6 VOID.
7

8 SECTION 2. *And be it further enacted,* That all references in this Ordinance to “the
9 effective date of Bill No. 62-21”, or words to that effect, shall, upon codification, be
10 replaced with the actual date on which this Ordinance takes effect under Section 307 of the
11 County Charter as certified by the Administrative Officer to the County Council.
12

13 SECTION 3. *And be it further enacted,* That this Ordinance shall be construed to apply
14 retroactively and shall be applied to and interpreted to affect any forest conservation
15 easement entered into before the effective date of this Ordinance.
16

17 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days
18 from the date it becomes law or upon approval of the Maryland Critical Area Commission
19 under the authority granted by § 8-1801 et seq. of the Natural Resources Article of the State
20 Code, whichever is later. If approved in whole or in part after the 45 days, the approved
21 provisions of this Ordinance shall take effect on the date the notice of approval is received
22 by the Office of Planning and Zoning. If disapproved in whole or in part, the disapproved
23 portions of this Ordinance shall be null and void without the necessity of further action by
24 the County Council. The Office of Planning and Zoning, within five days after receiving
25 any notice from the Maryland Critical Area Commission, shall forward a copy to the
26 Administrative Officer for the County Council.

READ AND PASSED this 6th day of July, 2021

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 7th day of July, 2021


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 9th day of July, 2021


Stuart Pittman
County Executive

EFFECTIVE DATE: October 8, 2021*

* See Section 4 of this bill.

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 62-21. THE ORIGINAL OF WHICH IS RETAINED IN THE
FILES OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is fluid and cursive, with the first name "Laura" and last name "Corby" clearly distinguishable.

Laura Corby
Administrative Officer

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman

Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

October 7, 2021

Mr. Steven Kaii-Ziegler
Anne Arundel County
Office of Planning and Zoning
2664 Riva Rd, MS 6301
Annapolis, Maryland 21401

**Re: Anne Arundel County Critical Area Program
Forest Conservation Bill Update – Bill No. 62-21**

Dear Mr. Kaii-Ziegler:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above-referenced text amendment. On October 6, 2021, the Critical Area Commission concurred with my determination that the text amendment could be reviewed as a refinement to the Anne Arundel County Critical Area Program. At that same meeting, I approved the text amendment as proposed.

Please note that the refinement must be reflected in the Anne Arundel County Zoning Ordinance within 120 days of the date of this letter.

Thank you for your continued dedication to the County's Critical Area Program. If you have any questions, please contact Kate Durant at (410) 260-3477 or kathryn.durant@maryland.gov.

Sincerely,

A handwritten signature in cursive script that reads "Charles C. Deegan".

Charles C. Deegan
Chairman

cc: Matthew Johnston, County Commissioner
Kelly Krinetz, Anne Arundel County
Charlotte Shearin, Critical Area Commission
Kate Durant, Critical Area Commission