

FINAL

AMENDED
September 6, 2016

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 33

Bill No. 57-16

Introduced by Mr. Fink, Chairman
(by request of the County Executive)

By the County Council, July 18, 2016

Introduced and first read on July 18, 2016
Public Hearing set for and held on September 6, 2016
Bill Expires October 21, 2016

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Forest Conservation

2

3 FOR the purpose of exempting certain stream restoration projects from forest
4 conservation requirements; revising the calculation of site values for a forest
5 conservation plan; adjusting the fee-in-lieu rates for forest conservation inside
6 Priority Funding Areas and outside Priority Funding Areas; and generally relating to
7 forest conservation.

8

9 BY repealing and reenacting, with amendments: §§ 17-6-301(b)(8) and (9); 17-6-
10 303(c)(2) and (d)(3); and 17-11-101
11 Anne Arundel County Code (2005, as amended)

12

13 BY adding: § 17-6-301(b)(10) and (11)
14 Anne Arundel County Code (2005, as amended)

15

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

19

20 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

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22 **TITLE 6. GENERAL DEVELOPMENT PROVISIONS**

23

24 **17-6-301. Scope.**

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 (b) **Exceptions.** This subtitle does not apply to:

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3 (8) any strip or deep mining of coal regulated under the Environmental Article,
4 Title 15, Subtitle 5 or 6, of the State Code, and any non-coal surface mining regulated
5 under the Environmental Article, Title 15, Subtitle 8, of the State Code; [or]

6
7 (9) the cutting or clearing of trees to comply with the requirements of 14 CFR
8 77.25 relating to objects affecting navigable airspace if the Federal Aviation
9 Administration has determined that the trees are a hazard to aviation[.];

10
11 (10) A STREAM RESTORATION PROJECT, AS DEFINED IN THE NATURAL
12 RESOURCES ARTICLE, § 5-1601, OF THE STATE CODE, PROVIDED THE APPLICANT HAS A
13 BINDING AGREEMENT WITH THE OWNER TO MAINTAIN THE PROJECT FOR AT LEAST FIVE
14 YEARS; OR

15
16 (11) MAINTENANCE OR RETROFITTING OF A STORMWATER MANAGEMENT
17 STRUCTURE, INCLUDING CLEARING OF VEGETATION OR REMOVAL AND TRIMMING OF
18 TREES, PROVIDED THE MAINTENANCE OR RETROFITTING IS WITHIN THE ORIGINAL
19 LIMITS OF DISTURBANCE FOR CONSTRUCTION OF THE EXISTING STRUCTURE OR WITHIN
20 ANY MAINTENANCE EASEMENT FOR ACCESS TO THE STRUCTURE.

21
22 **17-6-303. Forest conservation plan.**

23
24 (c) **Contents of forest conservation plan.** A forest conservation plan shall contain or
25 be accompanied by all information required by the Office of Planning and Zoning,
26 including at least the following:

27
28 (2) a table that lists the proposed values, measured to the nearest one-tenth acre,
29 of the site, [excluding the 100-year floodplain,] INCLUDING the area of required forest
30 conservation[,] and the onsite and offsite areas of forest conservation that the developer
31 will provide, BUT EXCLUDING THE 100-YEAR FLOODPLAIN AND ANY PREVIOUSLY
32 DEVELOPED AREAS COVERED BY IMPERVIOUS SURFACES THAT ARE LOCATED IN A
33 PRIORITY FUNDING AREA;

34
35 (d) **Retention not feasible; afforestation and reforestation; payment to Forest
36 Conservation Fund.**

37
38 (3) If the Office of Planning and Zoning determines that neither afforestation nor
39 reforestation can reasonably be accomplished, the developer shall make a payment to the
40 County's Forest Conservation Fund AS PROVIDED IN TITLE 11 before the signing of the
41 proposed record plat for a development involving subdivision or upon the issuance of a
42 grading permit for a development not involving subdivision.

43
44 **TITLE 11. FEES AND SECURITY**

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46 **17-11-101. Fees and security.**

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48 The following fees shall be paid and security given as provided in the following chart,
49 except that fees paid on an application governed by the law as it existed prior to May 12,
50 2005 shall be credited against the fees in the following chart if the application is
51 withdrawn and a new application is filed under this article:

1

Category	Fee or Security

Fee-in-lieu of planting for land outside the critical area AND INSIDE A PRIORITY FUNDING AREA	\$.40 [\$0.50] \$0.40 per square foot OR THE AMOUNT PROVIDED IN COMAR TITLE 08, SUBTITLE 19, CHAPTER 4, WHICHEVER IS GREATER
FEE-IN-LIEU OF PLANTING FOR LAND OUTSIDE THE CRITICAL AREA AND OUTSIDE A PRIORITY FUNDING AREA	\$0.50 PER SQUARE FOOT OR 20% MORE THAN THE FEE-IN-LIEU FOR LAND INSIDE A PRIORITY FUNDING AREA, WHICHEVER IS GREATER
Fee-in-lieu of planting for land inside the critical area	\$1.50 per square foot of mitigation required

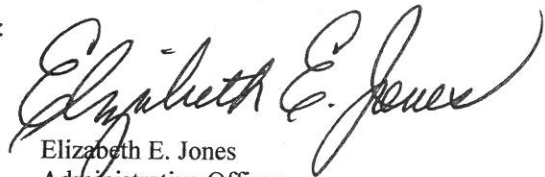
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SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days from the date it becomes law.

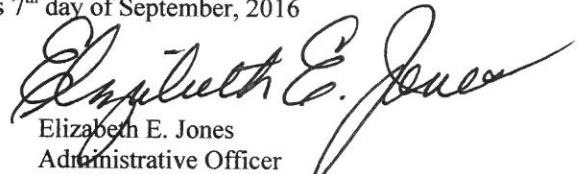
AMENDMENT ADOPTED: September 6, 2016

READ AND PASSED this 6th day of September, 2016

By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 7th day of September, 2016

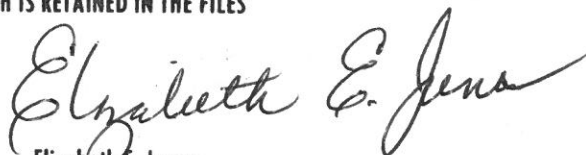

Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 9th day of September, 2016


Steven R. Schuh
County Executive

EFFECTIVE DATE: October 24, 2016

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 57-16 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.


Elizabeth E. Jones
Administrative Officer