



## ANNE ARUNDEL COUNTY OFFICE OF LAW

### Legislative Summary

**To:** Members, Anne Arundel County Council

**From:** Kelly Phillips Kenney, Supervising County Attorney /s/

**Via:** Gregory J. Swain, County Attorney

**Date:** February 6, 2023

**Subject:** Bill No. 10-23 – Floodplain Management, Erosion and Sediment Control, and Stormwater Management – Subdivision and Development – Water Quality Improvement Projects

---

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 10-23.

### Background

The County Code currently prohibits or restricts any development or disturbance in natural feature areas (which includes floodplains, nontidal wetlands, streams, and steep slopes) without a modification. *See* County Code, §§ 16-2-101, et. seq.; 17-6-401, et. seq. This includes any work that is done in association with water quality improvement projects (such as stream restoration projects), which typically take place entirely in one or more of those natural feature areas. As a result, the County and other private sector partners are required to go through the modification process in order to move forward with their projects.

### Purpose

The purpose of Bill No. 10-23 is to exempt certain water quality improvement from the requirement for a modification.

### Bill No. 10-23

#### SECTION 1.

This section provides for the renumbering that is required as a result of the changes in the Ordinance.

**Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.**

## **SECTION 2.**

Subsection **16-1-101(95)** is added to create a definition of a “water quality improvement project”. These are defined to be projects that are designed to reduce pollutants to local waterways that are implemented to meet the water quality goals of the County’s National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit (“NPDES MS4”) or Chesapeake Bay Total Maximum Daily Load requirements (“TMDL”). A “water quality improvement project” does not include stormwater management required to be provided by a developer to meet the adequate public facilities (“APF”) requirements of Article 17, except for an element of a project that corrects a pre-existing site and downstream deficiency.

Subsection **16-2-101(a)** is revised and new subsection **(b)** is added to exempt a water quality improvement project that meets certain conditions from the floodplain management requirements of Article 16, Title 2, including the requirement for a modification in § 16-2-301. To be exempt, an engineering study must be provided by a design professional<sup>1</sup> and approved by the Department of Inspections and Permits. The subsection sets forth the criteria that must be met in the engineering study. Existing subsection **(b)** is renumbered to **(c)** without any change.

Section **17-6-401** is new and **(a)** incorporates the definition of “water quality improvement project” from Article 16. Subsection **(b)** provides that the prohibitions against development in natural feature areas in Title 16 do not apply to a water quality improvement project. The result of this is that a modification under § 17-2-108 is no longer necessary for such projects.

## **SECTION 3.**

This section provides that the bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill. Thank you.

cc: Honorable Steuart Pittman, County Executive  
Christine Anderson, Chief Administrative Officer  
Jeff Amoros, Chief of Staff  
Peter Baron, Chief Strategy Officer  
Jennifer Purcell, Deputy Chief Administrative Officer  
Janssen Evelyn, Deputy Chief Administrative Officer  
Mark Wedemeyer, Director, Department of Inspections and Permits  
Jenny Jarkowski, Planning and Zoning Officer  
Chris Trumbauer, Budget Officer  
Karen Henry, Acting Director, Department of Public Works  
Erik Michelson, Deputy Director, Department of Public Works

---

<sup>1</sup> A design professional “means a professional engineer, professional land surveyor, or professional landscape architect licensed by the State.” § 16-1-101(19).