

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2007, Legislative Day No. 6

Bill No. 22-07

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

By the County Council, March 19, 2007

Introduced and first read on March 19, 2007

Public Hearing set for April 16, 2007

Bill Expires June 22, 2007

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning Critical Area Map amendment—Broadneck Area

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3 FOR the purpose of altering the County Critical Area map as directed by the Chesapeake
4 Bay Critical Area Commission

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6 WHEREAS, by Bill No. 49-88 and subsequent amendments the County Council
7 adopted the Critical Area Maps for Anne Arundel County, which became effective
8 on August 22, 1988; and

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10 WHEREAS, County law as set forth at §18-16-302 of the Anne Arundel County
11 Code (2005, as amended) permits a property owner who believes that those maps
12 contain an error to apply for a reclassification or declassification of the property
13 upon proof of mistake; and

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15 WHEREAS, Wright Investment, Inc., owns property within the Chesapeake Bay
16 Critical Area; and

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18 WHEREAS, on December 7, 2000, Wright Investment, Inc., applied to the County
19 Administrative Hearing Officer to remove 2.5 acres from the Chesapeake Bay
20 Critical Area as allowed by County law; and

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22 WHEREAS, on August 31, 2004, after multiple appeals of unfavorable decisions,
23 Wright prevailed at the Court of Special Appeals, which ruled that Anne Arundel

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 County had incorrectly applied its mapping methodology and remanded the case to
2 the County Board of Appeals for correction of its opinion; and

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4 WHEREAS, on September 21, 2005, the Anne Arundel County Board of Appeals
5 issued a revised memorandum that corrected its prior findings as directed by the
6 Court of Special Appeals and ordered the remapping of the Wright property to
7 exclude 2.5 acres; and

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9 WHEREAS, as required by State and County law, County staff prepared a Critical
10 Area map amendment showing the 2.5 acres as outside the County's critical area;
11 and

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13 WHEREAS, the map amendment and accompanying documentation were initially
14 submitted to the Critical Area Commission on March 3, 2005 and, after an additional
15 request from Commission staff for more information, were accepted by the staff and
16 designated a "program amendment" by Commission Chairman Martin Madden; and

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18 WHEREAS, the Critical Area Commission held a public hearing on August 28, 2006
19 and, as a result of that hearing, the Critical Area Commission returned the County's
20 application on September 20, 2006, with a letter directing the County to remap the
21 entire surrounding area based on the mistake that was found to apply to the Wright
22 property; and

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24 WHEREAS, the remapping resulted in removal of a total of 22.95 acres from the
25 County's Chesapeake Bay Critical Area and now requires the approval of the County
26 Council to amend the County's official Critical Area Maps; now therefore,

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28 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
29 That the official Critical Area Map for Anne Arundel County is hereby adjusted as follows:

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31 On Sheet No. 17 of the Official Critical Area Map adopted by the Anne Arundel
32 County Council on July 8, 1988, effective August 22, 1988, by Bill No. 49-88,
33 remove the hatched area as shown on Exhibit 1 from Chesapeake Bay Critical Area.

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35 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
36 from the date it becomes law or upon approval by the State Critical Area Commission,
37 whichever is later.