

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2007, Legislative Day No. 9

Bill No. 39-07

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

By the County Council, May 1, 2007

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Introduced and first read on May 1, 2007  
Public Hearing set for and held on May 21, 2007  
Bill AMENDED and VOTED on May 21, 2007  
Bill Expires August 4, 2007

By Order: Judy C. Holmes, Administrative Officer

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A BILL ENTITLED

1 AN EMERGENCY ORDINANCE concerning: Grading and Sediment Control

2  
3 FOR the purpose of correcting a reference to the buffer and expanded buffer of the  
4 Chesapeake Bay Critical Area; ~~eliminating redundant language~~ clarifying a reference  
5 to buffer modification areas; clarifying that an exception to the requirement for a  
6 grading permit does not apply to grading that occurs in the buffer or expanded buffer;  
7 providing that clearing in the buffer or expanded buffer without a Buffer Management  
8 or Forest Management Plan shall be punished as a violation of the Grading and  
9 Sediment Control Title; and making this Ordinance an emergency measure.

10  
11 BY repealing and reenacting, with amendments: § 16-2-201(b)  
12 Anne Arundel County Code (2005, as amended)

13  
14 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
15 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as  
16 follows:

17  
18 ARTICLE 16 FLOODPLAIN MANAGEMENT, SEDIMENT CONTROL, AND  
19 STORMWATER MANAGEMENT

20  
21 TITLE 2. GRADING AND SEDIMENT CONTROL  
22

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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 **16-2-201. Permit required; exceptions.**

2  
3 (b) **Exceptions.** A grading permit is not required for the following if the other  
4 provisions of this title and of applicable State law are satisfied:

5  
6 (1) grading activities associated with commercial or residential construction on a  
7 lot on which the following conditions exist:

8  
9 (i) the lot is on a paved, graveled, or publicly maintained street where storm  
10 drainage facilities are in operation and roadside ditches stabilized;

11  
12 (ii) stormwater management facilities are not required on the lot;

13  
14 (iii) not more than 15,000 square feet will be disturbed during development,  
15 except as follows:

16  
17 1. in the critical area, not more than 5,000 square feet will be disturbed;

18 and

19  
20 2. in a bog protection area, development that does not disturb more than  
21 5,000 square feet and that has not previously been given an exemption under this section;

22  
23 (iv) slopes of 15% or greater will not be disturbed;

24  
25 (v) development will take place on no more than three contiguous lots at one  
26 time, provided that the limitations established by the Standards and Specifications are not  
27 exceeded;

28  
29 (vi) the proposed grading will not impair existing surface drainage, constitute  
30 a potential erosion hazard, or act as a source of sedimentation to any adjacent land or  
31 watercourse;

32  
33 (vii) grading will not take place in the buffer, ~~OR EXPANDED BUFFER, OR~~  
34 BUFFER MODIFICATION AREAS DESCRIBED IN § 18-13-104 ~~required by § 18-13-104(a)~~ OF  
35 THIS CODE [or within 100 feet of the mean high-water line of a body of water affected by  
36 tidal action, including tidal wetlands and tributary streams in the critical area];

37  
38 (viii) any conditions established by the Department and the Anne Arundel Soil  
39 Conservation District in a standard grading plan;

40  
41 (ix) the applicant has filed a standard grading plan application and has  
42 certified that construction will meet the conditions and limitations established on the  
43 standard grading plan and will be carried out in compliance with this title; and

44  
45 (x) the standard grading plan application is approved by the Department;

46  
47 (2) accepted agricultural land management practices and construction of  
48 agricultural structures;

1 (3) except for a clay and borrow pit or sand and gravel operation that is a legal  
2 nonconforming use or is required to have obtained a special exception before  
3 commencement of its operation, the stockpiling of raw or processed soil, sand, stone, and  
4 gravel with slopes at a natural angle of repose at quarries, and operations that are  
5 performed on cleared or unstabilized sites at concrete, asphalt, and material processing  
6 plants and construction storage yards, provided that:

7  
8 (i) the Anne Arundel Soil Conservation District has approved a plan for the  
9 site;

10  
11 (ii) sediment control measures have been utilized to protect against offsite  
12 damages in accordance with the provisions of this title and the approved plan; and

13  
14 (iii) the Department may require a grading permit if the Department considers  
15 it necessary;

16  
17 (4) except for clay and borrow pits and sand and gravel operations, clearing and  
18 grading activities that are required to obtain a permit or license under State law, including  
19 rubble fills and sanitary landfills, if those activities have the permit or license required by  
20 the State, except that a grading permit is required for any disturbed areas outside the  
21 scope of a State permit or license;

22  
23 (5) grading and trenching for the following utility installations, provided no more  
24 than 5,000 square feet of land is disturbed, the grading or trenching does not change the  
25 natural contour, and damaged, destroyed, or disturbed erosion and sediment control  
26 measures are restored to their original condition: a utility installation within a highway  
27 right-of-way; a utility easement immediately adjacent to a road or street right-of-way; or  
28 a utility easement in an area abutting a road or street right-of-way that accommodates a  
29 housing connection;

30  
31 (6) grading and related earthwork incidental to an individual water well and  
32 individual sewage disposal system installed under a permit from the appropriate public  
33 authority, provided the grading and related earthwork do not change the natural contour  
34 and disturbed areas are stabilized to prevent erosion within 72 hours from initial  
35 disturbance;

36  
37 (7) grading on an existing developed lot or parcel for maintenance of landscaping  
38 purposes only if:

39  
40 (i) the aggregate area affected or bared at one time does not exceed 5,000  
41 square feet;

42  
43 (ii) the average grade change does not exceed 12 inches and does not alter the  
44 drainage pattern so as to create a hazardous condition or a source of sedimentation to any  
45 stream or watercourse; [and]

46  
47 (iii) bare earth is promptly seeded, sodded, or otherwise effectively protected  
48 from erosive actions; AND

1 (IV) NO GRADING TAKES PLACE IN THE BUFFER, ~~OR~~ EXPANDED BUFFER, OR  
2 BUFFER MODIFICATION AREAS DESCRIBED IN ~~§ 18-13-104(A)~~ § 18-13-104 OF THIS CODE  
3 OTHER THAN CLEARING AUTHORIZED BY A BUFFER MANAGEMENT PLAN OR FOREST  
4 MANAGEMENT PLAN APPROVED UNDER § 17-8-304 OF THIS CODE ;  
5

6 (8) an authorized County capital improvement project or public improvements  
7 installed or constructed by the Department of Public Works or under the supervision of  
8 the Department of Public Works, provided that for a project that disturbs more than 5,000  
9 square feet of land the erosion and sediment control plan shall be approved by the Anne  
10 Arundel Soil Conservation District, except in the critical area, unless disturbance does not  
11 involve developed woodlands, forests, tidal wetlands, nontidal wetlands, buffers, highly  
12 erodible soils, or habitat protection areas; and  
13

14 (9) clay and borrow pits and sand and gravel operations that are operating under a  
15 surface mining sediment control permit.  
16

17 SECTION 2. *And be it further enacted,* That this Ordinance is hereby declared to be  
18 an emergency ordinance and necessary for the immediate preservation of the public  
19 peace, health, safety, welfare, and property and being passed by the affirmative vote of  
20 five members of the County Council, the same shall take effect from the date it becomes  
21 law.

AMENDMENTS ADOPTED: May 21, 2007

READ AND PASSED this 21st day of May, 2007

By Order:

Judy C. Holmes  
Administrative Officer

PRESENTED to the County Executive for his approval this 22nd day of May, 2007

Judy C. Holmes  
Administrative Officer

APPROVED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2007

JOHN R. LEOPOLD  
County Executive

EFFECTIVE DATE: