

# 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

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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

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## 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:

### 13 14 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

#### 15 16 **TITLE 8. CRITICAL AREA OVERLAY**

##### 17 18 **17-8-901. Forestation agreement and forest conservation easement.**

19  
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.

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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[[Brackets]] indicate matter repealed from existing law.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 6<sup>th</sup> day of July, 2021

By Order:

  
Laura Corby  
Administrative Officer

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

  
Laura Corby  
Administrative Officer

APPROVED AND ENACTED this 9<sup>th</sup> day of July, 2021

  
Stuart Pittman  
County Executive

EFFECTIVE DATE: August 23, 2021\*

\* Subject to 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 written in a cursive style with a large, sweeping initial "L".

Laura Corby  
Administrative Officer