

# NOTICE

Issued by:

## Office of Planning & Zoning

Notice #:
OPZ-20-05-Rev
Release Date
Original: 3/6/20 Revised: 11/1/21
Effective Date
03/06/2020
Contact Phone #:
410-222-7458

### Verifying the Existence or Absence of Nontidal Wetlands and their Buffers

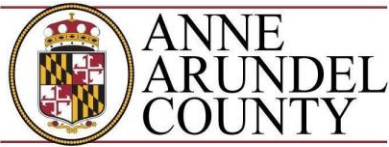
Anne Arundel County prohibits development in nontidal wetlands and their buffers. The purpose of this notice is to provide the general public, reviewing agencies, and the development community standard operating procedures to verify the existence or absence of nontidal wetlands and their buffers on a project site.

Any questions regarding this notice should be forwarded to Lori Allen, Planning Administrator, at [pzalle00@acounty.org](mailto:pzalle00@acounty.org) and 410-222-7458.

Steve Kaii-Ziegler,  
AICP

*Planning & Zoning  
Officer*





M A R Y L A N D

Office of Planning and Zoning

Steve Kaii-Ziegler AICP, Planning and Zoning Officer

**MEMORANDUM**

TO: MBIA, Review Agencies and the General Public

FROM: Steve Kaii-Ziegler AICP, Planning and Zoning Officer *SZ*

SUBJECT: Verifying the Existence or Absence of Nontidal Wetlands and their Buffers

DATE: March 6, 2020

---

Section 17-6-401 of the Anne Arundel County Code prohibits development within a nontidal wetland or within 25 feet of a nontidal wetland, except for certain, qualifying commercial tree harvesting activities.

The purpose of this policy is to provide the general public, reviewing agencies, and the development community with standard operating procedures to verify the existence or absence of nontidal wetlands and their buffers on a project site.

The following steps shall be followed by the Office of Planning and Zoning when reviewing applications for development:

- 1) County staff will conduct an initial geographic information systems (GIS) review of any subdivision or site development plan application for potential impacts to State-regulated resources (i.e., nontidal wetlands, 25-foot nontidal wetland buffers, and 100-foot expanded buffers to a wetland of special State concern. The following GIS layers will be checked for the potential existence or absence of regulated nontidal wetland resources on the site, and if present, will be noted as potential nontidal wetland indicators that require additional follow-up:
  - a. Nontidal wetlands indicated on the Maryland Department of Natural Resources wetlands layers;
  - b. Nontidal wetlands indicated on the Maryland National Wetlands Inventory (NWI) layer;
  - c. Nontidal wetlands indicated on the Wetlands of Special State Concern (WSSC) layer;
  - d. Hydric soils indicated through polygons found in the Soils layer and upland soils with a hydric component (inclusion); and
  - e. Any additional potential wetland indicator layers and information created or used by Anne Arundel County.
- 2) If any of the above are noted on the site, and fall within 100 feet of the proposed limit of disturbance, County staff will:
  - a. Require the applicant to provide the following information prepared by a qualified professional:
    - i. a wetlands delineation report that describes the types of wetlands on site according to their U.S. Fish and Wildlife National Wetlands Inventory classification;
    - ii. a site plan, with topography and nontidal wetland boundaries flagged in the field, based on a field delineation in accordance with the [Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region \(version](#)

- [2.0](#)), or the [Regional Supplement to the Army Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region \(Version 2.0\)](#), as appropriate;
- iii. wetland and upland data sheets used in determining the boundary;
  - iv. representative photographs; and
  - v. a concept plan that shows the relationship of the proposed development to regulated resources.
- b. Review the information provided in 2(a), and conduct a site visit, if necessary, to verify the presence or absence of wetlands on the site.
- 3) If either the information provided in 2(a) or County research indicate potential wetlands exist within 25 feet of the proposed limit of disturbance (or within 100 feet of a designated WSSC), County staff will require the applicant:
- a. [Request a pre-application meeting](#) with the Maryland Department of Environment, Nontidal Wetlands Division (the Maryland Department of the Environment, Nontidal Wetland Division will make the final determination whether a pre-application meeting is warranted); and
  - b. Provide the pre-application meeting findings and recommendations from the Maryland Department of the Environment to County staff.
- 4) If information provided in 2(a) and additional information gathered by County research indicate no wetlands exist within 25 feet of the proposed limit of disturbance (or within 100 feet of a designated WSSC), the applicant is not required to request a pre-application meeting with the Maryland Department of Environment, Nontidal Wetlands Division.

This policy shall be effective immediately.