



**ANNE ARUNDEL COUNTY
OFFICE OF THE COUNTY AUDITOR**

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: March 29, 2023
Subject: Auditor's Review of Legislation for the April 3, 2023 Council Meeting

**Bill 6-23:
Subdivision and
Development – Zoning –
Accessory Dwelling Units
(As Amended)**

Summary of Legislation

This bill exempts accessory dwelling units from impact fees; amends the definitions of density and dwelling unit, accessory; repeals certain parking requirements for accessory dwelling units; amends the conditional use requirements for accessory dwelling units; and allows accessory dwelling units in use as of a certain date to be exempt from certain conditional use requirements.

We commented on this bill in our letters dated February 16, 2023, March 1, 2023, and March 15, 2023. At the March 20, 2023 Council meeting, this bill was amended to allow a variance to reduce the minimum setback requirements to an adjacent lot located in a residential district if the variance is for a structure that was in existence before the effective date of Bill 6-23 and the structure is being converted to an accessory dwelling unit. We have no further comments on this bill.

**Bill 13-23:
Licenses and Registrations
– Special Events –
Permitting (As Amended)**

Summary of Legislation

This bill establishes a uniform permitting process for special events, defines certain terms, requires certain persons to obtain a permit to hold special events, requires the permit application to contain certain information, establishes the basis for granting or denying the permit application, establishes fees and fee waivers for special event permit applications, requires reimbursement of costs incurred by the County and allows for the waiver of such reimbursement, requires certain inspections to be performed, and allows for the termination of permits in certain circumstances.

We commented on this bill in our letter dated March 15, 2023. At the March 20, 2023 Council meeting, this bill was amended to delay the implementation and collection of application fees and special service charges for reimbursement of costs incurred by the County until January 1, 2024. It was also amended to eliminate the \$50 application fee for a special event permit; to edit the vehicular and pedestrian traffic

Bill 13-23 (continued)

component of the definition of a special event to require compliance with normal and usual traffic regulations and controls; and to allow the County to change or waive certain filing deadlines for reasons, such as a spontaneous response to a current event. We have no further comments on this bill.

**Bill 16-23:
Public Ethics****Summary of Legislation**

This bill defines a quasi-governmental entity, repeals a provision that allows for the disclosure of a complainant, prohibits the acceptance of gifts from certain entities, prohibits retaliation against a complainant, requires the disclosure of certain gifts and relationships in financial disclosure statements, amends the terms for disclosing certain real property and business interests, and allows the public inspection of certain records by electronic means.

Review of Fiscal Impact

This bill has no direct fiscal impact.

**Bill 17-23:
Payment in Lieu of Taxes
– The Villages at Marley
Station, Glen Burnie –
Amendment****Summary of Legislation**

This bill authorizes the County Executive to enter into a certain amendment to the agreement for payment in lieu of County real property taxes for The Villages at Marley Station located in Glen Burnie.

The amendment for the payment in lieu of taxes (PILOT) for the property known as The Villages at Marley Station provides additional time to subject existing units to income restrictions required by the agreement to avoid displacing current tenants. Specifically, the current agreement requires Fairfield Marley Station LP (owner) to make 757 units available to households earning 60% and below the area median income (AMI). The amendment requires that the owner make at least 584 units available to households earning 60% and below AMI and by December 31, 2026, the owner will make at least 745 units available to households earning 60% and below AMI.

This original agreement was passed under Bill 67-22 during the July 18, 2022 Council meeting.

Review of Fiscal Impact

As noted in our letter dated July 15, 2022, under the terms of the proposed agreement, the payment required by the owner will be \$218,120 for the first year. The proposed agreement includes a 4% annual adjustment factor for each subsequent year of the term.

The owner paid the full property tax amount of \$572,044 for fiscal year 2023. This amendment changes the agreement start date to July 1, 2023 at which point the first year PILOT payment of \$218,120 will be in place.

**Bill 18-23:
Planning and Development
– Master Plan for Water
Supply and Sewerage
Systems**

Summary of Legislation

This bill amends the Master Plan for Water Supply and Sewerage Systems, 2022, to alter certain maps by changing the sewer service category for one land parcel and by changing the water service category and water pressure zones for two land parcels. The changes related to these three parcels, two privately owned and one County owned, are subject to the approval of the Maryland Department of the Environment.

Review of Fiscal Impact

This bill has no direct fiscal impact to the County. Costs to connect to public water and sewer are paid by the user through charges and assessments and upon connection will be billed for water and sewer usage. The County property (the Exhibit B parcel) would be exempt from capital connection fees for water and sewer, however, upon connection, they will be billed for water and sewer usage.

**Bill 19-23:
Public Safety – Ban the
Bag Act of Anne Arundel
County**

Summary of Legislation

This bill prohibits the retail distribution of plastic bags in Anne Arundel County, defines certain terms, establishes the duties of retail establishments, makes a violation a Class C civil offense, provides for the enforcement of the prohibition on plastic bags, and provides for a delayed effective date. A Class C civil offense is \$500 for the first violation and \$1,000 for each subsequent violation.

This prohibition will also apply to County operated food service facilities, such as Anne Arundel County Public School (AACPS) cafeterias and Department of Aging (DOA) dining centers.

Review of Fiscal Impact

The Department of Health and the Department of Inspections and Permits do not anticipate a change in workload due to the requirements of this bill. DOA does not use plastic bags, therefore, there will not be an impact to their operations. AACPS uses plastic bags for the Summer Mobile Meals and Grab and Go Breakfast programs. This results in approximately 2.7 million bags per year for those two programs and AACPS estimates approximately \$135,000 in additional costs to eliminate these plastic bags.

This bill will result in additional fines being charged, however, the amount will be dependent on the number of violations.

**Resolution 3-23:
Approval of the
Determination of Certain
Improved County-Owned
Property at the Corner of
Yellow Springs South and
Wye Mills South in Laurel
as Surplus Property**

Summary of Legislation

This resolution approves the determination of certain improved County-owned property at the corner of Yellow Springs South and Wye Mills South in Laurel as surplus property. According to the State Department of Assessments and Taxation (SDAT), the property is approximately 0.245 acres and has an assessed value of \$0.00 as of July 1, 2022.

Review of Fiscal Impact

We reviewed this resolution and the support provided by the Administration and agree with the information presented. This resolution approves the determination of this property as surplus and has no fiscal impact. Pursuant to Code § 8-3-204(f), if the County Council approves this determination as surplus property and the purchase price is less than 90% of its appraised value or the appraised value is \$50,000 or more, County Council approval will be required for the disposition of the property.

**Resolution 4-23:
Approval of the
Determination of Certain
Improved County-Owned
Property Near Eagle
Harbor South in Laurel as
Surplus Property**

Summary of Legislation

This resolution approves the determination of certain improved County-owned property near Eagle Harbor South in Laurel as surplus property. According to SDAT, the property is approximately 0.1637 acres and has an assessed value of \$0.00 as of July 1, 2022.

Review of Fiscal Impact

We reviewed this resolution and the support provided by the Administration and agree with the information presented. This resolution approves the determination of this property as surplus and has no fiscal impact. Pursuant to Code § 8-3-204(f), if the County Council approves this determination as surplus property and the purchase price is less than 90% of its appraised value or the appraised value is \$50,000 or more, County Council approval will be required for the disposition of the property.

**Resolution 6-23:
Supporting the Board of
Education’s Revised Fiscal
Year 2024 Capital
Improvement Program
Request for Submission to
the Interagency
Commission on School
Construction**

Summary of Legislation

This resolution confirms the County Executive’s letter of support for the Board of Education’s (BOE) revised Fiscal Year 2024 (FY24) Public School Construction Capital Improvement Program request for submission to the Maryland State Department of Education’s Interagency Commission on School Construction (IAC). We have reviewed the letter and BOE’s FY24 capital request. The BOE has increased their total FY24 IAC requested funding to \$85,811,000 from the \$65,423,000 in the original request included in Resolution 47-22.

Review of Fiscal Impact

We agree with the Administration’s fiscal note that any fiscal impact would be considered and determined in future budget deliberations.

**Resolution 7-23:
Urging the Maryland
General Assembly to
Oppose House Bill 119 and
Any Amendments to
Conform Senate Bill 199 to
State House Bill 119**

Summary of Legislation

This resolution urges the Maryland General Assembly to oppose House Bill 119 and any amendments to conform Senate Bill 199 to State House Bill 119. House Bill 119 requires each County BOE to follow the policy and guidelines for program instruction for public schools established by the state BOE.

Review of Fiscal Impact

This resolution has no fiscal impact.
