



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

**To:** Councilmembers, Anne Arundel County Council  
**From:** Michelle Bohlayer, County Auditor  
**Date:** August 30, 2023  
**Subject:** Auditor's Review of Legislation for the September 5, 2023 Council Meeting

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**Bill 53-23:  
Zoning – Solar Energy  
Generating Facilities (As  
Amended)**

**Summary of Legislation**

This bill adds rooftop-mounted only solar generating facilities as conditional uses in additional commercial zoning districts (C1, C2, C3). The bill also exempts solar generating facilities on County-owned or leased property, sanitary landfills, reclamation areas, and rooftops from specified lot coverage limitations. The bill exempts rooftop-mounted only facilities from certain conditional use requirements, modifies solar energy generating facility special exceptions related to property coverage and location, and creates additional exemptions for County-owned or leased properties. The bill clarifies that facilities that require a specified certificate from the Maryland Public Service Commission are not required to comply with certain County special exception and conditional use requirements.

We commented on this bill in our letters dated June 30, 2023 and July 13, 2023. At the July 17, 2023 Council meeting, this bill was amended to exempt rooftop-mounted solar facilities from the requirement for a decommissioning plan, allow the County to collect any expenses incurred for the removal of rooftop-mounted solar facilities, and exempt rooftop-mounted solar facilities from certain special exception requirements. This bill was also amended to repeal a certain limitation on the requirement that the developer avoid disturbing certain soils, change the term prime agricultural soils to prime farmland, and repeal the prohibition on a solar facility resulting in more than 50% of prime agricultural soils on the site from being removed from production. In addition, this bill was amended to alter the current prohibition on locating solar energy generating facilities within 10 miles of each other to only apply in rural agricultural zoning districts and exempt solar energy generating facilities that are roof-top only facilities from the prohibition. We have no further comments on this bill.

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**Bill 62-23:  
Subdivision and  
Development – Zoning –  
Farm Dual Uses**

**Summary of Legislation**

This bill exempts specified farm dual uses from site development requirements and adds criteria for a zoning certificate of use for a farm dual use. The bill also adds farm dual uses as a conditional use in two residential zoning districts (RA, RLD) and establishes associated conditional use requirements. This bill requires the Office of Planning and Zoning (OPZ) to notify property owners of specified zoning violations by certified mail and authorizes vehicles of any size used for an active farming operation to be on specified residential property. The bill defines several zoning terms, including farm dual use, farmers' market, farm stand, and produce market.

**Review of Fiscal Impact**

OPZ does not anticipate a significant change in workload due to this bill and advises no additional resources are required. This bill has no direct fiscal impact to the County.

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**Bill 63-23:  
Construction and Property  
Maintenance Code  
Supplement – Building  
Permit Exemptions –  
Agricultural Buildings**

**Summary of Legislation**

This bill adds to and modifies the exemptions from building permit requirements for specified agricultural buildings and modifies the definition of non-agricultural building under the Construction Code. Specifically, the bill expands the building permit exemption to cover structures for primary agricultural and value-added processing, all riding arenas, and all farm alcohol production facilities. The bill also modifies an exemption for farm buildings open to the general public to require specified approvals and to allow up to 200 people if certain conditions, such as fire inspections, are met and clarifies that buildings located on properties without active farming operations and certain properties of less than five acres are not exempt from building permit requirements.

**Review of Fiscal Impact**

The Department of Inspections and Permits (I&P) estimates that less than 10 permit applications would be impacted by this bill annually; however, I&P is unable to provide an average or range of the cost of building permits for these types of building permits. There is one current application that could be impacted by this bill.

I&P and the Fire Department do not anticipate a significant change in workload from this bill and advise no additional resources are required.

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**Bill 64-23:  
Subdivision and  
Development – Zoning –  
Boards, Commissions, and  
Similar Bodies – Parole  
Town Center – Parole  
Town Center Master Plan**

**Summary of Legislation**

This bill repeals the 1994 Parole Urban Design Concept Plan and adopts the Parole Town Center Master Plan, dated July 17, 2023; renames the Parole Town Center Growth Management Area the Parole Town Center; exempts certain development applicants from provisions of the bill; defines terms; establishes Parole Town Center development requirements associated with maximum height and minimum open area, parking, setbacks, inclusionary housing, public facilities, bicycle and pedestrian access, and other specified uses; creates a public benefits incentive program for certain development; repeals restrictions on the issuance of variances for the Parole Town Center; and requires the Parole Town Center Master Plan to be kept in specified locations.

**Review of Fiscal Impact**

We agree with the Administration’s fiscal note that there is no direct fiscal impact associated with the adoption of the Parole Town Center Master Plan, but there could be a fiscal impact from future development activity that may impact the County’s property tax revenue.

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**Bill 65-23: Zoning –  
Critical Area Growth  
Allocation for Property  
Located on Galesville  
Road in Galesville**

**Summary of Legislation**

This bill grants a portion of the County’s Critical Area growth allocation to 0.561 acres of C1-Local Commercial District zoned property located at 1000 Galesville Road, Galesville, and owned by Galesville Community Properties, Inc. The bill changes the property’s designation from Limited Development Area to Intensely Developed Area and establishes requirements and limitations on the development of the property. Galesville Community Properties, Inc. proposes to revitalize two buildings on the property, which is the Historic Kolb Store site, for small businesses and other community activities.

**Review of Fiscal Impact**

We agree with the Administration’s fiscal note that there is no direct fiscal impact from this change to the Critical Area designation; however, there could be a future fiscal impact from development of the impacted property.

OPZ does not anticipate a significant change in workload due to this bill and advises no additional resources are required.

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**Bill 66-23:  
Zoning – Outdoor  
Lighting on Piers**

**Summary of Legislation**

This bill requires outdoor lighting installed on a pier to be a full cutoff fixture mounted horizontal to the ground. Full cutoff fixtures do not emit light above the level of the fixture and are designed to reduce light pollution.

**Review of Fiscal Impact**

OPZ does not anticipate a significant change in workload due to this bill and does not anticipate needing additional resources to meet the requirements of this bill.

This bill will not impact any County property.

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**Resolution 29-23:  
Approving the  
Determination of Certain  
Improved County-Owned  
Property, Being Part of  
Brooklyn Heights Park in  
Baltimore, as Surplus  
Property**

**Summary of Legislation**

This resolution approves the determination of 0.682 acres of County-owned property, which is part of Brooklyn Heights Park in Baltimore, as surplus property. According to the Maryland Department of Assessments and Taxation, the 0.682-acre area is part of an approximately 21-acre property with an assessed value of \$1.5 million as of July 1, 2023. The assessed value of the 0.682 acres will not be determined until it is appraised for disposal. The property is considered improved due to the presence of a concrete structure, similar to a curb.

**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. The Administration intends to dispose of this property using the provisions in § 8-3-204(g) for private disposition. If the County Council approves this determination as surplus property and § 8-3-204(g) is used for private disposition, County Council approval will be required for the disposition of the property.

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