

Legislative Testimony 10-16-2023

Timestamp	First name	Last name	City	State	Zip code	Are you representing yourself?	If no, what organization or whom do you represent?	Legislation	Position	Remarks	Attachment
2023-10-09 19:49:39	Merissa	Mirani	Annapolis	MD	21409	No	Cape St. Claire Improvement Association	BILL 69-23a: Notice – Amendments to Comprehensive Zoning Ordinance	No position	<p>Bill 69-23</p> <p>AN ORDINANCE concerning: Zoning – General Provisions – Amendments to Comprehensive Zoning Ordinance</p> <p>Dear County Council Members,</p> <p>On behalf of the Cape St Claire Improvement Association, Inc. we would like to offer the following comments regarding County Council Bill 69-23.</p> <p>Day to day in our lives, we may not drive by the same spot in our neighborhood or area that may affect us that requires a public notice. We would like to request that the time frame of notice of a change of zoning by amendment to a comprehensive zoning ordinance be increased from 5 days notice to a minimum of 15 to 30 days. This would allow for the general public to have a significant timeframe to come across the sign, the right to see what the public notice is about, and time to engage in the process, if so desired.</p> <p>Thanks for time and consideration in this matter.</p> <p>Frank Tewey Town Manager, CSCIA</p>	
2023-10-16 10:53:45	Katherine	Charbonneau	Annapolis	Maryland	21401	No	Critical Area Commission for the Chesapeake and Atlantic Coastal Bays	BILL 76-23: Building Permit Exemptions – Detached Accessory Structures	Oppose	(See attached)	YES

Wes Moore
Governor

Aruna Miller
Lt. Governor



Erik Fisher
Chair

Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

October 16, 2023

Councilman Peter Smith, Chairman
Anne Arundel County
44 Calvert Street
Annapolis, MD 21401

Re: Bill 76-23: Construction and Property Maintenance Codes Supplement - Building Permit Exemptions - Detached Accessory Structures

Dear Chairman Smith:

I am writing to provide comment on Bill 76-23, specifically how the Bill is inconsistent with Critical Area law and the current Anne Arundel County Critical Area Program. As currently drafted, Bill 76-23 proposes to exempt from building permit requirements certain types of accessory structures, including sheds and decks. The proposed language would apply in the Critical Area, except for waterfront lots.

Conflict with Critical Area Law and Regulations

As proposed, Bill 76-23 creates greater opportunity for violations to occur within the Critical Area; simply exempting waterfront lots from the Bill is not sufficient to address these situations.

First, there are properties within the Critical Area that are not waterfront but still contain Critical Area Buffer, including Buffer to tributary streams. Per Critical Area law and regulations, and the Anne Arundel County Critical Area Program, the structures listed in this Bill may not be built within the Critical Area Buffer without a variance. Allowing these structures to be built without a permit review could result in Buffer violations throughout the Critical Area.

Second, the types of structures listed in this Bill all constitute lot coverage and would contribute to the lot coverage limit on properties within the Critical Area, whether waterfront or not. Building these structures without a permit could result in properties inadvertently being over their lot coverage limit, thus creating lot coverage violations on lots in the Limited Development Area and Resource Conservation Area.

Chairman Peter Smith, Councilman

October 16, 2023

Page 2 of 2

Third, all development within the Critical Area requires review for impacts to Habitat Protection Areas (HPAs), as listed in COMAR 27.01.09. Exempting any development within the Critical Area from permit requirements would prohibit such a review and could result in illegal or improperly mitigated impacts to HPAs.

Finally, construction of the listed structures in Bill 76-23 could result in the clearing of vegetation within the Critical Area. Any clearing associated with development must be mitigated per COMAR 27.01.02 and the Anne Arundel County Critical Area Program. Exempting these structures from permit review could result in clearing within the Critical Area that is not mitigated; this would be a violation of Critical Area regulations and the County program.

Recommended Changes to Bill 76-23

We recognize that currently County Code exempts structures smaller than 64 square feet from a building permit. Additionally, County Code § 17-8-102 states that if any provision of this title conflicts with other County or State law, the more restrictive provision shall prevail. Thus, technically the Buffer provisions, lot coverage provisions and forest clearing provisions apply even to development that does not require a permit. However, widening the potential for development in the Critical Area that is inconsistent with those standards and creating the opportunity for more violations is not in keeping with the goals of the Critical Area law.

In order to address the concerns listed above, Commission staff recommend the following amendment to Bill 76-23:

105.2.1.1.4 THE ABOVE EXEMPTIONS DO NOT APPLY TO PROPERTIES WITHIN THE CRITICAL AREA.

If the County desires to exempt the structures associated with this bill from a Building Permit we recommend a new Critical Area or Environmental Permit be required by Anne Arundel County Office of Planning and Zoning. Please accept this letter as testimony before the Anne Arundel County Council at the Public Hearing on October 16, 2023. Please do not hesitate to contact me with any questions or concerns (410.260.3475 or katherine.charbonneau@maryland.gov).

Sincerely,



Kate Charbonneau
Executive Director

Cc: Erik Fisher, Chair