

PROPOSED

AMENDED
March 17, 2025
April 21, 2025

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2025, Legislative Day No. 3

Bill No. 14-25

Introduced by Mr. Volke

By the County Council, February 3, 2025

Introduced and first read on February 3, 2025
Public Hearing set for and held on March 3, 2025
Vote HELD until March 17, 2025
Public Hearing held on March 17, 2025
Public Hearing on AMENDED bill set for and held on April 7, 2025
Vote HELD until April 21, 2025
Public Hearing held on April 21, 2025
Public Hearing on AMENDED bill set for May 5, 2025
Bill Expires May 9, 2025

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Archaeological Resources

2

3 FOR the purpose of defining "significant archaeological resource"; amending the criteria
4 used to determine archeological resources; and generally relating to subdivision and
5 development.

6

7 BY repealing and reenacting, with amendments: § 17-6-502
8 Anne Arundel County Code (2005, as amended)

9

10 BY renumbering: § 17-1-101(92) through (105) to be 17-1-101(93) through (106)
11 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 72-24)

12

13 BY adding: § 17-1-101(92)
14 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 72-24)

15

16 SECTION 1. Be it enacted by The County Council of Anne Arundel County, Maryland,
17 That § 17-1-101(92) through (105) of the Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 (as amended by Bill No. 72-24) are hereby renumbered to be § 17-1-101(93) through (106),
2 respectively.

3
4 ~~SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland,~~
5 SECTION 2. Be it further enacted, That Section(s) of the Anne Arundel County Code
6 (2005, as amended) read as follows:

7
8 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

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10 **TITLE 1. DEFINITIONS**

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12 **17-1-101. Definitions.**

13
14 Unless defined in this article, the Natural Resources Article of the State Code, or
15 COMAR, the definitions of words defined elsewhere in this Code apply in this article. The
16 following words have the meanings indicated:

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18 ***

19
20 (92) "SIGNIFICANT ARCHAEOLOGICAL RESOURCE" MEANS A RESOURCE THAT:

21
22 (I) MEETS ONE OR MORE OF THE CRITERIA REQUIRED TO BE CONSIDERED ELIGIBLE
23 FOR THE NATIONAL REGISTER OF HISTORIC PLACES; OR

24
25 (II) IS CONSIDERED LOCALLY SIGNIFICANT AS DETERMINED BY THE PLANNING AND
26 ZONING OFFICER BECAUSE IT:

27
28 A. IS IMPORTANT TO THE HISTORY OR PRE-HISTORY OF THE COUNTY DUE TO:

29
30 1. A BROAD PATTERN OF HISTORY OR EVENT;

31
32 2. ASSOCIATION WITH THE LIFE OF AN HISTORICALLY SIGNIFICANT PERSON;

33 OR

34
35 3. HISTORICALLY SIGNIFICANT ARCHITECTURAL VALUE; AND

36
37 B. HAS VIABLE RESEARCH POTENTIAL AND RETAINS THE INTEGRITY REQUIRED
38 TO CONVEY NEW INFORMATION RELATED TO THE COUNTY'S PAST.

39
40 ***

41
42
43 **TITLE 6. GENERAL DEVELOPMENT PROVISIONS**

44
45 **17-6-502. Archaeological resources.**

46
47 (a) **Generally.** [[Development]] EXCEPT AS OTHERWISE AUTHORIZED UNDER THIS
48 SECTION, DEVELOPMENT shall GENERALLY avoid disturbance of significant archaeological
49 resources listed on the Maryland Inventory of [[Archaeological Resources]] HISTORIC
50 PROPERTIES (ARCHAEOLOGY) MAINTAINED BY THE MARYLAND HISTORIC HISTORICAL
51 TRUST EXCEPT AS OTHERWISE AUTHORIZED UNDER THESE PROVISIONS. ALL PHASES OF
52 ARCHAEOLOGICAL WORK UNDER THIS SECTION SHALL ADHERE TO THE CURRENT
53 VERSION OF THE PUBLISHED "STANDARDS AND GUIDELINES FOR ARCHEOLOGICAL

1 INVESTIGATIONS IN MARYLAND. If the Office of Planning and Zoning determines that there
 2 is a known or high potential for the existence of an archaeological resource on a property,
 3 the developer shall have a “Phase I” preliminary or intensive archaeological survey
 4 conducted, as required by the Office of Planning and Zoning. If an archaeological site is
 5 found as a result of a “Phase I” investigation, the developer shall conduct a Phase II survey
 6 to determine the extent of the site and the level of its significance.

7
 8 (b) **Significant resource.** If the Office of Planning and Zoning determines that an
 9 archaeological resource is significant ~~BASED ON THE FINDINGS~~ ON REVIEW AND
 10 ACCEPTANCE OF THE PHASE II SURVEY, the developer shall EITHER:

11
 12 (1) plan development to preserve or mitigate adverse impacts to the resource and
 13 execute and deliver to the Office of Planning and Zoning a preservation easement to protect
 14 it; or

15
 16 (2) REQUEST APPROVAL FROM THE OFFICE OF PLANNING AND ZONING TO SUBMIT
 17 A PHASE III DATA RECOVERY PLAN AND TO IMPACT THE SIGNIFICANT RESOURCE. THE
 18 REQUEST SHALL IDENTIFY THE PROPOSED IMPACTS TO THE SIGNIFICANT
 19 ARCHAEOLOGICAL RESOURCE. THE OFFICE OF PLANNING AND ZONING SHALL APPROVE
 20 THE REQUEST UPON FINDING THAT:

21 (I) THE IMPACT TO THE SIGNIFICANT ARCHAEOLOGICAL RESOURCE IS
 22 NECESSARY TO AVOID PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIP THAT
 23 WOULD RESULT FROM COMPLETE AVOIDANCE OF THE SIGNIFICANT ARCHAEOLOGICAL
 24 RESOURCE AND TO ENABLE DEVELOPMENT OF THE PROPERTY AS OTHERWISE
 25 AUTHORIZED UNDER THIS CODE;

26 (II) THE PHASE III DATA RECOVERY PLAN PROPOSAL IS IN ACCORDANCE WITH
 27 THE CURRENT VERSION OF THE PUBLISHED “STANDARDS AND GUIDELINES FOR
 28 ARCHEOLOGICAL INVESTIGATIONS IN MARYLAND”; AND

29 (III) ANY ADVERSE EFFECT ON, OR DESTRUCTION OF ALL OR PART OF, THE
 30 SIGNIFICANT ARCHAEOLOGICAL RESOURCE CANNOT BE AVOIDED AND HAS BEEN
 31 MINIMIZED THROUGH FULL OR PARTIAL REDESIGN OF THE DEVELOPMENT IN THE AREA
 32 THAT WOULD IMPACT THE SIGNIFICANT ARCHAEOLOGICAL RESOURCE.

33
 34 ~~[[2) {with approval from the Office of Planning and Zoning,}]~~ (C) **Phase III data**
 35 **recovery.** IF THE OFFICE OF PLANNING AND ZONING APPROVES A REQUEST UNDER
 36 SUBSECTION (B)(2), THE DEVELOPER MAY SUBMIT A “PHASE III” DATA RECOVERY PLAN,
 37 PREPARED BY A QUALIFIED ARCHAEOLOGIST, WHICH SHALL BE REVIEWED BY THE OFFICE
 38 OF PLANNING AND ZONING FOR APPROVAL AND ADHERENCE WITH ADHERE TO THE
 39 CURRENT VERSION OF THE PUBLISHED “STANDARDS AND GUIDELINES FOR
 40 ARCHAEOLOGICAL ARCHEOLOGICAL INVESTIGATIONS IN MARYLAND”,—BEFORE
 41 PROCEEDING . THE DATA RECOVERY PLAN SHALL BE REVIEWED BY THE OFFICE OF
 42 PLANNING AND ZONING FOR APPROVAL. IF APPROVED, THE DEVELOPER MAY PROCEED TO
 43 impact the resource and [[conduct an]] COMPLETE THE approved data recovery
 44 investigation [[or “Phase III” study before]] PRIOR TO commencing development. ANY
 45 SIGNIFICANT ARCHAEOLOGICAL RESOURCE REMAINING ON THE PROPERTY AFTER
 46 COMPLETION OF THE APPROVED DATA RECOVERY PLAN SHALL BE PLACED UNDER A
 47 PRESERVATION EASEMENT.

48
 49 (1) ANY ARTIFACTS, FIELD NOTES, REPORTS, PHOTOGRAPHS, AND SIMILAR DATA
 50 COLLECTED OR GENERATED DURING THE PHASE II AND PHASE III DATA RECOVERY
 51 PROCESS SHALL BE DELIVERED TO AND STORED IN A REPOSITORY ACCEPTABLE TO THE

1 OFFICE OF PLANNING AND ZONING, SUCH AS THE ANNE ARUNDEL COUNTY ARCHAEOLOGY
2 LABORATORY OR THE MARYLAND ARCHAEOLOGICAL CONSERVATION LABORATORY.

3
4 (2) REPRESENTATIVES OF THE OFFICE OF PLANNING AND ZONING SHALL BE
5 PERMITTED TO ENTER THE PROPERTY DURING ANY PHASE III DATA RECOVERY WORK TO
6 CONDUCT INSPECTIONS FOR COMPLIANCE WITH A PHASE III DATA RECOVERY PLAN; AND
7

8 (3) THE ARTIFACTS, FIELD NOTES, REPORTS, PHOTOGRAPHS, AND SIMILAR DATA
9 COLLECTED OR GENERATED DURING ANY PHASE II OR PHASE III DATA RECOVERY
10 PROCESS SHALL BE MADE AVAILABLE TO THE PUBLIC FOR FURTHER ARCHAEOLOGICAL
11 STUDY.

12
13 SECTION ~~2~~ 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
14 from the date it becomes law.