



ANNE ARUNDEL COUNTY GOVERNMENT RELATIONS OFFICE

Legislative and Fiscal Summary of Administration Legislation

To: Members, Anne Arundel County Council

From: Ethan Hunt, Director of Government Affairs /s/

Date: July 21, 2025

Subject: Bill No. 67 -25 – AN ORDINANCE concerning: Floodplain Management, Erosion and Sediment Control, and Stormwater Management – Clearing and Pruning

This summary was prepared by the Anne Arundel County Government Relations Office for use by members of the Anne Arundel County Council during consideration of Bill No. 67-25.

Summary

This legislation, introduced at the request of the Administration on behalf of the Department of Inspections and Permits, aims to clarify existing County practices regarding tree trimming or pruning, particularly in the Critical Area (“CA”) buffer and steep slopes, by separating and defining different categories of vegetative management methods, creating new grading permit categories, and streamlining the approval process.

This legislation is the product of a stakeholder work group convened to find a sensible path forward that both protects the environment and is responsive to community-scale concerns around the management of critical area vegetation. In addition to County staff, the work group included multiple representatives from the environmental community (Severn River Association, Arundel Rivers Federation) and the waterfront homeowner community (Sherwood Forest, Gibson Island). It has also received review and comment from tree management professionals, the Maryland Critical Area Commission, and the Maryland Department of the Environment (“MDE”). The proposed legislation is a product that reflects the consensus of those groups.

Currently there are perceivable ambiguities in the Anne Arundel County Code, making certain permit applications complicated and enforcement difficult. This legislation will create a new category separating the activity of “pruning” from “clearing” or “grading”. It also defines “clearing” for purposes of Article 16 in a way that is untied from “clearing” as it relates to development in Article 17. The bill explicitly states that approval is needed for clearing or grading in the steep slopes in the critical area outside the buffer and for pruning in the buffer, in

Note: This Legislative and Fiscal Summary provides a synopsis of the legislation as introduced. It does not address subsequent amendments to the legislation.

the critical area within steep slopes, or in a forest conservation easement. For all other areas outside of the critical area buffer, outside of a forest conservation easement, or on steep slopes, this bill clarifies that approval is needed for pruning over a 5,000 SF area.

The bill also simplifies the approval process by allowing an applicant to either use newly added “vegetation management plans” (“VMP”), which allows for pruning or clearing of shrubs, woody vegetation, or trees over an area of less than 5,000 square feet (“SF”) of land with a permit application fee of \$75.00, and creates a “habitat enhancement plan” (“HEP”), which allows for the approval of pruning trees and vegetative management for up to 1 acre of land, with a permit application fee of \$250.00. It sets forth criteria for the VMP or HEP, which can be used in lieu of a grading permit. The bill allows for approval of pruning and vegetative management in larger areas than currently allowed (over 5,000 SF) via a much simpler process than the current grading permit requirement.

This legislation does the following:

1. Creates a separate category for pruning to separate the activity of pruning from clearing or grading, including a definition tied to the American National Standards Institute (“ANSI”) A300 Standard, which defines pruning as “the selective removal of plant parts to meet specific goals and objectives”;
2. Creates a definition of “clearing” separate from Art. 17 for purposes of Article 16¹, to untie it from “development”, which causes confusion in enforcement cases;
3. Defines “woody vegetation” as a vine or woody perennial plant other than a shrub or tree that typically lies along the ground, or that rises above the ground by attaching to other plants or objects with tendrils or by twining;
4. Specifically states that approval is needed for clearing or grading in the steep slopes in the critical area outside the buffer (the law has always been enforced this way per Article 17, however this clears up any ambiguity and codifies current practice);
5. Provides that a person may not prune trees in the buffer, in the CA within steep slopes, or in a forest conservation easement (“FCE”), without approval (in any size area), which has always been the case, however confusion has arisen in enforcement cases, as this activity is currently labeled as “clearing”;
6. For all other areas (outside the CA buffer, outside a forest conservation easement or not on steep slopes), approval is needed for pruning over a 5,000 SF area (this is a clarification of existing law/practices);
7. Allows for the pruning or removal of trees, shrubs or woody vegetation, or removal of woody vegetation in an area of more than 5,000 SF without a grading permit (which will lessen the burden on applicants and allow for a more streamlined approval process) as follows:
 - a. Outside the critical area buffer, approval is needed for more than 5,000 SF by either grading permit, standard grading plan (“SGP”) which has a permit application fee of \$75, VMP, or the new HEP
 - b. Inside the critical area buffer, steep slopes, or FCE: approval needed for any size area by either grading permit, SGP, VMP or the new HEP

¹ In the legislation, “clearing” in Article 17 means “the process of removing trees, shrubs, woody vegetation, ground cover, stumps, or roots and does not include gardening, maintenance of an existing grass lawn, or removal of hazardous trees.”

8. Sets forth that a VMP or HEP can be used in lieu of a grading permit and sets forth criteria:
 - a. Codifies that a VMP only applies for less than 5,000 SF (this is the current practice, but the criteria are not currently codified)
 - b. Creates the HEP and establishes that it can be used for up to one acre
 - c. Sets forth criteria for approval:
 - i. Pruning as set forth in the ANSI
 - ii. Earth disturbance or root extraction only with approval
 - iii. No mitigation for pruning; mitigation at 1:1 required for clearing of trees and shrubs. Mitigation required for clearing of vegetation by planting of trees and shrubs as approved in plan
 - iv. Sediment and erosion control plan approved by Soil Conservation District required for more than 5000 SF and up to 1 acre

Purpose

The purpose of this legislation is to clarify existing County practices with regard to tree trimming or pruning, particularly in the critical area buffer and steep slopes, streamline the approval process for vegetative management, and create new categories and definitions to improve enforcement and understanding of related activities.

Fiscal Impact

Please see the Fiscal Note the Budget Office has prepared for an explanation of the fiscal impact of this Resolution.

Additional Information

The Government Relations Office is available to answer any additional questions regarding this Bill. Specific questions should be directed to Kelly Kenney, Office of Law, Raghavenderrao Badami, Assistant Director, Inspection and Permits, or Nathan Markline, Forestry Program Manager. Thank you.

cc: The Honorable Steuart Pittman, County Executive
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