

Critical Area Commission

STAFF REPORT

January 21, 2026

APPLICANT:	Anne Arundel County
PROPOSAL:	Refinement: Habitat Enhancement Plan
COMMISSION ACTION:	Concurrence with the Chair's Determination of Refinement
STAFF RECOMMENDATION:	Approval
STAFF:	Jamileh Soueidan
APPLICABLE LAW/REGULATIONS:	Natural Resources Article §8-1809(p) COMAR 27.01.02

DISCUSSION

Anne Arundel County is requesting approval of a text amendment related to vegetative management practices and processes within the County. On October 28, 2025, Anne Arundel County Council approved County Bill No. 67-25 which amends Article 16 of the Anne Arundel County Code. The bill establishes new local processes and clarifies existing local processes for pruning and clearing, including in the Critical Area Buffer and on steep slopes in the Critical Area. A copy of Ordinance No. 67-25 is attached (Attachment 1). This bill was presented to the Program Committee for information only on May 23, 2025.

Summary of Proposed Text Amendment

The Bill clarifies existing County practices regarding tree trimming and pruning, particularly in the Critical Area. It defines "Clearing," "Pruning," and "Woody Vegetation" as a means of separating and clarifying categories of vegetative management methods. Additionally, it creates new grading permit categories that allow for streamlined processes when addressing vegetative management concerns within the County.

Definitions

Per Anne Arundel County Code §16-1-101, the proposed definitions are as follows:

Clearing: the process of removing trees, shrubs, woody vegetation, ground cover, stumps, or roots whether by manual, mechanical, or chemical means and does not include gardening maintenance of an existing grass lawn or removal of hazardous trees. Clearing includes the trimming of trees, shrubs, or woody vegetation in a way that is not authorized as an acceptable pruning practice in the most recent version of the American National Standards Institute (ANSI) A300.

Pruning: the selective removal of tree, shrub, and woody vegetation parts to meet specific goals and objectives while maintaining or improving plant health and structure as set forth and authorized in the most recent version of the ANSI A300 standards.

Woody Vegetation: 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.

Anne Arundel County Permit Processes

The Bill amends Anne Arundel County Code §16-3-201, §16-3-202, and §16-3-207 to clarify existing and newly established permitting processes, including the general provisions:

- Establishing the Habitat Enhancement Plan (HEP), which may authorize up to one (1) acre of clearing or pruning for managing existing forest or natural areas to enhance the habitat and ecological balance¹;
- Clarifying that a Vegetation Management Plan (VMP) may be authorized for pruning or clearing of shrubs, woody vegetation, or trees in an area of less than 5,000 square feet;
- Codifying that the Vegetative Management and Habitat Enhancement Plans may be used in lieu of grading permits, provided they meet the following criteria:
 - Earth disturbance or root extraction is only allowed with County approval;
 - Mitigation is required at a 1:1 rate for trees and shrubs, to be replaced with trees and shrubs, as approved in the plan. No mitigation for pruning is required; and
 - Standard sediment and erosion control plans approved by the Soil Conservation District are required for plans greater than 5,000 square feet and up to one (1) acre;
- Prohibiting an applicant from performing piecemeal clearing, grading, and/or pruning activities authorized without approval that cumulatively exceed the allowable thresholds (under 2,500 square feet on a steep slope or 5,000 square feet outside the Critical Area Buffer); and
- Clarifying that activities approved under an HEP or VMP shall not include clearing of vegetation for activities related to development or in preparation of a development application.

Within the Critical Area, additional provisions include:

- Explicitly requiring local approval for any amount of pruning in the Critical Area Buffer; and
- Requiring local approval for pruning over 2,500 square feet in the Critical Area on steep slopes².

The County has developed accompanying guidelines, which outline the vegetation management processes, including their scope and purpose. A copy of the draft guidelines is attached (Attachment 2).

PROGRAM COMMITTEE

A draft of this bill was presented to the Program Committee for information only and to allow for the Committee to provide feedback. At that time, the committee asked the County to consider the following:

- To tie the definition of pruning to the ANSI A300 standards; and
- Provide additional mitigation in excess of 1:1 for clearing in Habitat Protection Areas (HPAs), including Forest Interior Dwelling Bird Habitat (FIDS)

¹ Currently, a grading permit is required for clearing or pruning over 5,000 square feet. The proposed Habitat Enhancement Plan may be used in lieu of a grading permit.

² A permit is not required for pruning less than 2,500 square feet on a steep slope in the Critical Area; however, if the County determines that pruning in an area less than 2,500 square feet will negatively impact the safety of the steep slope, local approval is required

The County has since updated the definition of pruning to include these standards. The County has also provided additional clarification to ensure that any clearing under this bill is not associated with development, as noted above. Higher mitigation will be required if clearing in HPAs, including FIDS, is associated with development activities.

RECOMMENDATION

Given that the proposed text amendment is consistent with the purposes, policies and goals of the Critical Area and law and regulations, Commission staff and the Program Committee recommend the Commission concur with the Chair's determination that this text amendment be processed as a refinement to the Anne Arundel County Critical Area program.

During the Program Committee meeting on January 14, 2026, the following conditions were added to the recommendation for approval:

1. Prior to the January 21, 2026 Critical Area Commission Meeting, the County shall contact the Department of Natural Resources Forest Service on the proposed bill to ensure it is in compliance with the Forest Conservation Act.
2. When the County receives confirmation that the proposed bill is in compliance with the Forest Conservation Act, the County shall forward that confirmation to Commission Staff
Commission staff will provide additional information regarding this condition at the June 4th, 2025 Commission meeting.

Commission staff will provide additional information regarding this condition at the January 14, 2026 Commission meeting.

ATTACHMENT

1_ Anne Arundel County Bill No. 67-25

2_ DRAFT County Guidelines Document