

*Karin Hiltook Ball City Plng*

**Critical Area Commission**  
Department of Housing and Community Development  
Crownsville, Maryland  
February 5, 2003

**AGENDA**

1:00 p.m. – 1:05 p.m. Approval of Minutes for December 4, 2002

*- approval*

**PROGRAMS**

1:05 p.m. – 1:20 p.m. *Salbot Co - c2*  
*Cecil Co. - Refinement - support*  
Refinement: Calvert County: Program Text and Map Changes Julie LaBranche

*start 3:15*

**PROJECTS**

1:20 p.m. – 1:30 p.m. ~~VOTE: St. Mary's College: St. John's Archeological Exhibit (St. Mary's County)~~ Wanda Cole

1:30 p.m. – 1:40 p.m. ~~VOTE: St. Mary's College: St. John's Archeological Exhibit - Buffer Impacts Conditional Approval~~ Wanda Cole

1:40 p.m. – 1:50 p.m. ~~VOTE: University of Maryland, Horn Point: Chemical Storage Structure~~ Wanda Cole

1:50 p.m. – 2:00 p.m. ~~VOTE: Department of Natural Resources, Forest Service: Office Replacement (Princess Anne, Somerset County)~~ Claudia Jones

2:00 p.m. – 2:10 p.m. Update: Worcester County Program Ocean City Program Ren Serey

2:10 p.m. – 2:25 p.m. ~~Presentation: Climate Change in Maryland~~ Julie LaBranche

**OLD BUSINESS**

2:25 p.m. – 2:35 p.m. Legal Update Marianne Mason

**NEW BUSINESS**

2:35 p.m. – 2:45 p.m. Legislative Update Ren Serey

Division of Community and Economic Development  
 Department of Health and Community Development  
 University, Maryland  
 February 21, 2003

AGENDA

| PROGRAMS  | PROJECTS  |
|---|---|
| 1:00 p.m. - 1:30 p.m.<br>Approval of Minutes for December, 2002   | 1:00 p.m. - 1:30 p.m.<br>Approval of Minutes for December, 2002   |
| 1:30 p.m. - 2:00 p.m.<br>Baltimore, Calvert County, Program for<br>and Map Changes  | 1:30 p.m. - 2:00 p.m.<br>Baltimore, Calvert County, Program for<br>and Map Changes  |
| 2:00 p.m. - 2:30 p.m.<br>Vote: St. Mary's College St. John's<br>Archaeological Field (St. Mary's County)                      | 2:00 p.m. - 2:30 p.m.<br>Vote: St. Mary's College St. John's<br>Archaeological Field (St. Mary's County)                      |
| 2:30 p.m. - 3:00 p.m.<br>Vote: St. Mary's College St. John's<br>Archaeological Exhibit - Baltimore<br>Conditional Approval    | 2:30 p.m. - 3:00 p.m.<br>Vote: St. Mary's College St. John's<br>Archaeological Exhibit - Baltimore<br>Conditional Approval    |
| 3:00 p.m. - 3:30 p.m.<br>Vote: University of Maryland, near Point<br>Crested State Structure                                  | 3:00 p.m. - 3:30 p.m.<br>Vote: University of Maryland, near Point<br>Crested State Structure                                  |
| 3:30 p.m. - 4:00 p.m.<br>Vote: Department of Natural Resources,<br>Farm Service Office Regional<br>Riches and Somerset County | 3:30 p.m. - 4:00 p.m.<br>Vote: Department of Natural Resources,<br>Farm Service Office Regional<br>Riches and Somerset County |
| 4:00 p.m. - 4:30 p.m.<br>Vote: Western County Program<br>Green City Program   | 4:00 p.m. - 4:30 p.m.<br>Vote: Western County Program<br>Green City Program   |
| 4:30 p.m. - 5:00 p.m.<br>Reevaluation: Lister's name in Maryland<br>Walden State  | 4:30 p.m. - 5:00 p.m.<br>Reevaluation: Lister's name in Maryland<br>Walden State  |

OLD BUSINESS

1:30 p.m. - 2:00 p.m. Local Update

NEW BUSINESS

2:00 p.m. - 2:30 p.m. Legislative Update

Ret. Snow

Critical Area Commission  
Chesapeake and the Atlantic and Coastal Bays  
100 Community Place  
People's Resource Center  
Department of Housing and Community Development  
Crownsville, Maryland  
December 4, 2002

The full Critical Area Commission met at the People's Resource Center Crownsville, Maryland. The meeting was called to order by Chairman John C. North, II with the following Members in Attendance:

Margo Bailey, Kent County; Dave Cooksey, Charles County; Judith Evans, Western Shore Member-at-Large; Dr. James C. Foor, Queen Anne's County; Robert Goodman, DHCD, Q. Johnson, Eastern Shore Member-at-Large; Sherry Conway-Appel for Samuel Wynkoop, Prince George's County; Gary Setzer, Maryland Department of the Environment; Zoe Piendak for James McLean, Maryland Department of Business and Economic Development; Meg Andrews, Maryland Department of Transportation; Dave Blazer, Coastal Bays; Douglas Wilson, Harford County; Louise Lawrence, Maryland Department of Agriculture; William Rice, Somerset County; Barbara Samorajczyk, Anne Arundel County; Duncan Stewart, Baltimore City, Dave Bourdon, Calvert County; Ed Gilliss, Baltimore County; Lauren Wenzel, Maryland Department of Natural Resources;

**Not in Attendance:**

Paul Jones, Talbot County; Douglas Stephens, Wicomico County; Jack Witten, St. Mary's County; Larry Duket, Maryland Department of Planning; William Giese, Dorchester County Mike Pugh, Cecil County; Joseph Jackson, Worcester County; James N. Mathias, Jr., Ocean City;

The Minutes of November 6, 2002 were approved as read.

Lisa Hoerger presented for Vote the proposal by Anne Anne Arundel County Department of Public Works to upgrade the Broadwater Reclamation Facility to increase plant efficiency and safety of operations. Because these structures are all located within the expanded Buffer the project must be reviewed through the Commission's conditional approval process. Ms. Hoerger described the facilities' history and told the Commission about the proposed improvements. The project conforms to the Critical Area Program and is in conformance with the conditional approval process. Dave Bourdon moved to approve the request for upgrade of the Broadwater Reclamation Facility with the condition that the Department of Public Works perform 3:1 mitigation for the new areas of impervious surface in the expanded Buffer. The motion was seconded by Bob Goodman and carried unanimously.

Dawn McCleary presented for Vote the Maryland Port Administration (MPA) offsite phosphorus mitigation conceptual plan at Gunpowder Falls State Park which includes four bioretention facilities, two sandfilters, and two dry swales. The goal of this plan is to provide for the pollutant reduction requirements of current and future construction projects at MPA marine terminals where onsite stormwater management is not feasible. MPA has submitted plans for each Best Management Practice to MDE and is in the process of getting permits. This plan proposes to treat 29.13 pounds of phosphorus. *Dave Bourdon moved to approve MPA's conceptual plan at*

Attendance  
John  
Richard

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial data and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include direct observation, interviews, and the use of specialized software tools.

3. The third part of the document describes the results of the data collection and analysis. It shows that there is a significant correlation between the variables being studied, and that the data supports the hypotheses being tested.

4. The fourth part of the document discusses the implications of the findings and provides recommendations for future research. It suggests that further studies should be conducted to explore the underlying mechanisms of the observed relationships.

5. The fifth part of the document concludes the report and summarizes the key findings.

6. The sixth part of the document provides a detailed description of the methodology used in the study. This includes information about the sample size, the data collection procedures, and the statistical methods used for data analysis.

7. The seventh part of the document discusses the limitations of the study and the potential sources of error. It acknowledges that the study is based on a specific sample and that the results may not be generalizable to all populations.

*Gunpowder Falls State Park with the condition that MPA work with Commission staff to develop a formal process for tracking this phosphorus bank. This process should be finalized as part of the approval for the individual BMP's. The motion was seconded by Bob Goodman and carried unanimously.*

**W**anda Cole presented for Concurrence with the Chairman's determination of Refinement, the Recodification of the Baltimore County Zoning Ordinances: Bill 79-01 Development; Bill 94-02 Environmental Protection and Resource Management; and Stormwater Management Fund; Bill 103-02 Planning; Zoning; and Growth Allocation. She said that the recodification of the County's regulations includes changes in the style and language to make it consistent with standard State regulatory language, but these changes are generally considered nonsubstantive changes. Although the bills include references to Critical Area elements, the bills themselves do not pertain to the Critical Area in their entirety. This recodification should facilitate a more effective and efficient comprehensive review of Baltimore County's comprehensive review, which should be completed in the summer of 2003. These Bills have been approved by the Baltimore County Council. *The Commission supported the Chairman's determination of Refinement.*

**L**eeAnne Chandler presented for Concurrence with the Chairman's determination of Refinement, minor text amendments and mobile home park map amendments in Worcester County's Coastal Bays Critical Area Program, which was formally adopted and approved with conditions. She described the changes to the Commission as stated in a staff report (attached to and made a part of these minutes) that are consistent with the Critical Area Law and Criteria. *The Commission supported the Chairman's determination of Refinement.*

**L**isa Hoerger presented for Concurrence with the Chairman's determination of Refinement, Anne Arundel County Council Bill #60-02 Bog protection Program – Maps. This will add the definition of a Bog protection Area Guidance Map; provide notice to affected property owners prior to a field-verified change made by the Planning and Zoning Officer; and, adopt a field-verified Bog Protection Area Guidance Map. These are maps which have come for approval after field-verification following legislation last spring that established Bog protection Areas and a Bog Protection Program. *The Commission supported the Chairman's determination of Refinement.*

**R**en Serey told the Commission that Ocean City has written a letter requesting a 30-day extension to the January 1, 2003 required submittal date in the preparation of its local Coastal Bays Critical Area Program as required by the Atlantic Coastal Bays Protection Act. The letter states that Ocean City is just now developing its Buffer Management Area regulations, which are most applicable to their needs, and some additional time would allow the Town to fully develop those regulations and to prepare a complete and effective local program. According to the law, the local program is to be submitted to the Commission on or before January 1, 2003, but if evidence of reasonable progress in the development of the program is presented the Commission can extend this period for 30 days. Mr. Serey said that the Commission staff has reviewed Ocean City's progress and recommends approval of the request. *Dave Cooksey moved to approve the*



*request by Ocean City for a 30 day extension for submittal of their Critical Area Program. The motion was seconded by Dave Blazer and carried unanimously.*

## **O**ld Business

Commission Counsel Marianne Mason told the Commission that in Wicomico County, Edwin Lewis has petitioned the Court of Appeals for a Writ of Certiorari to have the highest court hear his case. This is a discretionary type of review and the Court does not have to grant a review. She said that she will file a response to the request making it as uninteresting as possible so that the court will not want to hear it. There should be something by next month to report.

In the Old Trails case in Harford County, Ms. Mason said that she will be in oral arguments on Tuesday before the County Council, which functions as the Board of Appeals and hears only legal arguments and no new evidence. The County's People's Counsel is also appealing the granting of the variance.

## **N**ew Business

Chairman North said that the January meeting of the Commission will be held on the 8<sup>th</sup> of January in Crownsville.

There being no more business, the meeting adjourned.

Minutes submitted by

**P**eggy Mickler, Commission Coordinator.

The following information is provided for your information.

1. The first section of the document discusses the importance of maintaining accurate records. It highlights the need for consistency and the potential consequences of errors. This section also outlines the specific requirements for record-keeping, including the types of information that must be collected and the frequency of updates.

2. The second section details the various methods used to collect and analyze data. It describes the different types of surveys and interviews conducted, as well as the statistical techniques employed to interpret the results. This section provides a clear overview of the research methodology and the steps taken to ensure the validity of the findings.

3. The third section presents the key findings of the study. It summarizes the main trends and patterns observed in the data, and discusses the implications of these findings for the field. This section also includes a comparison of the results with previous research to provide context and highlight any new insights.

4. The final section offers conclusions and recommendations based on the study's findings. It identifies the strengths and limitations of the research and provides practical suggestions for future work. This section aims to provide a clear and concise summary of the study's contributions and the next steps for the research community.

5. The document concludes with a list of references and a list of authors. The references provide a comprehensive list of the sources used in the study, and the authors' names are listed to acknowledge their contributions to the work.



**STATE OF MARYLAND**  
OFFICE OF THE GOVERNOR



**ROBERT L. EHRLICH, JR.**  
GOVERNOR

STATE HOUSE  
100 STATE CIRCLE  
ANNAPOLIS, MARYLAND 21401  
(410) 974-3901  
(TOLL FREE) 1-800-811-8336

TTY USERS CALL VIA MD RELAY

February 5, 2003

Mr. Larry F. Duket  
Department of Planning  
301 West Preston Street  
Baltimore MD 21201

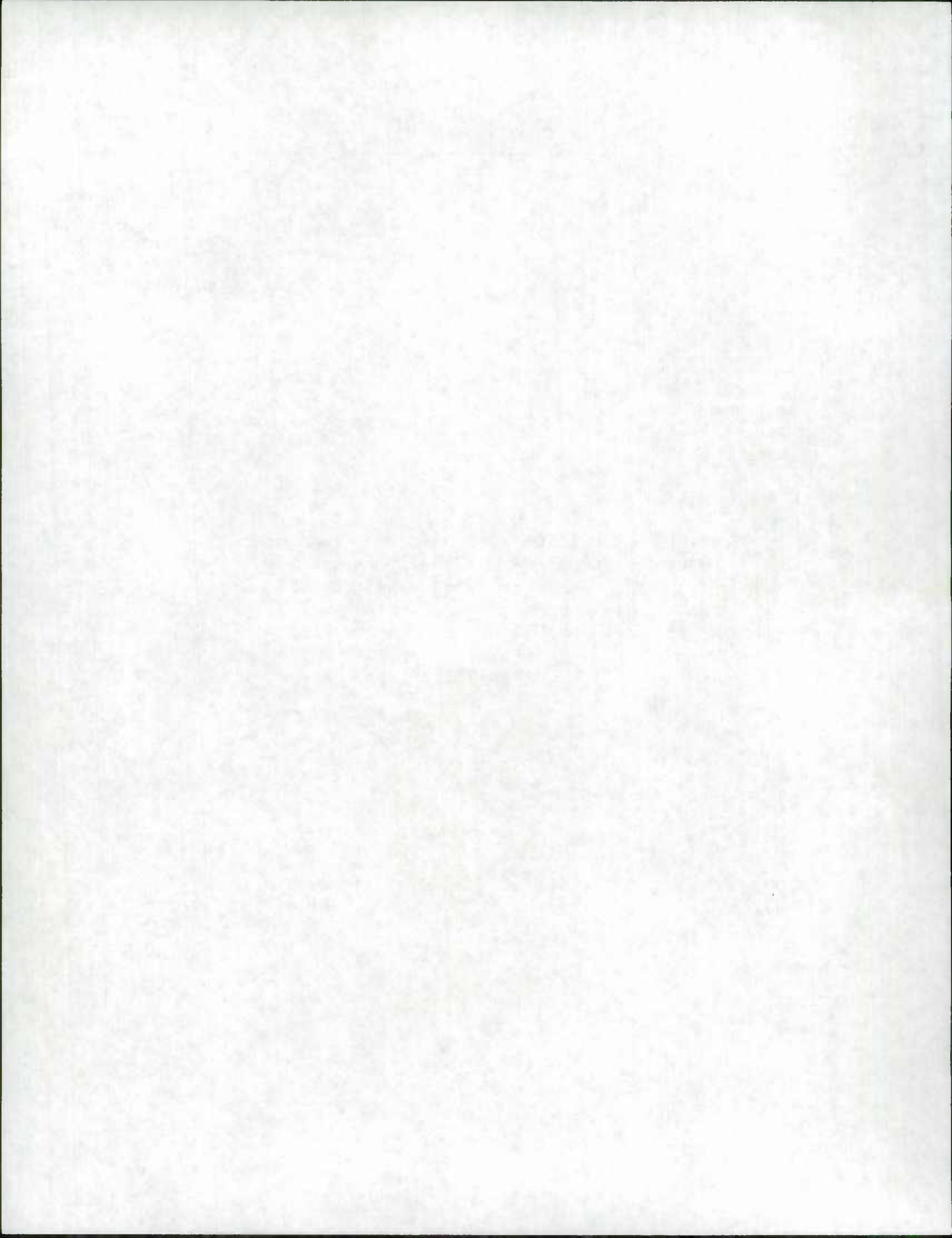
Dear Mr. Duket:

You have been detailed to the Office of the Governor by Audrey E. Scott, Acting Secretary of the Department of Planning, effective February 5, 2003. I hereby designate you to serve as Acting Chairman of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. This designation shall be for a period of February 5 through February 6, 2003.

Sincerely,

A handwritten signature in cursive script that reads "Robert L. Ehrlich, Jr." The signature is written in dark ink and is positioned to the right of the typed name.

Robert L. Ehrlich, Jr.  
Governor





## COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

*TALBOT COUNTY GOVERNMENT BUILDING*

142 N. HARRISON STREET  
EASTON, MARYLAND 21601

PHONE: 410-770-8001

FAX: 410-770-8007

TTY: 410-822-8735

[www.talbgov.org](http://www.talbgov.org)

THOMAS G. DUNCAN, President  
PHILIP CAREY FOSTER, Vice President

PETER A. CARROLL  
HOPE R. HARRINGTON  
HILARY B. SPENCE

February 5, 2003

Chesapeake Bay Critical Area Commission  
1804 West Street, Suite 100  
Annapolis, Maryland 21401

Dear Commission Members:

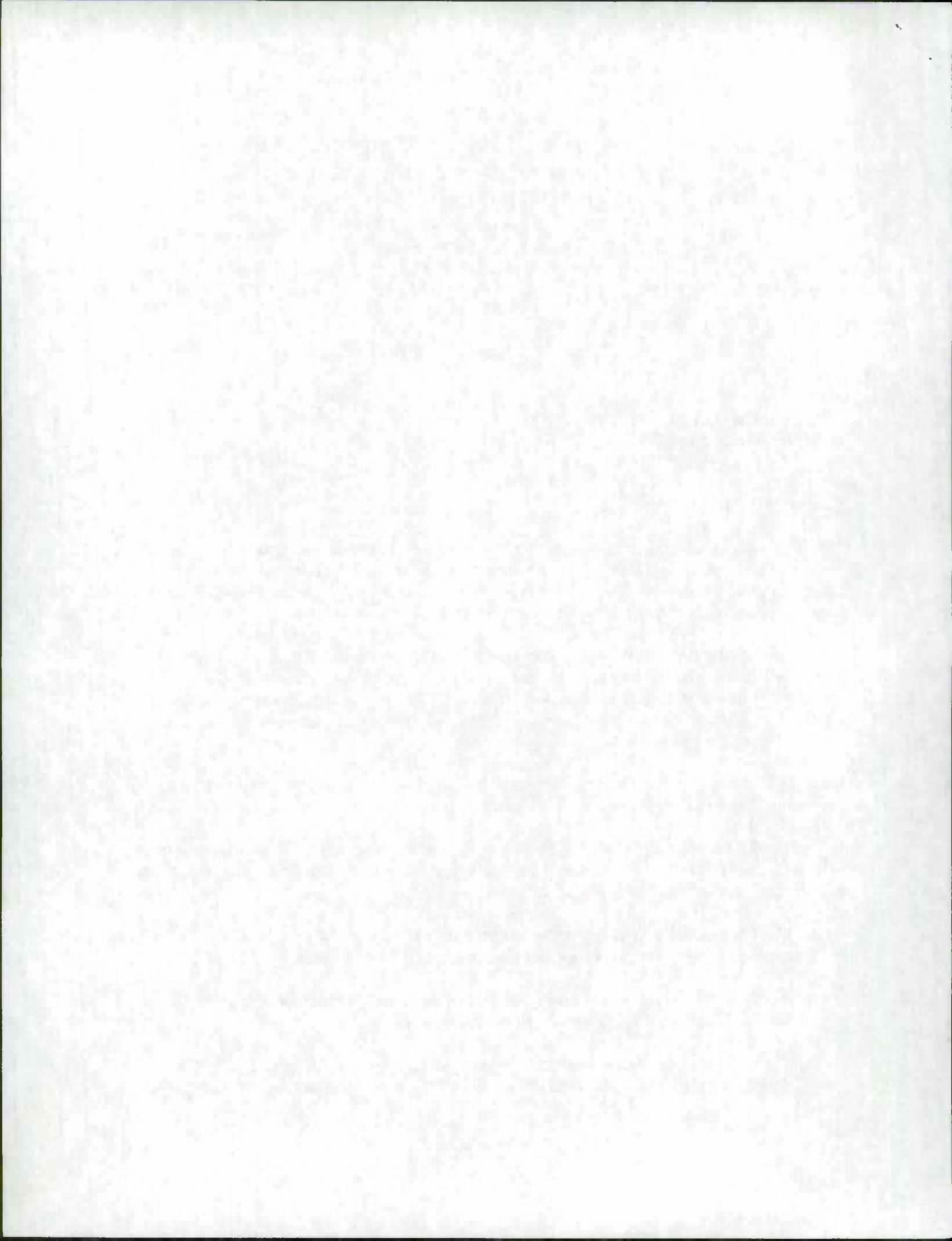
The Talbot County Council was pleased that Mr. Ren Serey, Executive Director, of the Critical Areas Commission and Ms. Mary Anne Munson from the Attorney General's office were able to meet with us on January 28, 2003. We believe progress was made on resolving the four issues outlined in Chairman North's letter of September 23, 2002 to the Council.

Mr. Serey outlined available options Talbot County may use in dealing with nonconforming structures in the Buffer. The Council has jointly agreed to draft a new administrative variance procedure to go along with the drafted Buffer Management Area regulations. In our minds, this will satisfy the Critical Area Commissions concerns and provide a procedure and process for individual property owner needs.

As to the question of buffer maintenance and buffer clearing, the County is working toward developing a program that has been effective in other counties such as Dorchester and Calvert.

We also understand that there has recently been a Board of Appeals case in Talbot County dealing with the Guest House issue. Since we understand that a solution may not be forthcoming in the near future, we respectfully request the following:

1. The Commission and its legislative over site committee consider proposing legislation to the General Assembly that regulates the building of Guest Houses and in the RCA.
2. The Commission rescind its determination that the County's program concerning Guest Houses is in error pending the resolution of the issue.
3. The Commission consider favorably the proposed change to the County's ordinance concerning non-conforming structures in the 100 foot shoreline development buffer (draft



ordinance attached). In addition to mapping Buffer Exemption or Management Areas where new development would be approved by the Planning Office according to standards and mitigation to be inserted into the County ordinance, a land owner could apply to the Planning Officer for an administrative variance for development on lots not in a Buffer Management Area. The Planning Officer would make the initial determination on the administrative variance, with appeals going to the Board of Appeals.

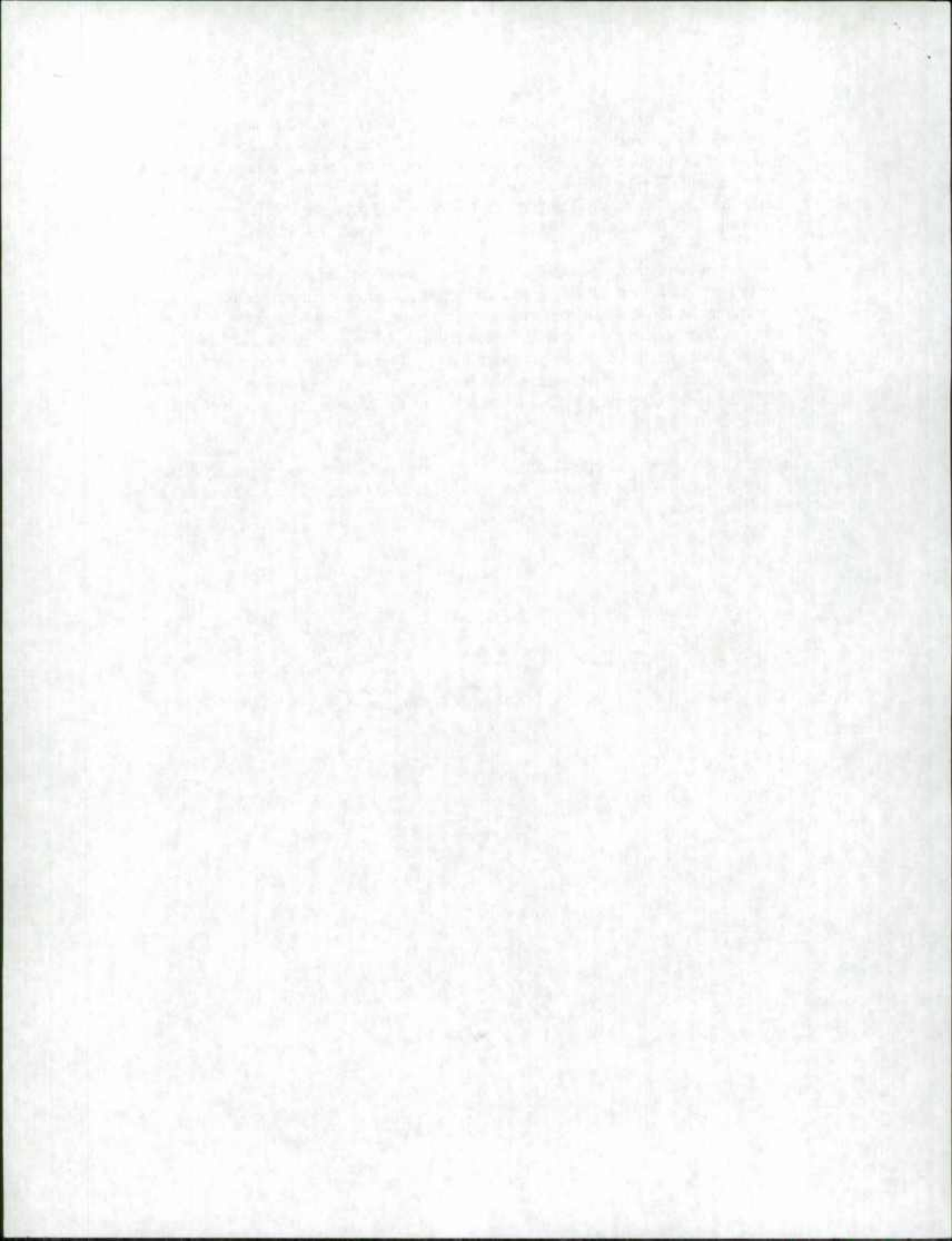
4. The Commission recognize that Talbot County is making good progress in revising its Critical Area Plan regarding afforestation, forest clearing, reforestation and clearing in the 100 foot buffer as evidenced by the productive meeting held on January 28th with the Commission's Executive Director and legal Counsel. The County Council and Planning Director will continue to work diligently on revising our ordinances relating to the aforementioned issues in a manner which is consistent with the Commissions September 23<sup>rd</sup> letter to the Council. It is our intent to submit the revisions to the Commission by May 1, 2003.

Your staff and the Attorney General's office have been very helpful in providing acceptable solutions to the issues. We look forward to a continued dialogue with the Commission as we seek to develop a final resolution.

Sincerely,

COUNTY COUNCIL OF TALBOT COUNTY

  
Thomas G. Duncan, President



DRAFT

COUNTY COUNCIL  
OF  
TALBOT COUNTY, MARYLAND

2003 Legislative Session, Legislative Day No. \_\_\_\_\_

Bill No. \_\_\_\_\_

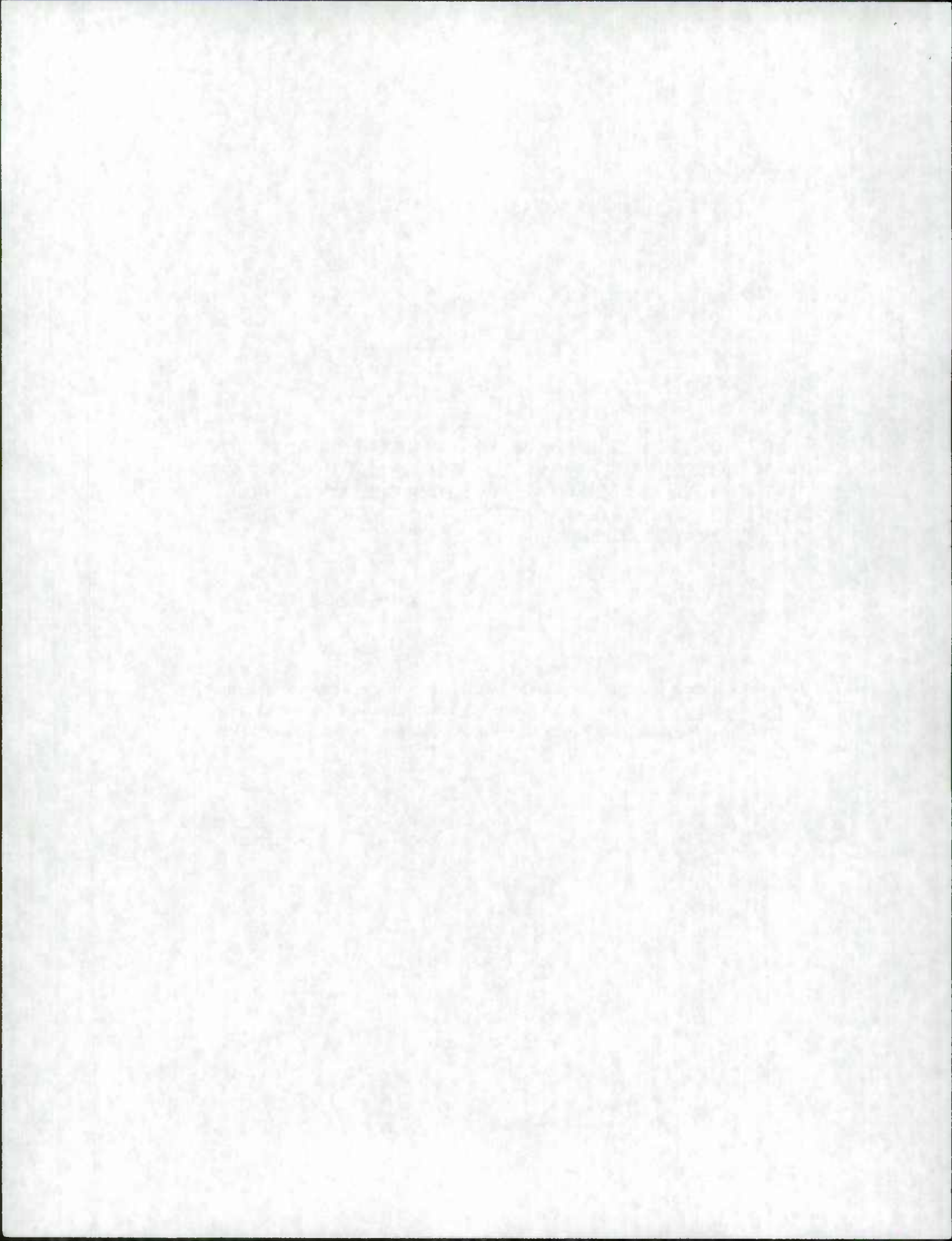
Introduced by: \_\_\_\_\_

**A BILL TO AMEND CHAPTER 190, ZONING OF THE TALBOT COUNTY CODE ARTICLE XIII, §190-97 E. (1), TO CREATE AN ADMINISTRATIVE VARIANCE PROCEDURE TO ALLOW UNDER CERTAIN CONDITIONS ADDITIONS TO EXISITING NONCONFORMING STRUTURES IN THE SHORELINE DEVELOPMENT BUFFER.**

By the Council \_\_\_\_\_

Introduced, read first time, ordered posted, and public hearing scheduled on \_\_\_\_\_ at \_\_\_\_\_ p.m. at the Bradley Meeting Room, Talbot county Government Building, 142 North Harrison Street, Easton, Maryland 21601.

By Order \_\_\_\_\_  
Secretary

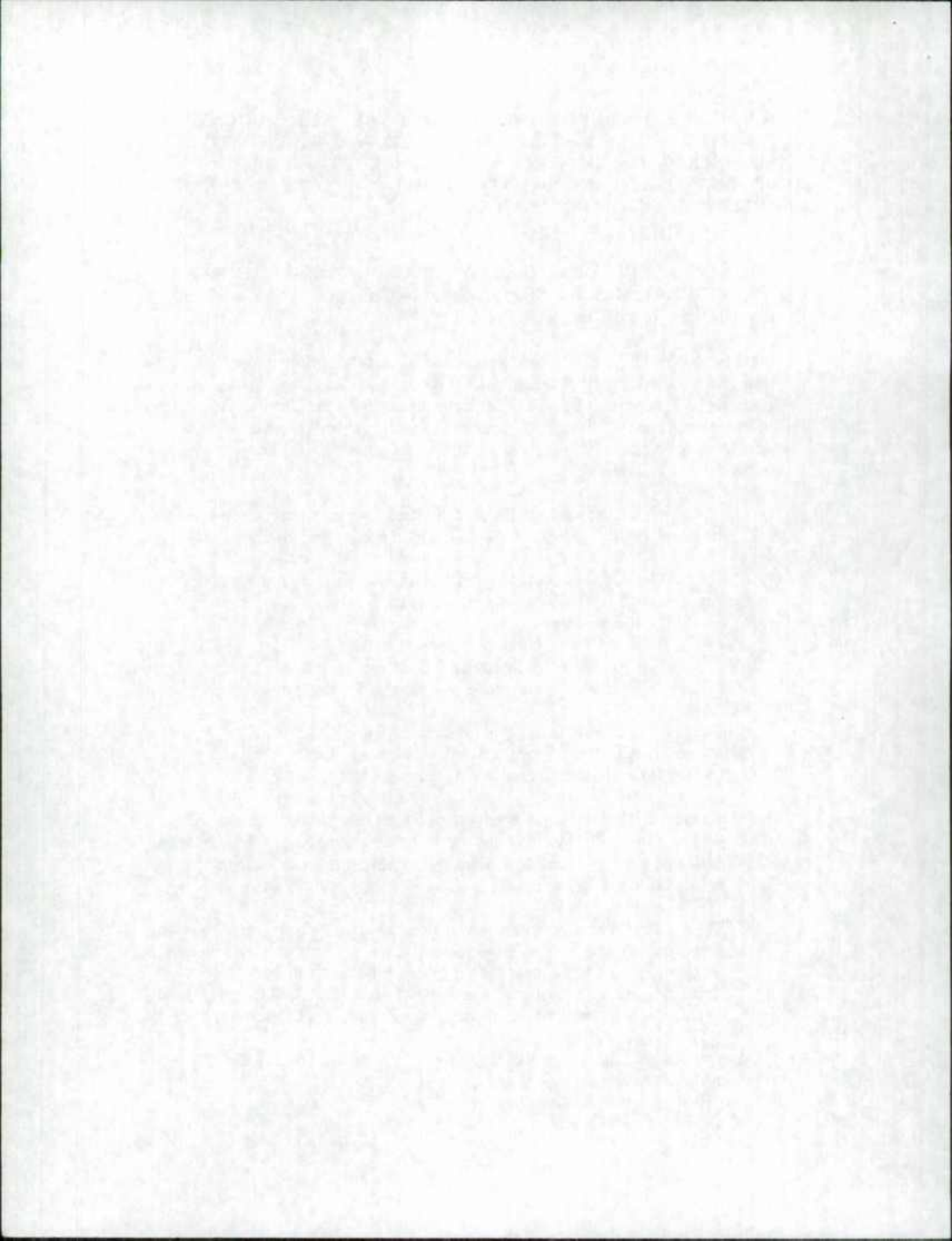




**A BILL TO AMEND CHAPTER 190, ZONING OF THE TALBOT COUNTY CODE ARTICLE XIII, §190-97 E. (1), TO CREATE AN ADMINISTRATIVE VARIANCE PROCEDURE TO ALLOW UNDER CERTAIN CONDITIONS ADDITIONS TO EXISTING NONCONFORMING STRUCTURES IN THE SHORELINE DEVELOPMENT BUFFER.**

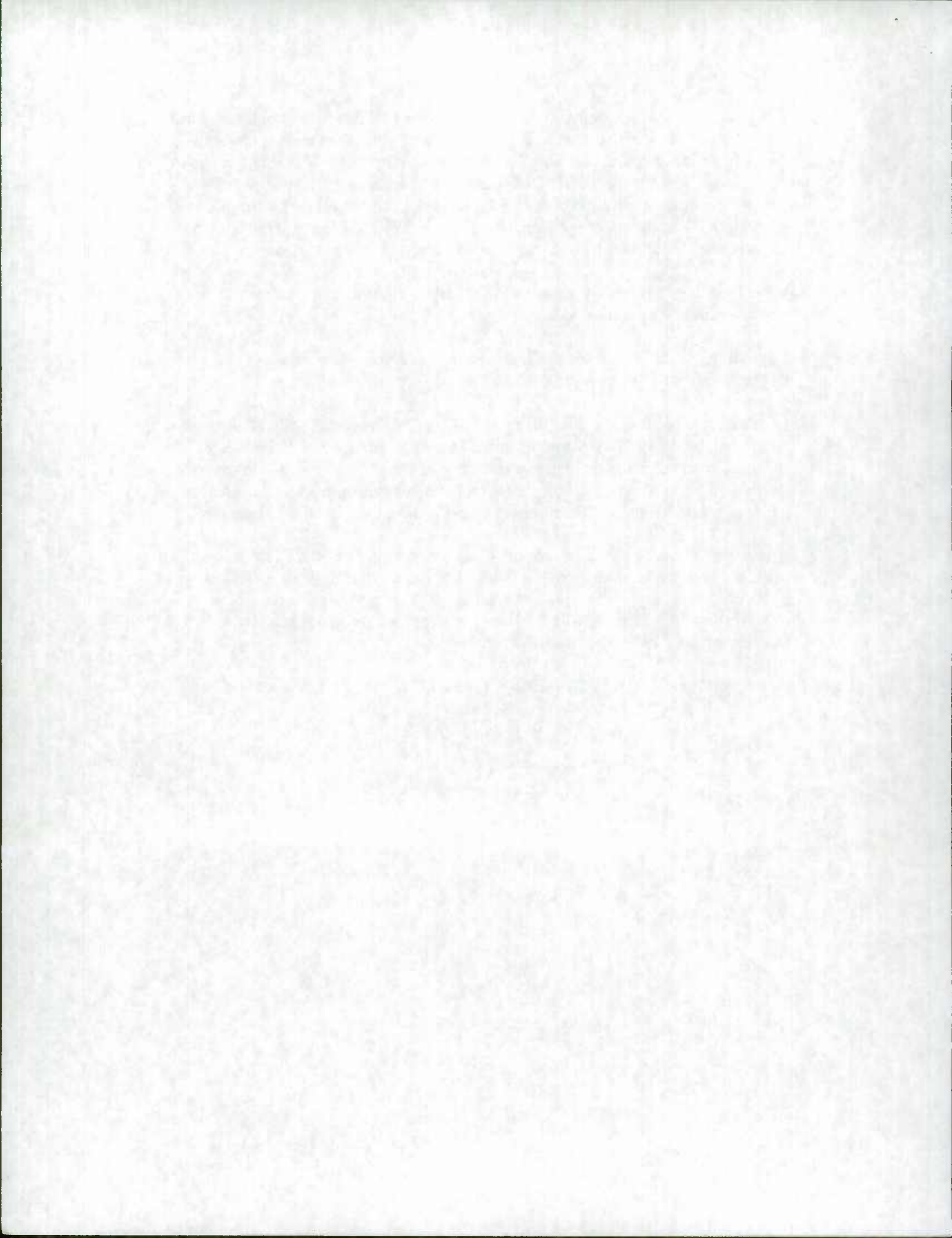
**SECTION ONE: BE IT ENACTED, BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND,** that Chapter 190, Zoning, of the Talbot County Code, §190-97 E. (1), shall be amended to read as follows:

- (1) Legal nonconforming structures in existence as of August 13, 1989 located within the Critical Area shoreline development buffer may be expanded along existing setback lines subject to approval of an administrative variance from the Planning Officer after recommendation by the Planning Commission. Such approval of an administrative variance may be granted by the Planning Officer only upon finding from a preponderance of evidence that:
  - (a) The proposed setback from the property lines for such an expansion will not be less than the existing setbacks of the legal nonconforming structure;
  - (b) Special conditions or circumstances exist that are peculiar to the land or structure such that a literal enforcement of the provisions of this chapter would result in unwarranted hardship to the property owner;
  - (c) A literal interpretation of this section will deprive the property owner of rights commonly enjoyed by other property owners in the same zone;
  - (d) The granting of an administrative variance will not confer upon the property owner any special privilege that would be denied by this section to other owners of lands or structures within the same zone;
  - (e) The variance request is not based on conditions or circumstances which are the result of actions by the property owner nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;
  - (f) The granting of an administrative variance within the Critical Area shoreline development buffer will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law the Talbot County Critical Area Plan and the regulations adopted in this section; and
  - (g) The variance shall not exceed the minimum necessary to relieve the unwarranted hardship.



- (2) In granting an administrative variance, the Planning Officer may impose reasonable conditions to ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. Violations of such conditions, when made a part of the terms under which the variance was granted, shall be deemed a violation of this section and shall be subject to the provisions of Article XV herein and, at the discretion of the Planning Officer, after notice and hearing, shall be grounds for termination or revocation of the variance.
- (3) The Planning Officer may impose a time limit within which an administrative variance must be put into effect.
- (4) The decision and supporting findings and any conditions attached to the decision shall become a part of the written record for the variance request.
- (5) Critical area notification. The Planning Officer shall forward a copy of all Critical Area administrative variance applications to the Chesapeake Bay Critical Area Commission prior to their review. Any comments received from the Critical Area Commission in response to an application for an administrative variance shall be forwarded to the Planning Commission and Planning Officer for consideration.
- (6) Appeal of Planning Officer decision. Upon a determination by the Planning Officer that the proposed administrative variance does not meet the criteria set forth in subsection (1) (a-g) above, the applicant may file an appeal in the form of an application for a variance with the Board of Appeals in accordance with the provisions of §190-104 of this Chapter.

**SECTION TWO: BE IT FURTHER ENACTED,** that this ordinance shall take effect sixty (60) days from the date of its passage.



**PUBLIC HEARING**

Having been posted and Notice of time and place of hearing and Title of Bill No. \_\_\_\_\_  
having been published, a public hearing was held on Tuesday \_\_\_\_\_,  
at \_\_\_\_\_ p.m. in the Talbot County Council Chambers.

**BY THE COUNCIL**

Read the third time.

Enacted \_\_\_\_\_

By Order \_\_\_\_\_  
Secretary

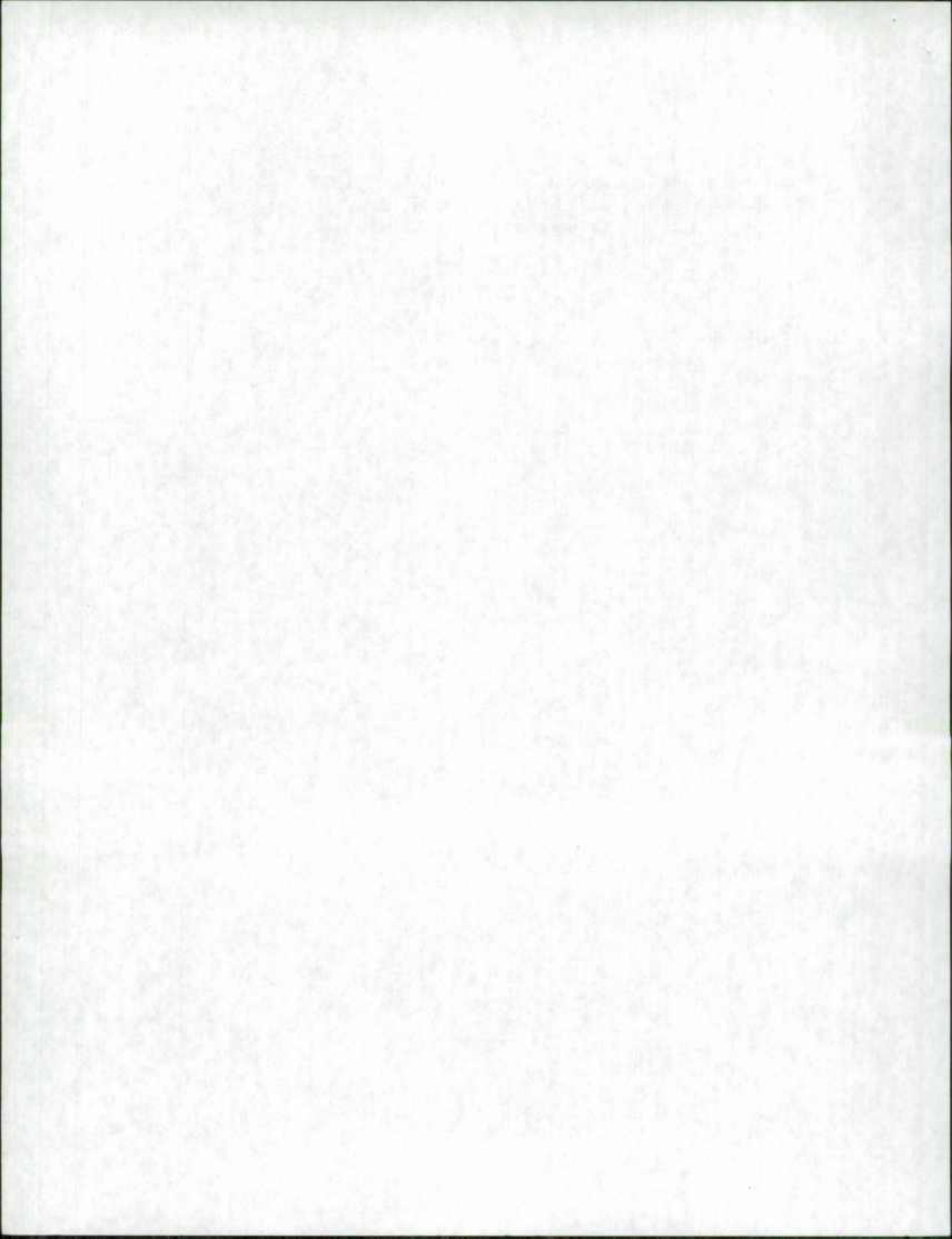
Duncan - \_\_\_\_\_

Harrington - \_\_\_\_\_

Foster- \_\_\_\_\_

Spence - \_\_\_\_\_

Carroll - \_\_\_\_\_



## *Critical Area Commission*

### MEMORANDUM

February 5, 2003

**To:** Program Subcommittee  
**FROM:** Julie V. LaBranche  
**PROPOSAL:** Sandy Hill Camp Mapping Mistake

#### DISCUSSION:

The purpose of this presentation to the program Subcommittee is to provide information regarding a request to amend a Critical Area map in Cecil County on the basis that there was a mistake in the original mapping. The property owner of Sandy Hill Camp has submitted a request to correct the designation of a portion of the property, from Resource Conservation Area (RCA) to Limited Development Area (LDA). On January 22, 2003, the Cecil County Planning Commission forwarded a recommendation to the Cecil Board of County Commissioners for approval of this request, based on findings presented by the applicant.

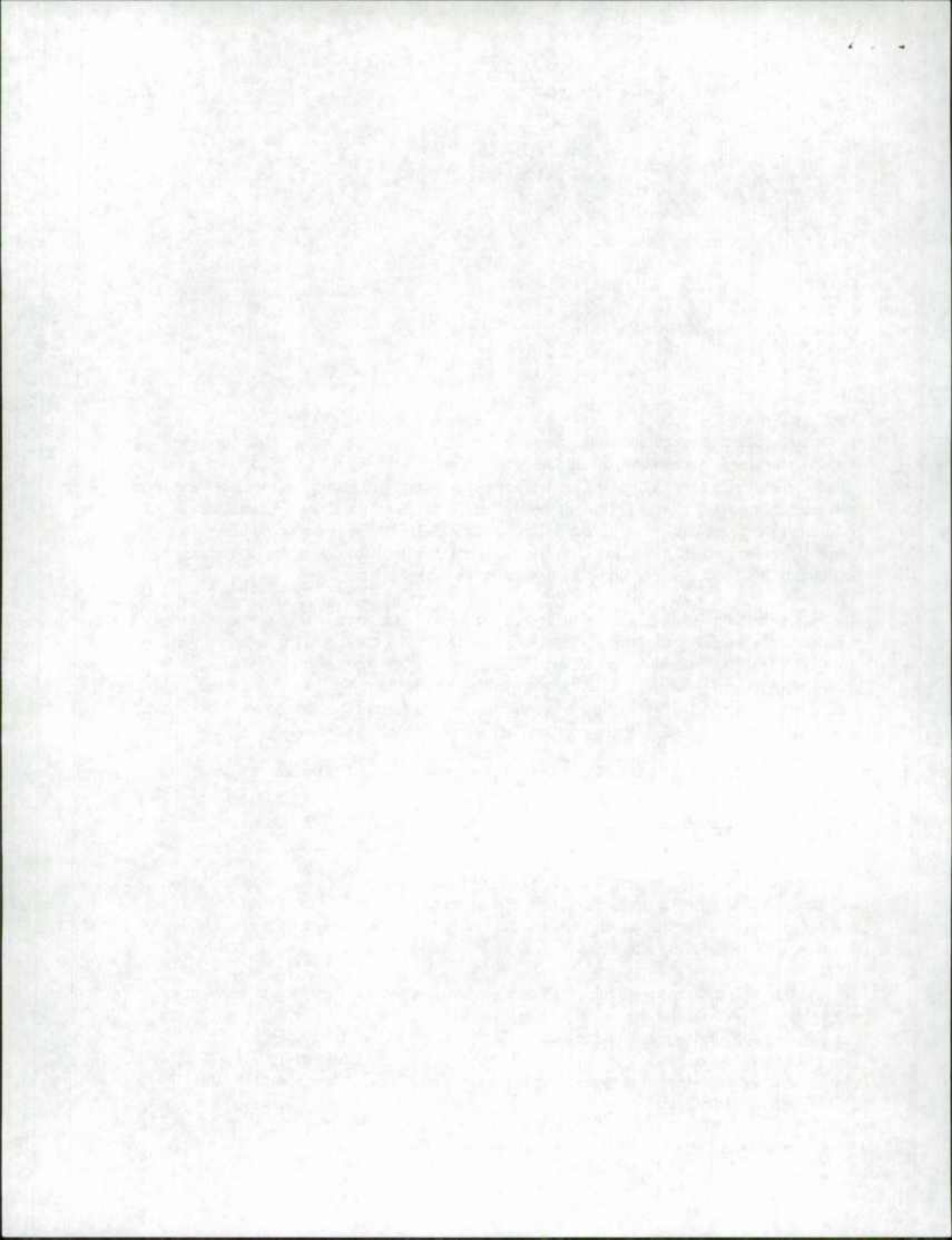
The request by Sandy Hill, LLC for a mapping mistake will change the designation of approximately 9 acres of the property from RCA to LDA, and a small area (of undetermined size) from LDA to RCA. The change is proposed on the basis that the original mapping did not accurately represent the developed and actively used areas of the camp. The approximate breakdown of changes in designation, by acreage, is summarized in the table below. The current and proposed LDA and RCA boundaries are shown on the attached site plan.

| Critical Area (67 acres) | RCA acres | LDA acres |
|--------------------------|-----------|-----------|
| Existing                 | 35        | 32        |
| Proposed                 | 26        | 41        |
| Total                    | -9        | +9        |

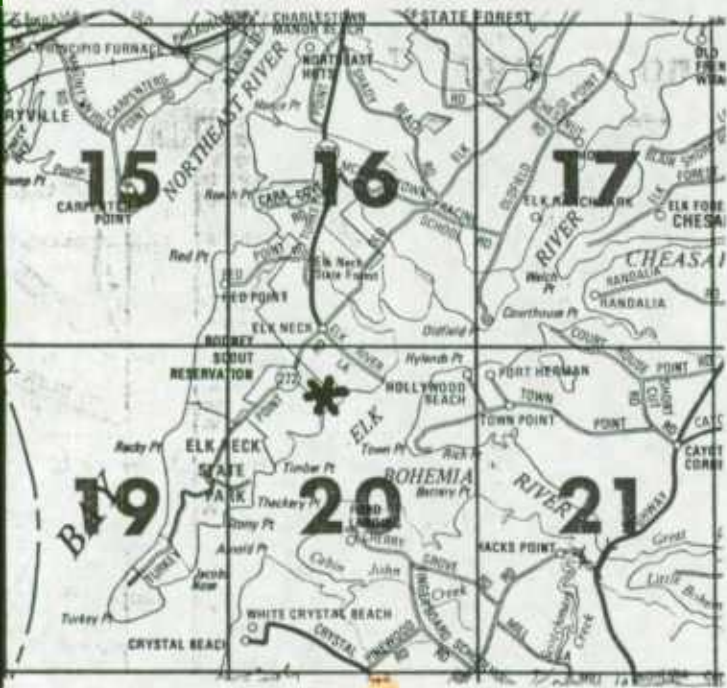
The proposed RCA configuration consists mostly of forested areas, steep slopes and wetlands within the expanded Buffer on the north side of the property. The proposed LDA configuration will encompass the most intensively utilized areas of the camp, including existing structures, facilities, and cleared areas within the Critical Area.

Commission staff have met with the consultant, property owner, and County staff to discuss a redevelopment proposal for the camp and the process for moving forward with the mapping mistake. The applicant is scheduled to present their case to the Cecil Board of County Commissioners on Wednesday, January 29, 2003. If approved, the Board of County Commissioners will submit this request to correct a mapping mistake for approval by the Commission at a later date.

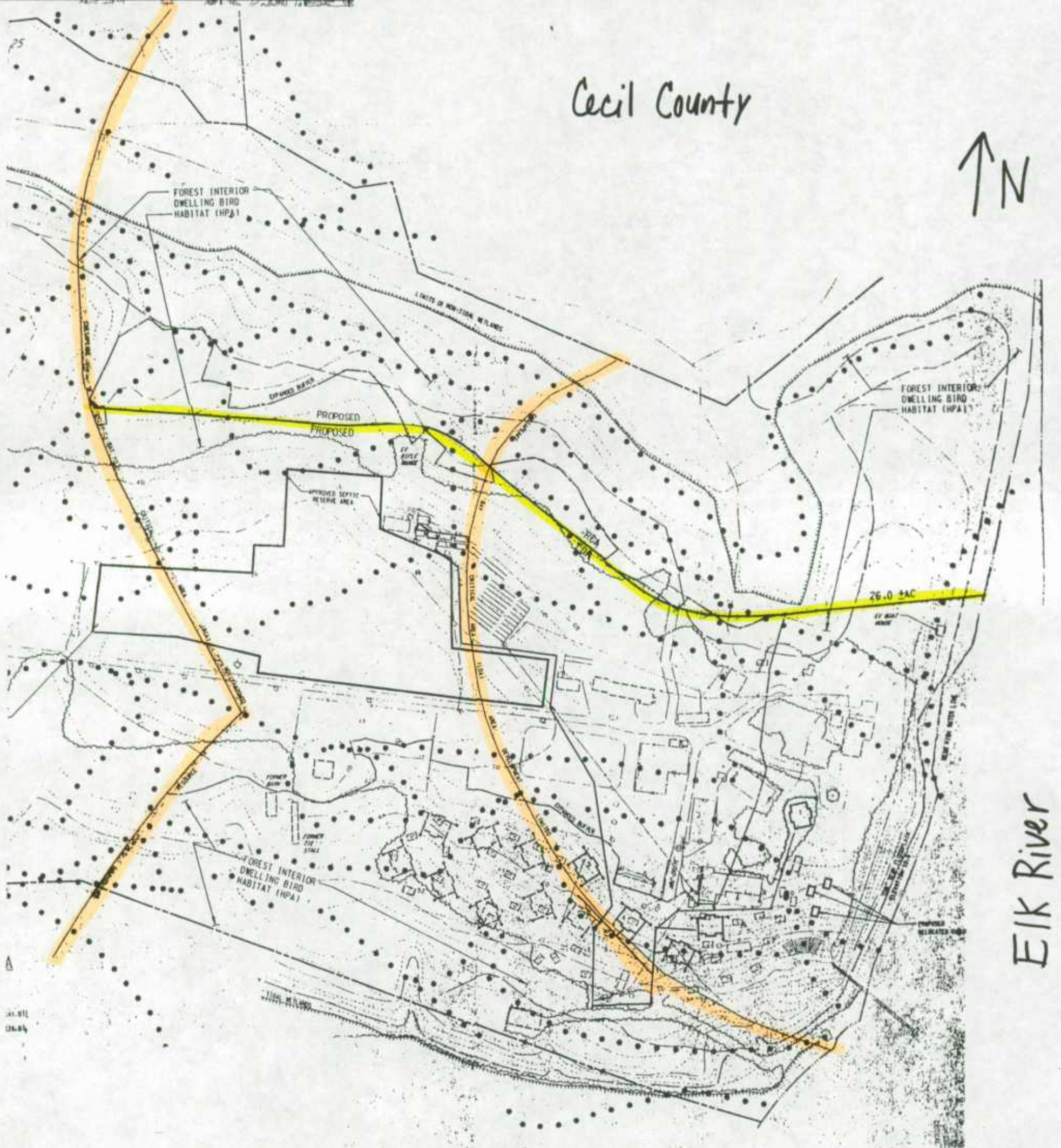
Please contact me at (410) 260-3475 if you have any questions.







### Sandy Hill Camp Mapping Mistake



Nelson K. Bolender, President  
1st Commissioner District

Harry A. Hepbron  
2nd Commissioner District

Phyllis Kilby  
3rd Commissioner District

Board of County Commissioners  
(410) 996-5201

Alfred C. Wein, Jr.  
County Administrator  
(410) 996-5203



February 3, 2003

Department of Aging  
(410) 996-5295  
Economic Development  
(410) 996-6292  
Emergency Services  
(410) 996-5350  
Human Resources  
(410) 996-5250  
Permits and Inspections  
(410) 996-5237  
Planning, Zoning and Parks  
(410) 996-5220  
Public Works  
(410) 996-5265

P. Ren Serey, Executive Director  
Critical Area Commission  
1804 West Street, Suite 100  
Annapolis, MD 21401

Re: Sandy Hill Reclassification Request

Dear Mr. Serey:

As you know, the above applicant's Public Hearing before the Board of County Commissioners was postponed due to the lack of a quorum. Unfortunately, the local hearing on this matter will not take place until after the February 5<sup>th</sup> Critical Area Commission Meeting.

The purpose of this missive is to advise you and the Commission that our planning staff has briefed the Board on this request and the Board has responded in a positive manner. I anticipate that this application will be approved at the Board's February 24<sup>th</sup> Public Hearing. Furthermore, the Cecil County Planning Commission unanimously recommended approval of this request.

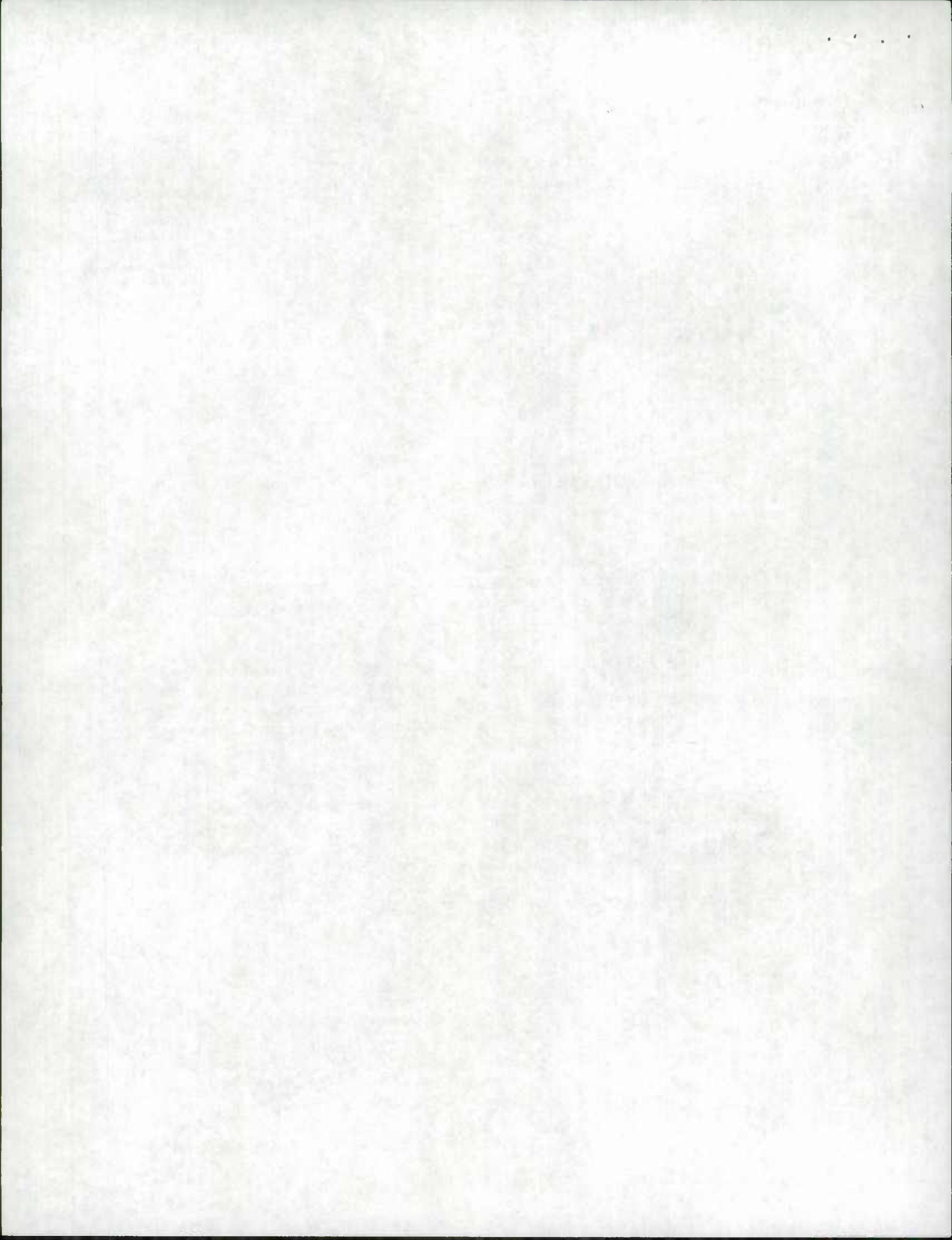
Knowing that the applicant is on a tight time line and because of the administrative nature of their request, we respectfully request that you recommend to the Commission that they approve this request, conditioned upon our final action on February 24<sup>th</sup>. Dwight Thomey, our county attorney has reviewed this response and may be reached at 410 398-3536 if you may have any questions.

Thank you for your attention in this matter.

Very truly yours,

*Nelson K. Bolender*  
Nelson K. Bolender,  
President

1/21/03 Plu Comm



AMENDMENT/REFINEMENT DETERMINATION

To:

From: Julie V. LaBranche

Date: February 5, 2003

Date Received by CAC:

February 5, 2003

Jurisdiction: Cecil County

Issue: Sandy Hill Camp LLC has submitted a request to correct the Critical Area designation of approximately 9 acres of the property, from Resource Conservation Area to Limited Development Area, on the basis that a mistake was made in the original mapping.

Local Request for Refinement: ( X ) Yes ( ) No

Staff Recommendation: ( X ) Refinement ( ) Amendment

( ) Approve

( X ) Approve with Conditions:

( ) Deny

*"Conditional" determination of a refinement, pending County approval.*

Justification: The change in Critical Area designation was proposed on the basis that the original Critical Area mapping did not accurately represent the developed and actively used areas of the camp. Several camp facilities and structures were present within the Resource Conservation Area portion of the property, prior to the adoption of the Cecil County Critical Area program.

Chairman's Determination:

( ) Amendment

*Conditional determination of Refinement*  
( X ) Refinement

( ) Let's Discuss

*JSL*  
Initial (Chairman)

( ) Refinement Approved ( ) Refinement Denied

( ) Let's Discuss

( X ) Refinement Approved with Suggested Conditions \*

*JSL*  
Initial (Chairman)

File Name

p:\cac\plan\amenref.frm

*\* Determination of a refinement is conditioned on the County's approval and the presumption that the proposed map correction as described at today's CAC meeting is substantially the same as the proposal acted on by the County.*

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|                           |                             |
|---------------------------|-----------------------------|
| To <i>Julie</i>           | From <i>Peggy</i>           |
| Co.                       | Co.                         |
| Dept.                     | Phone # <i>410-822-9047</i> |
| Fax # <i>410 974 5338</i> | Fax #                       |

**Critical Area Commission**

*Entered in lieu of staff report*

**MEMORANDUM**

**February 5, 2003**

**To:** Program Subcommittee  
**FROM:** Julie V. LaBranche  
**PROPOSAL:** Sandy Hill Camp Mapping Mistake

*Rod Jones*

*Greg Joseph  
owner*

**DISCUSSION:**

The purpose of this presentation to the program Subcommittee is to provide information regarding a request to amend a Critical Area map in Cecil County on the basis that there was a mistake in the original mapping. The property owner of Sandy Hill Camp has submitted a request to correct the designation of a portion of the property, from Resource Conservation Area (RCA) to Limited Development Area (LDA). On January 22, 2003, the Cecil County Planning Commission forwarded a recommendation to the Cecil Board of County Commissioners for approval of this request, based on findings presented by the applicant.

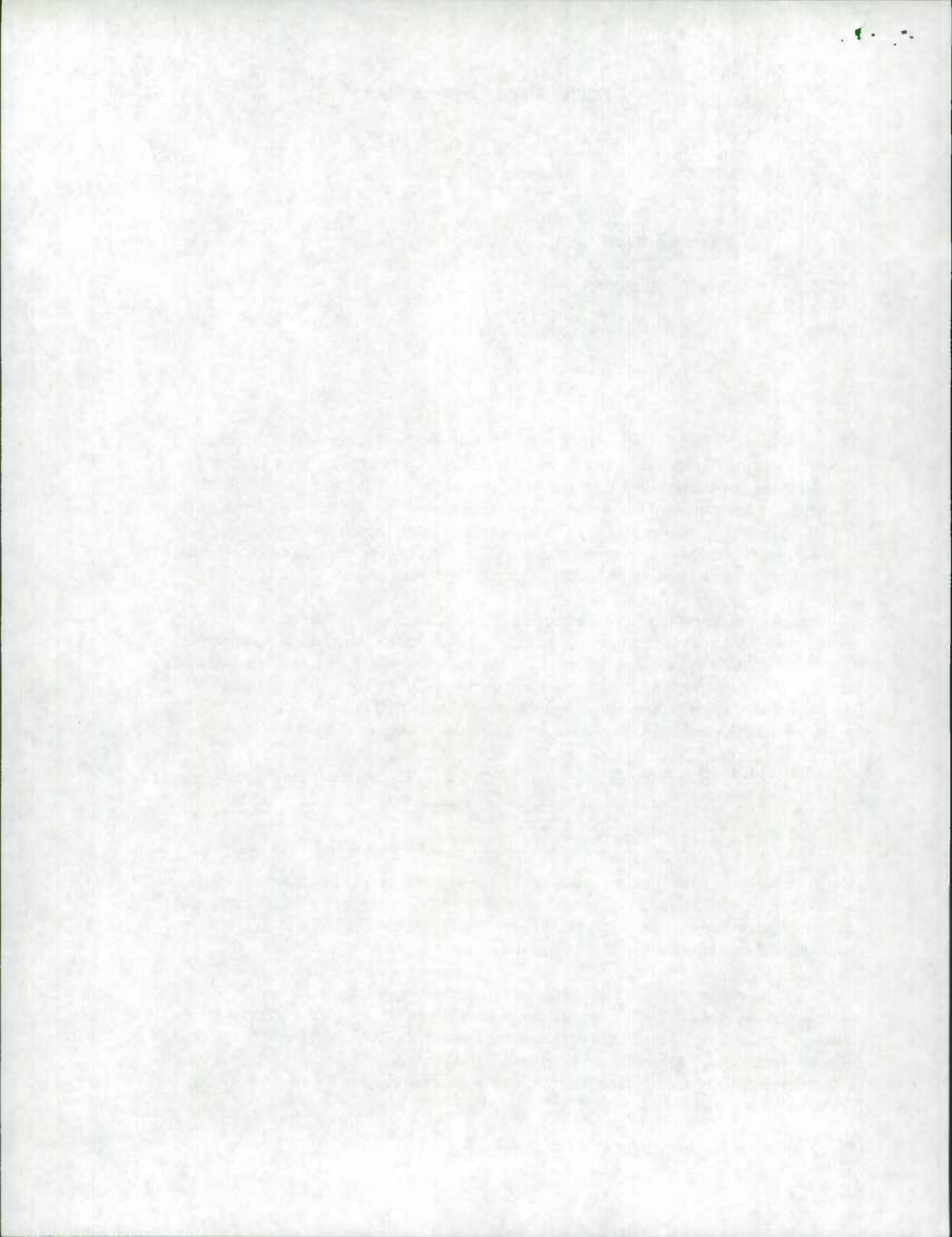
The request by Sandy Hill, LLC for a mapping mistake will change the designation of approximately 9 acres of the property from RCA to LDA, and a small area (of undetermined size) from LDA to RCA. The change is proposed on the basis that the original mapping did not accurately represent the developed and actively used areas of the camp. The approximate breakdown of changes in designation, by acreage, is summarized in the table below. The current and proposed LDA and RCA boundaries are shown on the attached site plan.

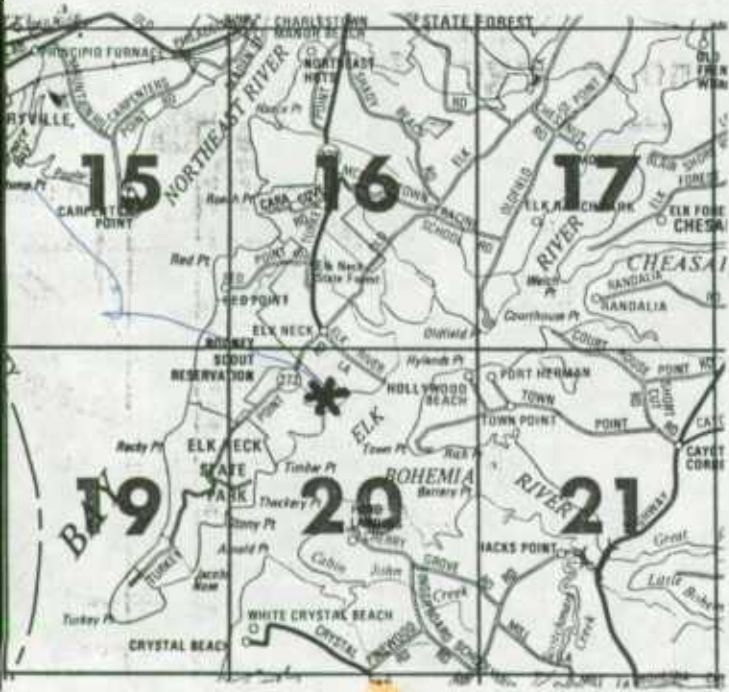
| Critical Area (67 acres) | RCA acres | LDA acres |
|--------------------------|-----------|-----------|
| Existing                 | 35        | 32        |
| Proposed                 | 26        | 41        |
| Total                    | -9        | +9        |

The proposed RCA configuration consists mostly of forested areas, steep slopes and wetlands within the expanded Buffer on the north side of the property. The proposed LDA configuration will encompass the most intensively utilized areas of the camp, including existing structures, facilities, and cleared areas within the Critical Area.

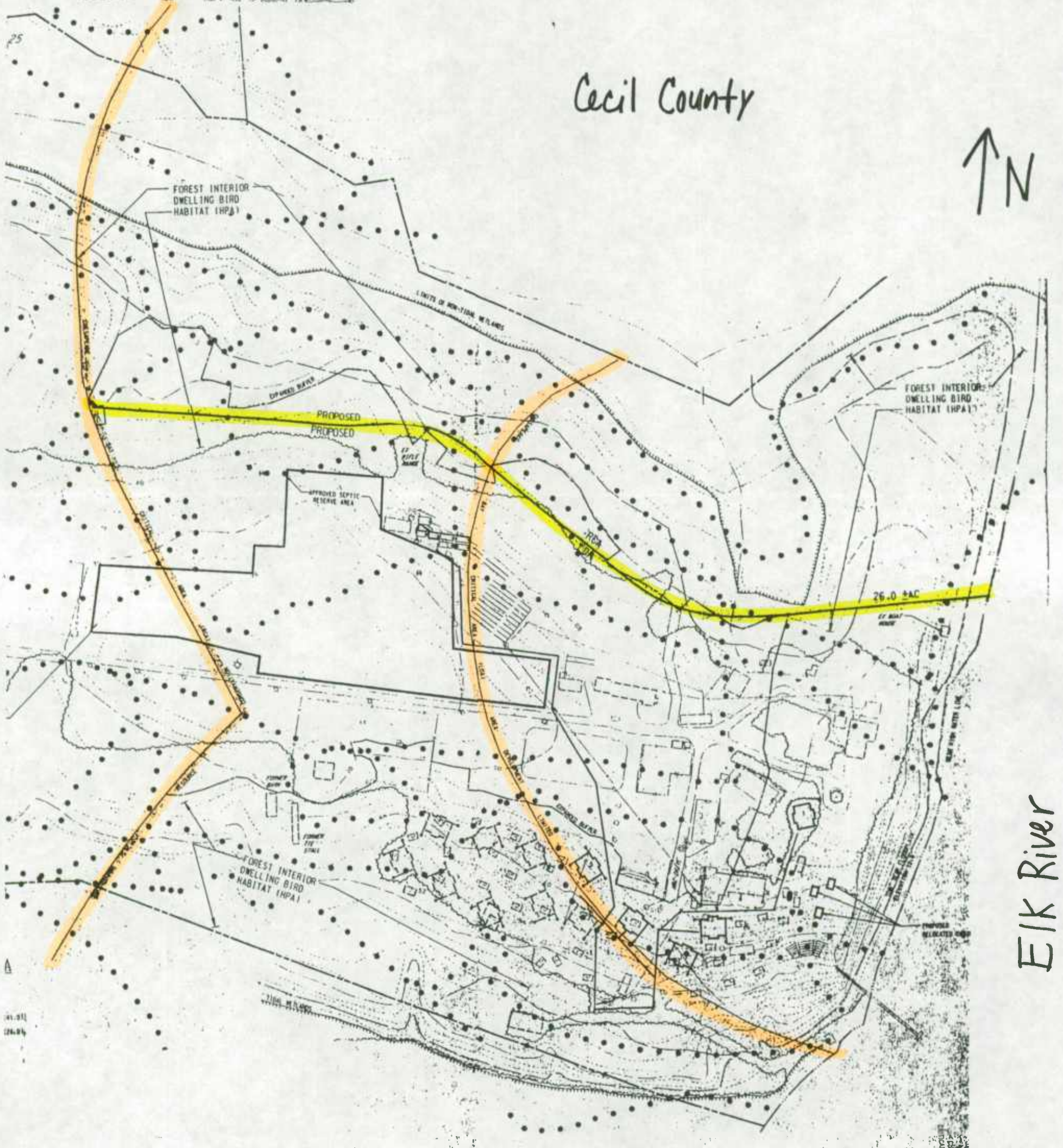
Commission staff have met with the consultant, property owner, and County staff to discuss a redevelopment proposal for the camp and the process for moving forward with the mapping mistake. The applicant is scheduled to present their case to the Cecil Board of County Commissioners on Wednesday, January 29, 2003. If approved, the Board of County Commissioners will submit this request to correct a mapping mistake for approval by the Commission at a later date.

Please contact me at (410) 260-3475 if you have any questions.





Sandy Hill Camp Mapping Mistake

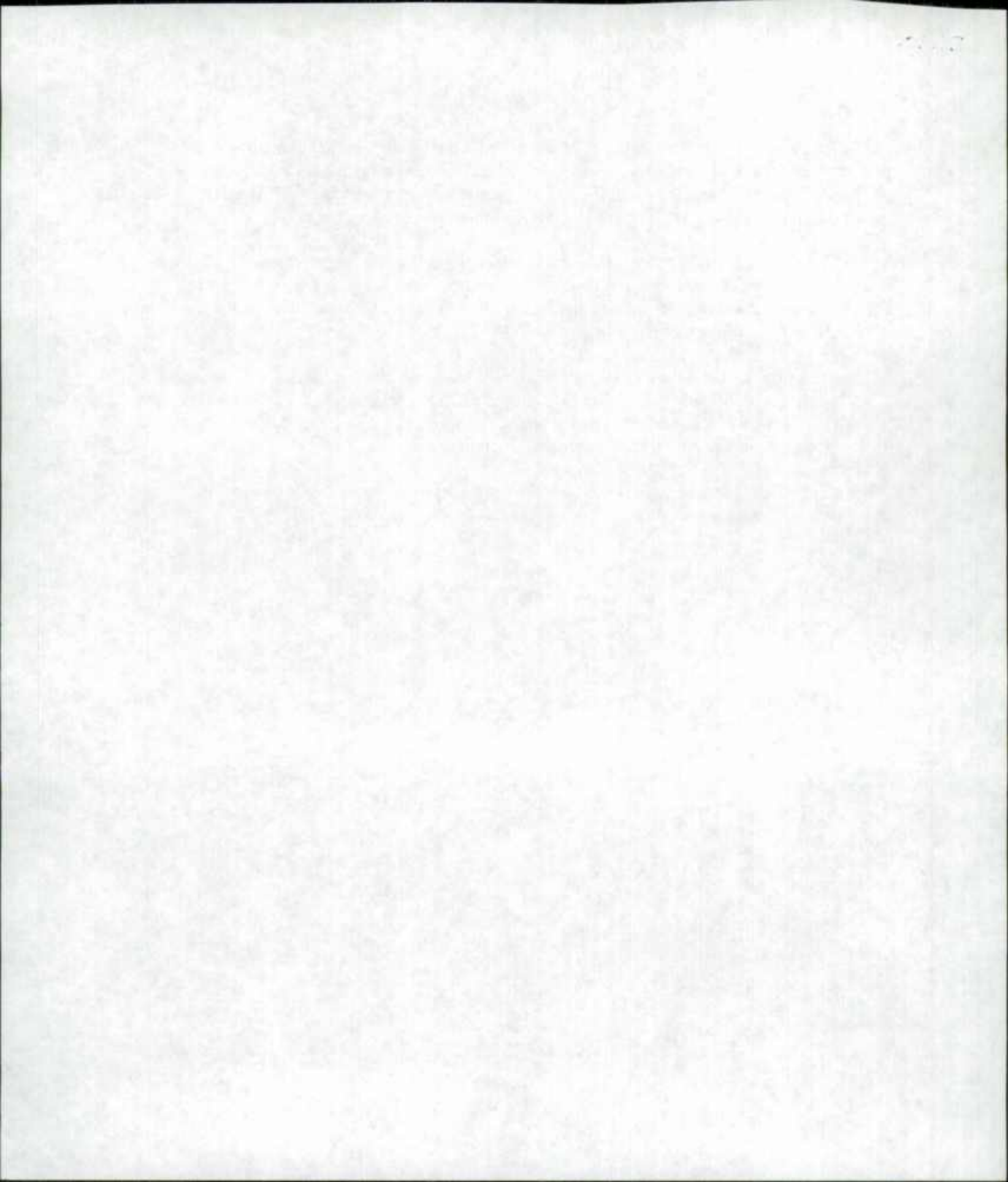


01-01  
02-04



On February 5, 2003, the Commission concurred with the Chairman's determination that the request to change the boundaries of Resource Conservation Areas and Limited Development Areas designated on the Sandy Hill Camp LLC property be approved as a conditional refinement to the County's program with the following conditions:

- 1) Determination of a refinement is conditioned on the County's approval and the prescription that the proposed map correction, as described at today's Critical Area Commission meeting, is substantially the same as the proposal acted on by the Cecil Board of County Commissioners.
- 2) The Commission's approval of the requested change to the boundaries of Resource Conservation Areas and Limited Development Areas designated on the Sandy Hill Camp LLC property is contingent upon approval of this request by the Cecil Board of County Commissioners during their February 24, 2003 session.
- 3) The Cecil Board of County Commissioners must provide written notification of approval to the Commission before any development activities covered by this approval are undertaken.



~~? D. Gordon moved to~~

**Critical Area Commission**

**STAFF REPORT**  
**February 5, 2003**

*Dec. by Joe Jack*  
*ap*

*Refinement*  
*Concurrence*

**APPLICANT:** Calvert County

**PROPOSAL:** Comprehensive Review – Part I

**COMMISSION ACTION:** Concurrence with Chairman’s Determination

**STAFF RECOMMENDATION:** Approval with conditions

**STAFF:** Julie V. LaBranche and Mary Owens

**APPLICABLE LAW/  
REGULATIONS:** Natural Resources Article, §8-1809(g)

**DISCUSSION:**

Calvert County has submitted several amendments to the County’s Critical Area Program associated with the first Phase of this four-year comprehensive review. The Calvert Board of County Commissioners approved these text and map amendments on December 10, 2002. Chairman North determined that these program changes could be processed as refinements to the Calvert County Critical Area Program, since the changes relate mostly to clarification of existing language and minor changes to the Critical Area maps. The program refinements will affect existing Critical Area provisions in the Calvert County Critical Area Program and Conservation Manual, the Solomons Master Plan and Zoning Ordinance, and the Calvert County Zoning Ordinance. Completion of the Calvert County comprehensive review will be accomplished during the second phase, which will consist of more substantial program amendments. These will be presented to the Commission for review and approval at a later time.

Commission staff recommend no changes to the following amendments, as proposed.

- 1) **CATA 02-3 Clearing in Limited Development Areas**  
(Calvert County Zoning Ordinance, Article 4, Section 4-8.07.A.3)  
This text amendment pertains to existing language, which clarifies that mitigation for clearing in forested areas or developed woodland between 20 percent and 30 percent is based on the entire area cleared. Mitigation is required at a ratio of 1.5:1.
- 2) **CATA 02-4 Fees-in-lieu in the Conservation Manual**  
(Calvert County Critical Area Program, Part III, Conservation Manual, Chapter III, Section C.4)  
This text amendment revises the fees-in-lieu rates required in the Conservation Manual. It changes the fees from \$0.02 per square foot to \$0.30 per square foot for (the greater of) the first

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20 percent or 6,000 square feet of forest area cleared, and from \$0.40 per square foot to \$0.45 per square foot for greater than 20 percent and up to 30 percent of the forested area cleared.

3) **CATA 02-5 Definitions of streams in the Critical Area**

(Calvert County Zoning Ordinance, Article 8)

This text amendment adds specific definitions for ephemeral, intermittent and perennial streams. The definitions define the function, periodicity and acceptable methods for determination for each stream type.

4) **CATA 02-7 Clearing for water access and shore erosion control projects**

(Calvert County Zoning Ordinance, Article 4, Section 4-8.07.A.3.e.ii)

This text amendment clarifies that clearing of natural vegetation, not just trees, in the Critical Area, for the purpose of water access and shore erosion control projects, shall be minimized to the greatest extent possible and that mitigation at a ratio of 1:1 is required.

5) **CATA 02-9 Definition of clearing in the Critical Area**

(Calvert County Zoning Ordinance, Article 8)

This text amendment revises the definition of the term "clearing" to include such activity when conducted on steep slopes (15 percent or greater) within the Critical Area.

6) **CATA 02-11 Clearing and removal of vegetation in the Critical Area Buffer**

(Calvert County Critical Area Program, Conservation Manual, Part III, Chapter V, Section A.2.a. and Calvert County Zoning Ordinance, Article 8, Section 4-4.07.D.4)

This text amendment clarifies the means by which clearing in the Buffer can be authorized by the County (including a Buffer Cutting Permit, Grading Permit or Building Permit), the types of clearing permitted, appropriate horticultural practices for tree maintenance, and the mitigation requirements for clearing violations (increased from 3:1 to 4:1). [Note: Commission staff did not recommend specific text changes to these provisions in the Conservation Manual or the Zoning Ordinance. The proposed text amendments are the County's response to our request to clarify the existing language for clearing or removal of vegetation in the Buffer.]

7) **CATA 02-12 Forest and developed woodland cover**

(Calvert County Zoning Ordinance, Article 4, Section 4-8.07.A.5.e)

This text amendment revises existing language requiring that all proposed development sites be planted to provide a forest or developed woodland cover of at least 15 percent.

Commission staff recommend approval of the following amendments with the changes shown in bold text.

8) **CATA 02-2 Solomons Zoning Ordinance for waterfront setbacks**

(Solomons Master Plan and Zoning Ordinance, Chapter VIII, Section A(1))

THE BOARD OF DIRECTORS OF THE COMPANY HAS REVIEWED THE FINANCIAL STATEMENTS OF THE COMPANY FOR THE YEAR ENDED 31st MARCH 2014 AND IS SATISFIED THAT THE FINANCIAL STATEMENTS GIVE A TRUE AND FAIR VIEW OF THE FINANCIAL POSITION OF THE COMPANY AT THE END OF THAT YEAR AND OF ITS PERFORMANCE AND CASH FLOWS FOR THAT YEAR.

THE FINANCIAL STATEMENTS HAVE BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPANIES ACT 2006 AND THE FINANCIAL REGULATIONS 2008, AND THE ACCOUNTING STANDARDS APPLICABLE TO THE COMPANY.

THE DIRECTORS HAVE BEEN ADVISED BY THE AUDITORS THAT THE FINANCIAL STATEMENTS HAVE BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPANIES ACT 2006 AND THE FINANCIAL REGULATIONS 2008, AND THE ACCOUNTING STANDARDS APPLICABLE TO THE COMPANY.

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THE DIRECTORS HAVE BEEN ADVISED BY THE AUDITORS THAT THE FINANCIAL STATEMENTS HAVE BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COMPANIES ACT 2006 AND THE FINANCIAL REGULATIONS 2008, AND THE ACCOUNTING STANDARDS APPLICABLE TO THE COMPANY.

For the purpose of consistency with the provisions of COMAR 27.01.09, we recommend that the first paragraph of Section A.1 be revised with respect to delineation of the 100-foot Critical Area Buffer and Solomons waterfront setback. The following language or a direct reference to the Buffer provisions in the Calvert County Zoning Ordinance should be added.

**“THE 100-FOOT CRITICAL AREA BUFFER, AND THE SOLOMONS WATERFRONT BUFFER, ARE MEASURED FROM THE MEAN HIGH WATER LINE OF TIDAL WATERS, THE LANDWARD EDGE OF TIDAL WETLANDS, AND FROM TRIBUTARY STREAMS IN THE CRITICAL AREA.”**

We recommend the following additional revisions to paragraph A.1., clarifying the applicability of the 30-foot Solomons waterfront setback in Buffer Exemption Areas, as amended below. (Note: text shown in capitals was proposed by Calvert County and text shown in bold capitals was proposed by Commission staff.)

#### A. WATERFRONT SETBACKS BUFFERS

##### 1. Primarily Developed Areas

These include sub-areas B1, B2, B3, C1, C4, C6, C7, D1, D2, D3, E1 and E2. Many structures in these areas are located very near the water and most of the area is bulkheaded. ~~In most cases, a 30' setback will allow structures close enough to afford a view around existing buildings, yet far enough back to afford a small buffer to the water.~~ **SOME OF THESE AREAS AND SUB-AREAS MAY BE MAPPED AND DESIGNATED AS “BUFFER EXEMPTION AREAS” IN THE APPROVED CALVERT COUNTY CRITICAL AREA PROGRAM. IN THE PORTIONS OF THE AREA OR SUB-AREAS THAT ARE DESIGNATED AS BUFFER EXEMPTION AREAS IN THE APPROVED CALVERT COUNTY CRITICAL AREA PROGRAM, A 30-FOOT BUFFER IS REQUIRED, AND ALL CRITERIA AND CONDITIONS LISTED IN SECTION 4-4.07.E OF THE CALVERT COUNTY ZONING ORDINANCE SHALL APPLY UNLESS OTHERWISE INDICATED IN SUBSECTIONS A-D, OF THIS SECTION. IN PORTIONS OF THE SUB-AREAS THAT ARE LOCATED IN THE BUFFER EXEMPT AREAS, a 30' setback is required in these areas, with the following conditions:**

- (a) No parking is allowed within the 30' setback.
- (b) All materials, such as decks or walkways, must have a pervious surface.
- (c) N decks may be higher than 5' above ground level.
- (d) Only water dependent facilities are allowed within ~~this area~~ the 30' setback (as defined in COMAR ~~14-15-03~~ 27.01.03).
- ~~(e) ALL CRITERIA AND CONDITIONS LISTED IN SECTION 4-4.07.E OF THE CALVERT COUNTY ZONING ORDINANCE SHALL APPLY UNLESS OTHERWISE INDICATED IN SUBSECTIONS A-D, OF THIS SECTION.~~





IN THE PORTIONS OF THESE SUB-AREAS THAT ARE NOT LOCATED IN BUFFER EXEMPTION AREAS, ALL CRITERIA AND CONDITIONS LISTED IN SECTION 4-4.07 OF THE ZONING ORDINANCE APPLY, INCLUDING THE 100-FOOT BUFFER.

9) **CATA 02-8 Permitted development within the Critical Area Buffer**

(Calvert County Zoning Ordinance, Article 4, Section 4-4.07.D)

This provision provides for minor additions to existing dwelling units located within the Buffer without requiring the applicant to obtain a variance. Typical projects include stairs, ramps, porticos, etc. We recommend the following revisions to the amended text.

**“ON GRANDFATHERED LOTS IN THE CRITICAL AREA, BUILDING ADDITIONS TO THE PRINCIPAL STRUCTURE OF LESS THAN 50 SQUARE FEET ARE PERMITTED IN THE CRITICAL AREA BUFFER PROVIDED NO TREES ARE REMOVED DURING CONTRUCTION AND THE ADDITION IS GREATER THAN 50 FEET FROM MEAN HIGH WATER, THE EDGE OF TIDAL WETLANDS, OR A TRIBUTARY STREAM.”**

10) **CATA 02-13 Revised list of Buffer Exemption Areas**

(Calvert County Zoning Ordinance, Article 4, Section 4-8.07.E.3)

This proposed amendment will update the names of several Buffer Exemption Areas and add the Patuxent View Subdivision to the Buffer Exemption Area list in the Calvert County Zoning Ordinance. The Patuxent View Subdivision was approved by the Commission (April 2, 1997 comprehensive review) as a new Buffer Exemption Area but was never added to the list in the Zoning Ordinance. Commission staff recommendations regarding the new Buffer Exemption Areas proposed, Bill's Marina and within the Solomons Town Center, are included in the map amendments below, *CAMA 02-1* and *CAMA 02-2*.

11) **CAMA 02-1 New Buffer Exemption Areas in the Solomons Town Center**

This map amendment designates new Buffer Exemption Areas within the Solomons Town Center. The County will provide findings to justify the designation of these areas as Buffer Exemption Areas. The additional information requested from the County will be presented to the Program Subcommittee at the Commission meeting on February 5, 2003.

12) **CAMA 02-2 New Buffer Exemption Area**

This map amendment designates Bill's Marina as a new Buffer Exemption Area. In addition to the tax map provided, the County will provide findings to justify the designation of Bill's Marina as a Buffer Exemption Area. The additional information requested from the County will be presented to the Program Subcommittee at the Commission meeting on February 5, 2003.

Please contact me at (410) 260-3475 if you have any questions.

THE FIRST PART OF THIS REPORT IS A SUMMARY OF THE  
WORK DONE DURING THE YEAR 1954. THE SECOND PART  
CONTAINS A DETAILED ACCOUNT OF THE RESEARCH  
CONDUCTED DURING THE YEAR 1954.

THE RESEARCH WAS CONDUCTED AT THE  
UNIVERSITY OF CALIFORNIA, BERKELEY,  
CALIFORNIA, U.S.A. THE RESEARCH WAS  
SUPPORTED BY THE NATIONAL SCIENCE  
FOUNDATION, WASHINGTON, D.C. THE  
RESEARCH WAS CONDUCTED UNDER THE  
DIRECTION OF DR. J. H. VAN VLIET,  
UNIVERSITY OF CALIFORNIA, BERKELEY,  
CALIFORNIA, U.S.A.

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UNIVERSITY OF CALIFORNIA, BERKELEY,  
CALIFORNIA, U.S.A.

## *Critical Area Commission*

ADDEDNDUM  
February 5, 2003

**APPLICANT:** Calvert County

**PROPOSAL:** Comprehensive Review – Part I

**COMMISSION ACTION:** Concurrence with Chairman's Determination

**STAFF RECOMMENDATION:** Approval with conditions

**STAFF:** Julie V. LaBranche and Mary Owens

**APPLICABLE LAW/  
REGULATIONS:** Natural Resources Article, §8-1809(g)

### **DISCUSSION:**

This is an Addendum to the staff report for the Calvert County Comprehensive Review, part I. Commission staff have recommended additional changes to the following amendments (refer to text in bold italics).

#### 8) **CATA 02-2 Solomons Zoning Ordinance for waterfront setbacks**

(Solomons Master Plan and Zoning Ordinance, Chapter VIII, Section A(1))

For the purpose of consistency with the provisions of COMAR 27.01.09, we recommend that the first paragraph of Section A.1 be revised with respect to delineation of the waterfront Buffers. The following language or a direct reference to the Buffer provisions in the Calvert County Zoning Ordinance should be added.

***~~"THE 100-FOOT CRITICAL AREA BUFFER, AND THE SOLOMONS~~***

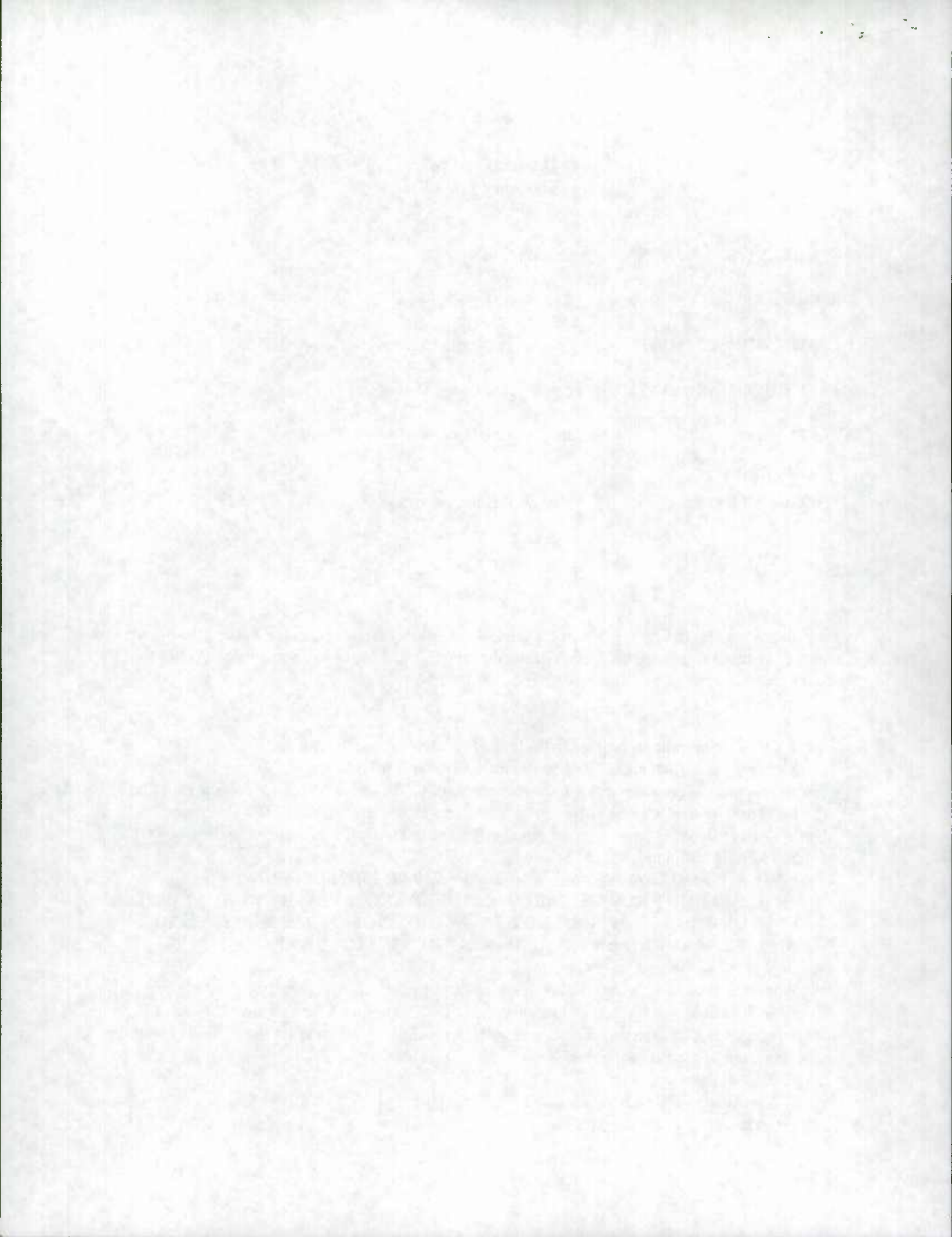
**"WATERFRONT BUFFERS ARE MEASURED FROM THE MEAN HIGH WATER LINE OF TIDAL WATERS, THE LANDWARD EDGE OF TIDAL WETLANDS, AND FROM TRIBUTARY STREAMS IN THE CRITICAL AREA."**

We recommend the following additional revisions to paragraph A.1., clarifying the applicability of the 30-foot Solomons waterfront setback in Buffer Exemption Areas, as amended below.

(Note: text shown in capitals was proposed by Calvert County and text shown in bold capitals was proposed by Commission staff.)

#### A. WATERFRONT ~~SETBACKS~~ BUFFERS

1. Primarily Developed Areas



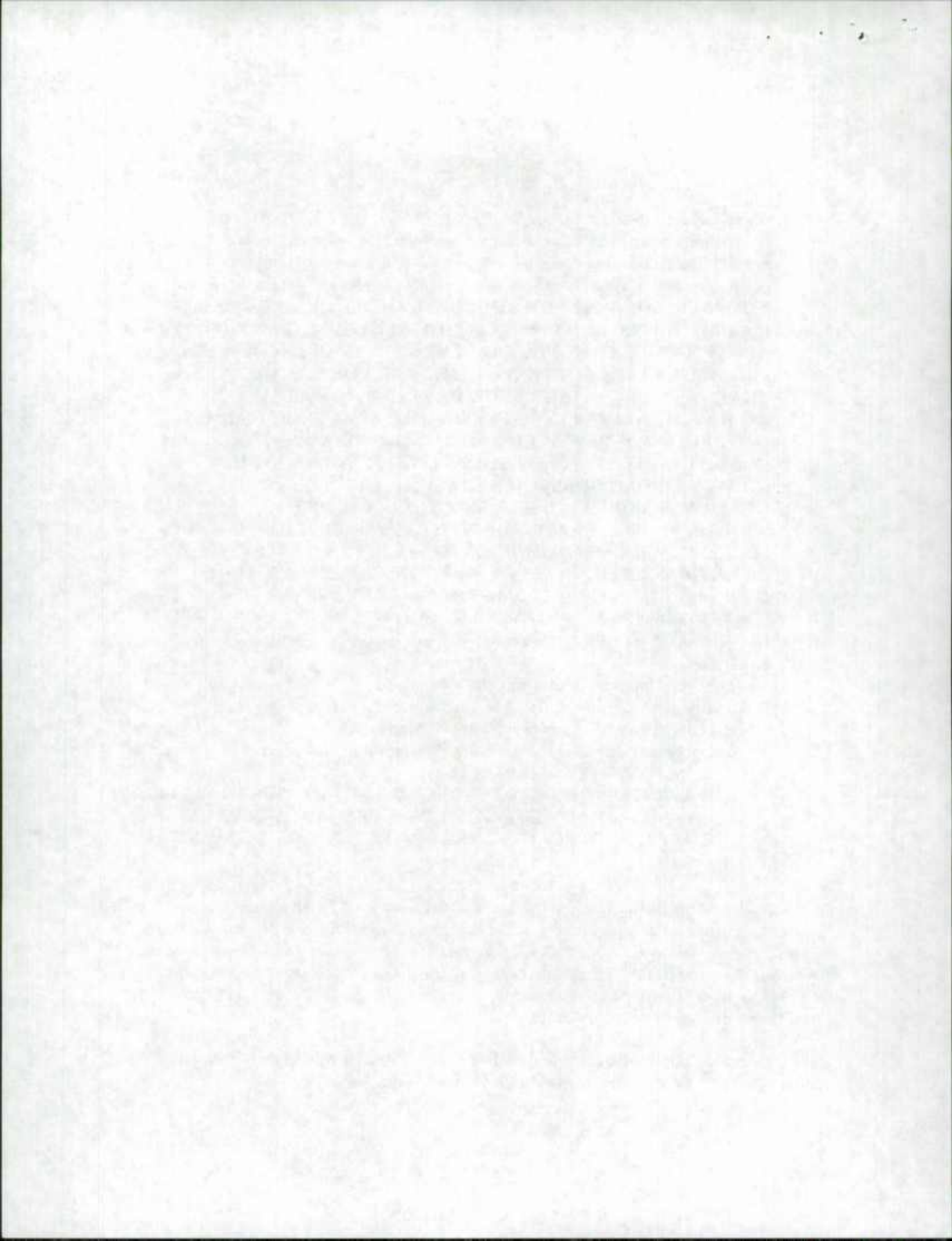
These include sub-areas B1, B2, B3, C1, C4, C6, C7, D1, D2, D3, E1 and E2. Many structures in these areas are located very near the water and most of the area is bulkheaded. ~~In most cases, a 30' setback will allow structures close enough to afford a view around existing buildings, yet far enough back to afford a small buffer to the water.~~ **SOME OF THESE AREAS AND SUB-AREAS MAY BE MAPPED AND DESIGNATED AS "BUFFER EXEMPTION AREAS" IN THE APPROVED CALVERT COUNTY CRITICAL AREA PROGRAM. IN THE PORTIONS OF THE AREA OR SUB-AREAS THAT ARE DESIGNATED AS BUFFER EXEMPTION AREAS IN THE APPROVED CALVERT COUNTY CRITICAL AREA PROGRAM, A 30-FOOT BUFFER IS REQUIRED, AND ALL CRITERIA AND CONDITIONS LISTED IN SECTION 4-4.07.E OF THE CALVERT COUNTY ZONING ORDINANCE SHALL APPLY UNLESS OTHERWISE INDICATED IN SUBSECTIONS A-D, OF THIS SECTION. IN THE PORTIONS OF THESE SUB-AREAS THAT ARE NOT LOCATED IN BUFFER EXEMPTION AREAS, ALL CRITERIA AND CONDITIONS LISTED IN SECTION 4-4.07 OF THE ZONING ORDINANCE APPLY, INCLUDING THE 100-FOOT BUFFER. IN PORTIONS OF THE SUB-AREAS THAT ARE LOCATED IN THE BUFFER EXEMPT AREAS, a 30' setback is required in these areas, with the following conditions:**

- (a) No parking is allowed within the 30' setback.
- (b) All materials, such as decks or walkways, must have a pervious surface.
- (c) N decks may be higher than 5' above ground level.
- (d) Only water dependent facilities are allowed within ~~this area~~ the 30' setback (as defined in COMAR ~~14.15.03~~ 27.01.03).
- ~~(e) ALL CRITERIA AND CONDITIONS LISTED IN SECTION 4 4.07.E OF THE CALVERT COUNTY ZONING ORDINANCE SHALL APPLY UNLESS OTHERWISE INDICATED IN SUBSECTIONS A D, OF THIS SECTION.~~

11) **CAMA 02-1 New Buffer Exemption Areas in the Solomons Town Center**

This map amendment designates new Buffer Exemption Areas within the Solomons Town Center. *We recommend that the following parcels in the Solomons Town Center area not be designated as new Buffer Exemption Areas because no development exists within the Buffer on these parcels: Parcel 51, the undeveloped portion of Parcel 196, Parcel 357, Parcel 35, and Parcel 34 (refer to attached map).*

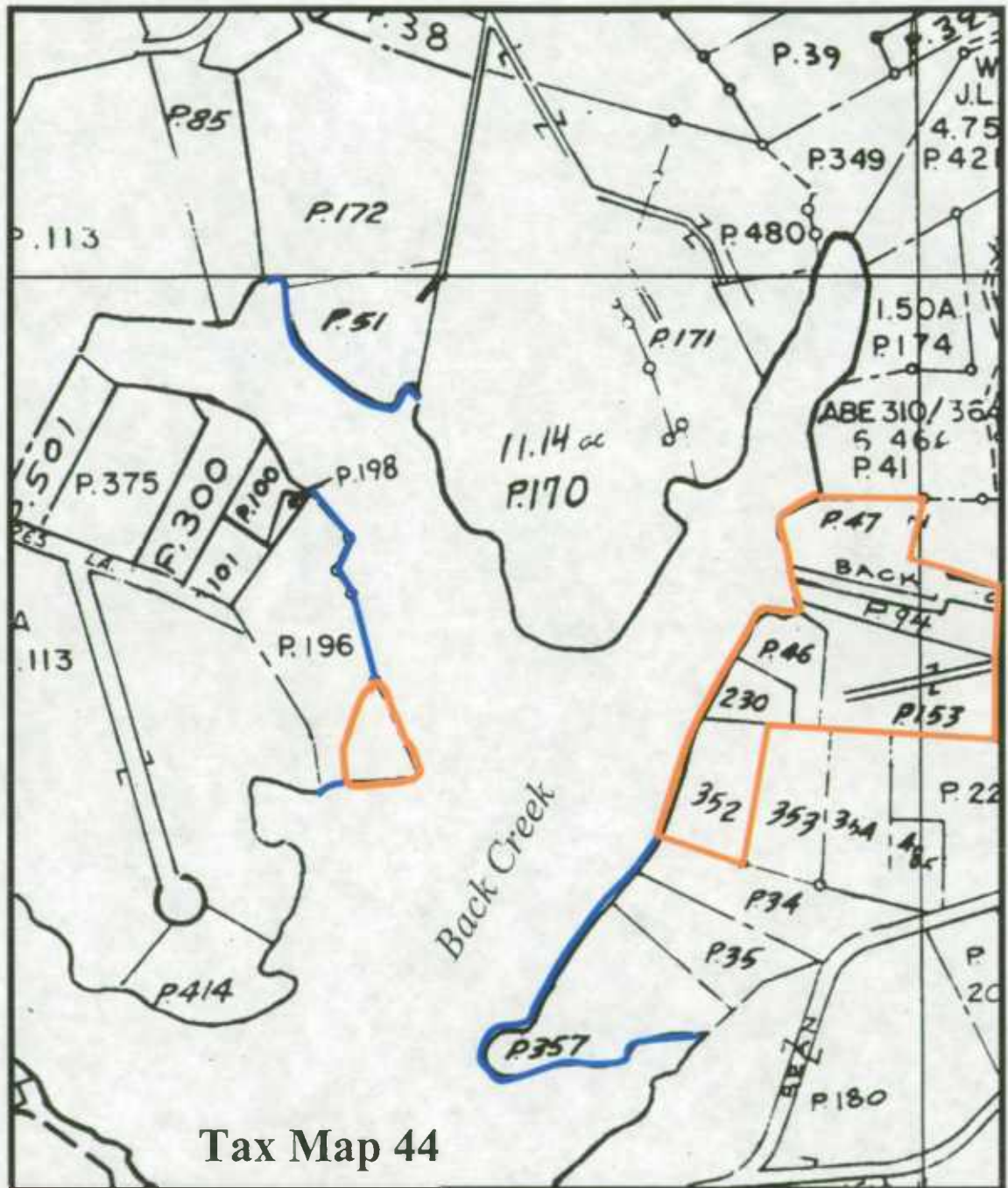
In addition, the County's findings for designation of new Buffer Exemption Areas within the Solomons Town Center areas and for Bill's Marina are attached.



**CAMA 02-1 Proposed  
Buffer Exemption Areas,  
Solomons Town Center  
Area on Back Creek**

**Parcels  
47, 94, 153, 46, 230, 352  
and developed portion  
of Parcel 196**

- Proposed by Calvert County
- Revised by Commission staff following site visit



**Tax Map 44**

On February 5, 2003, the Commission concurred with the Chairman's determination that the amendments proposed by the County be approved as a refinement to the County's program with the following conditions and revisions:

The Commission approved the following text and map amendments, as proposed by the County.

**CATA 02-3 Clearing in Limited Development Areas**

(Calvert County Zoning Ordinance, Article 4, Section 4-8.07.A.3)

**CATA 02-4 Fees-in-lieu in the Conservation Manual**

(Calvert County Critical Area Program, Part III, Conservation Manual, Chapter III, Section C.4)

**CATA 02-5 Definitions of streams in the Critical Area**

(Calvert County Zoning Ordinance, Article 8)

**CATA 02-7 Clearing for water access and shore erosion control projects**

(Calvert County Zoning Ordinance, Article 4, Section 4-8.07.A.3.e.ii)

**CATA 02-9 Definition of clearing in the Critical Area**

(Calvert County Zoning Ordinance, Article 8)

**CATA 02-11 Clearing and removal of vegetation in the Critical Area Buffer**

(Calvert County Critical Area Program, Conservation Manual, Part III, Chapter V, Section A.2.a. and Calvert County Zoning Ordinance, Article 8, Section 4-4.07.D.4)

**CATA 02-12 Forest and developed woodland cover**

(Calvert County Zoning Ordinance, Article 4, Section 4-8.07.A.5.e)

**CAMA 02-2 New Buffer Exemption Area Bill's Marina (Tax Map 38, Parcel 17)**

The Commission approved the following text and map amendments with conditions or revisions.

**CATA 02-2 Solomons Zoning Ordinance for waterfront setbacks**

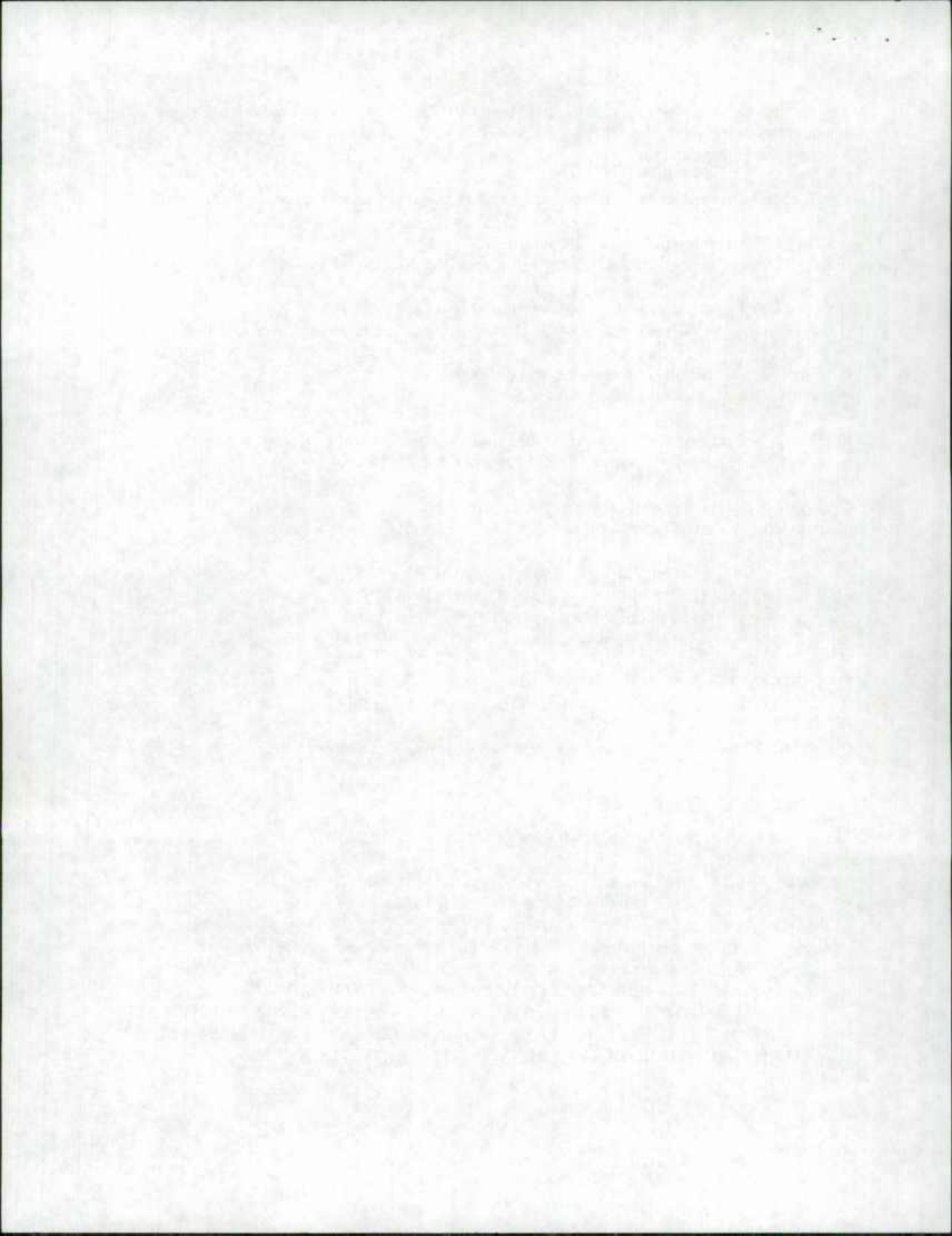
(Solomons Master Plan and Zoning Ordinance, Chapter VIII, Section A(1))

For the purpose of consistency with the provisions of COMAR 27.01.09, the Commission approved the first paragraph of Section A.1 with the revisions as noted below regarding delineation of the waterfront Buffers.

~~**"THE 100-FOOT CRITICAL AREA BUFFER, AND THE SOLOMONS**~~

**"WATERFRONT BUFFERS ARE MEASURED FROM THE MEAN HIGH WATER LINE OF TIDAL WATERS, THE LANDWARD EDGE OF TIDAL WETLANDS, AND FROM TRIBUTARY STREAMS IN THE CRITICAL AREA."**





The Commission approved the following additional revisions to paragraph A.1., clarifying the applicability of the 30-foot Solomons waterfront setback in Buffer Exemption Areas, as amended below (refer to text shown in bold and italicized capitals).

A. WATERFRONT ~~SETBACKS~~ BUFFERS

1. Primarily Developed Areas

These include sub-arcas B1, B2, B3, C1, C4, C6, C7, D1, D2, D3, E1 and E2. Many structures in these areas are located very near the water and most of the area is bulkheaded. ~~In most cases, a 30' setback will allow structures close enough to afford a view around existing buildings, yet far enough back to afford a small buffer to the water.~~ **SOME OF THESE AREAS AND SUB-AREAS MAY BE MAPPED AND DESIGNATED AS "BUFFER EXEMPTION AREAS" IN THE APPROVED CALVERT COUNTY CRITICAL AREA PROGRAM. IN THE PORTIONS OF THE AREA OR SUB-AREAS THAT ARE DESIGNATED AS BUFFER EXEMPTION AREAS IN THE APPROVED CALVERT COUNTY CRITICAL AREA PROGRAM, A 30-FOOT BUFFER IS REQUIRED, AND ALL CRITERIA AND CONDITIONS LISTED IN SECTION 4-4.07.E OF THE CALVERT COUNTY ZONING ORDINANCE SHALL APPLY UNLESS OTHERWISE INDICATED IN SUBSECTIONS A-D, OF THIS SECTION. IN THE PORTIONS OF THESE SUB-AREAS THAT ARE NOT LOCATED IN BUFFER EXEMPTION AREAS, ALL CRITERIA AND CONDITIONS LISTED IN SECTION 4-4.07 OF THE ZONING ORDINANCE APPLY, INCLUDING THE 100-FOOT BUFFER. IN PORTIONS OF THE SUB-AREAS THAT ARE LOCATED IN THE BUFFER EXEMPT AREAS, a 30' setback is required in these areas, with the following conditions:**

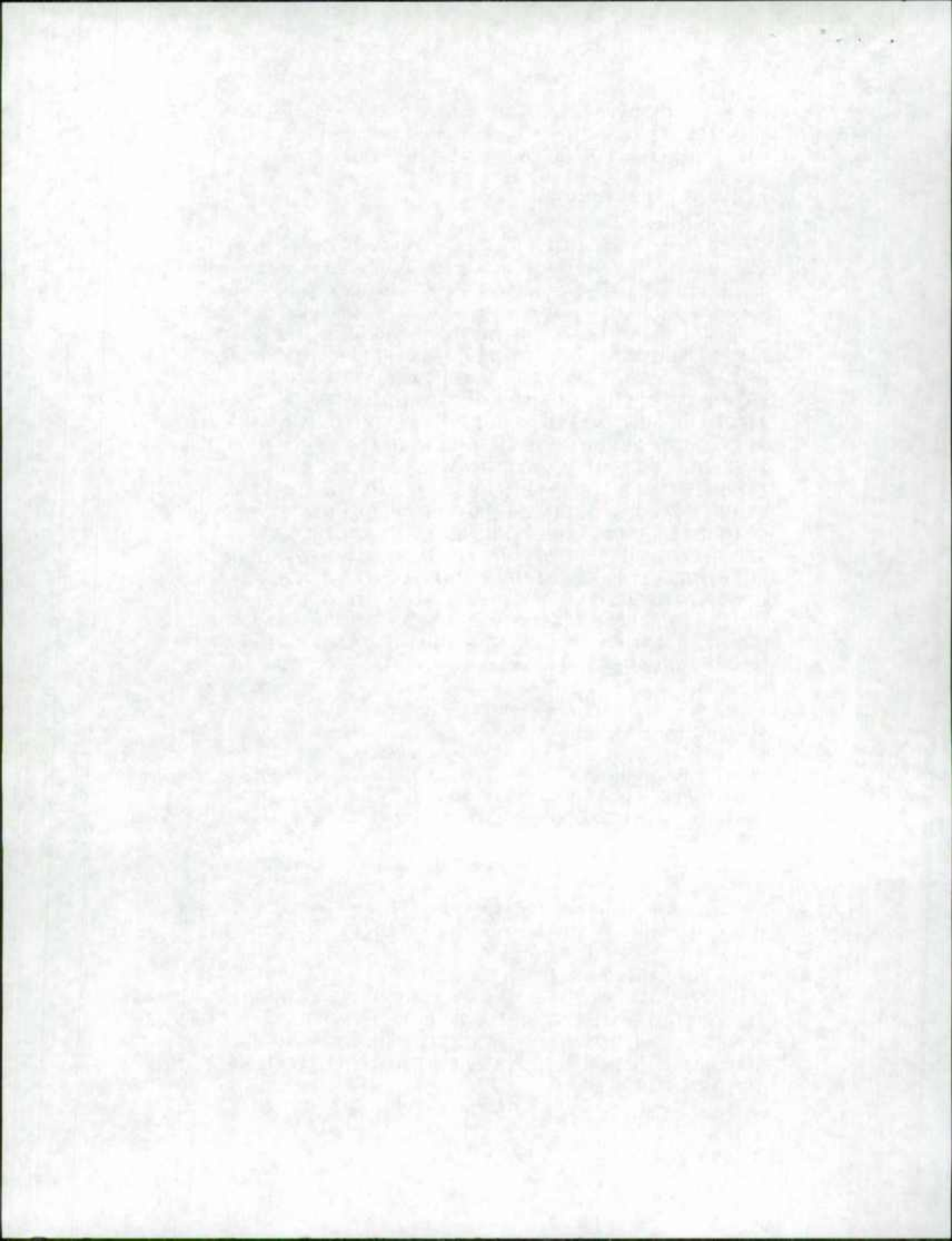
- (a) No parking is allowed within the 30' setback.
- (b) All materials, such as decks or walkways, must have a pervious surface.
- (c) N decks may be higher than 5' above ground level.
- (d) Only water dependent facilities are allowed within ~~this area~~ the 30' setback (as defined in ~~COMAR 14.15.03 27.01.03~~).
- (e) ~~ALL CRITERIA AND CONDITIONS LISTED IN SECTION 4-4.07.E OF THE CALVERT COUNTY ZONING ORDINANCE SHALL APPLY UNLESS OTHERWISE INDICATED IN SUBSECTIONS A-D, OF THIS SECTION.~~

**CATA 02-8 Permitted development within the Critical Area Buffer**

(Calvert County Zoning Ordinance, Article 4, Section 4-4.07.D)

The Commission approved text revisions shown in bold capitals.

**"ON GRANDFATHERED LOTS IN THE CRITICAL AREA, BUILDING ADDITIONS TO THE PRINCIPAL STRUCTURE OF LESS THAN 50 SQUARE FEET ARE PERMITTED IN THE CRITICAL AREA BUFFER PROVIDED NO TREES ARE REMOVED DURING CONTRUCTION AND THE ADDITION IS GREATER THAN 50 FEET FROM MEAN HIGH WATER, THE EDGE OF TIDAL WETLANDS, OR A TRIBUTARY STREAM."**



**CATA 02-13 Revised list of Buffer Exemption Areas**

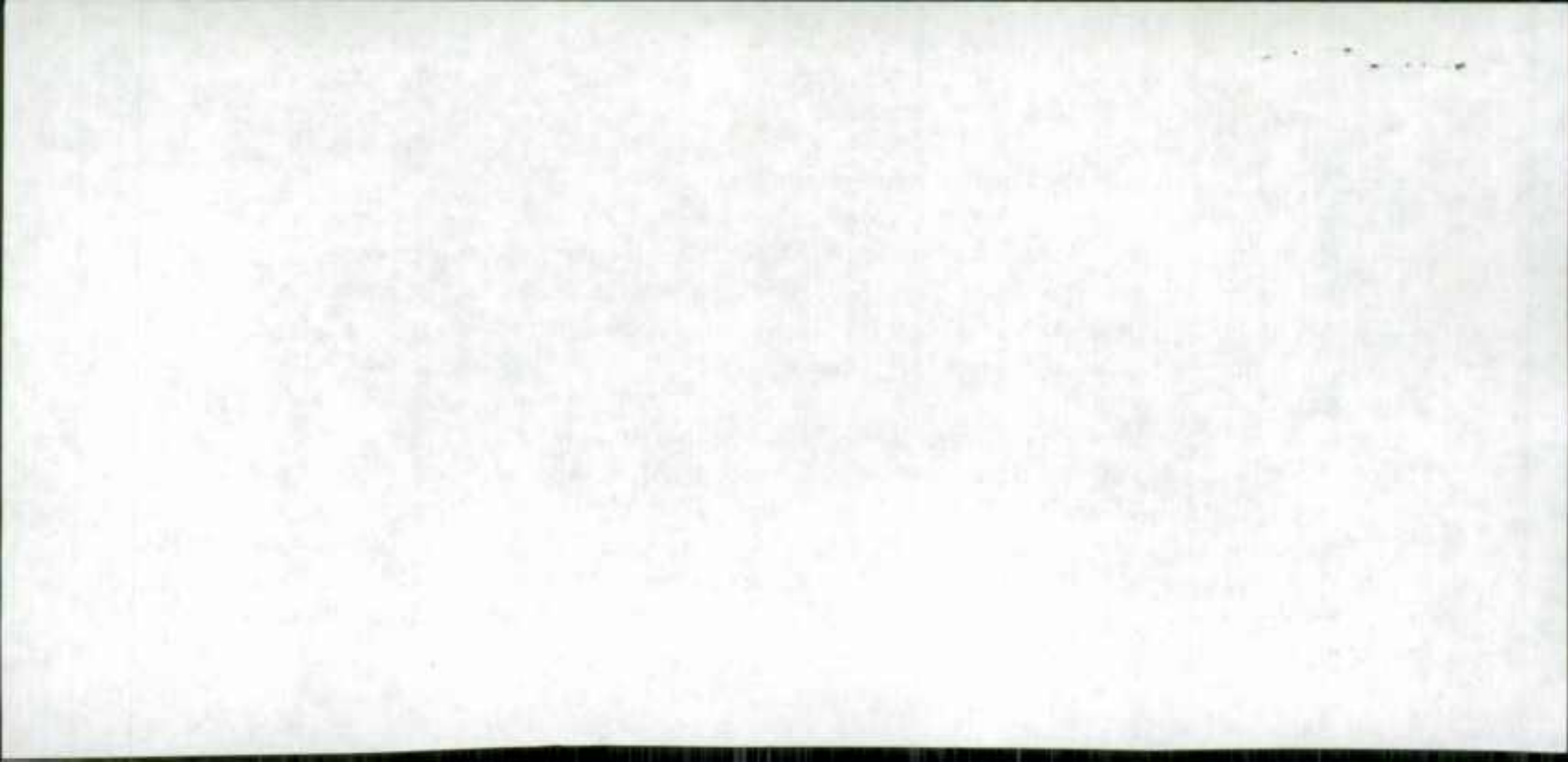
(Calvert County Zoning Ordinance, Article 4, Section 4-8.07.E.3)

The Commission approved revisions to the list of Buffer Exemption Areas proposed by the County, as stated in amendment CAMA 02-1 below. As referenced, Map 3A should be revised, excluding the following: Parcel 51, the undeveloped portion of Parcel 196 (refer to attached map), Parcel 357, Parcel 35, and Parcel 36.

**CAMA 02-1 New Buffer Exemption Areas in the Solomons Town Center**

The Commission approved the new Buffer Exemption Areas proposed by the County with the exception of the following parcels in the Solomons Town Center area: Parcel 51, the undeveloped portion of Parcel 196, Parcel 357, Parcel 35, and Parcel 34 (refer to attached map).

Thank you for your participation in Part I of the Comprehensive Review for the Calvert County Critical Area Program. Please contact our office at (410) 260-3460 if you have any questions regarding this letter.



*Critical Area Commission*

*addendum*

**ADDEDNDUM**  
**February 5, 2003**

**APPLICANT:** Calvert County  
**PROPOSAL:** Comprehensive Review – Part I  
**COMMISSION ACTION:** Concurrence with Chairman’s Determination  
**STAFF RECOMMENDATION:** Approval with conditions  
**STAFF:** Julie V. LaBranche and Mary Owens  
**APPLICABLE LAW/  
REGULATIONS:** Natural Resources Article, §8-1809(g)

**DISCUSSION:**

This is an Addendum to the staff report for the Calvert County Comprehensive Review, part I. Commission staff have recommended additional changes to the following amendments (refer to text in bold italics).

8) **CATA 02-2 Solomons Zoning Ordinance for waterfront setbacks**  
(Solomons Master Plan and Zoning Ordinance, Chapter VIII, Section A(1))  
For the purpose of consistency with the provisions of COMAR 27.01.09, we recommend that the first paragraph of Section A.1 be revised with respect to delineation of the waterfront Buffers. The following language or a direct reference to the Buffer provisions in the Calvert County Zoning Ordinance should be added.

~~“THE 100-FOOT CRITICAL AREA BUFFER, AND THE SOLOMONS~~  
**“WATERFRONT BUFFERS ARE MEASURED FROM THE MEAN HIGH WATER LINE OF TIDAL WATERS, THE LANDWARD EDGE OF TIDAL WETLANDS, AND FROM TRIBUTARY STREAMS IN THE CRITICAL AREA.”**

We recommend the following additional revisions to paragraph A.1., clarifying the applicability of the 30-foot Solomons waterfront setback in Buffer Exemption Areas, as amended below. (Note: text shown in capitals was proposed by Calvert County and text shown in bold capitals was proposed by Commission staff.)

- A. **WATERFRONT SETBACKS BUFFERS**
  - 1. Primarily Developed Areas

These include sub-areas B1, B2, B3, C1, C4, C6, C7, D1, D2, D3, E1 and E2. Many structures in these areas are located very near the water and most of the area is bulkheaded. ~~In most cases, a 30' setback will allow structures close enough to afford a view around existing buildings, yet far enough back to afford a small buffer to the water.~~ **SOME OF THESE AREAS AND SUB-AREAS MAY BE MAPPED AND DESIGNATED AS "BUFFER EXEMPTION AREAS" IN THE APPROVED CALVERT COUNTY CRITICAL AREA PROGRAM. IN THE PORTIONS OF THE AREA OR SUB-AREAS THAT ARE DESIGNATED AS BUFFER EXEMPTION AREAS IN THE APPROVED CALVERT COUNTY CRITICAL AREA PROGRAM, A 30-FOOT BUFFER IS REQUIRED, AND ALL CRITERIA AND CONDITIONS LISTED IN SECTION 4-4.07.E OF THE CALVERT COUNTY ZONING ORDINANCE SHALL APPLY UNLESS OTHERWISE INDICATED IN SUBSECTIONS A-D, OF THIS SECTION. IN THE PORTIONS OF THESE SUB-AREAS THAT ARE NOT LOCATED IN BUFFER EXEMPTION AREAS, ALL CRITERIA AND CONDITIONS LISTED IN SECTION 4-4.07 OF THE ZONING ORDINANCE APPLY, INCLUDING THE 100-FOOT BUFFER. IN PORTIONS OF THE SUB-AREAS THAT ARE LOCATED IN THE BUFFER EXEMPT AREAS, a 30' setback is required in these areas, with the following conditions:**

- (a) No parking is allowed within the 30' setback.
- (b) All materials, such as decks or walkways, must have a pervious surface.
- (c) N decks may be higher than 5' above ground level.
- (d) Only water dependent facilities are allowed within ~~this area~~ the 30' setback (as defined in COMAR 14.15.03 27.01.03).
- ~~(e) ALL CRITERIA AND CONDITIONS LISTED IN SECTION 4 4.07.E OF THE CALVERT COUNTY ZONING ORDINANCE SHALL APPLY UNLESS OTHERWISE INDICATED IN SUBSECTIONS A D, OF THIS SECTION.~~

11) **CAMA 02-1 New Buffer Exemption Areas in the Solomons Town Center**

This map amendment designates new Buffer Exemption Areas within the Solomons Town Center. *We recommend that the following parcels in the Solomons Town Center area not be designated as new Buffer Exemption Areas because no development exists within the Buffer on these parcels: Parcel 51, the undeveloped portion of Parcel 196, Parcel 357, Parcel 96, and Parcel 94 (refer to attached map).* 35

30

In addition, the County's findings for designation of new Buffer Exemption Areas within the Solomons Town Center areas and for Bill's Marina are attached.

**CAMA 02-1. Buffer Exemption Areas in the Solomons Town Center  
SEE MAP 3A. ADD THE WATERFRONT PARCELS IN THE SANDY  
POINT AREA OF SOLOMONS. THIS INCLUDES THE WATERFRONT  
PARCELS ALONG PATUXENT AVE., WILLIAMS AVE. AND FARREN  
AVE. AT THE SOUTHERN TIP OF SOLOMONS ISLAND. THE  
PARCELS INCLUDED ARE BETWEEN PARCEL 89 TO THE  
NORTHWEST AT THE BEGINNING OF PATUXENT AVE., AROUND  
SANDY POINT, AND ENDS AT PARCEL 57 AT THE INTERSECTION  
OF FARREN AVE. AND CHARLES ST.**

**ADD THE WATERFRONT PARCES IN THE UPPER BACK CREEK  
AREA AS FOLLOWS: PARCEL 51, PARCEL 196 ON THE WEST SIDE  
AND THE PARCELS ON THE EAST SIDE FROM PARCEL 47 TO THE  
NORTH TO PARCEL 357 TO THE SOUTH.**

**Staff Report:**

The **Sandy Point Area** is a developed community on the southern tip of Solomons Island. This area meets the criteria of a Buffer Exemption Area (BEA) based on the following findings:

1. The Critical Area Overlay is Intensely Developed Area (IDA) and the zoning is Town Center. IDA areas are characterized as areas where residential, commercial, institutional, and/or industrial developed land uses predominate, and where relatively little natural habitat occurs (Section 4-7.03 of the Zoning Ordinance). Town Center zoning also allows for intense residential and commercial development. Public water and sewer serve the area.
2. Other than the buffer, no other HPAs exist in the area. There is very little riparian habitat, and manicured lawn and herbaceous vegetation dominate. This area has been like this since before the Critical Area Law was adopted. Though there are a few scattered trees, there is no forest.
3. For much of this area there is a road through the buffer between the homes and the water (Patuxent Avenue and Farren Avenue). There is also a large amount of other impervious surface (homes, garages, sheds, driveways, University of Maryland institutional buildings) already existing in the buffer. Many of the properties have shore erosion control structures (bulkheads, revetments). Due to these existing uses, human activities occur right up to the shoreline. These activities effectively eliminate any transitional habitat between the aquatic and upland communities.

In the **Back Creek Area**, some sections have functioning buffers and others do not. The properties that have been proposed meet the conditions for BEA status based on the following findings:



1. The Critical Area Overlay is Limited Developed Area (LDA) and the zoning is Town Center. LDA areas are characterized as areas developed in low or moderate intensity uses. They also contain areas of natural plant and animal habitats, though are not dominated by agriculture, wetland, forest, barren land, surface water or open space (Section 4-8.03 of the Zoning Ordinance). Town Center zoning also allows for intense residential and commercial development. Public water and sewer serve the area.
2. Other than the buffer, no other HPAs exist in the area. There is very little riparian habitat, and manicured lawn and herbaceous vegetation dominate. This area has been like this since before the Critical Area Law was adopted. Though there are a few scattered trees, there is no forest in the buffer.
3. There is a large amount of impervious surface (homes, garages, sheds, driveways) already existing in the buffer. Due to these existing uses, human activities occur right up to the shoreline. Many of the properties have shore erosion control structures (bulkheads, revetments). These activities effectively eliminate any transitional habitat between the aquatic and upland communities.

**Critical Area Map Amendment (CAMA) 02-2**  
(Change requested by applicant)

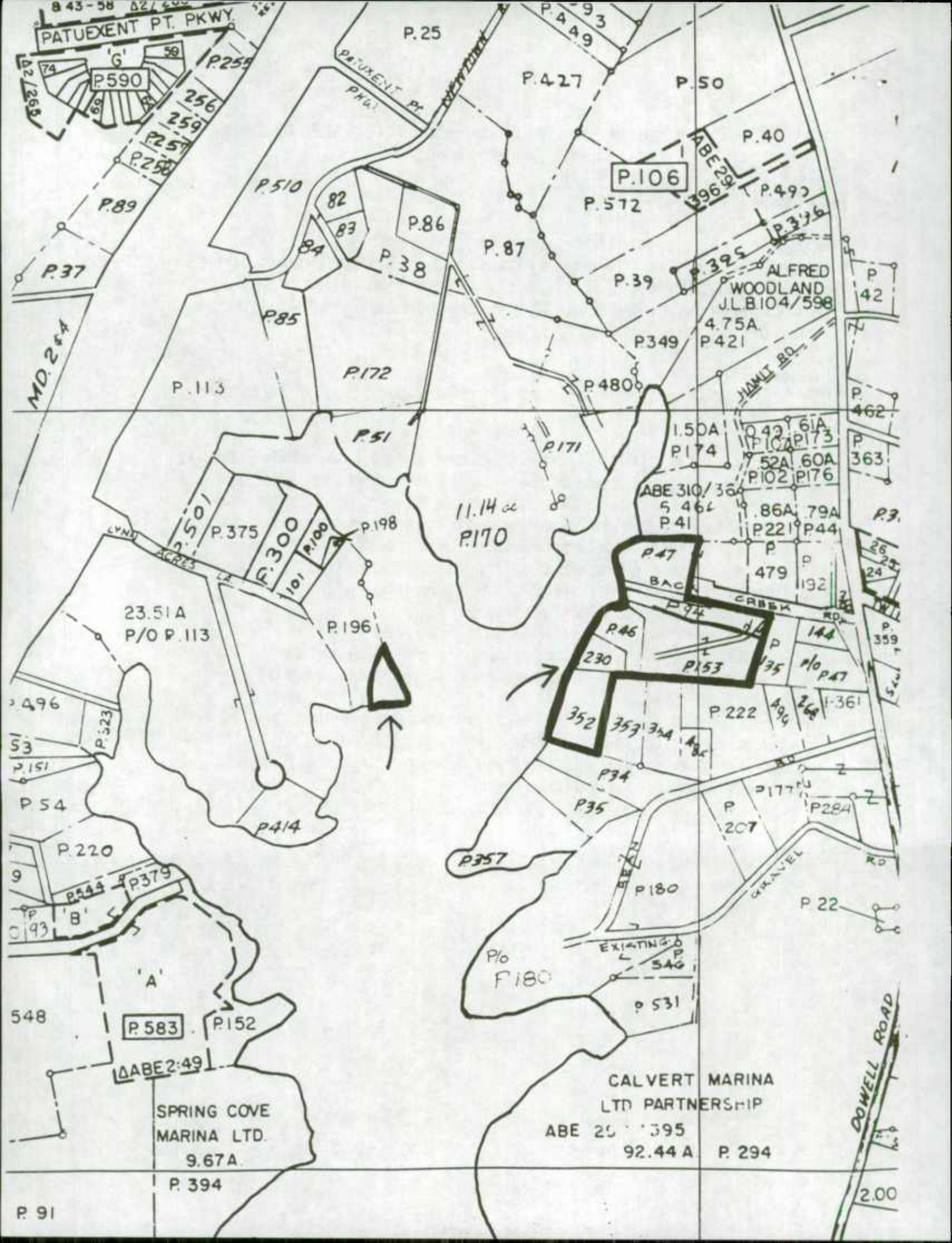
**Bill's Marina**

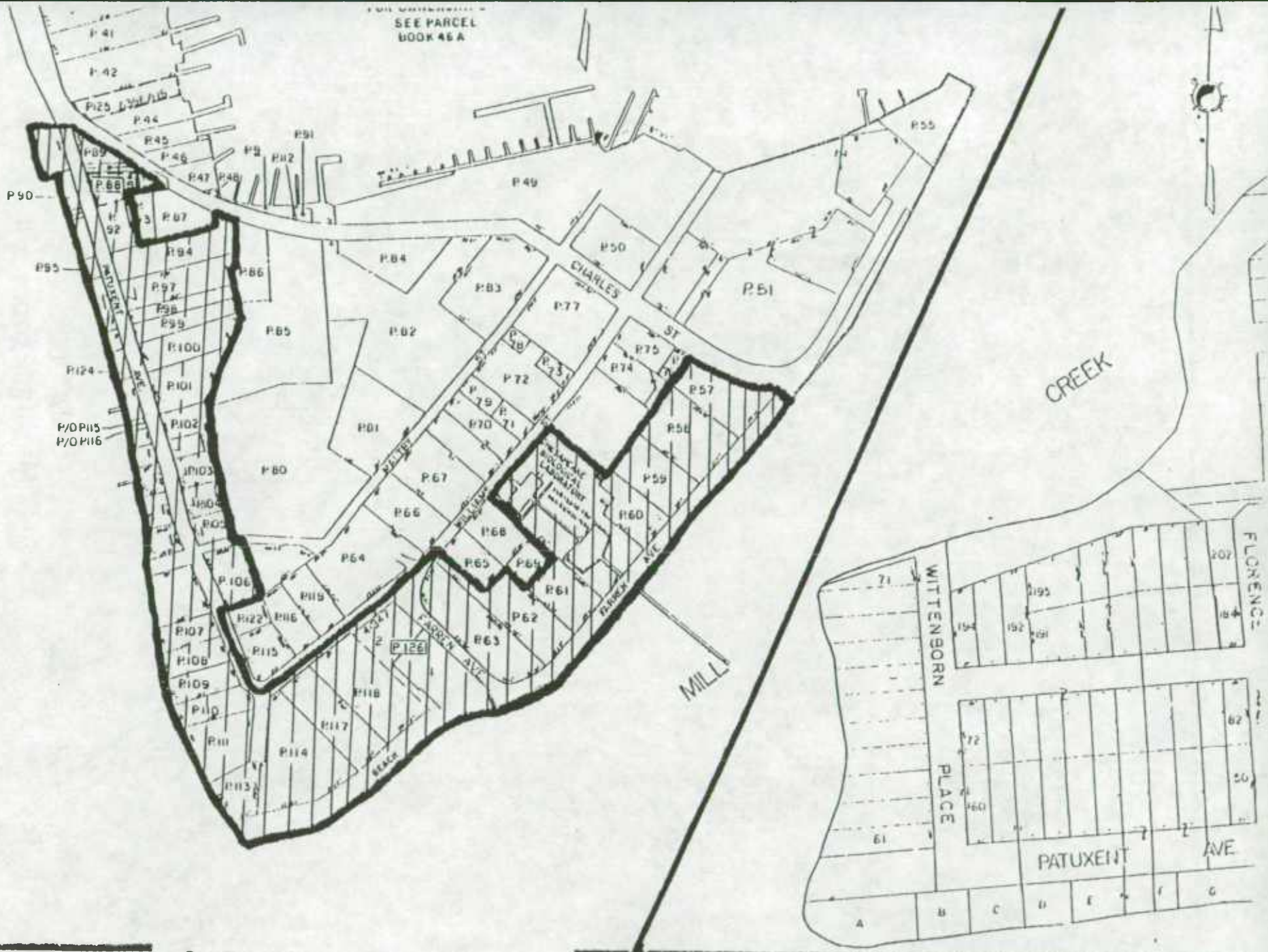
The applicant has requested buffer exemption status (see CATA 02-13 for proposed text change) for the property known as Bill's Marina (formerly Bernie's Marina) located on Parcel 17, Tax Map 38 in Broomes Island. The property is zoned Marine Commercial (MC) and has been a marina since prior to the adoption of the Critical Area Law.

**Staff Report:**

This property meets the conditions for BEA status based on the following findings:

1. The Critical Area Overlay is Limited Developed Area (LDA) and the Zoning is Marine Commercial. LDA areas are characterized as areas developed in low or moderate intensity uses. They also contain areas of natural plant and animal habitats, though are not dominated by agriculture, wetland, forest, barren land, surface water or open space (Section 4-8.03 of the Zoning Ordinance). Marine Commercial zoning allows businesses such as marinas to supply and cater to marine related activities and needs. Many of the functions of marinas are water dependent.
2. Other than the buffer, no other HPAs exist in the area. There is very little riparian habitat, and grasses and herbaceous vegetation dominate. There is no forest in the buffer. This area has been like this since before the Critical Area Law was adopted.
3. Impervious surface (buildings, driveway and boat ramp) already existing in the buffer. Due to these existing uses, human activities occur right up to the shoreline. These activities effectively eliminate any transitional habitat between the aquatic and upland communities.





CATA 02-2 and CAMA 02-1  
Tax Map 46 *A*

THEY MAY NOT  
JOINING ELECTRONIC  
IMAGE PROCESSING  
ENTERED WITHOUT  
MAP DIVISION.

SCALE IN FEET



POINT

FOR OWNERSHIPS  
SEE PARCEL BOOK 38B

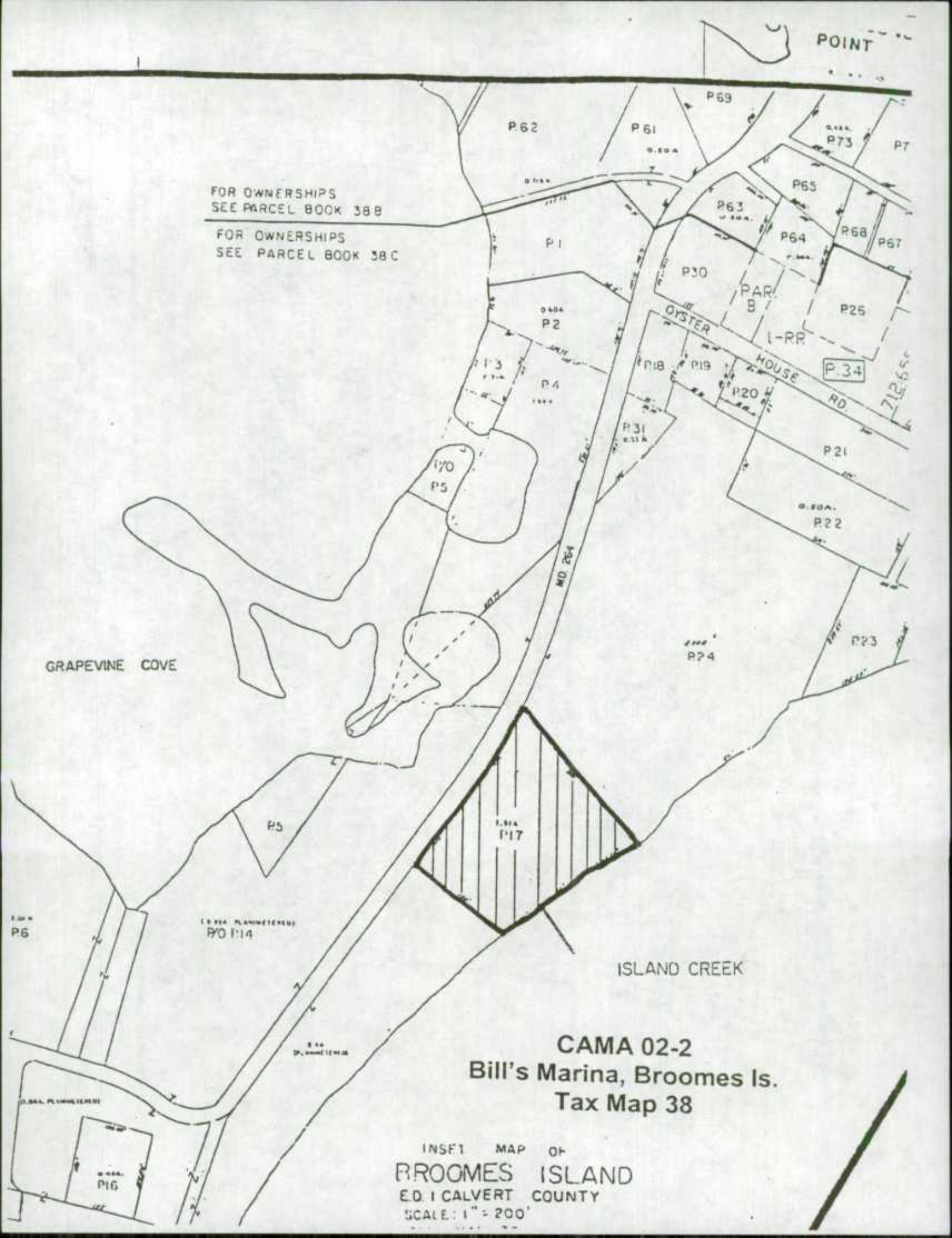
FOR OWNERSHIPS  
SEE PARCEL BOOK 38C

GRAPEVINE COVE

ISLAND CREEK

**CAMA 02-2  
Bill's Marina, Broomes Is.  
Tax Map 38**

INSFT MAP OF  
**BROOMES ISLAND**  
ED 1 CALVERT COUNTY  
SCALE: 1" = 200'



## *Critical Area Commission*

### **STAFF REPORT** **Date February 5, 2003**

**APPLICANT:** University of Maryland- Center for Environmental Science  
Horn Point Environmental Laboratory

**PROPOSAL:** Chemical Storage Structure

**JURISDICTION:** Dorchester County

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval

**STAFF:** Wanda Cole

**APPLICABLE LAW/  
REGULATIONS:** 27.02.05 State Agency Actions Resulting in Development  
On State-Owned Lands

#### **DISCUSSION:**

The University of Maryland's Center for Environmental Science proposes the construction of a 12' x 32' pre-fabricated, containerized structure at its Horn Point Environmental Laboratory facility near Cambridge in Dorchester County. The structure will be located within the Critical Area outside the Buffer on land that is not considered to be intensely developed.

The one-story, steel boxcar-like structure will be used for chemical storage. It will be set on concrete slab at-grade and located adjacent, but not attached, to an existing, larger, storage building. The existing storage building currently houses the chemicals that will be stored in the containerized structure, however, 80% of the storage in this building is being used to warehouse old computers and research equipment. By relocating the chemicals into the containerized structure, there will no longer be the need to heat and cool the larger structure. The larger structure will then be converted into a warehouse.

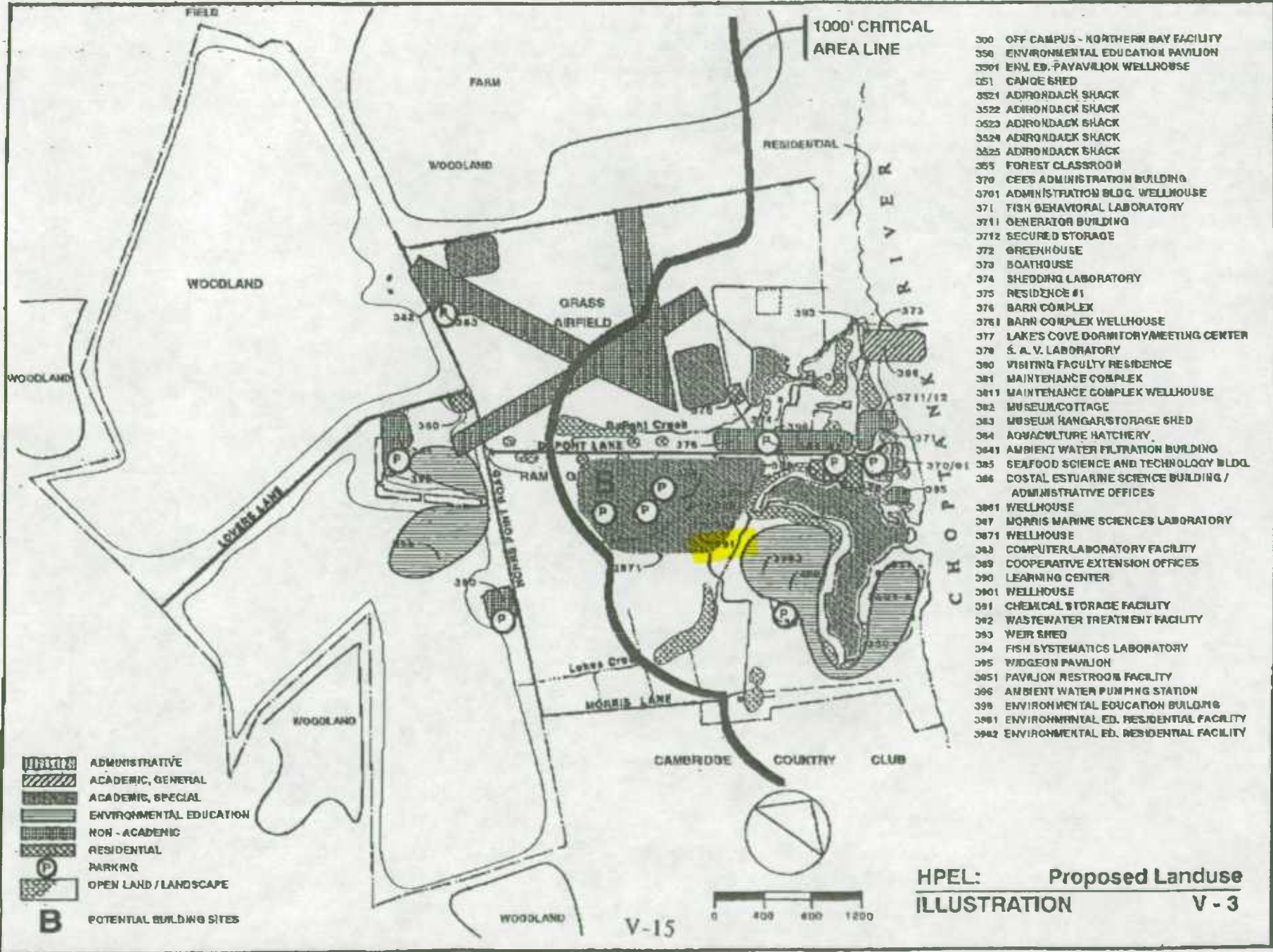
The containerized structure is made of steel and self-contained in the event of a spill. The floor is composed of a metal grate over a 4-5" metal-walled sump area. The structure is required to store only that amount of liquid chemicals that the sump is capable of retaining. Chemicals to be stored are mild acids and low-level radioactive wastes. In the event of a spill, there is a chemical safety officer on-site who is trained in chemical waste cleanup.

The structure will be field-located on a grassy area. The site plan attached to this report is an overlay of the new work onto an excerpt from the plan for the existing, storage structure. The grass swale around the existing building leads to a drainage ditch that ultimately leads to a tributary stream to Lakes Cove, which outlets to the Choptank River.

The Horn Point Environmental Laboratory is situated on an 875-acre property located in the Critical Area of the Choptank River. The Critical Area boundary bisects that portion of the property located east of Horns Point Rd. The property is comprised of nearly equal areas of woodland, grassland, and fields. Several excavated ponds are located across the parcel, some of which provide stormwater management. The impervious surface area associated with the 48 existing structures and parking on-site is 27,000 square feet, or 0.72% of the property. The addition of 384 square feet of new impervious area will pose negligible environmental impacts.

There are no rare, threatened or endangered species at this site, nor any other Habitat Protection Areas. No trees will be removed to facilitate construction, therefore no forest mitigation will be required. As this is not considered to be an intensely developed area, compliance with the 10% Rule is not required. Maryland Department of the Environment considers this project exempt from stormwater management requirements as it is less than 5,000 square feet in size, involves less than 100 cubic yards of excavation, and will not increase the amount of impervious area by more than 10%. Therefore, no best management practices for stormwater management will be implemented. Roof runoff will flow across fairly level terrain and is expected to infiltrate prior to reaching the tributary stream to Lakes Cove. The soils in this area are Mattapex silt loams, primarily 0-2% slope, with a narrow margin of 2-5% slope paralleling the ravines.

cc: Dave Rhoades  
4-03



- 300 OFF CAMPUS - NORTHERN BAY FACILITY
- 350 ENVIRONMENTAL EDUCATION PAVILION
- 3901 ENV. ED. PAVILION WELLHOUSE
- 351 GANGE SHED
- 3521 ADIRONDACK SHACK
- 3522 ADIRONDACK SHACK
- 3523 ADIRONDACK SHACK
- 3524 ADIRONDACK SHACK
- 3525 ADIRONDACK SHACK
- 355 FOREST CLASSROOM
- 370 CEES ADMINISTRATION BUILDING
- 3701 ADMINISTRATION BLDG. WELLHOUSE
- 371 FISH BEHAVIORAL LABORATORY
- 3711 GENERATOR BUILDING
- 3712 SECURED STORAGE
- 372 GREENHOUSE
- 373 BOATHOUSE
- 374 SHEDDING LABORATORY
- 375 RESIDENCE #1
- 376 BARN COMPLEX
- 3751 BARN COMPLEX WELLHOUSE
- 377 LAKE'S COVE DORMITORY/MEETING CENTER
- 378 S. A. V. LABORATORY
- 380 VISITING FACULTY RESIDENCE
- 381 MAINTENANCE COMPLEX
- 3811 MAINTENANCE COMPLEX WELLHOUSE
- 382 MUSEUM/COTTAGE
- 383 MUSEUM HANGAR/STORAGE SHED
- 384 AQUACULTURE HATCHERY
- 3841 AMBIENT WATER FILTRATION BUILDING
- 385 SEAFOOD SCIENCE AND TECHNOLOGY BLDG.
- 386 COSTAL ESTUARINE SCIENCE BUILDING / ADMINISTRATIVE OFFICES
- 3861 WELLHOUSE
- 387 MORRIS MARINE SCIENCES LABORATORY
- 3871 WELLHOUSE
- 383 COMPUTER LABORATORY FACILITY
- 389 COOPERATIVE EXTENSION OFFICES
- 390 LEARNING CENTER
- 3901 WELLHOUSE
- 391 CHEMICAL STORAGE FACILITY
- 392 WASTEWATER TREATMENT FACILITY
- 393 WEIR SHED
- 394 FISH SYSTEMATICS LABORATORY
- 395 WIDGEON PAVILION
- 3951 PAVILION RESTROOM FACILITY
- 396 AMBIENT WATER PUMPING STATION
- 398 ENVIRONMENTAL EDUCATION BUILDING
- 3981 ENVIRONMENTAL ED. RESIDENTIAL FACILITY
- 3982 ENVIRONMENTAL ED. RESIDENTIAL FACILITY

**HPEL: Proposed Landuse**  
**ILLUSTRATION V - 3**

V-15



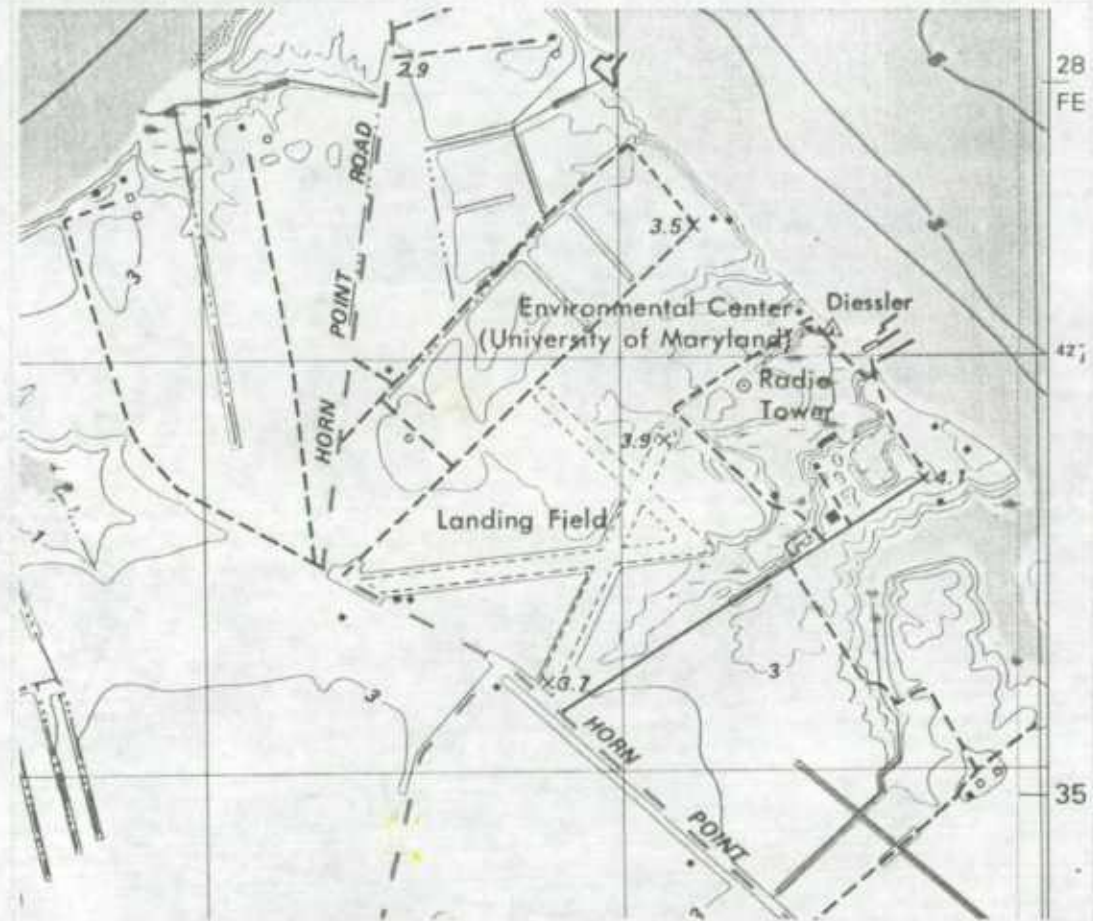
### MERLIN Online Map - Topo for Horn Pt CEES, Cambridge

**Base Maps**

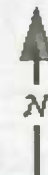
3.75' Quarter Quad Grid



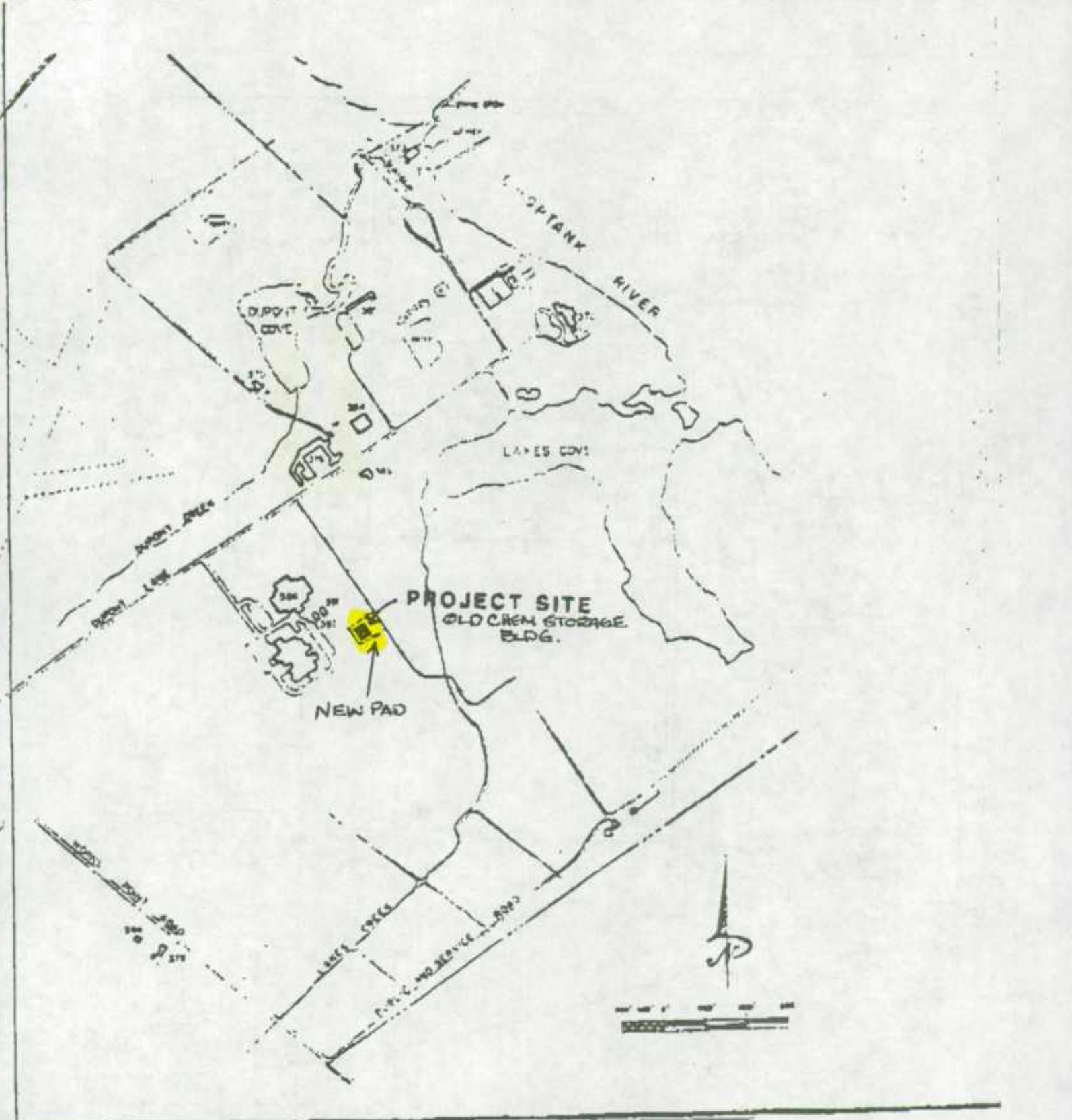
Church Creek Quad 7.5' Topo



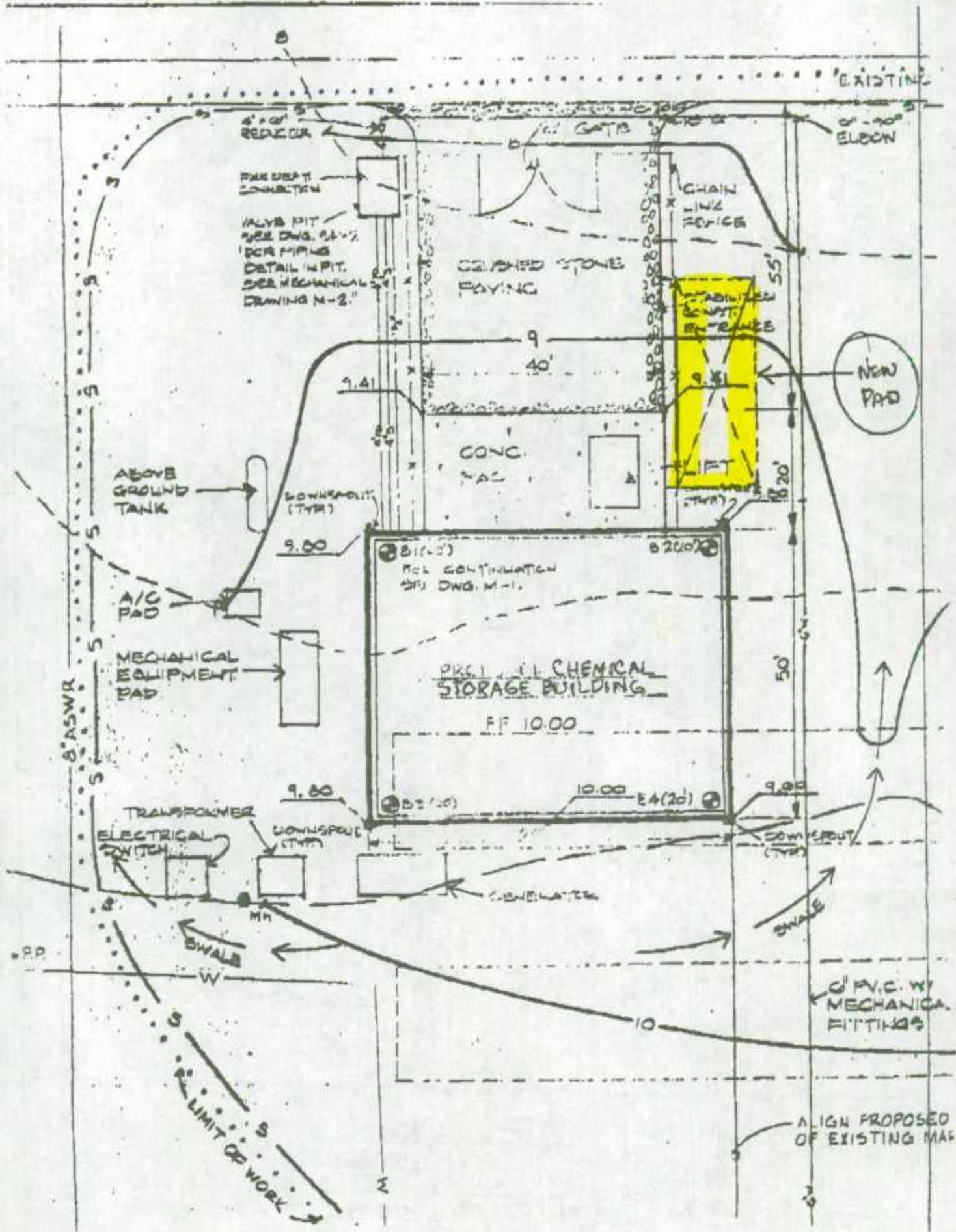
N 102920.89m E 475068.22m



Coordinates at center of image in Maryland State Plane, NAD 1983 meters  
© Copyright 2002, Maryland Department of Natural Resources, www.mdmerlin.net  
Created with TNTserver™ from Microlimages, Inc



|                   |               |         |              |            |              |
|-------------------|---------------|---------|--------------|------------|--------------|
| Post-It® Fax Note | 7671          | Date    | 22 Jan       | # of pages | 2            |
| To                | DIANE COLE    | From    | DAVE RHODES  | Co.        | UNIV. OF MD  |
| Co./Dept.         | CRITICAL AREA | Phone # | 410-221-8464 | Fax #      | 410-221-8390 |
| Phone #           | 410-260-3481  | Fax #   | 410-974-5338 |            |              |



Scale: 1" ≈ 22'

*D. Boudon. moved to approve*

*B. Giese sec 10-2*

**Chesapeake Bay Critical Area Commission**

**STAFF REPORT**

**February 5, 2003**

**APPLICANT:** Maryland Department of Natural Resources

**PROPOSAL:** Forestry Office Replacement, Princess Anne

**COMMISSION ACTION:** Vote

**STAFF RECOMMENDATION:** Approval

**STAFF:** Claudia Jones

**APPLICABLE LAW/  
REGULATIONS:** State Agency Actions Resulting in Development on State-Owned lands in the Critical Area (COMAR 27.02.05)

**DISCUSSION:**

The Maryland Department of Natural Resources (DNR) is proposing to replace an existing trailer that is currently used as an office for DNR Forest Service staff with a small, pre-fabricated building on a permanent foundation. The project location is within the boundaries of the State Highway Administration (SHA) maintenance facility in Princess Anne. SHA allows DNR to maintain an office on their property through an easement.

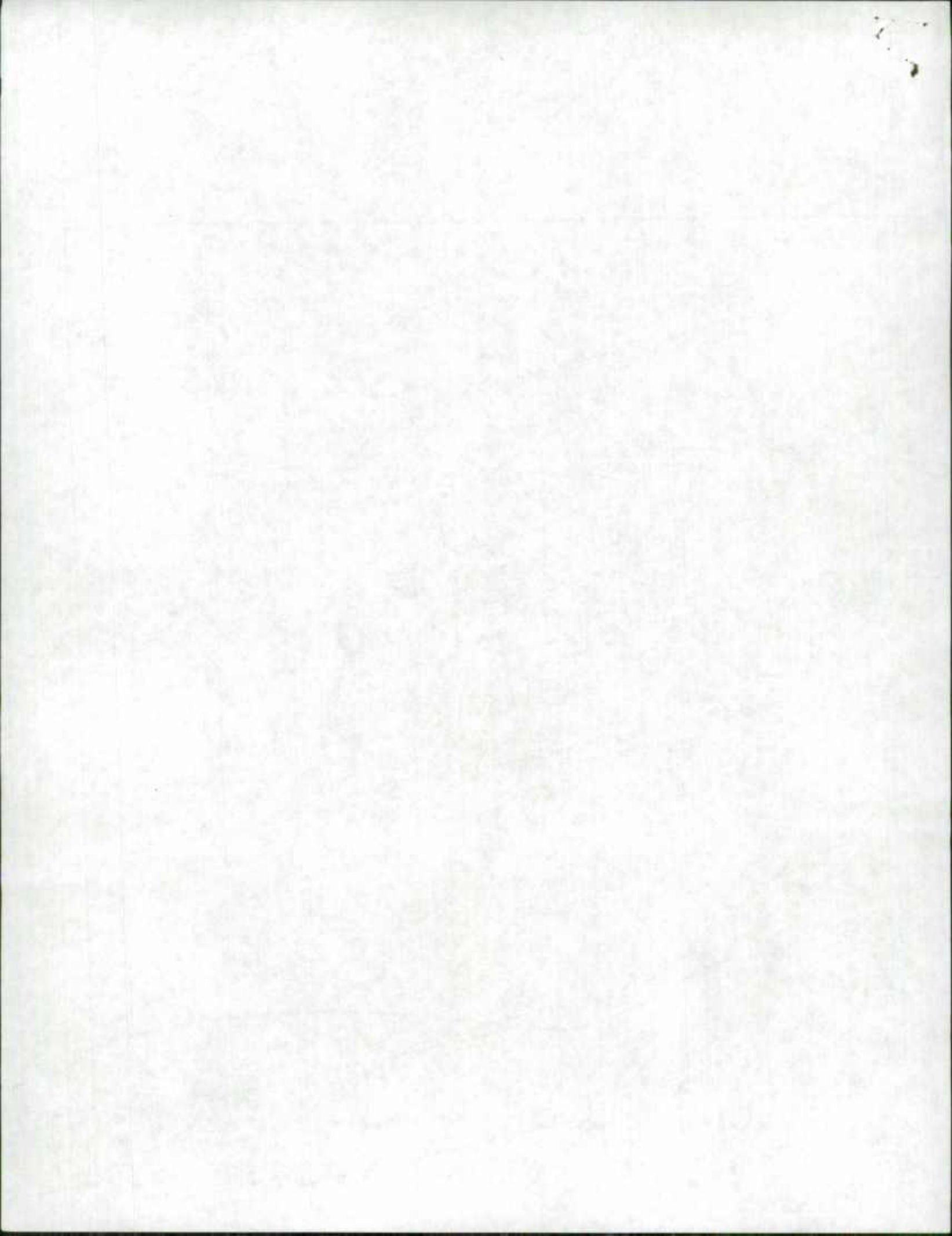
The existing trailer covers approximately 720 sq. ft. The new building will be approximately 896 sq. ft. in area. The building will include three offices, kitchen, bathroom and a conference room.

The proposed site is immediately adjacent to an asphalt parking lot and the immediate area is primarily lawn. The SHA site does include a forested Buffer along Taylor Branch, between the proposed office site and Taylor Branch. The Buffer will not be disturbed by this proposal.

Currently waste is handled by a septic tank and drainfield. The project also includes abandonment of the septic tank and drainfield. DNR will tie-into the SHA sewage line that discharges into the Somerset County Sanitary District system.

1. Number of trees to be planted  
2. Name of trees to be planted





# MARYLAND STADIUM AUTHORITY

ROBERT L. EHRlich, JR.  
GOVERNOR



## MEMBERS

JOHN BROWN, III  
CHAIRMAN

F. VERNON BOOZER  
EARL U. BRAVO, SR.  
MICHAEL R. ENRIGHT  
DENNIS C. MURPHY  
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JAMES A. SOLTESZ

RICHARD W. SLOSSON  
EXECUTIVE DIRECTOR

THE WAREHOUSE AT CAMDEN YARDS  
333 WEST CAMDEN STREET, SUITE 500  
BALTIMORE, MARYLAND 21201-2435  
(410) 333-1560 FAX (410) 333-1888

January 27, 2003

Mary R. Owens  
Critical Area Commission  
Chesapeake and Atlantic Coastal Bays  
1804 West Street, Suite 100  
Annapolis, MD 21401

RE: McIntosh Run Golf Course  
Extension

Dear Ms. Owens:

The Maryland Stadium Authority would like to thank you and the Critical Area Commission for the cooperative effort made to move forward this important "Smart Growth" project once again. These complex Private/Public Partnerships are difficult to pull together, however, the rewards to the town, the county and the state are many.

The Maryland Stadium Authority acknowledges that we are responsible for submitting a Buffer Management Plan and FIDS Mitigation Plan for the project. As the project funding is still anticipated. We are requesting that these two submittals not be required until May 1<sup>st</sup>. This would allow our continued focus on the primary objective, the funding of the project.

NG&O is continuing to work with DNR, Gene Piotrowski, to ensure the Buffer Management Plan and the FIDS Mitigation Plan meet the objectives set out by the Commission.

The Maryland Stadium Authority appreciates your patience and understanding in order to make this project a success.

Respectfully,

A handwritten signature in dark ink, appearing to read "Robert Boras", with a long horizontal line extending to the right.

Robert Boras  
Project Director

Cc: Richard Slosson  
John Norris  
Gene Piotrowski

RB/tm

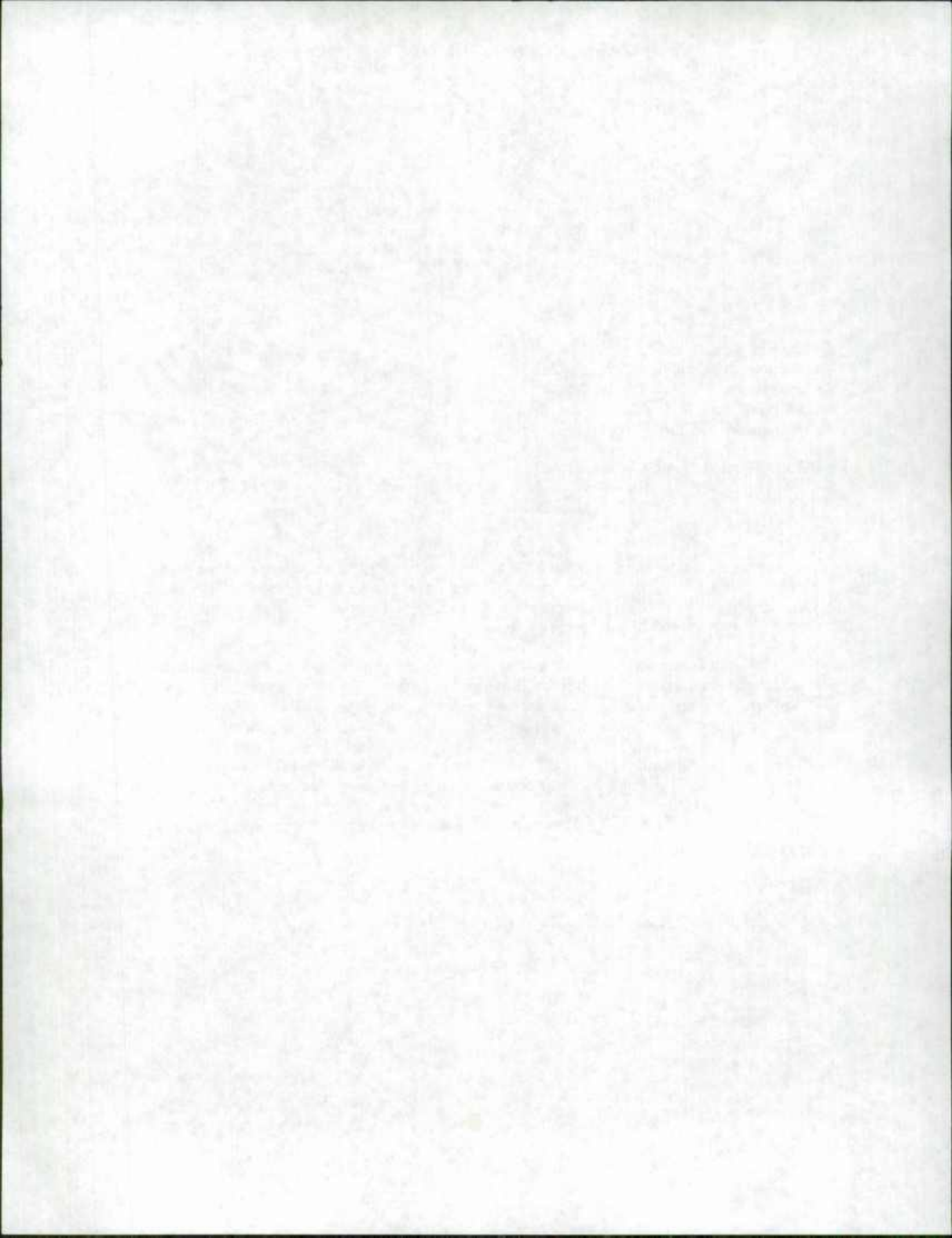
V:\RB\McIntosh Run Correspondence\Owens, Mary Critical Area 1.27.03

RECEIVED

JAN 30 2003

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION





*Louise Lawrence*  
*Concurs*  
*Determinator's*

**Critical Area Commission**

**STAFF REPORT**  
**February 4, 2003**

**APPLICANT:** Anne Arundel County

**PROPOSAL:** Refinement - Mapping Mistake  
Pennington/Koch Associates, LLC Property

**COMMISSION ACTION:** Concurrence

**STAFF RECOMMENDATION:** Concur with Chairman's Determination

**STAFF:** Lisa Hoerger

**APPLICABLE LAW/  
REGULATIONS:** Natural Resources Article §8-1809(h), §8-1809(p)

**DISCUSSION:**

Anne Arundel County submitted a map amendment to correct three mapping mistakes on the same parcel. The property is located in central Anne Arundel County north of College Parkway. The property is approximately 32.42 acres and has a split Critical Area designation of Resource Conservation Area (RCA) and Limited Development Area (LDA). The County reclassified a total of 2.04 acres of LDA to RCA, and .42 acres of RCA to LDA.

The property is currently developed with a driveway that serves two dwellings and several outbuildings. The majority of the site outside the Critical Area is dominated by hardwood forest. The Critical Area portion of the site is a mix of forest and mowed fields with steep slopes and wetlands that abut the shoreline of Deep Creek.

On the western portion of the site is 1.63 acres of LDA that includes steep slopes and tidal wetlands. The Administrative Hearing Officer approved the request to change this area to an RCA. On the eastern portion of the site is .42 acres of LDA that is on steep slopes. The Administrative Hearing Officer approved the request to change this area to an RCA. Also on the eastern portion of the site was .42 acres of RCA that was on a flat, upland plateau. This area was changed to an LDA.

Section 27.01.02.07(C) of the Critical Area criteria states that, "For purposes of implementing this regulation, a local jurisdiction shall have determined, based on land use and development in existence on December 1, 1985, which land areas fall within the three types of development areas described in this chapter."

The Criteria explain LDAs in the Code of Maryland Regulations at 27.01.02.04 A as the following:

Limited Developed Areas are those areas, which are currently developed in low, or moderate intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. These areas shall have at least one of the following features:

- (1) Housing density ranging from one dwelling unit per 5 acres up to four dwelling units per acre;
- (2) Areas not dominated by agriculture, wetland, forest, barren land, surface water, or open space;
- (3) Areas meeting the conditions of Regulation .03A, but not .03B, of this regulation;
- (4) Areas having public sewer or public water, or both.

The Criteria explain RCAs in the Code of Maryland Regulations at 27.01.02.05 A as the following:

Resource conservation areas are those areas characterized by nature-dominated environments (that is, wetlands, forests, abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities, or aquaculture). These areas shall have at least one of the following features:

- (1) Density less than one dwelling unit per 5 acres; or
- (2) Dominant land use in agriculture, wetland, forest, barren land, surface water, or open space.

The Anne Arundel County Critical Area Program included additional mapping standards when the County performed its original mapping of the Critical Area. On page 16 of the County's Program it list the following standard:

Land with environmentally sensitive features along perennial and tributary streams were reviewed and an approximately 300-foot buffer along these streams, including adjacent wetlands, went back to RCA. The few areas of Critical State Concern that were classified as LDA had increased portions going to RCA.

Based on this summary of the County's mapping efforts, the County determined that it was their intent to map these areas of wetlands and streams as RCA. Application of this standard would result in two areas of LDA being reclassified as RCA. The second change which involved changing .42 acres of RCA to LDA was evaluated, and the area mapped as RCA was determined to be a drafting error.

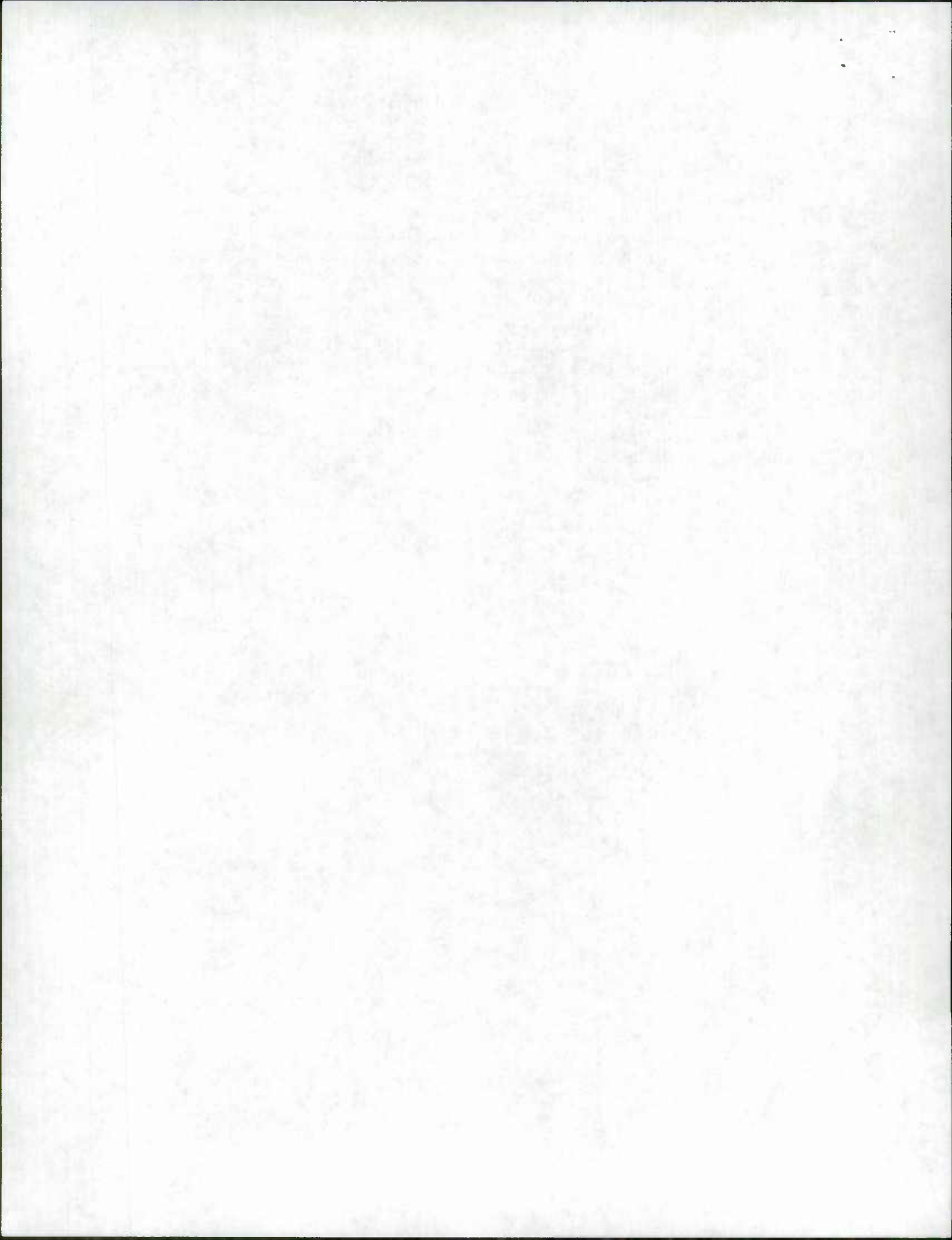
After reviewing the Criteria and the mapping of the subject property, the Administrative Hearing Officer approved the request to amend the zoning map on April 3, 2003. The Hearing Officer changed two areas from RCA to LDA and one area from LDA to RCA which met the requirements of the County Zoning Code, Article 28, Section 11-102.3(c) which states there must be affirmative findings that:

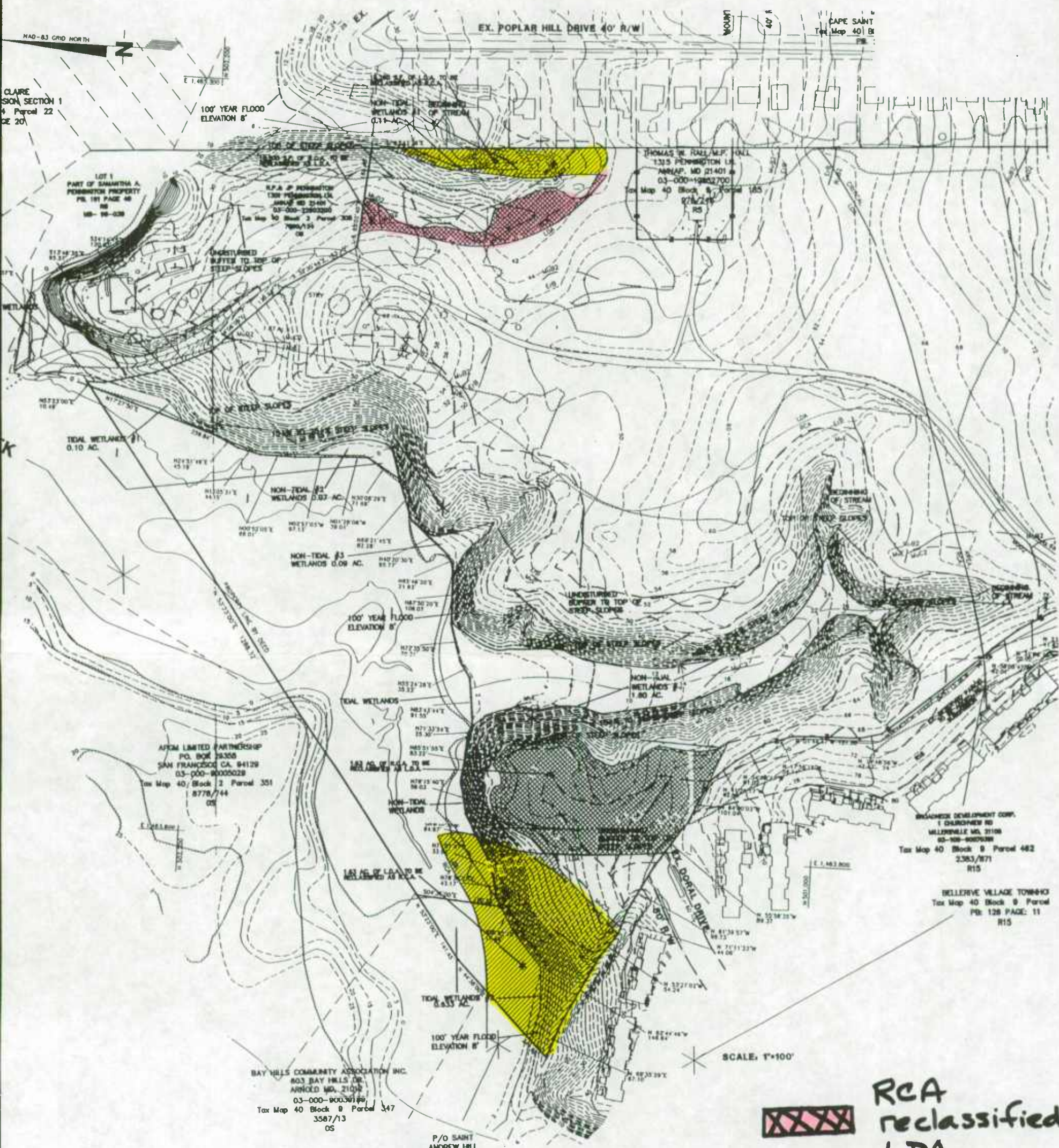
- 1) There was a mistake in the approved Chesapeake Bay Critical Area map based on land uses in existence on December 1, 1985;



- 2) The proposed Critical Area classification conforms to the State and County Chesapeake Bay Critical Area mapping criteria;
- 3) The proposed Critical Area classification conforms to the environmental goals and standards of the general development plan;
- 4) There is compatibility between the uses of the property as reclassified and surrounding land uses, so as to promote the health, safety, and welfare of present and future residents of the County and to promote effective environmental land use management; and
- 5) The applicant has notified the Chesapeake Bay Critical Area Commission of the proposed Critical Area reclassification in writing and with a copy of the application at least 30 days prior to any hearing.

Commission staff has reviewed the information provided and believe that the site remapped LDA meets the mapping standards for LDA, and the sites remapped RCA meet the mapping standards of RCA outlined above.

The Chairman is seeking your concurrence with the determination that this mapping mistake is a refinement to Anne Arundel County's Critical Area Program.





 RCA reclassified to LDA  
 LDA reclassified to RCA

Anne Arundel County - Reclassification  
 Pennington Property | Koch Assoc, Inc.

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION  
1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

August 10, 2001

Mr. Joseph A. Stevens  
Law Office of Joseph A. Stevens  
114 West Water Street  
Centreville, Maryland 21617

Re: Summary of Discussion of the Program Subcommittee

Dear Mr. Stevens:

At the request of the Program Subcommittee Chairman of the Chesapeake Bay Critical Area Commission this letter is intended to provide you and your client with a follow up of the discussion of the growth allocation for the Ratcliffe Manor subdivision and the Easton Village Planned Unit Development (PUD).

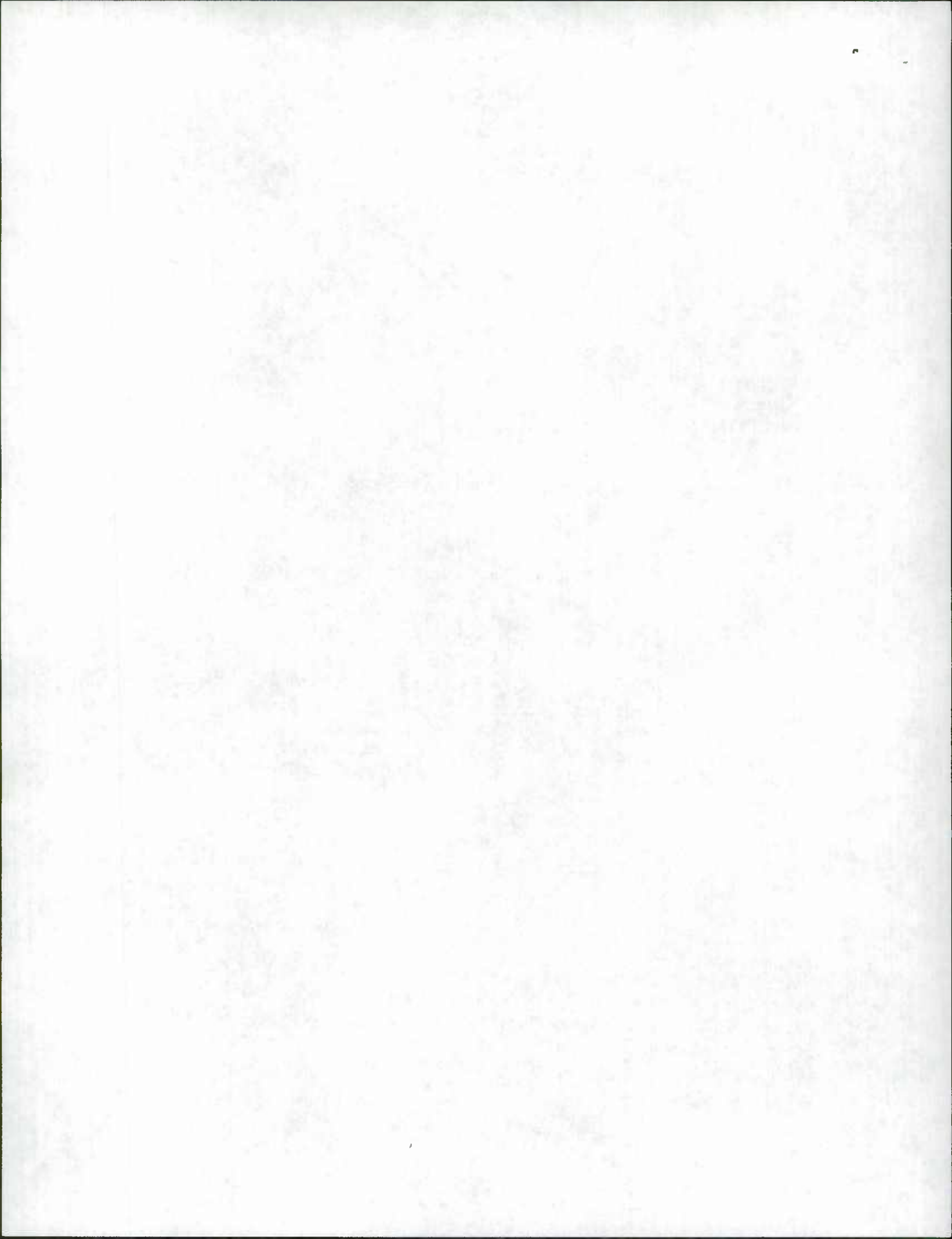
At their meeting on August 1, 2001, the Program Subcommittee generally supported the configuration of the development envelope for the Ratcliffe Manor subdivision and for the development envelope for the Easton Village PUD. Since the two subdivisions are on separate parcels, there is only one development envelope per parcel, and this is consistent with the Commission's policy on growth allocation when using development envelopes.

In regard to the proposed 100-foot Buffer and 300-foot setback, the Subcommittee was satisfied with the proposed configuration. In the case where the 300-foot setback is provided, and meets the 20 acres minimum requirement, it will not be deducted as part of the development envelope.

In addition to the Buffer requirements, the Subcommittee reviewed the issue of the other Habitat Protection Areas (HPAs) on this site. Commission staff discussed the potential for the Delmarva Fox Squirrel (DFS) on this site. A meeting is scheduled for August 13, 2001 to met with officials from the Department of Natural Resources (DNR) and the U.S. Fish and Wildlife Service to discuss the latest plans showing the required setbacks to the DFS habitat. Once these issues are resolved with these agencies, then the applicant can be assured that the appropriate buffers and setbacks, and any necessary mitigation will be know prior to subdivision.

Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

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Mr. Stevens  
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August 10, 2001

The two endangered plant species noted in the letter from the DNR dated May 17, 1999 are most likely not found on this site according to DNR staff. The habitat found on this site that was observed during multiple site visits will likely not support either species.

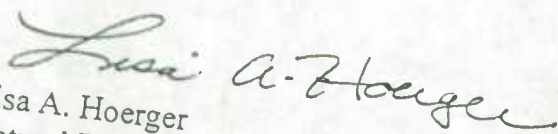
According to DNR staff, the known historic waterfowl concentration area noted for this area of the Tred Avon River supports Canadian geese. According to the DNR records, this is the only species observed along this area of the river.

One member of the Program Subcommittee asked whether this area of the river supports Submerged Aquatic Vegetation (SAV). This office has conflicting information regarding the presence or absence of SAV. Please have you client confirm this information.

In summary, the plan shown to the Program Subcommittee at its last meeting appeared to meet the Commission's policy on growth allocation notwithstanding any new information or changes to the plan subsequent to that meeting. As you are aware, the growth allocation request must still be reviewed and approved by the full Critical Area Commission, and the only issues addressed by the Subcommittee are those included in this letter.

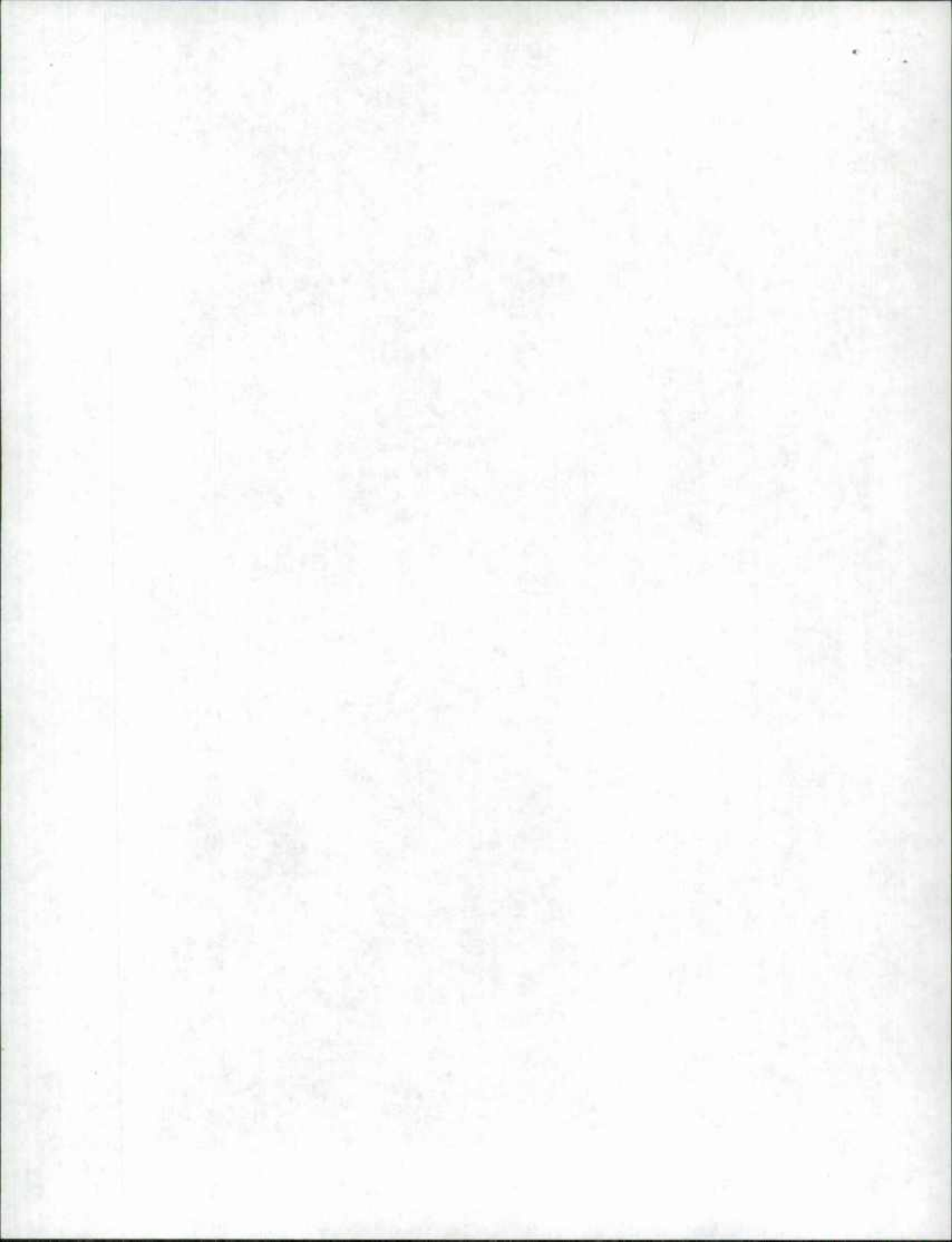
Thank you for your cooperation with this project. If staff can provide you with further assistance, please do not hesitate to contact us at (410) 260-3460.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: Mr. Thomas Hamilton, Town of Easton, Planning Officer  
Mr. Daniel Cowee, Talbot County, Planning Officer  
Program Subcommittee Members





John C. North, II  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
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November 8, 2000

Mr. Joseph Stevens  
Law Offices of Joseph Stevens  
114 West Water Street  
Centreville, Maryland 21617

RE: Growth Allocation Deduction for Ratcliffe Farm  
Talbot County Maryland  
EA 486-99

Dear Mr. Stevens:

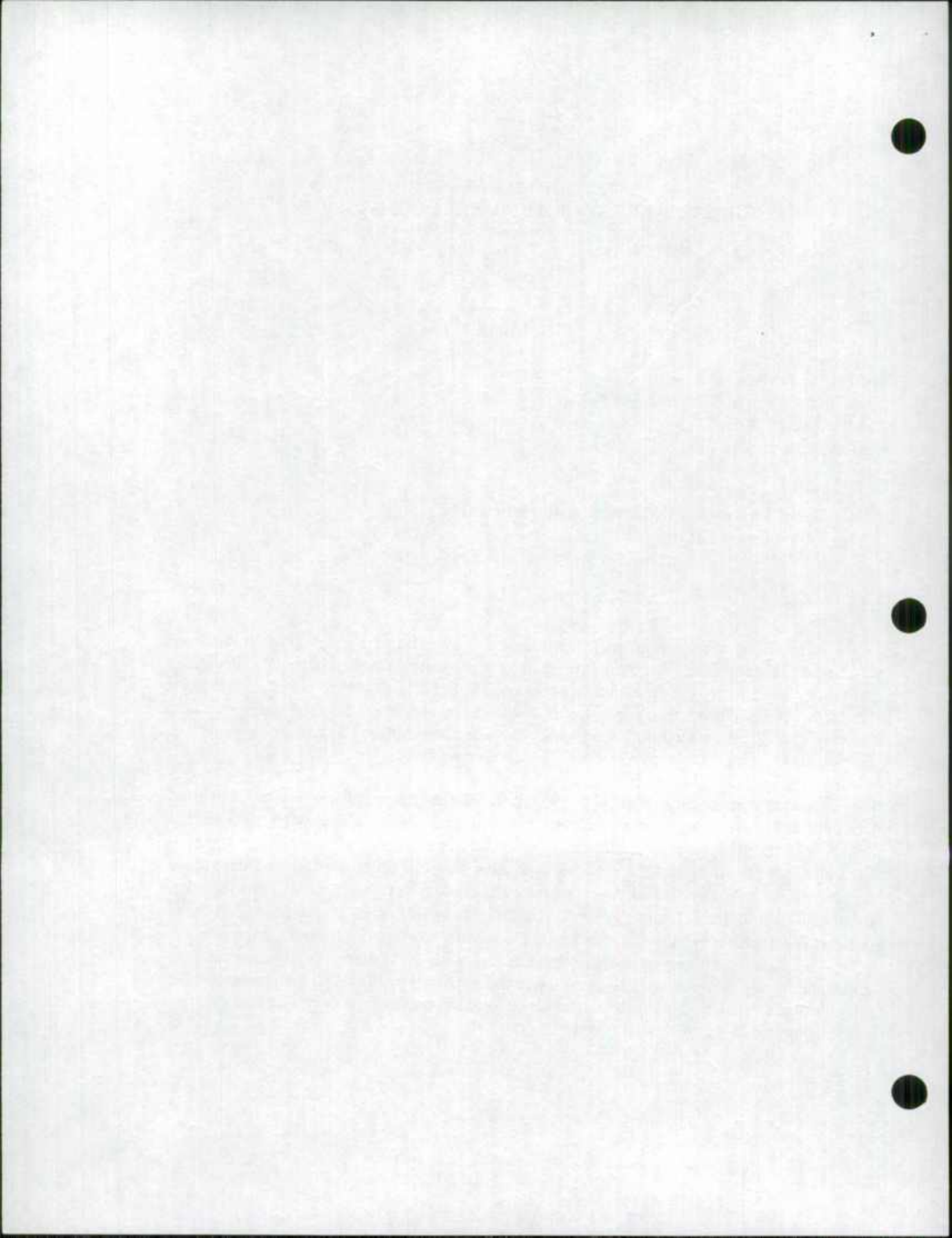
I am writing to follow up on the Critical Area Commission Program Subcommittee's discussion of the Ratcliffe Farm Project regarding the proposed deduction of growth allocation and the configuration of the development envelope. The Subcommittee had previously reviewed this project and discussed the need to ensure that the development envelope be configured such that the density on the remaining RCA would not exceed one unit per 20 acres, and that the development envelope included all of the LDA development.

At their meeting on November 1, 2000, the Program Subcommittee generally supported the configuration of the development envelope of 58.8 acres which includes twelve lots, the new road serving the subdivision, and other portions of the property necessary to comply with the Commission's growth allocation policy. Growth allocation will not be used for two areas of the property which will retain the RCA designation. The northern portion to remain RCA includes two dwelling units and community open spaces and totals 49.51 acres. The southern portion to remain RCA includes one dwelling unit, a 10.555 acre density restriction from a prior subdivision, and community open space, and this area totals 37.45 acres. As you are aware, the growth allocation request must still be reviewed and approved by the full Commission, and the only issue addressed by the Subcommittee was the configuration of the development as it related to the Commission's growth allocation policy.

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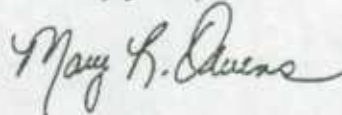




Mr. Stevens  
November 8, 2000  
Page 2

For your records, I have enclosed a copy of the plan that was presented at the Commission meeting and includes the acreage figures discussed by the Commission. If you have any questions, please feel free to call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief  
Program Implementation Division

cc: Mr. Bill Stagg, Stagg Design  
Mr. Lynn Thomas, Town of Easton

