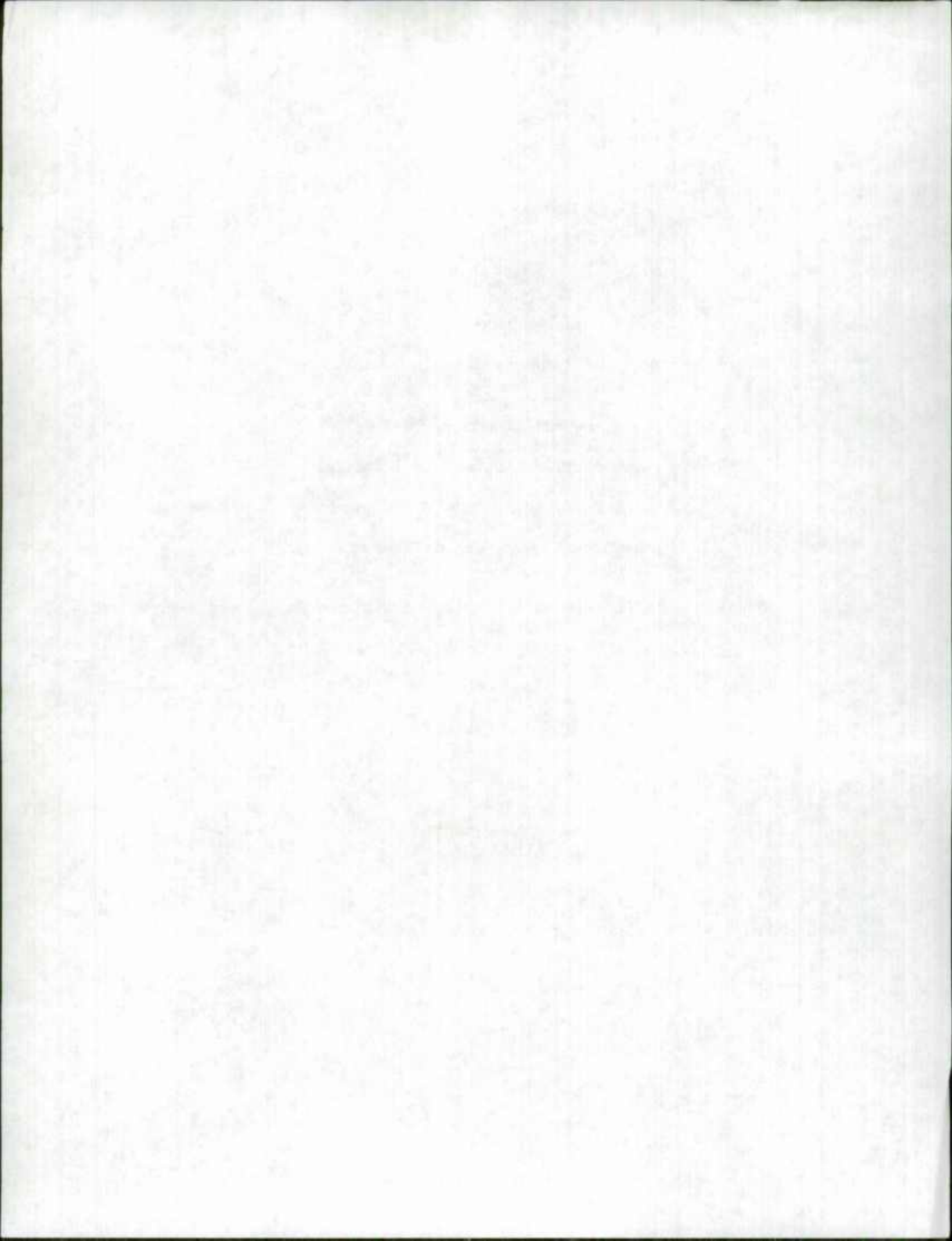


Critical Area Commission
Chesapeake and Atlantic Coastal Bays
Meeting At
Department of Housing and Community Development
Crownsville, Maryland
April 7, 2004

AGENDA

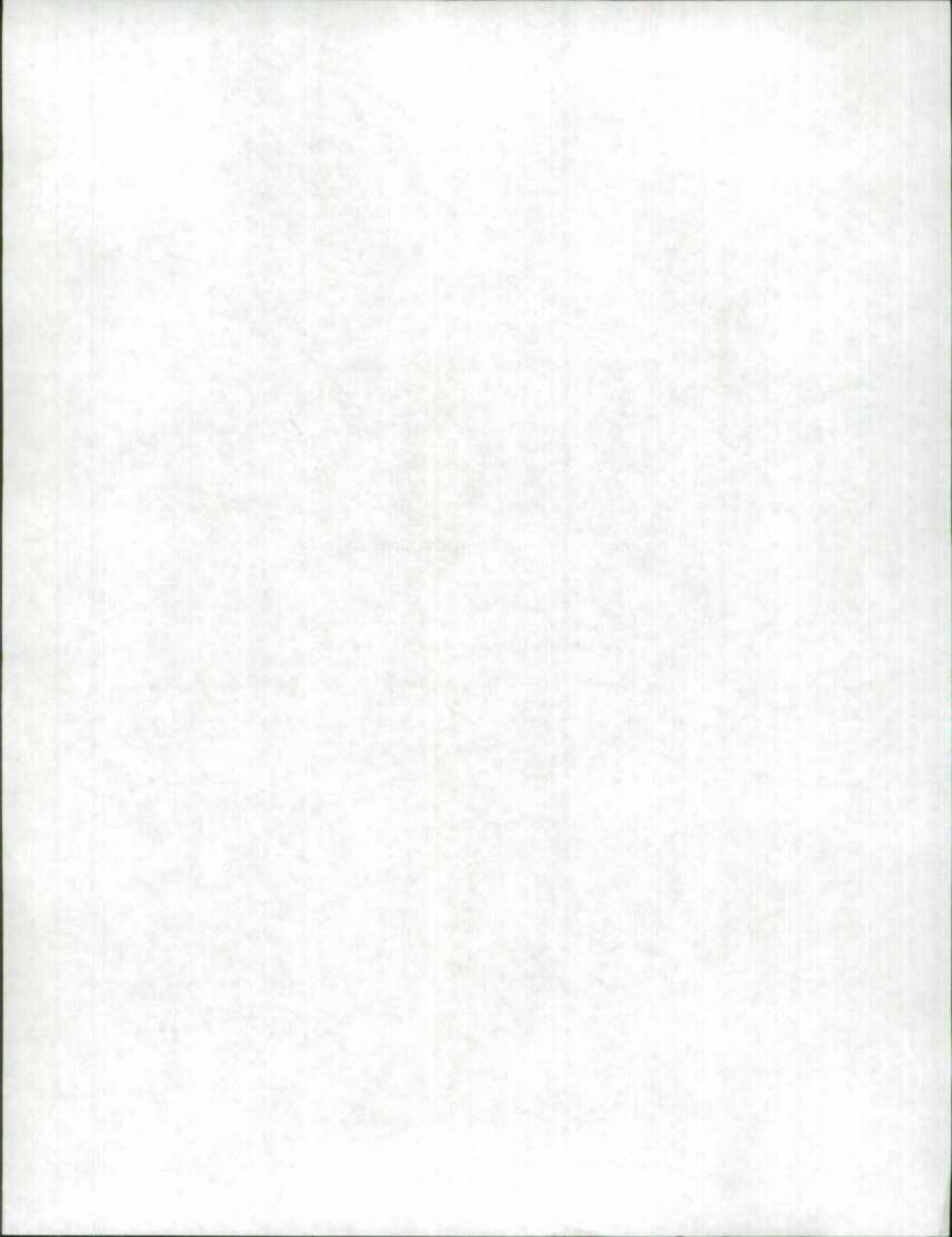
1:00 p.m. – 1:05 p.m.	Welcome and Remarks	Chairman Martin G. Madden
	Approval of Minutes for March 3, 2004	
PROJECTS		
1:05 p.m. – 1:35 p.m.	(Tentative) VOTE: Department of Natural Resources: NorthBay Camp Final Conditional Approval (Cecil County)	Regina Esslinger
1:35 p.m. – 1:45 p.m.	VOTE: Department of Natural Resources: Gunpowder Falls State Park Hammerman Beach Services Building (Baltimore County)	Wanda Cole
1:45 p.m. – 1:55 p.m.	VOTE: Department of Natural Resources: Pocomoke River State Park Canoe Launch Upgrade (Worcester County)	LeeAnne Chandler
1:55 p.m. – 2:05 p.m.	(Tentative) VOTE: State Highway Administration Route 5 Erosion Control (St. Mary's County)	Wanda Cole
PROGRAMS		
2:05 p.m. – 2:25 p.m.	VOTE: Anne Arundel County Bills 49-03 and 78-03	Lisa Hoerger
OLD BUSINESS		
2:25 p.m. – 2:34 p.m.	Update: Legislative Matters	Chairman Martin G. Madden
	Legal Update	Marianne Mason



Critical Area Commission
Chesapeake and Atlantic Coastal Bays
Meeting At
Department of Housing and Community Development
Crownsville, Maryland
April 7, 2004

AGENDA

1:00 p.m. – 1:05 p.m.	Welcome and Remarks	Chairman Martin G. Madden
	Approval of Minutes for March 3, 2004	
PROJECTS		
1:05 p.m. – 1:35 p.m.	(Tentative) VOTE: Department of Natural Resources: NorthBay Camp Final Conditional Approval (Cecil County)	Regina Esslinger
1:35 p.m. – 1:45 p.m.	VOTE: Department of Natural Resources: Gunpowder Falls State Park Hammerman Beach Services Building (Baltimore County)	Wanda Cole
1:45 p.m. – 1:55 p.m.	VOTE: Department of Natural Resources: Pocomoke River State Park Canoe Launch Upgrade (Worcester County)	LeeAnne Chandler
1:55 p.m. – 2:05 p.m.	(Tentative) VOTE: State Highway Administration: MD Route 5 Erosion Repairs (St. Mary's County)	Wanda Cole
PROGRAMS		
2:05 p.m. – 2:25 p.m.	VOTE: Anne Arundel County Bills 49-03 and 78-03	Lisa Hoerger
OLD BUSINESS		
2:25 p.m. – 2:34 p.m.	Update: Legislative Matters	Chairman Martin G. Madden
	Legal Update	Marianne Mason



**Critical Area Commission
Chesapeake and Atlantic Coastal Bays
Meeting At
Department of Housing and Community Development
Crownsville, Maryland
April 7, 2004**

AGENDA

1:00 p.m. – 1:05 p.m.	Welcome and Remarks	Chairman Martin G. Madden
	Approval of Minutes for March 3, 2004	
PROJECTS		
1:05 p.m. – 1:35 p.m.	(Tentative) VOTE: Department of Natural Resources: NorthBay Camp Final Conditional Approval (Cecil County) <i>C/M</i>	Regina Esslinger
1:35 p.m. – 1:45 p.m.	VOTE: Department of Natural Resources: Gunpowder Falls State Park Hammerman Beach Services Building (Baltimore County) <i>C/M</i>	Wanda Cole
1:45 p.m. – 1:55 p.m.	VOTE: Department of Natural Resources: Pocomoke River State Park Canoe Launch Upgrade (Worcester County) <i>C/M</i>	LeeAnne Chandler
1:55 p.m. – 2:05 p.m.	(Tentative) VOTE: State Highway Administration Route 5 Erosion Control (St. Mary's County)	Wanda Cole
PROGRAMS		
2:05 p.m. – 2:25 p.m.	VOTE: Anne Arundel County Bills 49-03 and 78-03 <i>C/M</i>	Lisa Hoerger
OLD BUSINESS		
2:25 p.m. – 2:34 p.m.	Update: Legislative Matters	Chairman Martin G. Madden
	Legal Update	Marianne Mason

1/10

1

1/10

1/10

1/10

Critical Area Commission
Chesapeake and Atlantic Coastal Bays
Meeting At
Department of Housing and Community Development
Crownsville, Maryland
April 7, 2004

9:00 a.m. Panel: Talbot County Comprehensive Review and Growth Allocation Bills
Members: Blazer, Richards, Giese, Jackson, Setzer

SUBCOMMITTEES

10:30 a.m. – 12:00 p.m. Project Evaluation Subcommittee

Members: Setzer, Andrews, Booker Jones, Chambers, Cox, Giese, Jackson, McLean, Mathias, Rice, Wilson

State Highway Administration: MD Route 450 Grade Separation Project: Mitigation Update (Prince George's County) Lisa Hoerger

Department of Natural Resources: Gunpowder Falls State Park Hammerman Beach Services Building (Baltimore County) Wanda Cole

Department of Natural Resources: Pocomoke River State Park Canoe Launch Upgrade (Worcester County) LeeAnne Chandler

State Highway Administration: MD Route 5 Erosion Repairs (St. Mary's County) Wanda Cole

(Tentative) Department of Natural Resources: NorthBay Camp Final Conditional Approval (Cecil County) Regina Esslinger

11:00 a.m. – 12:00 p.m. Program Implementation Subcommittee

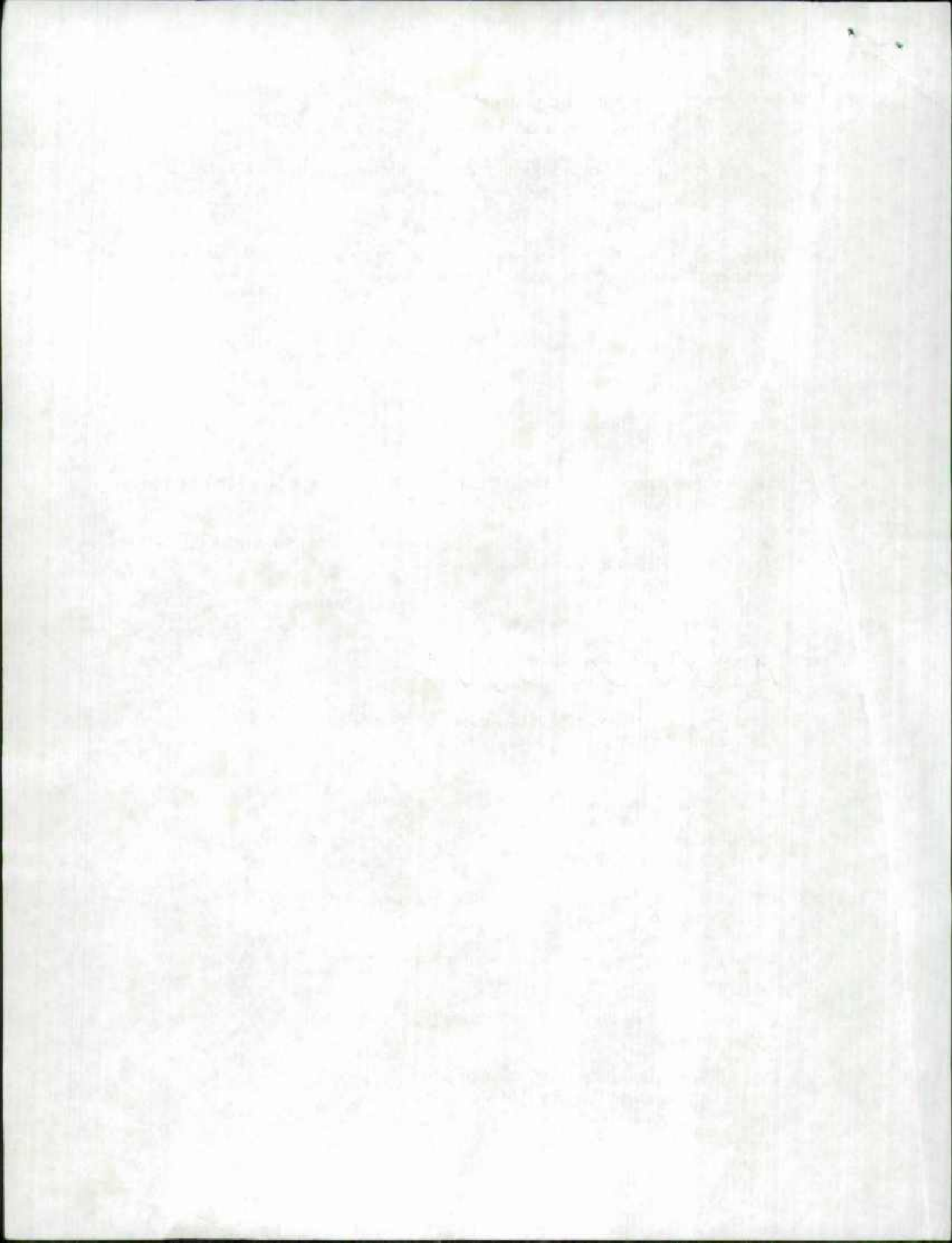
Members: Blazer, Bailey, Dawson, Ennis, Evans, Gilliss, Lawrence, McKay, Mayer, Richards, Samorajczyk

City of Havre de Grace: Critical Area Program Comprehensive Review - Update (Harford County) Dawnn McCleary

Calvert County: Intrafamily Transfer Process - Update Mary Owens
Julie LaBranche

Anne Arundel County: Revisions to Zoning Ordinance and Subdivision Regulations - Briefing Lisa Hoerger

12:00 p.m. Panel: Anne Arundel County Bills 49-03 and 78-03
Members: Lawrence, McLean, Ennis



**Critical Area Commission
Chesapeake and Atlantic Coastal Bays**

Meeting At
Department of Housing and Community Development
Crownsville, Maryland

April 7, 2004

*Delighted
warm welcome:*

Shirely Messenberg, Administrative Officer

*Very
Active month*

AGENDA

*Anne Arundel
Panel*

Talbot

*Veronica Moulis
St Michaels*

Ren Seery

*Louise Lawrence
Ella Ennis
Jim MatLean
PROJECTS*

Dave Blazer

Gary Setzer

*Mary Owens
Marianne Mason*

**Chairman
Martin G. Madden**

1:00 p.m. - 1:05 p.m.

Gary Setzer

Welcome and Remarks

Regina Esslinger

chair

Edwin Richards

Approval of Minutes for March 3, 2004

Lisa Hoerger

Joe Jackson

Joe Jackson

Bill Geise

Judith Evans

12:15 pm

GARY Esslinger

1:05 p.m. - 1:35 p.m.

Regina Esslinger

*(Tentative) VOTE: Department of Natural Resources: North Bay Camp
Final Conditional Approval (Cecil County)*

Regina Esslinger

1:35 p.m. - 1:45 p.m.

*VOTE: Department of Natural Resources:
Gunpowder Falls State Park
Hammerman Beach Services Building
(Baltimore County)*

Wanda Cole

1:45 p.m. - 1:55 p.m.

*VOTE: Department of Natural Resources:
Pocomoke River State Park
Canoe Launch Upgrade (Worcester County)*

LeeAnne Chandler

1:55 p.m. - 2:05 p.m.

*(Tentative) VOTE: State Highway Administration: MD Route 5
Erosion Repairs (St. Mary's County)*

Wanda Cole

PROGRAMS

2:05 p.m. - 2:25 p.m.

*VOTE: Anne Arundel County
Bills 49-03 and 78-03*

Lisa Hoerger

OLD BUSINESS

2:25 p.m. - 2:34 p.m.

Update: Legislative Matters

**Chairman
Martin G. Madden**

Legal Update

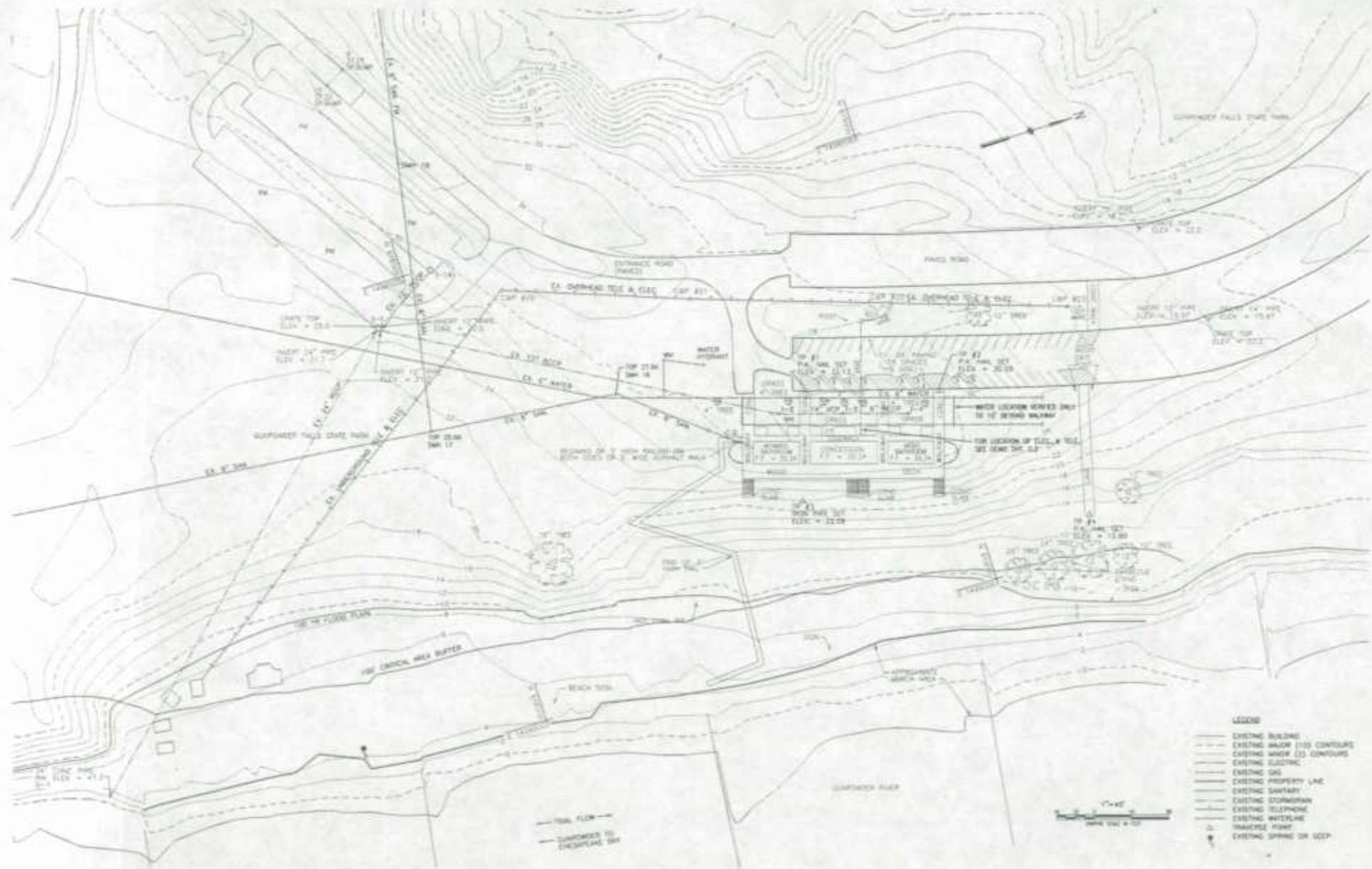
*All 3 Bills have passed
both House + Senate (one version)
Main Bill
Guest House
Real Estate Disclosure*

Marianne Mason

[Faint, mirrored handwritten text, likely bleed-through from the reverse side of the page. The text is illegible due to fading and orientation.]

[Faint, mirrored handwritten text, likely bleed-through from the reverse side of the page. The text is illegible due to fading and orientation.]

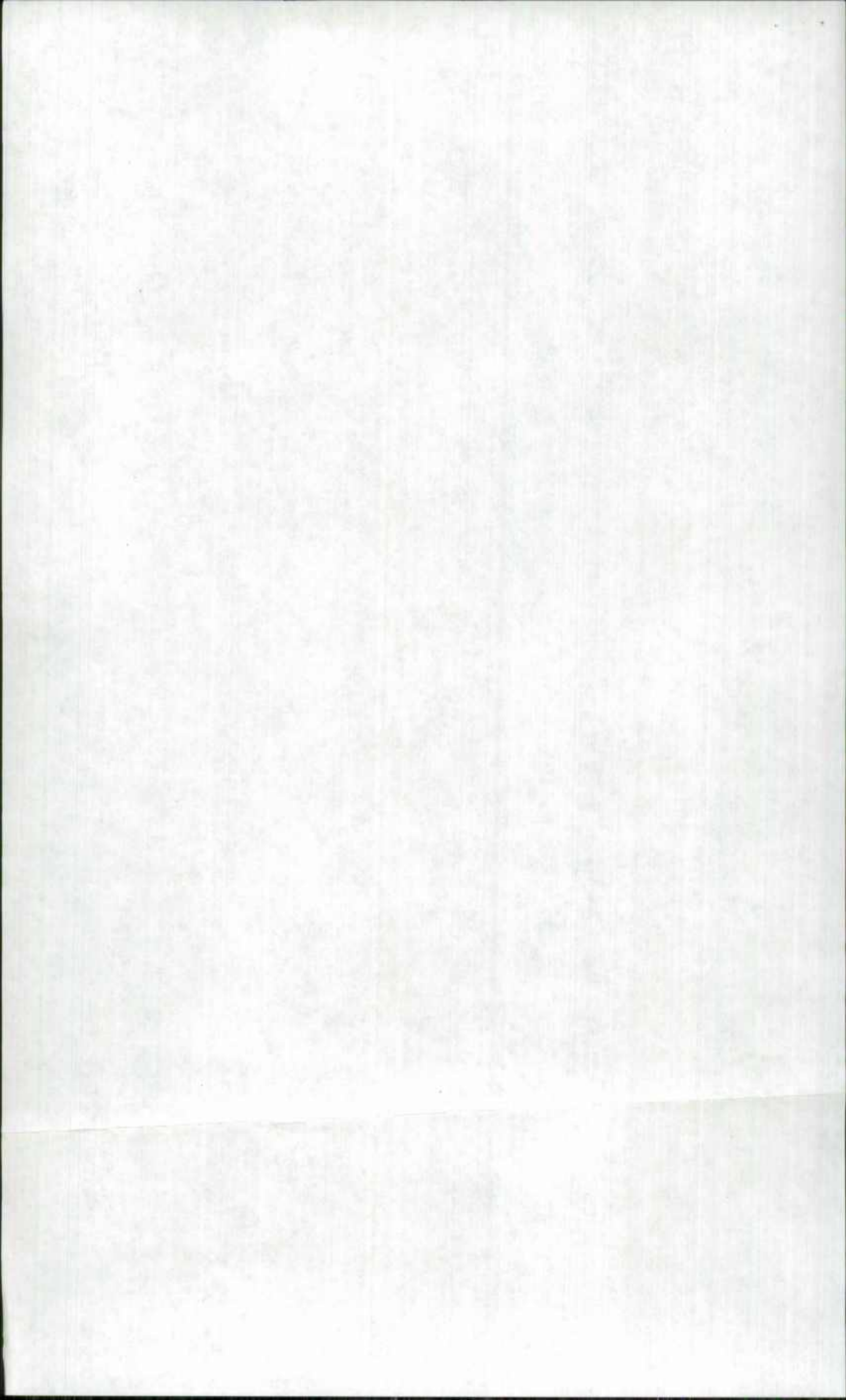
[Faint, mirrored handwritten text, likely bleed-through from the reverse side of the page. The text is illegible due to fading and orientation.]

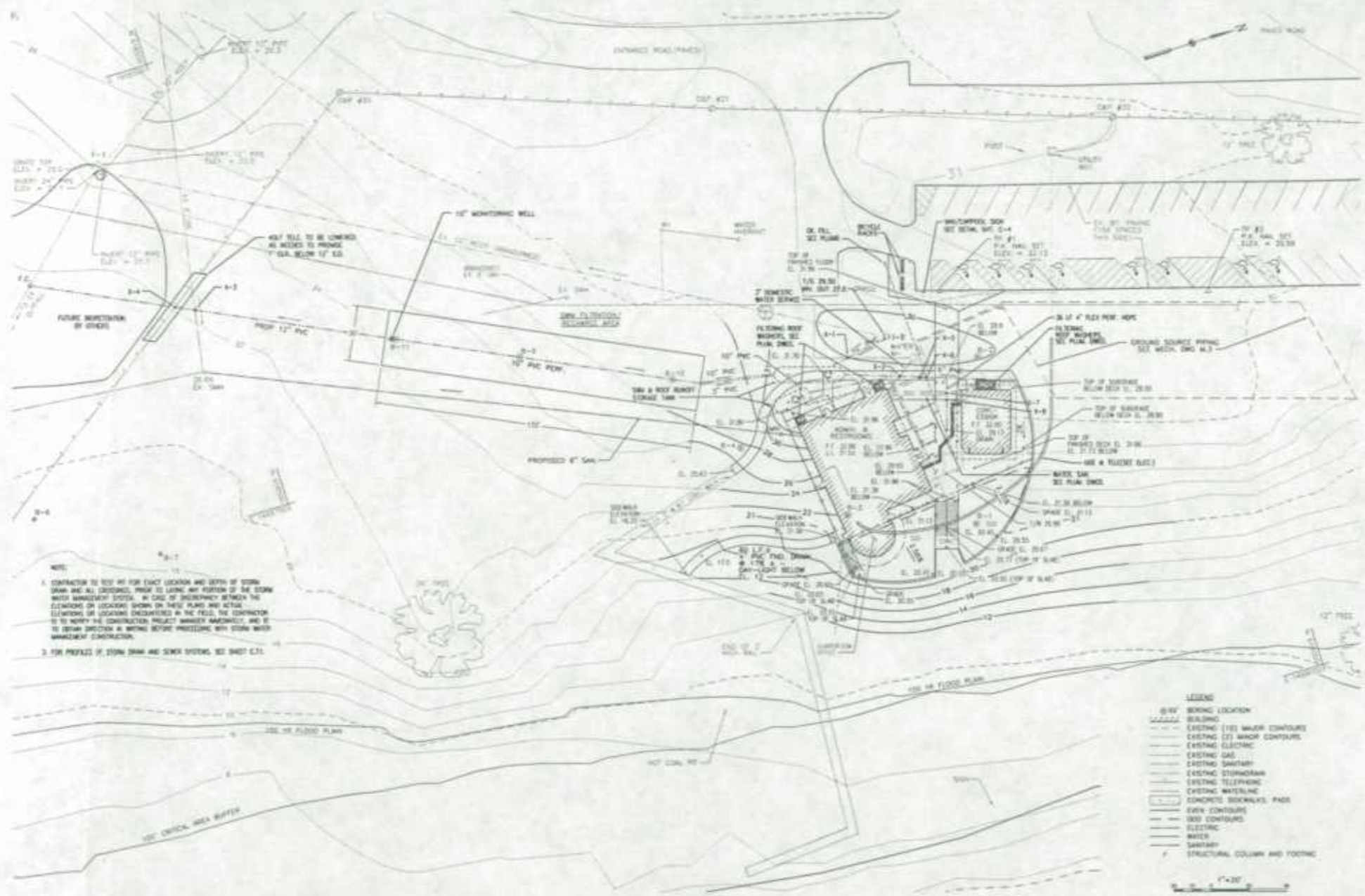


SURVEY PROVIDED BY STATE OF MARYLAND DEPT
 OF NATURAL RESOURCES 10/23 - 25/01
 GUMPOWDER FALLS STATE PARK
 HAMMETT FALLS AREA
 BATH HOUSE AND CONCESSION STAND
 NOTE: BENCHMARK IS TIDE BOARD ON JETTY
 2 +4.0 FT. M.L.W.

- LEGEND**
- EXISTING BUILDING
 - - - EXISTING WALKER (10) CONTOURS
 - - - EXISTING WALKER (25) CONTOURS
 - EXISTING ELECTRIC
 - EXISTING GAS
 - EXISTING PROPERTY LINE
 - EXISTING SANITARY
 - EXISTING TELEPHONE
 - EXISTING WATER MAIN
 - TRAVELER POINT
 - EXISTING SPRING OR CREEK

	DEPARTMENT OF GENERAL SERVICES OFFICE OF THE COMPTROLLER STATE OF MARYLAND 1000 PENNSYLVANIA AVENUE ANNAPOLIS, MARYLAND 21401	PROJECT NO. DATE DRAWN BY CHECKED BY APPROVED BY	EXISTING SITE PLAN	PROJECT NO. DATE DRAWN BY CHECKED BY APPROVED BY	HAMMETT FALLS STATE PARK BATH HOUSE AND CONCESSION STAND MARYLAND DEPARTMENT OF NATURAL RESOURCES	PROJECT NO. DATE DRAWN BY CHECKED BY APPROVED BY	C.12



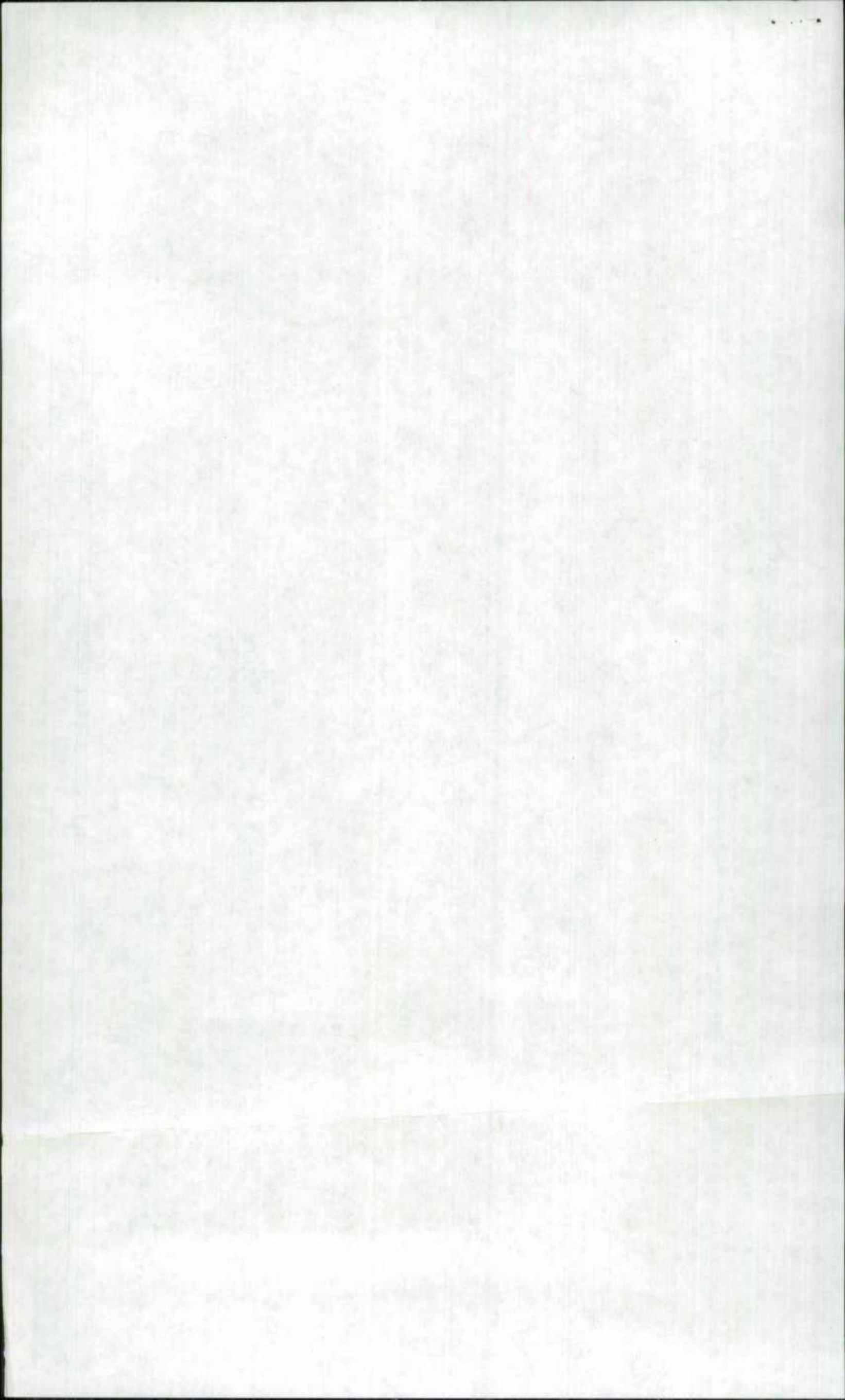


NOTE:
 1. CONTRACTOR TO TEST FOR EXACT LOCATION AND DEPTH OF STORM DRAIN AND ALL EXISTING PIPES TO LOCATE ANY PORTION OF THE STORM WATER MANAGEMENT SYSTEM. IN CASE OF DISCREPANCY BETWEEN THE ELEVATIONS OR LOCATIONS SHOWN ON THIS PLAN AND ACTUAL ELEVATIONS OR LOCATIONS OBSERVED IN THE FIELD, THE CONTRACTOR IS TO NOTIFY THE CONSTRUCTION PROJECT MANAGER IMMEDIATELY AND IS TO OBTAIN DIRECTION IN WRITING BEFORE PROCEEDING WITH STORM WATER MANAGEMENT CONSTRUCTION.
 2. FOR PRELIMS OF STORM DRAIN AND SEWER SYSTEMS, SEE SHEET C.31.

- LEGEND
- BERNECE LOCKDOWN
 - BUILDING
 - EXISTING (10' WALK) CONTOURS
 - EXISTING (2' BENCH) CONTOURS
 - EXISTING ELECTRIC
 - EXISTING GAS
 - EXISTING SANITARY
 - EXISTING STORMDRAIN
 - EXISTING TELEPHONE
 - EXISTING WATERLINE
 - CONCRETE SIDEWALKS, PAVES
 - ELEV. CONTOURS
 - EXISTING CONTOURS
 - ELECTRIC
 - WATER
 - SANITARY
 - STRUCTURAL COLUMN AND FOOTING

SURVEY PROVIDED BY STATE OF MARYLAND DEPT OF NATURAL RESOURCES 10/23 - 25/01
 CLAMPONER FALLS STATE PARK
 HAMMERMAN AREA
 BATH HOUSE AND CONCESSION STAND
 NOTE: BENCHMARK IS TIDE BOARD ON JETTY
 2 +4.8 FT. B.L.W.

	MARYLAND DEPARTMENT OF GENERAL SERVICES OFFICE OF GENERAL SERVICES PROJECT NUMBER: 040	M.D. DEPARTMENT OF GENERAL SERVICES PROJECT NUMBER: 040	PROJECT TITLE: PROPOSED BITE PLAN SCALE: 1"=20' SHEET: 04 OF 04	PROJECT NO: MD/ 63-57-0242 HAMMERMAN AREA BERNECE BUILDING CLAMPONER FALLS STATE PARK MARYLAND DEPARTMENT OF NATURAL RESOURCES BALTIMORE COUNTY, MARYLAND	PROJECT NO: P-002-000-000 SHEET NO: 04 OF 04 DATE: 10/23/01 C.31
	DATE: 10/23/01 BY: [Signature]	DATE: 10/23/01 BY: [Signature]	DATE: 10/23/01 BY: [Signature]	DATE: 10/23/01 BY: [Signature]	DATE: 10/23/01 BY: [Signature]



Critical Area Commission

STAFF REPORT

April 7, 2004

APPLICANT: Department of Natural Resources

PROPOSAL: Canoe Launch & Drop-off, Milburn Landing Area at Pocomoke River State Park

JURISDICTION: Worcester County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with Conditions

STAFF: LeeAnne Chandler

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

DISCUSSION:

The Department of Natural Resources (DNR) is requesting a Conditional Approval for a proposed canoe drop-off area within the 100-foot Buffer and approval for a new canoe launch and access path in the Milburn Landing Area of Pocomoke River State Park in Worcester County. The project is part of an effort by DNR to enhance "nature tourism" opportunities throughout the State. The project location within the park is in one of the existing campgrounds containing 36 campsites surrounded by a camp loop road.

The drop-off area is directly adjacent to the existing loop road. It is ten feet wide by approximately 140 feet long. It will consist of 4" of CR-6 gravel topped with 4" thick geoweb, a plastic sheeting that has large cell openings that will be filled with a sandy loam mixture. It is in a location that is generally compacted and sparsely vegetated with grass due to cars haphazardly parking there. It will be marked with posts and will have signage indicating that the area is meant for drop-off and pick-up only and directs them to the appropriate parking lot. It is located partially within the 100-foot Buffer to the Pocomoke River.

The access path will be six feet wide and approximately sixty feet long. It will be composed of four inches of gravel base, covered by a filter cloth, and topped with two inches of stone dust fill. The canoe launch will be constructed at a site currently used by the public for accessing the Pocomoke River with canoes and kayaks. It will be eight feet wide and approximately 40 feet long. The ramp will be made using geoweb filled with washed gravel. It will be placed on a gravel bed on the existing ground without any excavation to protect the roots of the Bald Cypress

trees in the vicinity.

Milburn Landing is located within the Mattaponi Natural Heritage Area (NHA). This large NHA was designated to protect numerous endangered and threatened plant species that live in the unique bald cypress swamp ecosystem along the lower Pocomoke River. The State Threatened Dwarf Trillium is in the vicinity, but the Natural Heritage Program has determined that there would be no impacts to the population from the proposed project.

As a non-water dependent development activity within the Buffer, the drop-off area requires a conditional approval from the Commission.

Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, the proposing agency must show that the project or program has the following characteristics: **(The following responses highlighted in bold text were provided by the applicant, the Department of Natural Resources):**

(1) That there exist special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

The site lies within an active State Park providing recreational and environmental educational opportunities for its visitors. The Department encourages activities which are directed towards these elements, including the use of non-motorized watercraft, i.e., canoes and kayaks. Many visitors to the Milburn Landing camp ground take advantage of the proximity of the Pocomoke River and put their craft into the water at the campground. This availability reduces and/or eliminates the need to drive to another location to put in. The use of gas-powered vehicles is confined only to dropping the canoe off at the put-in site.

(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

As stated in B(1)above, the location of the proposed canoe/kayak launch will encourage low-impact use of one the Chesapeake Bay's tributaries, the Pocomoke River. The project promotes DNR's efforts to provide environmentally sensitive activities such as canoeing and kayaking.

(3) That the project or program is otherwise in conformance with this subtitle;

The project is in conformance with the Critical Area Program. No trees will be removed for the project and there will be no impacts on Habitat Protection Areas.

The conditional approval request shall, at a minimum, contain the following:

(1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;

If unable to proceed with the project DNR would be unable to stabilize an eroding bank along the Pocomoke River and provide authorized recreational and environmental education activities in a State Park.

(2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

The scope of the project has been reduced to lessen impacts on the site. The original plan called for a larger parking area adjacent to the canoe launch. The parking area was removed and the only work that will take place along the road is to improve the shoulder to stabilize the surface.

(3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

Installation of the project will mitigate adverse effects of bank erosion along the Pocomoke River and provide a stable canoe/kayak launch for low impact recreation and environmental education activities.

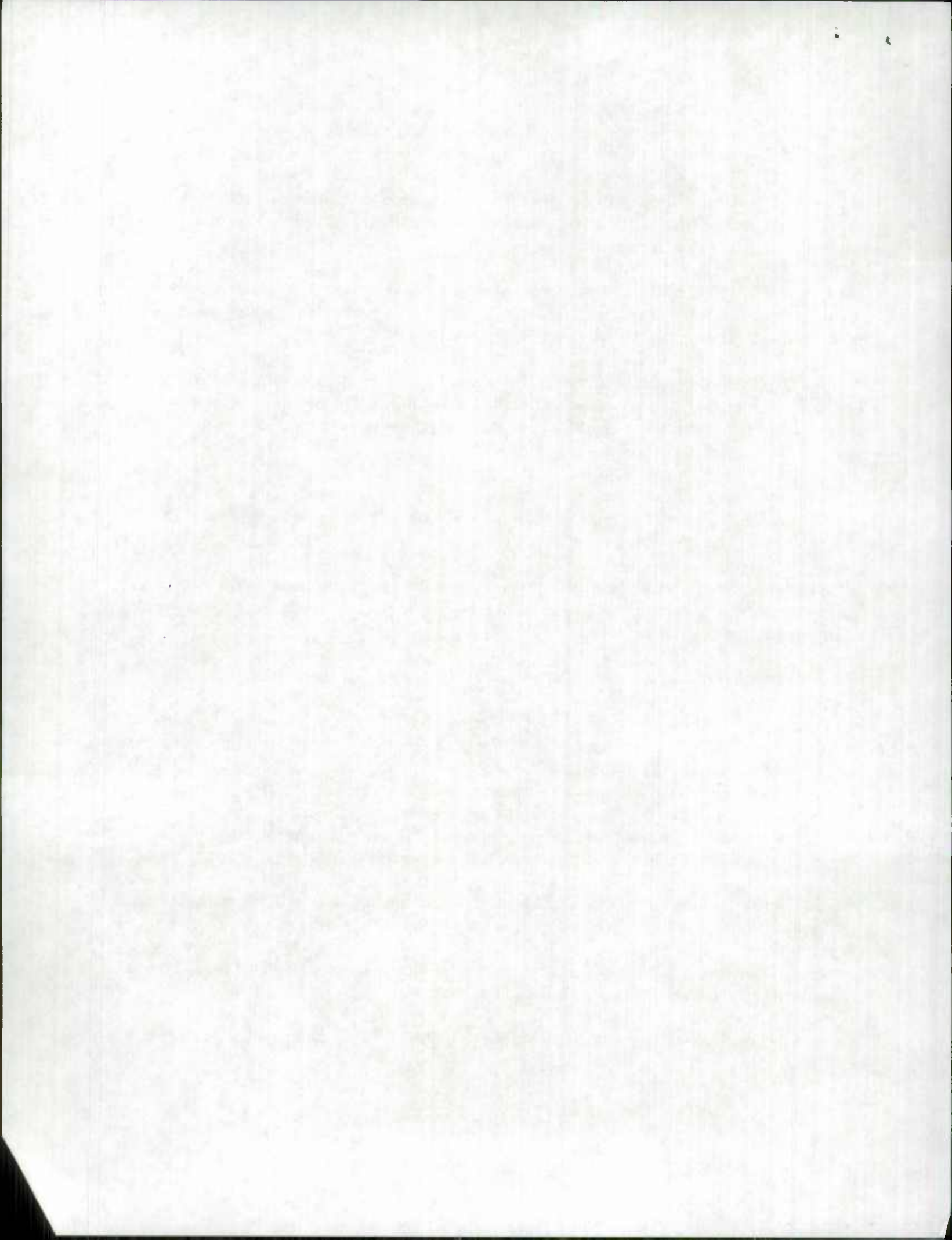
The Commission is required to base its approval, denial or modification to this project on the following factors:

- 1. The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;*
- 2. The adequacy of any mitigation measure proposed to address the requirements of this subtitle that cannot be met by the project or program; and*
- 3. The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Chesapeake Bay Critical Area Program.*

If a conditional approval for the drop-off is granted by the Commission, Staff recommends that it include a condition requiring mitigation for the drop-off area in the Buffer at a 3:1 ratio.

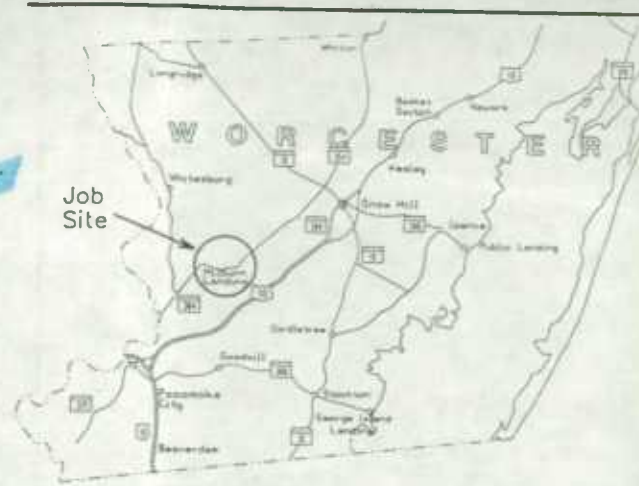
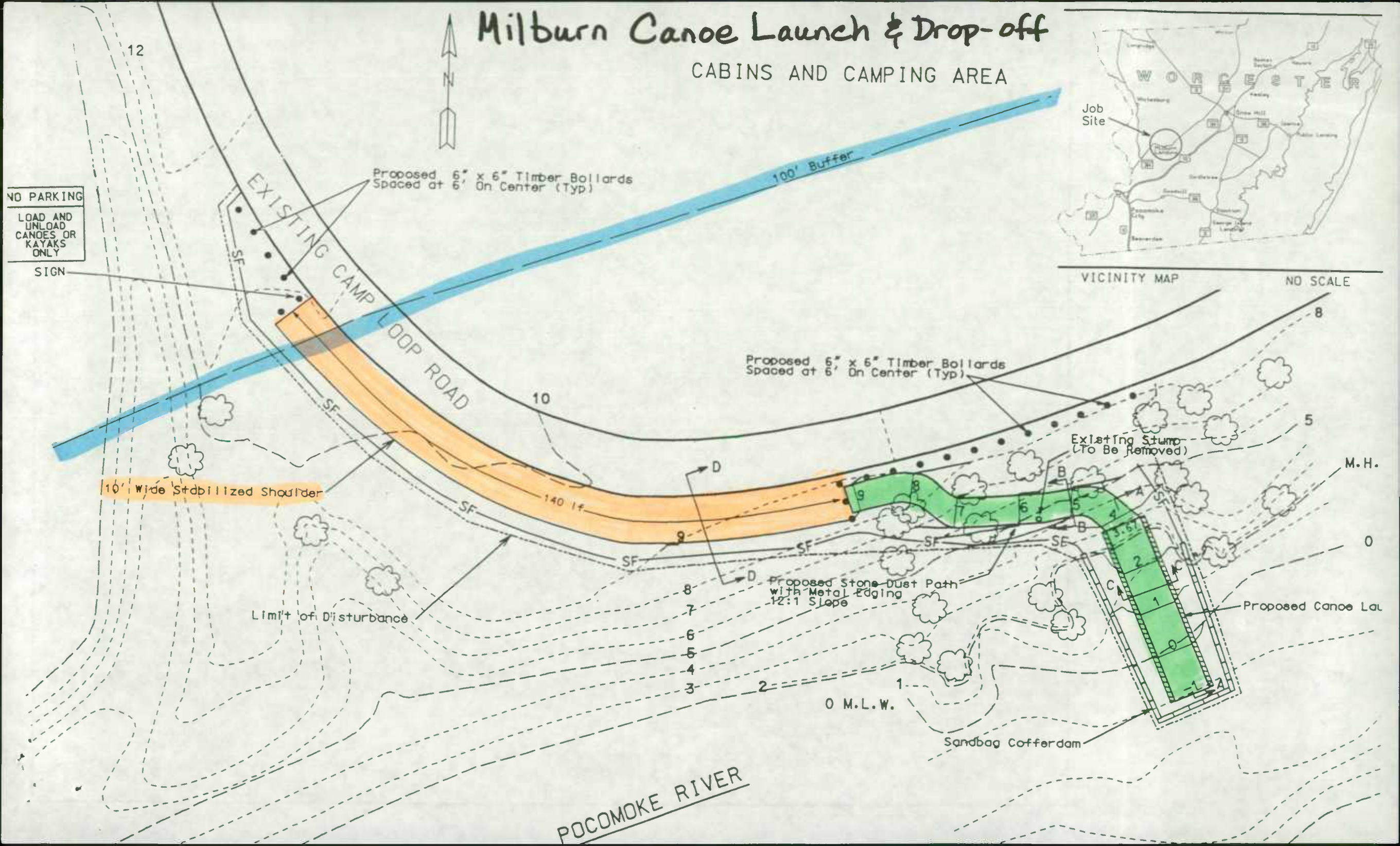
In regard to the access path and canoe launch, staff recommends approval with the condition that mitigation is provided for disturbance in the Buffer at a 2:1 ratio.

A signed planting agreement should be provided by DNR along with planting plans within 60 days of approval.



Milburn Canoe Launch & Drop-off

CABINS AND CAMPING AREA



NO PARKING
LOAD AND UNLOAD
CANOES OR
KAYAKS
ONLY
SIGN

EXISTING CAMP LOOP ROAD

Proposed 6" x 6" Timber Bollards
Spaced at 6' On Center (Typ)

Proposed 6" x 6" Timber Bollards
Spaced at 6' On Center (Typ)

10' Wide Stabilized Shoulder

Limit of Disturbance

Proposed Stone Dust Path
with Metal Edging
12:1 Slope

Existing Stump
(To Be Removed)

Proposed Canoe Lau

POCOMOKE RIVER

Sandbag Cofferdam

0 M.L.W.

M.H.

POCOMOKE RIVER STATE PARK
MILBURN LANDING AREA
PROPOSED CANOE LAUNCH

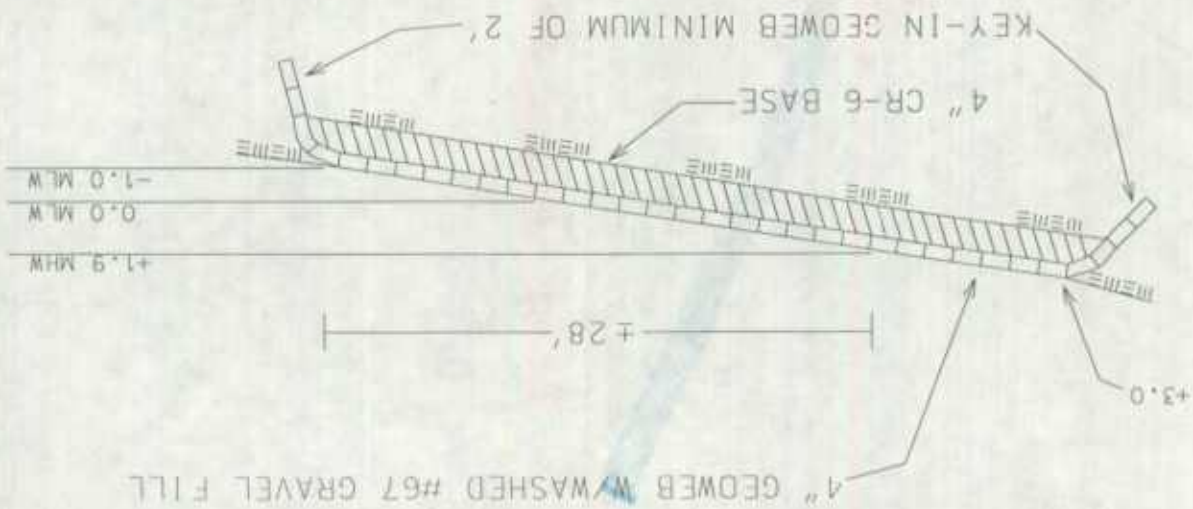
STONE DUST PATH DETAIL

NO SCALE



STABILIZED CANOE LAUNCH DETAIL

NO SCALE



Critical Area Commission

STAFF REPORT

April 7, 2004

APPLICANT: Anne Arundel County

PROPOSAL: Amendment – Comprehensive Review
County Council Bills 49-03 and 78-03

COMMISSION ACTION: Vote

COMMISSION PANEL: Louise Lawrence, Chair; Ella Ennis; Jim McLean

PANEL RECOMMENDATION: Pending Panel Discussion

STAFF: Mary Owens, Lisa Hoerger

Bob Winchester

**APPLICABLE LAW
REGULATIONS:**

Spurg = Joint oversight committee
Natural Resources Article §8-1809(g) Review and
Proposed Amendment of Entire Program

DISCUSSION:

web site

Anne Arundel County has completed a comprehensive review of its Critical Area program. The last comprehensive review occurred in 2000. County Council Bill 49-03 constitutes the changes proposed to the Zoning, Subdivision and Stormwater ordinances and adopted a significantly revised Program document. Council Bill 78-03 repealed the revised Program document and restored the County's original Program document. A panel of the Commission held a public hearing on Thursday, March 18, 2004. There was no public comment; however, there was extensive public comment on Bill 49-03 before the County Council.

Summarized below are the changes to the County's Critical Area regulations included in the bills and several issues are outlined that have been discussed with County staff, but are not necessarily reflected in the bills. Those items that appear in bold text require special consideration since the panel and Commission staff are proposing amendments to these sections of Bill 49-03.

Bill 49-03

ARTICLE 3 - COUNTY BOARD OF APPEALS:

1. Section 2-106 was amended to add the term "natural features" as a consideration in determining that a mistake was made in the original Critical Area mapping as it relates to

the findings that must be made for Critical Area reclassification requests. The County has also clarified language in a customer publication regarding the information that is analyzed when these request are evaluated.

ARTICLE 21 - FLOODPLAIN MANAGEMENT, SEDIMENT CONTROL, AND STORMWATER MANAGEMENT:

1. In section 2-101, various definitions have been deleted and amended.
2. In section 2-209, fees associated with securities for ensuring that mitigation planting is accomplished have been increased from \$0.40 per square foot to \$0.60 per square foot so the fee is consistent with the fees in the Zoning Ordinance.
3. In section 2-301, provisions relating to shoreline stabilization and erosion control have been amended to clarify that natural vegetation and nonstructural methods shall be employed to the extent possible in place of structural methods where possible. Various provisions relating to forest and woodland protection have been amended. The preservation of high quality forest is now included in the analysis of development applications. Standards regarding the removal of vegetation have been revised. Removal of invasive species shall be accomplished in accordance with a Forest and Woodland Plan (may be prepared by a property owner and approved by planning staff) approved by the Office of Planning and Zoning. Removal of noninvasive species may also be permitted with a Forest Management Plan (must be a registered, professional forester and approved by the County Forestry Board) or Buffer Management Plan.
4. Section 3-205 has been substantively amended. Specific provisions for improving water quality in Intensely Developed Areas on lots less than 5,000 square feet and less than 1,000 square feet have been added. These provisions provide an alternative to completing the worksheets and calculating pollutant removal requirements as outlined in the Commission's recently updated "Critical Area 10% Rule Guidance Manual." The provisions allow planting or the payment of offset fees based on square footage of new impervious surface rather than the construction of Best Management Practices to treat a calculated pollutant load for smaller development projects.

Commission staff has analyzed the County's proposal and discussed it with County staff. It appears the County's proposal requires significantly lower fees and lower planting requirements than those recommended in the Commission's 10% Rule guidance. The panel asked Commission staff for their recommendation regarding these provisions. Overall, Commission staff supports the County's effort to streamline the implementation of measures to meet the pollutant removal requirement for smaller development sites that may be generating a small pollutant removal; however staff believes that the County's proposal is too broad and that the County has not yet established adequate data tracking and reporting procedures to ensure that the pollutant removal requirements are being met. Staff recommends

this section be amended to state that these provisions are applicable only to grandfathered, residential sites involving less than 1,000 square feet of disturbance.

5. Other amendments to Section 3-205 include referencing the Commission's recently updated "10% Rule" guidance, entitled "Critical Area 10% Rule Guidance Manual," and requiring that fees-in-lieu that are collected are to be used to improve water quality within the same watershed where the project is located.

ARTICLE 26 - SUBDIVISIONS:

1. In section 1-1-1, various definitions have been deleted and amended.
2. In section 3-110, provisions have been added requiring that within the Critical Area, if a site meets standard percolation requirements for a conventional septic system, nitrogen removal technology is required. This would apply to new subdivisions only. It would not apply to the development of lots that were platted prior to adoption of these regulations. Also in this section, provisions have been clarified and amended to limit the application of the 10% pollutant reduction requirement to development activities in IDAs only and to reference the Commission's current guidance document.
3. Other amendments to section 3-110 include amendments to forest and developed woodland protection provisions. Fees for clearing have been increased as follows: for up to 20% of existing forest cover, fees went from \$0.40 per square foot to \$0.60 per square foot; for more than 20% up to 30% of existing forest cover, fees went from \$0.60 per square foot to \$0.90 per square foot; for forest cleared in excess of 30% or without a grading permit, fees went from \$1.20 per square foot to \$1.80 per square foot. These fees were changed to be consistent with the fees in the Zoning Ordinance.
4. In section 3-111, provisions allowing development on slopes greater than 15% have been clarified to specifically exclude development within the Critical Area.

ARTICLE 28 ZONING

1. In section 1-101 and section 1-119, various definitions have been deleted and amended. The definition of "structure" has been amended; however, it still provides exclusions for walks, fences, driveways, and parking lots. The exclusion for walks, driveways, and parking lots has been discussed extensively with County staff, because they do not issue permits for these. County staff believes that training of County permit staff has eliminated problems created by these development activities with regard to Buffer and impervious surface violations, and a standard grading plan, Critical Area worksheet and location survey are required. The inspections office will inspect these sites for compliance.
2. In section 1A-103, two amendments have been made to the County's "RCA Uses" list. Uses in this list do not require growth allocation. Uses in this list do not require growth allocation. These amendments include a clarification to "accessory structures" to exclude structures used for human habitation. **The second change involves the addition of**

“community parks, playgrounds and recreational uses” (in addition to public facilities) with the provision that they be “consistent with preservation of natural habitat.” This issue was discussed when the County’s original “RCA Uses” list was proposed, and it was determined that there could be instances where community facilities would not be compatible with typical RCA land uses, particularly when these facilities serve development located within LDAs and IDAs. The panel may recommend an amendment to this language.

3. In Section 1A-104, various provisions have been clarified and provisions added regarding the maintenance of existing forest in IDAs.
4. In Section 1A-105, the standards pertaining to impervious surface limits have been clarified, and a table added to show the impervious surface limits based on lot size. This section has also been amended to specify that “native species” shall be required for reforestation and afforestation planting. As in the other articles, fees for securing replanting required under a Buffer Management Plan have been increased from \$0.40 to \$0.60 per square foot.
5. Amendments to Section 1A-108 involve changes to the County’s growth allocation process and criteria for awarding growth allocation. Future growth allocation projects shall be limited to commercial or industrial uses, shall be served by existing or planned public water and sewer, and for RCA to LDA conversions, the site must be adjacent to existing LDA or IDA. Additional provisions specify certain increased Buffer widths (to 300 feet), enhanced forest and vegetative cover requirements, reduced impervious surface limits (to 10% of a parcel for RCA to LDA), and the use of parking structures, if possible.
6. In section 1A-109, Buffer Exemption Area provisions for commercial, industrial, recreational, and multifamily uses have been added to the County Code. Previously, the County did not have provisions for this type of development, and the application of the residential provisions in these areas was difficult and confusing for applicants. This section adds a finding for the mapping of new Buffer Exemption Areas. **The new provisions are generally consistent with the Commission’s policy; however, mitigation is not required in situations where development activities take place in areas of the Buffer that are already impervious. This is not consistent with the Commission’s policy for Buffer Exemption Areas and other jurisdictions’ BEA regulations that require mitigation at a 2:1 ratio for the extent of the footprint of the development activity in the Buffer. It has been the Commission’s position that the more intense land use associated with this type of development warrants mitigation for all development activities, regardless of whether or not they are constructed on an existing impervious area.** This section has also been clarified to specify that BEA designation applications are limited to grandfathered lots and parcels, and that expense will be considered in the case of redevelopment of commercial sites.

7. In Section 10-112, provisions relating to shoreline stabilization and erosion control have been amended to clarify that natural vegetation and nonstructural methods shall be employed to the extent possible in place of structural methods where possible.
8. Section 11-102.3 was amended to add the term "natural features" as a consideration in determining that a mistake was made in the original Critical Area mapping as it relates to the findings that must be made for Critical Area reclassification requests.

Bill 78-03

This Bill deleted an amended version of the County's Critical Area Program document from Bill 49-03. The original version of the Program document still remains in effect.

Critical Area Maps

The County has proposed several minor amendments to their Critical Area maps. The County has designated a new Buffer Exemption Area on Gibson Island. (See attached Gibson Island BEA findings and maps). The County is proposing to extend the Critical Area in southern Anne Arundel near Deale. (See attached memo entitled Critical Area Boundary Extension – Magenau Property and maps). The zoning of the Magenau Property was changed to Open Space zoning, and the property will be protected by an easement held by the Maryland Environmental Trust. The site is approximately 8.472 acres. It will be used as a Critical Area reforestation site. The County received updated Habitat Protection Area Maps in March 2003 and is currently using them. They anticipate another update of those maps later this summer.

Critical Area Acreage and Growth Allocation

The County has reported that they have 22,883.10 acres of RCA, 20,929 acres of LDA, and 5,133 acres of IDA. They have provided a summary of all map changes since the last comprehensive review in August 2000.

Additional Critical Area Program Issues:

Intrafamily Transfer Provision

It is the understanding of Commission staff that this provision in the County's Critical Area Program is not being implemented consistent with the Critical Area law since there have been instances of subsequent transfers to non-family members without showing a change in circumstances. Instead the County routinely allows these transfers after five years without addressing the requirements of §8-1808.2(g) of the Natural Resources Article of the Annotated Code of Maryland. County staff has stated that the intrafamily transfer provision may be suspended throughout the County as part of a comprehensive reorganization of the County's ordinances that will occur later this year. The Panel felt that this solution may not be acceptable and warranted further discussion.

Buffer Exemption Area Designation

Under an agreement made with Anne Arundel County in the early 1990s, the Commission allowed the County to designate Buffer Exemption Areas with review and comment by Commission staff, but without formal Commission review and approval. This process is no longer consistent with current Commission practices and is not the process used by any other jurisdiction. The County has agreed that they will submit all future designations of new Buffer Exemption Areas to the Commission for formal review and approval as a Critical Area Map Amendment. In accordance with this agreement, the County has submitted one new BEA in this comprehensive review package.

Status of Reforestation Fund and 10% Pollutant Reduction Fund

The Commission has requested an accounting of the fees collected for forest replacement and offset fees for stormwater and how these monies have been spent. The Commission received this information on March 26, 2004, and the County staff will provide a summary to the Commission. With regard to stormwater offset fees, the Commission is interested in how many pounds of required pollutant removal were satisfied by offset fees, how much money has been collected, and what stormwater treatment projects have been implemented. Additional information has been requested from the County, but was not provided at the Panel meeting. The Panel believes this information is an essential element of the comprehensive review of the County's Program and will need to be submitted and reviewed before the review can be completed.

County Lot Inventory

The Commission has requested information about the grandfathered status of various parcels created prior to adoption of Anne Arundel County's Critical Area Program. These parcels are identified as "outlots", "outparcels", "residues", "reserve parcels", "open space", and a variety of other terms. The Commission is interested in knowing if the County considers all of these properties grandfathered lots and how this determination is made. The County informed Commission staff and the Panel that the County is conducting an inventory of these lots, and that the final report has not yet been released. Although the Commission is interested in the results of the County's study, the primary objective is to understand how the County determines if a property is considered a legally buildable "grandfathered lot." At the Panel hearing, Spurgeon Eismeier, the Director of Inspections and Permits, stated that he has a checklist that he uses to make this determination when reviewing applications. The Panel requested a copy of the checklist; however, it has not yet been provided to Commission staff. The Panel believes that this issue is significant relative to the implementation of the County's Program and would like the opportunity to review this document.

Enforcement

Over the last three years, the Commission has been made aware of several serious violations in the County. During meetings with County officials and staff over the last eighteen months, Commission staff has been made aware of numerous changes to the County's enforcement procedures and processes. County staff discussed the new procedures with the panel. It is likely that the Commission will want an update on several outstanding violations sites.

Highland Beach

The County has a Memorandum of Understanding (MOU) with the Town of Highland Beach for implementation and enforcement of their Critical Area provisions. In the past, there have been some issues where it seemed the MOU was unclear or not being interpreted consistently. Commission staff is coordinating with the Town to see if these issues have been addressed or if it may be necessary to update the MOU.

Bond Language

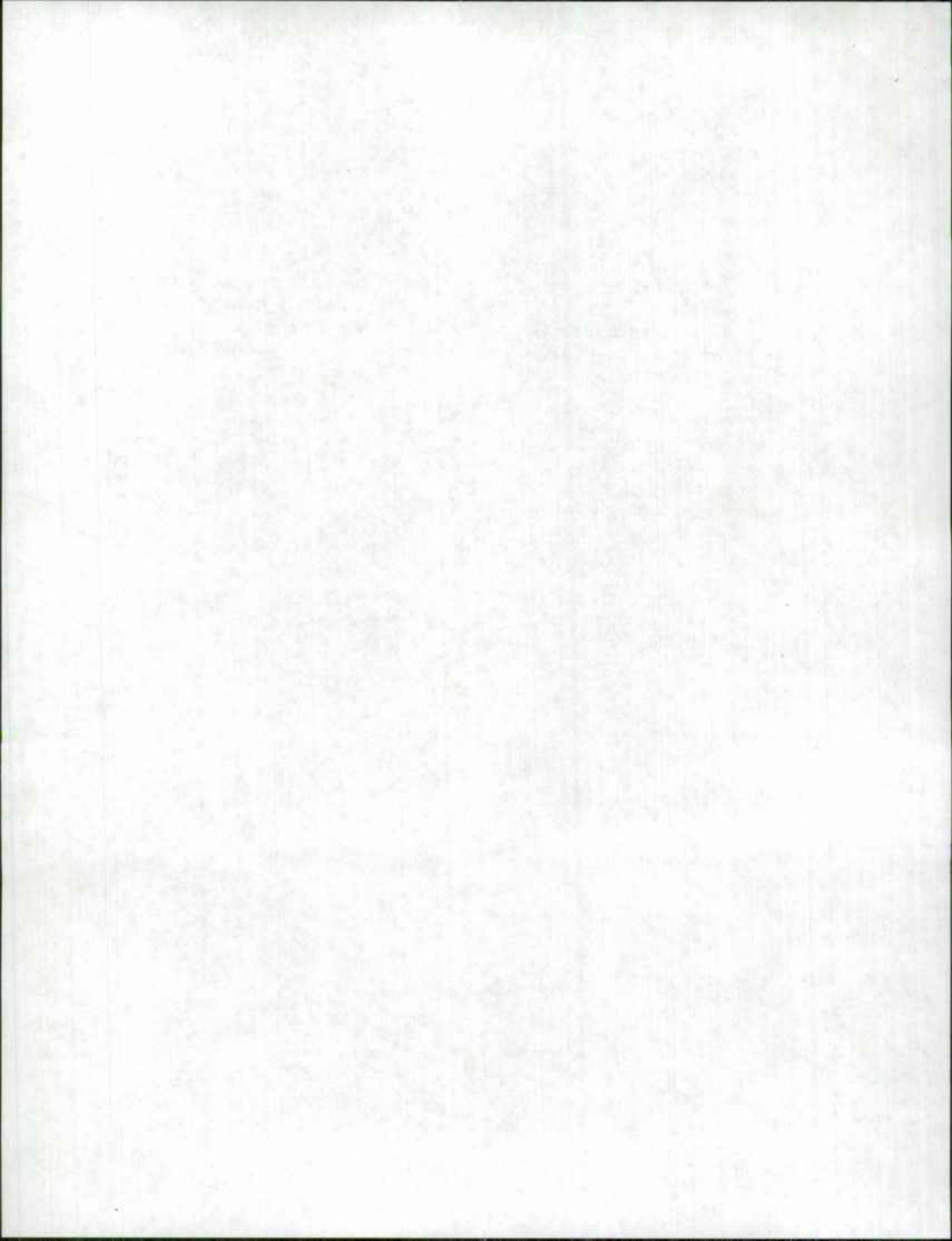
It is the understanding of Commission staff that the County cannot plant on certain sites where a reforestation bond has been collected and the bond has been forfeited. It is the Commission's understanding that this issue has been addressed for bonds that are currently being collected, and the County is working with individual property owners to address how the reforestation will be accomplished on older, forfeited bonds.

Compliance with Impervious Surface Limits

There is a subdivision recorded under the County's Critical Area provisions that has exceeded allowable impervious surface limits on numerous occasions. County staff reported that they are working with the various property owners to resolve this situation on a case-by-case basis by replacing impervious materials with pervious ones.

Panel Discussion

The panel will meet again on the morning of the Commission meeting to finalize any comments or concerns and discuss and proposed conditions. If you have any questions, please contact Mary Owens or Lisa Hoerger at (410) 260-3478.



property owner has worked with a consultant to develop a forest management plan and a wildlife management plan for the site.

Water Quality Guidelines

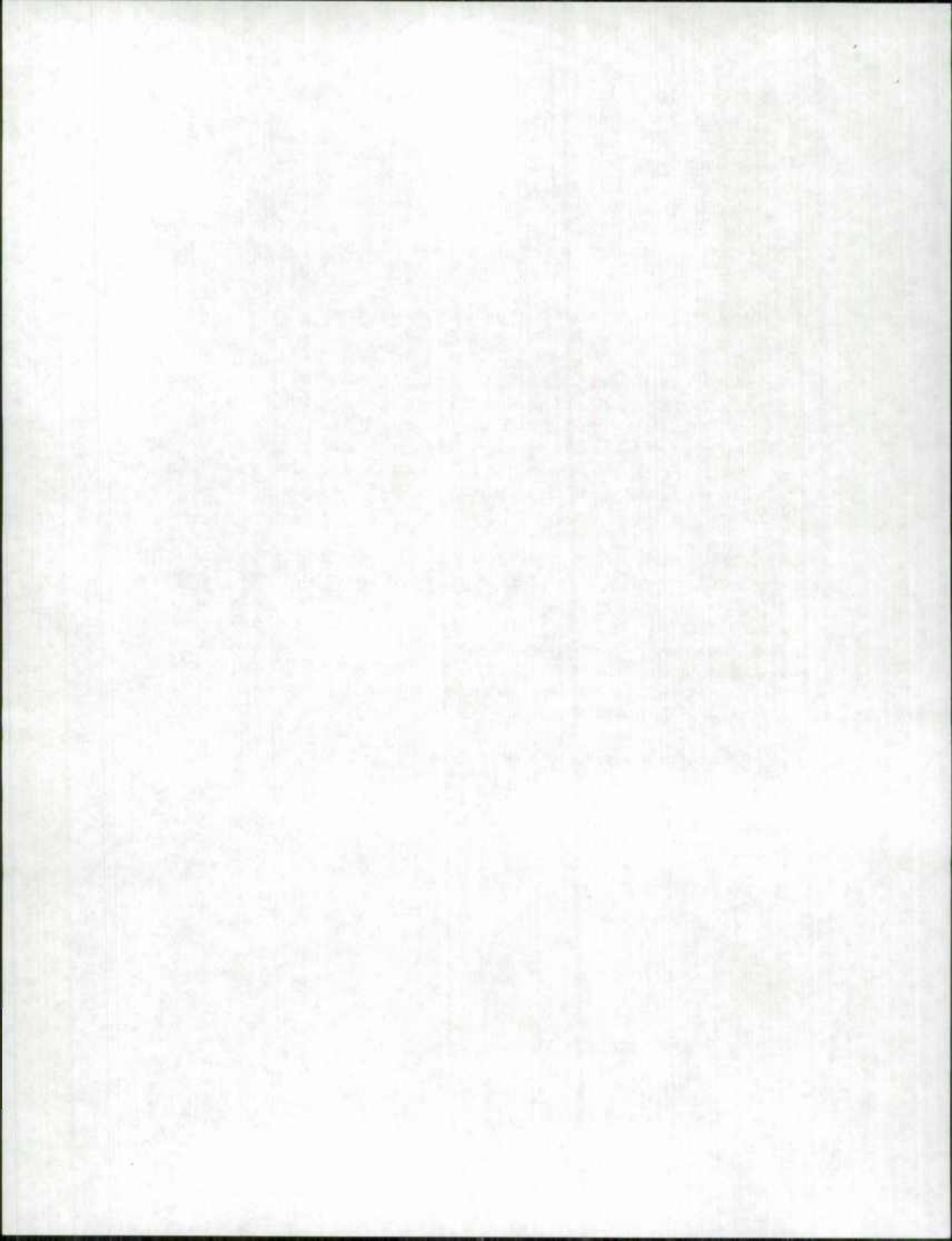
The extension will protect several areas of nontidal wetlands and extensive areas of hydric soils. Hydrologic characteristics in the area make it vulnerable to flooding and it is likely that this condition would be exacerbated by clearing and development in this area.

Guidelines Minimizing Impact From the Number and Movement of People in the Critical Area

1. The extension will prevent substantial development adjacent to the original Critical Area as this area was formerly zoned for medium to high density residential development. The property owner had explored the possibility of creating 22 lots in this area. Although the extension area contains areas of nontidal wetlands, portions of the land are developable and it is likely that development proposals for this area would maximize development on the upland areas resulting in large, concentrated areas of clearing and impervious surfaces.
2. The extension area is currently not proposed for future development; however, the property owner may expand the extension area to increase the Critical Area acreage to more than 40 acres so that two dwelling (rather than one) can be constructed on the property. Any future dwellings would be located in the original Critical Area close to Deale Beach Road for the following reasons: 1) to minimize clearing associated with the development of lots in the interior of the parcel; 2) to gain access to a gravity sewer line; and 3) to create and maintain contiguous forest in the interior of the site, resulting in a more viable wildlife corridor network.

Supporting Reasons for Extending the Critical Area

The proposed extension is located partly between two arcs of the Critical Area and the extension is adjacent to the existing Critical Area. The extension will expand the Critical Area by approximately 300 feet beyond the 1,000-foot boundary.



**CRITICAL AREA COMMISSION
FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street
Annapolis, Maryland 21401**

TO: Louis Lawrence, Chair; Frank Dawson; Ella Ennis; Jim McLean
FROM: Mary Owens, Lisa Hoerger
DATE: March 11, 2004
SUBJECT: Critical Area Boundary Extension – Magenau Property

Several years ago, County and Commission staff began working with a property owner, Mr. Tom Magenau, with some land in southern Anne Arundel County that he was in the process of evaluating for various development opportunities. Ultimately, it was determined that most of the property was unsuitable for development because of nontidal wetlands, generally poor drainage, lack of sewer service, and difficult access. It was proposed that Mr. Magenau explore opportunities for conserving some of this land and possibly using the property for a “forest mitigation bank.”

Historically, Anne Arundel County has had an extremely difficult time meeting the forest mitigation requirements in the Critical Area, so Commission staff was very interested in the concept of a forest mitigation bank. Although approximately 15 acres of the property was located outside of the Critical Area boundary, this area was included in the forest mitigation bank discussions. Commission staff and County staff evaluated the resources on the entire site, and it was determined that the area both inside and outside the Critical Area could function as a forest mitigation bank site. It was also discussed that this use would be enhanced if the Critical Area boundary were extended to include the land outside the Critical Area as well.

In June of 2001, Mr. Magenau wrote a letter to Anne Arundel County officially requesting an extension of the Critical Area boundary. In October 2001, the County and Mr. Magenau presented this proposal to the Program Subcommittee, and the Subcommittee agreed that the extension would be consistent with the Commission’s “Policy for Extension of the Critical Area” dated December 6, 1989. The Commission’s Policy states that the extension of the Critical Area should result in an improvement in water quality or water quality protection, an improvement in plant or wildlife habitat, or reduced human impact. The policy sets forth five mandatory administrative requirements that **must be** met and then sets forth three categories of guidelines and requires that proposals meet one or more guidelines in each category. The County Council approved this amendment to the County’s Critical Area maps as part of the recently completed comprehensive review.

On November 17, 2003, Anne Arundel County officially approved an amendment to their Critical Area maps to extend the Critical Area boundary to include an area identified as Tax Map 78, part of Parcel 75 and consisting of approximately 8.472 acres.

The proposal to extend the Critical Area to include portions of the Magenau property meets the requirements of the Commission's policy as summarized below:

Administrative Requirements

1. The proposal will provide additional resource protection by protecting a mosaic of forested nontidal wetlands and providing additional areas for reforestation adjacent to mature forested areas that may be potential Forest Interior Dwelling Species (FIDs) habitat.
2. The property is generally undeveloped and resource protection will be enhanced by the execution of a conservation easement.
3. Five percent of the area that is not nontidal wetlands or publicly owned may be used to generate additional growth allocation for the County.
4. The extended area will be added as RCA which functions as an overlay zone in Anne Arundel County. The Critical Area overlay zone supersedes any conflicting underlying zoning; however, the County has changed the zoning of the property to "Open Space" through the comprehensive rezoning process.
5. This proposal will provide protection of extensive areas of forested nontidal wetlands, provide protection of a bald eagle nest sites, provide opportunities for improved compliance with forest mitigation requirements and may enhance FIDs habitat. The site may also provide opportunities for natural resource-based education and recreation. These benefits exceed any potential detriment from development allowed. No development is proposed in the extended area.

Habitat Protection Guidelines

1. The land in the expansion area includes areas of nontidal wetlands and riparian forests. The extension fills in an area between two arcs of the Critical Area boundary and will significantly enhance the water quality and habitat functions of this area of forested nontidal wetlands.
2. The extension will protect a relatively large forest tract, which is currently fragmented due to a previous golf course operation that was discontinued in 1988. The original fairway areas are currently mowed, but they will be planted or allowed to naturally regenerate as part of the County's forest mitigation efforts.
3. The forested areas will be permanently protected by easements. An easement for a portion of the property has been executed with the Maryland Environmental Trust. The

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 20023, Legislative Day No. 41

RECEIVED

Bill No. 78-03

Introduced by Ms. Vitale and Mrs. Samorajczyk

JAN 30 2004

By the County Council, November 17, 2003

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Introduced and first read on November 17, 2003
Public Hearing set for and held on December 15, 2003
Bill Expires on February 20, 2004

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Chesapeake Bay Critical Area

2
3 FOR the purpose of deleting certain language that was adopted in Bill No. 49-03

4
5 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
6 *Maryland,* That Section 4 of Bill No. 49-03 is hereby repealed and reenacted as follows:

7
8 Section 4. *And be it further enacted,* That the Program and Appendices
9 described in Section 5 of Bill No. 49-88 are hereby amended as shown in the
10 ["Critical Area Program Documents, March 2003" incorporated herein by
11 reference as if fully set forth and by the] "Critical Area Amendment 2003"
12 attached as Exhibit A and the "Buffer Exemption Amendment 2003" attached
13 as Exhibit B. A certified copy of said [program document and] map
14 amendments shall be permanently kept on file in the Office of the
15 Administrative Officer to the County Council and in the [Department] OFFICE
16 of Planning and Zoning.

17
18 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
19 from the date it becomes law.

READ AND PASSED this 15th day of December, 2003

By Order:



Judy C. Holmes
Administrative Officer

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

PRESENTED to the County Executive for her approval this 16th day of December, 2003



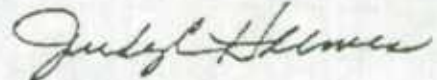
Judy C. Holmes
Administrative Officer

APPROVED AND ENACTED this 18th day of December, 2003



Janet S. Owens
County Executive

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 78-03, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.



Judy C. Holmes
Administrative Officer

FINAL

AMENDED
October 20, 2003
November 3, 2003

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2003, Legislative Day No. 35

RECEIVED

Bill No. 49-03

Introduced by Ms. Vitale, Chairman
(by request of the County Executive)

JAN 16 2004

By the County Council. August 18, 2003

CHEESAPEAKE BAY
CRITICAL AREA COMMISSION

Introduced and first read on August 18, 2003
Public Hearing set for and held on September 15, 2003
Bill Amended on October 20, 2003
Public Hearing on AMENDED BILL set for and held on November 3, 2003
Public Hearing on SECOND AMENDED BILL set for and held on
November 17, 2003
Bill Expires on November 21, 2003

RECEIVED

Jan 16 2004

CHEESAPEAKE BAY
CRITICAL AREA COMMISSION

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: The Chesapeake Bay Critical Area

2
3 FOR the purpose of amending the Chesapeake Bay Critical Area Law; altering certain
4 definitions; changing certain requirements for critical area reclassifications; removing
5 or changing references to certain documents; setting certain clearing requirements;
6 changing certain fees; adding or amending certain resource conservation area uses;
7 placing limits on the use of growth allocation; adding certain requirements for sites
8 approved for growth allocation; creating certain standards for buffer exempt
9 commercial, industrial, recreational, and multifamily uses; adding requirements for
10 buffer exempt commercial, industrial, recreational, and multifamily uses; creating
11 certain development or redevelopment standards for work within buffer exemption
12 areas; adopting and amending certain documents and maps; limiting the effective date
13 of growth allocation provisions; making certain organizational and technical changes;
14 and generally relating to the Chesapeake Bay Critical Area.
15

16 BY repealing and reenacting: Article 3, § 2-106(a)(1); Article 21, §§ 2-101(6F), (22E),
17 and (22K); ~~2-201(b)(1)(iii)~~; 2-209(d)(2); 2-301(i), (j)(2), and (j)(5)(ii); 2-314(a)(3);
18 and 3-205(b); Article 26, §§ 1-101(5H), (27C), and (29D); 1-111(d)(2); 2-303(11); 2-
19 304(c)(21); 3-110(a)(1), (5), and (6)(vi), (b), (d)(2), (e), (f)(6), ~~(g)(3), (6), (7), and (8)~~;
20 3-111; Article 28, §§ 1-101(7O), (28B), and (33E); 1-119(a)(3); 1A-103(h)~~(1)~~, (8),
21 (22), and (38), ~~and (41)~~; 1A-104(a)(1) and (6), (b), and (c)(1); 1A-105(a), (b),
22

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 (h)(3)(v), and (5)(ii); 1A-108(a), (h), and (i); 1A-109(a), (b), (c)(1)(i) and (h)
2 and (3)(v)1; 5-109 (c)(3); 10-112(a)(9) and 11-102.3(c)(1)
3 Anne Arundel County Code (1985, as amended)
4

5 BY repealing: Article 21, § ~~2-101(22D)~~ and 3-205 ~~(b)~~, (c) and (d); ~~Article 26, § 1-~~
6 ~~101(27B)~~ and Article 28, § ~~1-101(28A)~~ and 12-214(b)(3)
7 Anne Arundel County Code (1985, as amended)
8

9 BY adding: Article 21, § 2-301(d); 2-314(a)(4); ~~3-205(b)~~ and (c); Article 26, § 2-
10 304(c)(21A) and 3-110(a)(1A) and (7); and Article 28, § 1A-103(h)(1), 1A-104(a)
11 (1A) and 1A-109(e)
12 Anne Arundel County Code (1985, as amended)
13

14 BY renumbering: Article 21, §§ ~~2-101(22F) through (22O)~~, and 2-301(d) through (h), (j)
15 and (k); 2-314(a)(4) through (7) to be Article 21, § ~~2-101(22E) through (22N)~~; and 2-
16 301(e) through (i), (k) and (l); 2-314(a)(5) through (8), respectively; and Article 28,
17 §§ 1A-103(h)(1), 1A-105(c) through (j); and 1A-109(e) through (h) to be Article 28,
18 §§ 1A-103(h)(1A), 1A-105 (d) through (k); and 1A-109(f) through (i), respectively
19 Anne Arundel County Code (1985, as amended)
20

21 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
22 *Maryland,* That Article 21, §§ ~~2-101(22D)~~ and 3-205 ~~(b)~~, (c) and (d); ~~Article 26, § 1-~~
23 ~~101(27B)~~ and Article 28, §§ ~~1-101(28A)~~ and 12-214(b)(3) of the Anne Arundel County
24 Code (1985, as amended) be and they hereby are repealed.
25

26 SECTION 2. *And be it further enacted,* That Article 21, §§ ~~2-101(22F) through~~
27 ~~(22O)~~; and 2-301(d) through (h), (j) and (k); 2-314(a)(4) through (7); and Article 28, §§
28 1A-103(h)(1), 1A-105(c) through (j); and 1A-109(e) through (h) of the Anne Arundel
29 County Code (1985, as amended) are hereby renumbered to be Article 21, §§ ~~2-101(22E)~~
30 ~~through (22N)~~; and 2-301(e) through (i), (k) and (l); 2-314(a)(5) through (8); and Article
31 28, §§ 1A-103(h)(1A), 1A-105(d) through (k); and 1A-109(f) through (i), respectively
32

33 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
34 Code (1985, as amended) read as follows:
35

36 ARTICLE 3 COUNTY BOARD OF APPEALS
37 TITLE 2. ZONING APPEALS
38

39 2-106. Standards and procedures for granting or denying critical area reclassifications.
40

41 (a) Critical area reclassifications shall be granted or denied in accordance with
42 compatibility with the underlying zoning district, but a reclassification may not be
43 granted except on the basis of an affirmative finding that:
44

45 (1) there was a mistake in the approved Chesapeake Bay Critical Area map based
46 on land uses OR NATURAL FEATURES in existence on December 1, 1985;
47

48 .. ARTICLE 21 FLOODPLAIN MANAGEMENT, SEDIMENT CONTROL, AND

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

STORMWATER MANAGEMENT
TITLE 2. GRADING AND SEDIMENT CONTROL

2-101. Definitions.

(6I) "Buffer management plan" means a plan prepared for any clearing or disturbance in the buffer [that follows a format selected by the Maryland Forest, Park and Wildlife Service and is approved by the Office of Planning and Zoning] AND DESIGNED TO MAINTAIN OR ENHANCE NATIVE VEGETATION AND THE STRUCTURE OF THE FOREST AND PROVIDE MINIMUM NECESSARY WATER ACCESS.

~~{(22D) "Habitat assessment manual" means a document containing the methodology designed by the Office of Planning and Zoning for the purpose of evaluating and inventorying wildlife habitat.~~

(22E) ~~(22D)~~ "Habitat protection area" means those areas of State and local significance that are identified by {using the} A habitat assessment {methodology found in the habitat assessment manual} and that include:

(i) buffers;

(ii) the habitats of threatened and endangered species and species in need of conservation;

(iii) anadromous fish propagation waters;

(iv) plant and wildlife habitats, including:

1. colonial water bird nesting sites;

2. historic waterfowl staging and concentration areas;

3. riparian forests 300 feet or more in width;

4. large forested areas (100 acres or more);

5. natural heritage areas;

6. plant and wildlife habitats of local significance;

7. wildlife corridors; [and]

8. FOREST INTERIOR DWELLING BIRD HABITAT; AND

[8.] 9. nontidal wetlands.

(22K) "Impervious surface" means hot bituminous asphaltic pavement, cold mix asphaltic pavement, compacted gravel surfacing INCLUDING DRIVEWAYS AND PARKING AREAS, and portland cement concrete used for roads, sidewalks, driveways, curb and

1 gutter, patios, porches, swimming pools, tennis courts, parking areas, and principal and
2 accessory structure coverage areas.

3
4 ~~2-201. Permit required; exceptions:~~

5
6 ~~(b) A grading permit is not required for the following, provided the other provisions~~
7 ~~of this title and of applicable State law are satisfied:~~

8
9 ~~(1) grading activities associated with commercial or residential construction on a~~
10 ~~lot on which the following conditions exist:~~

11
12 ~~(iii) not more than 15,000 square feet will be disturbed during development,~~
13 ~~except [as follows:~~

14
15 ~~1.] in the critical area [, not more than 5,000 square feet will be disturbed;~~

16 ~~and~~

17
18 ~~2. in] OR a bog protection area, development that does not disturb more~~
19 ~~than 5,000 square feet and that has not been previously given an exemption under this~~
20 ~~section.~~

21
22 2-209. Security.

23
24 (d) (2) In the critical area security shall be at the additional rate of [\$0.40] \$.60 per
25 square foot of areal extent to cover all replanting for two complete growing seasons.

26
27 2-301. Erosion and sediment control.

28
29 (D) NATURAL VEGETATION AND NONSTRUCTURAL METHODS SHALL BE EMPLOYED
30 TO THE EXTENT POSSIBLE, FOR SHORELINE STABILIZATION AND EROSION CONTROL IN
31 PLACE OF STRUCTURAL METHODS WHEREVER POSSIBLE.

32
33 [(i)] (J) (1) There shall be a minimum 100-foot buffer landward from the mean high-
34 water line of tidal waters, tributary streams, and tidal wetlands[. The] AND:

35
36 (I) THE buffer shall be expanded beyond 100 feet to include contiguous,
37 sensitive areas such as steep slopes and hydric soils or highly erodible soils whose
38 development or disturbance may impact streams, wetlands, or other aquatic
39 environments[.]; AND

40
41 (II) [If] IF there are contiguous slopes of 15% or greater, the buffer shall be
42 expanded four feet for every 1% of slope or to the top of the slope, whichever is greater,
43 and shall include all land within 50 feet of the top of the bank of steep slopes.

44
45 (2) There shall be a minimum 25-foot buffer surrounding all nontidal wetlands.

46
47 [(j)] (K) Development and grading activities in the critical area on legally existing lots
48 and legally platted parcels of land of record on or before December 1, 1985 that have not
49 otherwise been subject to critical area regulation are permitted in accordance with the

1 following limitations:

2 (2) except for renovations or new accessory structures described in subsection ~~(k)~~
3 ~~[(k)]~~ (L) of this section, in resource conservation areas and limited development areas,
4 new principal structures, additions or renovations to existing principal structures, or
5 accessory structures are permitted with the approval of the Office of Planning and Zoning
6 in accordance with the following additional [locational] criteria:

7
8 (i) all buffers for the preservation or enhancement of the environment are
9 maximized; [and]

10
11 (ii) siting in areas of existing native or wooded vegetation is to be avoided
12 whenever possible; AND

13
14 (III) THE HIGHEST QUALITY FOREST SHALL BE PRESERVED;

15
16 (5) development on a parcel that does not have an existing natural buffer within
17 100 feet of the shoreline and does not necessitate the clearing of natural vegetation shall
18 have a buffer reestablished in accordance with the following:

19
20 (ii) a buffer management plan shall be approved by the Office of Planning and
21 Zoning and an agreement shall be entered into with the County that includes security
22 posted for the replanting at a rate of [~~\$.40~~] \$.60 per square foot; and

23
24 2-314. Critical area criteria.

25
26 (a) *Removal of Trees.*

27
28 (3) Cutting trees or removing natural vegetation in the buffer is permitted if [such]
29 cutting or removal OF ALL NONINVASIVE SPECIES is covered by a forest management
30 plan or buffer management plan and when necessary:

31
32 (i) to provide access to private piers; or

33
34 (ii) to install or construct a shore erosion protection device or measure or a
35 water-dependent facility that has received all necessary State and federal permits.

36
37 (4) REMOVAL OF INVASIVE SPECIES SHALL BE PURSUANT TO A FOREST AND
38 WOODLAND PLAN APPROVED BY THE OFFICE OF PLANNING AND ZONING.

39
40 TITLE 3. STORMWATER MANAGEMENT

41
42 3-205. Minimum control requirements in the critical area.

43
44 ~~(B) FOR INTENSELY DEVELOPED AREAS IN THE CRITICAL AREA, WATER QUALITY~~
45 ~~SHALL BE IMPROVED AS FOLLOWS:~~

46
47 (b) For intensely developed areas in the critical area, water quality shall be improved
48 as follows:

49

1 (I) FOR DEVELOPMENT SITES ON WHICH DISTURBANCE IS LESS THAN 5000
2 SQUARE FEET AND FOR WHICH NO GRADING PERMIT IS REQUIRED, MITIGATION FOR NEW
3 IMPERVIOUS SURFACE SHALL BE:
4

5 (I) FOR DISTURBANCE OF LESS THAN 1000 SQUARE FEET ~~INSIDE THE 100-FOOT~~
6 ~~CRITICAL AREA BUFFER~~ WITHIN THE 100-FOOT CRITICAL AREA BUFER BUFFER,
7 MITIGATION SHALL BE SUBJECT TO APPROVAL BY THE OFFICE OF PLANNING AND
8 ZONING, ACCORDING TO THE FOLLOWING PRIORITY ORDER:
9

10 1. REPLANTING INSIDE THE 100-FOOT CRITICAL AREA BUFFER OF AN AREA
11 TWO TIMES THE AREA OF NEW IMPERVIOUS SURFACE;
12

13 2. REPLANTING OUTSIDE THE 100-FOOT CRITICAL AREA BUFFER OF AN
14 AREA TWO TIMES THE AREA OF NEW IMPERVIOUS SURFACE; OR
15

16 3. PAYMENT OF A FEE IN THE AMOUNT OF \$1.20 PER SQUARE FOOT OF NEW
17 IMPERVIOUS SURFACE;
18

19 (II) FOR DISTURBANCE OF LESS THAN 1000 SQUARE FEET OUTSIDE THE 100-
20 FOOT CRITICAL AREA BUFFER:
21

22 1. REPLANTING ON SITE WITHIN THE CRITICAL AREA OF AN AREA EQUAL
23 TO THE AREA OF NEW IMPERVIOUS SURFACE; OR
24

25 2. PAYMENT OF A FEE IN THE AMOUNT OF \$.60 PER SQUARE FOOT OF NEW
26 IMPERVIOUS SURFACE;
27

28 (III) FOR DISTURBANCE OF BETWEEN 1000 AND 5000 SQUARE FEET WITHIN THE
29 100-FOOT CRITICAL AREA BUFFER, MITIGATION SHALL BE SUBJECT TO APPROVAL BY
30 THE DEPARTMENT OF PLANNING AND ZONING, ACCORDING TO THE FOLLOWING
31 PRIORITY ORDER:
32

33 1. REPLANTING WITHIN THE 100-FOOT CRITICAL AREA BUFFER OF AN
34 AREA TWO TIMES THE AMOUNT OF NEW IMPERVIOUS SURFACE;
35

36 2. REPLANTING OUTSIDE THE 100-FOOT CRITICAL AREA BUFFER OF AN
37 AREA TWO TIMES THE AREA OF NEW IMPERVIOUS SURFACE;
38

39 3. REPLANTING AT AN OFF-SITE LOCATION IN THE CRITICAL AREA OF AN
40 AREA TWO TIMES THE AREA OF NEW IMPERVIOUS SURFACE; OR
41

42 4. PAYMENT OF A FEE OF \$1.20 PER SQUARE FOOT OF NEW IMPERVIOUS
43 SURFACE; AND
44

45 (IV) FOR DISTURBANCE OF BETWEEN 1000 AND 5000 SQUARE FEET OUTSIDE
46 THE 100-FOOT CRITICAL AREA BUFFER, MITIGATION SHALL BE SUBJECT TO THE
47 APPROVAL OF THE ~~DEPARTMENT~~ OFFICE OF PLANNING AND ZONING, ACCORDING TO
48 THE FOLLOWING PRIORITY ORDER:
49

50 1. REPLANTING ON SITE WITHIN THE CRITICAL AREA OF AN AREA EQUAL
51 TO THE AREA OF NEW IMPERVIOUS SURFACE;
52

53 2. REPLANTING OFF SITE WITHIN THE CRITICAL AREA OF AN AREA EQUAL
54 TO NEW IMPERVIOUS SURFACE; OR
55

56 3. PAYMENT OF A FEE OF \$.60 PER SQUARE FOOT OF NEW IMPERVIOUS
57 SURFACE;
58

59 (2) FOR DEVELOPMENT SITES OF MORE THAN 5000 SQUARE FEET OR SITES ON

1 WHICH A GRADING PERMIT IS REQUIRED, WATER QUALITY SHALL BE IMPROVED AS
2 FOLLOWS:

3
4 [(1)] (I) pollutant loadings from impervious surfaces shall be reduced by at least
5 10%;

6 [(2)] (II) development shall have pollutant-loading reduced by at least 10% below
7 the level of pollution from the site prior to development; AND

8
9 [(3)] (III) development shall be undertaken in accordance with the [design
10 standards and the technical report titled "a framework for evaluating compliance with the
11 10% rule in the critical area", administered by the Chesapeake Bay] CURRENT Critical
12 Area Commission GUIDANCE DOCUMENT FOR EVALUATING COMPLIANCE WITH THE 10%
13 RULE IN THE CRITICAL AREA, except that, if it is impractical to use the technical report,
14 alternative methods to achieve a 10% reduction may be used;

15
16 [(4)] (3) all computations and data necessary to ensure that development meets the
17 10% pollutant reduction requirement shall be provided by the developer to the approving
18 authority for approval; and

19
20 [(5)] (4) offsets permitted by the design standards and the technical report may be
21 used either on-site or off-site in the same critical area watershed to reach the 10%
22 pollutant reduction requirement of this subsection.

23
24 (C) FEES PAID IN LIEU OF REPLANTING UNDER THIS SECTION SHALL BE MAINTAINED
25 IN A SEPARATE FUND TO BE USED BY THE COUNTY FOR PROJECTS THAT IMPROVE
26 WATER QUALITY WITHIN THE SAME WATERSHED AS THE PROPERTY FOR WHICH THE
27 FEES WERE COLLECTED.

28
29 ARTICLE 26 SUBDIVISIONS
30 TITLE 1. DEFINITIONS; GENERAL PROVISIONS

31
32 1-101. Definitions.

33
34 (5H) "Buffer management plan" means a plan prepared for any clearing or
35 disturbance in the buffer [that follows the format selected by the Maryland Forest, Park
36 and Wildlife Service and is approved by the Office of Planning and Zoning] AND
37 DESIGNED TO MAINTAIN OR ENHANCE NATIVE VEGETATION AND THE STRUCTURE OF
38 THE FOREST AND PROVIDE MINIMUM NECESSARY WATER ACCESS.

39
40 ~~[(27B)] "Habitat assessment manual" means a document containing the~~
41 ~~methodology designed by the Office of Planning and Zoning for the purpose of~~
42 ~~evaluating and inventorying wildlife habitat.~~

43
44 (27C) ~~[(27B)]~~ "Habitat protection area" means those areas of State and local
45 significance that are identified by {using the} A habitat assessment {methodology found in
46 the habitat assessment manual} and that include:

47
48 (i) buffers;

49

1 (ii) the habitats of threatened and endangered species and species in need of
2 conservation;

3
4 (iii) anadromous fish propagation waters; and

5
6 (iv) plant and wildlife habitats, including:

- 7
8 1. colonial water bird nesting sites;
9
10 2. historic waterfowl staging and concentration areas;
11
12 3. riparian forests 300 feet or more in width;
13
14 4. large forested areas (100 acres or more);
15
16 5. natural heritage areas;
17
18 6. plant and wildlife habitats of local significance;
19
20 7. wildlife corridors; [and]
21
22 8. FOREST INTERIOR DWELLING BIRD HABITAT; AND
23
24 [8.] 9. nontidal wetlands.

25
26 (29D) "Impervious surface" means hot bituminous asphaltic pavement, cold mix
27 asphaltic pavement, compacted gravel surfacing INCLUDING DRIVEWAYS AND PARKING
28 AREAS, and portland cement concrete used for roads, sidewalks, driveways, curb and
29 gutter, patios, porches, swimming pools, tennis courts, parking areas, and principal and
30 accessory structure coverage areas.

31
32 1-111. Variances and modifications.

33
34 (d) (2) The variance or modification shall be transmitted in writing to the subdivider
35 and members of the committee and, if the property is located in the critical area, to the
36 [Chesapeake Bay] Critical Area Commission for a review of findings.

37
38 2-303. Application requirements.

39
40 As part of the sketch plan review process, a subdivider shall submit to the Office of
41 Planning and Zoning:

42
43 (11) a critical area report and habitat assessment [as outlined in the habitat
44 assessment manual];

45
46 2-304. Contents of sketch plan.

47
48 (c) The sketch plan shall contain:
49

1 (21) a minimum 100-foot buffer landward from the mean high-water line of tidal
2 waters, tributary streams, or tidal wetlands in the critical area including:

3
4 (I) an expanded buffer beyond 100 feet for contiguous, sensitive areas such as
5 steep slopes and hydric soils or highly erodible soils whose development or disturbance
6 may impact streams, wetlands, or other aquatic environments[. If]; AND
7

8 (II) IF there are contiguous slopes of 15% or greater, the buffer shall be
9 expanded four feet for every 1% of slope or to the top of the slope, whichever is greater,
10 to include a buffer that is at least 50 feet from the top of the bank or steep slopes[.];
11

12 (21A) [There shall be] a minimum 25-foot buffer surrounding all nontidal
13 wetlands;
14

15 TITLE 3. DESIGN STANDARDS AND REQUIREMENTS

16
17 3-110. Critical area environmental controls.
18

19 (a) All plans for subdivisions in the critical area shall conform to the criteria for the
20 specific critical area land use category and shall be undertaken only in accordance with
21 the following:
22

23 (1) There shall be a minimum 100-foot buffer landward from the mean high-water
24 line of tidal waters, tributary streams, and tidal wetlands[. The] AND:
25

26 (I) THE buffer shall be expanded beyond 100 feet to include contiguous,
27 sensitive areas such as steep slopes, hydric soils, or highly erodible soils, whose
28 development or disturbance may impact streams, wetlands, or other aquatic
29 environments[. If]; AND
30

31 (II) IF there are contiguous slopes of 15% or greater, the buffer shall be
32 expanded four feet for every 1% of slope or to the top of the slope, whichever is greater,
33 and shall include all land within 50 feet of the top of the bank of steep slopes;
34

35 (1A) There shall be a minimum 25-foot buffer surrounding all nontidal wetlands;
36

37 (5) The buffer shall be maintained in natural vegetation except that it may include
38 planted vegetation where necessary to protect, stabilize, or enhance the shoreline; [and]
39

40 (6) When the cutting or clearing of trees in forests and developed woodland areas
41 is associated with current or planned development activities, the following standards shall
42 be met:
43

44 (i) Development activities shall be designed and implemented to minimize
45 destruction of forest and woodland vegetation;
46

47 (ii) Existing forests and developed woodlands identified as habitat protection
48 areas shall be protected;
49

1 (iii) A buffer management plan for any disturbance including any work related
2 to the water quality and habitat objectives of the buffer, shall be submitted;

3
4 (iv) A sediment control plan shall be submitted for any disturbance of 5,000
5 square feet or more;

6
7 (v) Existing vegetative conditions, natural features, clearing limits, buffers,
8 and replacement planting areas shall be shown on each plan; and

9
10 (vi) Each plan shall show the areas outside the limit of disturbance that will be
11 left undisturbed: AND

12
13 (7) IF A SITE MEETS THE STANDARD PERCOLATION REQUIREMENTS FOR A
14 CONVENTIONAL SEPTIC SYSTEM, NITROGEN REMOVAL TECHNOLOGY IS REQUIRED FOR
15 THE INSTALLATION OF EACH NEW INDIVIDUAL SEWERAGE SYSTEM.

16
17 (b) Within intensely developed AREAS, resource conservation areas and limited
18 development areas the following criteria shall be met:

19
20 (1) A critical area report and habitat assessment {as outlined in the habitat
21 assessment manual}-shall be submitted for any development and redevelopment;

22
23 (2) Permeable areas shall be established in vegetation and innovative development
24 techniques shall be used to the extent practicable as a means to reduce impervious areas
25 and to maximize areas of natural vegetation;

26
27 (3) Pollutant loading IN INTENSELY DEVELOPED AREAS shall be reduced in
28 redevelopment areas by at least 10% below the level of pollution from the site prior to
29 redevelopment; and in new development areas by at least 10% of the predevelopment
30 levels, in accordance with the following:

31
32 (i) [This subsection shall apply to new construction and to redevelopment
33 activity only within intensely developed areas;

34
35 (ii)] New development activity and redevelopment within intensely developed
36 areas shall adhere to the [design manual and technical report titled "Framework for
37 Evaluating Compliance With the 10% Rule in the Critical Area," prepared by the
38 Maryland Office of Environmental Programs, Department of Health and Mental Hygiene,
39 and the Metropolitan Washington Council of Governments and as approved by the
40 Chesapeake Bay] CURRENT Critical Area Commission GUIDANCE DOCUMENT FOR
41 EVALUATING COMPLIANCE WITH THE 10% RULE IN THE CRITICAL AREA;

42
43 (iii)] (ii) All computations and data necessary to ensure compliance with the
44 subdivider's responsibilities as set forth in this subsection shall be submitted by the
45 developer to the Office of Planning and Zoning for approval; and

46
47 [(iv)] (iii) Offsets permitted by the design manual and technical report
48 described in [subsection (b)(3)(ii)] SUBSECTION (b)(3)(i) of this section may be used either
49 on-site or off-site in the same critical area watershed to accomplish the 10% pollutant

1 reduction requirement of this subsection[;

2 (4) Development activity shall not cause downstream property, watercourses,
3 channels, or conduits to receive stormwater runoff at a higher volume or rate than
4 permitted by and designed in accordance with Article 21, § 3-203(a) and (b) of this Code;
5 and

6
7 (5) All stormwater management facilities shall be designed with sufficient
8 capacity to manage the first one-half inch of runoff from impervious areas in order to
9 achieve water quality improvement].

10
11 (d) For the alteration of forest and developed woodland in limited development areas
12 and resource conservation areas, the following criteria shall be met:

13
14 (2) If a grading permit was not obtained for any forest or developed woodland that
15 was cleared or if the clearing allowed under paragraph (1) of this subsection is exceeded
16 they shall be replanted at three times the areal extent of the cleared forest or woodland or
17 a fee shall be paid at a rate of [\$1.20] \$1.80 per square foot of area not replanted; and

18
19 (e) When woodland or forest is not replaced on-site or off-site, the applicant shall pay
20 a fee to the County in accordance with the following:

21
22 (1) For up to 20% of a site that has been cleared of forest or developed woodland,
23 the fee is [\$0.40] \$.60 per square foot of cover disturbed;

24
25 (2) For more than 20% of a site that has been cleared of forest and developed
26 woodland but less than 30%, the fee is [\$0.60] \$.90 per square foot of the total area that
27 has been disturbed;

28
29 (3) For any area that contains forests or woodlands that were cleared in excess of
30 the 30% limitation on clearing permitted in a critical area, or if cleared after August 22,
31 1988, without obtaining a grading permit, the fee is [\$1.20] \$1.80 per square foot for any
32 area cleared or disturbed; and

33
34 (4) Fees paid in lieu of replanting for development sites located in the critical area
35 shall be maintained in a separate fund to be used by the County for:

36
37 (i) acquisition of land or easements for reforestation;

38
39 (ii) replacing in the critical area; and

40
41 (iii) resource staff for project and plan review and approval.

42
43 (f) Plant and wildlife habitats that shall be protected in the critical area include:

44
45 (6) other areas that [in the future] are identified by State and federal agencies as
46 important plant or wildlife habitat areas;

47
48 ~~(g) Plant and wildlife habitats in intense, limited, and resource conservation areas~~

1 shall be protected in accordance with the following:

2 ~~(3) a habitat assessment [in accordance with the habitat assessment manual] and a~~
3 ~~breeding bird survey as outlined in the "Maryland and D.C. Breeding Bird Atlas Project~~
4 ~~Handbook 1983-1987" shall be supplied for forested areas that support wildlife species~~
5 ~~and are utilized as breeding areas[.];~~

6
7 (6) new water-dependent facilities shall be located in a manner that will prevent
8 disturbance to sites of significance to wildlife, such as historic aquatic staging and
9 concentration areas for waterfowl; AND

10
11 ~~(7) natural heritage areas shall be protected from alteration by development~~
12 ~~activities or the cutting or clearing of trees so that the structure and species composition~~
13 ~~of the areas are maintained and shall be subject to the prior approval of the Office of~~
14 ~~Planning and Zoning and the Maryland Department of Natural Resources[; and~~

15
16 ~~(8) any activity undertaken in habitat protection areas is subject to the criteria set~~
17 ~~forth in Appendix B: Habitat Protection Element].~~

18
19 3-111. Steep slope areas.

20
21 [Development] EXCEPT IN THE CRITICAL AREA, DEVELOPMENT may occur within
22 steep slope areas provided that a minimum of 30% of the lot or parcel on which the
23 principal structure is to be situated is less than 15% grade and contiguous to an approved
24 County standard road so that direct access by car to the principal structure may be
25 achieved.

26
27 ARTICLE 28 ZONING
28 TITLE 1. GENERAL PROVISIONS

29
30 1-101. Definitions-Generally.

31
32 (70) "Buffer management plan" means a plan prepared for any clearing or
33 disturbance in the buffer [that follows the format selected by the Maryland Forest, Park
34 and Wildlife Service and is approved by the Office of Planning and Zoning] AND
35 DESIGNED TO MAINTAIN OR ENHANCE NATIVE VEGETATION AND THE STRUCTURE OF
36 THE FOREST AND PROVIDE MINIMUM NECESSARY WATER ACCESS.

37
38 ~~{(28A) "Habitat assessment manual" means a document containing the~~
39 ~~methodology designed by the Office of Planning and Zoning for the purpose of~~
40 ~~evaluating and inventorying wildlife habitat.~~

41
42 ~~(28B)}~~ ~~(28A)~~ "Habitat protection area" means those areas of State and local
43 significance that are identified by {using the} A habitat assessment {methodology found
44 in the habitat assessment manual} and that include:

- 45
46 (i) buffers;
47
48 (ii) wetlands;

1 (iii) the habitats of threatened and endangered species and species in need of
2 conservation;

3
4 (iv) anadromous fish propagation waters; and

5
6 (v) plant and wildlife habitats, including:

7
8 1. colonial water bird nesting sites;

9
10 2. historic waterfowl staging and concentration areas;

11
12 3. riparian forests 300 feet or more in width;

13
14 4. large forested areas (100 acres or more);

15
16 5. natural heritage areas;

17
18 6. plant and wildlife habitats of local significance;

19
20 7. wildlife corridors;[and]

21
22 8. FOREST INTERIOR DWELLING BIRD HABITAT; AND

23
24 [8.] 9. nontidal wetlands.
25

26 (33E) "Impervious surface" means hot bituminous asphaltic pavement, cold mix
27 asphaltic pavement, compacted gravel surfacing INCLUDING DRIVEWAYS AND PARKING
28 AREAS, and portland cement concrete used for roads, sidewalks, driveways, curb and
29 gutter, patios, porches, swimming pools, tennis courts, parking areas, and principal and
30 accessory structure coverage areas.

31
32 1-119. Same-"Structure".
33

34 (a) (3) In this article, "structure" does not include a walk [not greater] LESS than [six]
35 EIGHT inches above grade, a driveway, a fence, or an at-grade parking lot. Where a walk
36 or boardwalk extends into the water, becoming a pier, the transition between walk and
37 pier is the shoreline.
38

39 TITLE 1A. CRITICAL AREA

40
41 1A-103. Critical area criteria.
42

43 (h) Uses within the resource conservation area are limited to the following, provided
44 that each use is allowed in the underlying zone and meets all conditions and approvals set
45 forth in the underlying zone and any additional restrictions set forth in this section:
46

47 (1) ACCESSORY STRUCTURES, PROVIDED AN ACCESSORY STRUCTURE IS NOT
48 USED OR CONSTRUCTED TO BE USED FOR HUMAN HABITATION;

1 ~~(1A) animal husbandry;~~

2
3 (8) clay and borrow pits or sand or gravel operations IN EXISTENCE ON JUNE 16,
4 2003;

5
6 (22) golf courses, not including clubhouses, sales and maintenance buildings, and
7 parking areas, PROVIDED THAT BOTH NUTRIENT MANAGEMENT AND INTEGRATED PEST
8 MANAGEMENT ARE PRACTICED ON SITE;

9
10 (38) public AND COMMUNITY parks, playgrounds, and other recreational uses
11 CONSISTENT WITH PRESERVATION OF NATURAL HABITATS;

12
13 ~~(41) rifle, skeet, or archery ranges not including clubhouses, sales and~~
14 ~~maintenance buildings, and parking, AND PROVIDED THAT LEAD SHOT IS PROHIBITED;~~

15
16 1A-104. Plan requirements.

17
18 (a) All development plans in the critical area shall contain notations of the following
19 criteria that shall be a condition of development on the property:

20
21 (1) there shall be a minimum 100-foot buffer landward from the mean high-water
22 line of tidal waters, tributary streams, and tidal wetlands[. The] AND:

23
24 (I) THE buffer shall be expanded beyond 100 feet to include contiguous,
25 sensitive areas such as steep slopes and hydric soils or highly erodible soils whose
26 development or disturbance may impact streams, wetlands, or other aquatic
27 environments[. If]; AND

28
29 (II) IF there are contiguous slopes of 15% or greater, the buffer shall be
30 expanded four feet for every 1% of slope or to the top of the slope, whichever is greater,
31 and shall include all land within 50 feet of the top of the bank of steep slopes[.];

32
33 (1A) [There] THERE shall be a minimum 25-foot buffer surrounding all nontidal
34 wetlands;

35
36 (6) a critical area report and habitat assessment [as outlined in the habitat
37 assessment manual] shall be submitted as part of any development plan.

38
39 (b) Within intensely developed areas the following additional criteria shall apply:

40
41 (1) with any development and redevelopment, areas identified as habitat
42 protection areas shall be preserved;

43
44 (2) permeable areas shall be established in vegetation and innovative development
45 techniques shall be used to the extent practicable in order to reduce impervious areas,
46 MAINTAIN EXISTING FOREST, and [to] maximize areas of natural vegetation; AND

47
48 (3) (i) with any redevelopment in intensely developed areas, the pollutant loading

1 shall be at least 10% below the level of pollution from the site prior to redevelopment;

2 (ii) with any new development in intensely developed areas pollutant loading
3 shall be reduced by at least 10% of the predevelopment levels;

4
5 (iii) new development activity and redevelopment within intensely developed
6 areas shall be undertaken only in accordance with the [design manual and technical
7 report titled "A Framework for Evaluating Compliance With the 10% Rule in the Critical
8 Area", prepared by the Maryland Office of Environmental Programs, Department of
9 Health and Mental Hygiene, and the Metropolitan Washington Council of Governments
10 as approved by the Chesapeake Bay] CRITICAL AREA COMMISSION GUIDANCE DOCUMENT
11 FOR EVALUATING COMPLIANCE WITH THE 10% RULE IN THE CRITICAL AREA;

12
13 (iv) the developer shall provide to the Office of Planning and Zoning all
14 computations and data necessary to determine if the 10% pollutant reduction requirement
15 of this section can be met; and

16
17 (v) offsets permitted by the design manual and technical report described in
18 subsection (b)(3)(iii) of this section may be used on-site or off-site in the same critical
19 area watershed to achieve the 10% pollutant reduction requirement of this subsection [;

20
21 (4) development activity shall not cause downstream property, watercourses,
22 channels, or conduits to receive stormwater runoff at a higher volume or rate than would
23 have resulted from a 10-year storm were the land in its predevelopment state; and

24
25 (5) all stormwater storage facilities shall be designed with sufficient capacity to
26 achieve the water quality goals of this section and to eliminate all runoff caused by the
27 development in excess of that which would have come from the site if it were in its
28 predevelopment state].

29
30 (c) Within limited development areas and resource conservation areas the following
31 additional criteria shall apply:

32
33 (1) development activities or the clearing or cutting of trees shall conserve or
34 protect existing riparian forests and forest areas utilized as breeding areas by forest
35 interior dwelling birds and other wildlife species, natural heritage areas, plant habitats of
36 local significance and individual trees of significant size as determined by the [Maryland
37 Forest, Park and Wildlife Service] DEPARTMENT OF NATURAL RESOURCES and the Office
38 of Planning and Zoning;

39
40 1A-105. Impervious surfaces; steep slopes; certain restricted uses.

41
42 (a) Impervious areas shall be limited to 15% of the development site when proposed
43 development activity is located in limited DEVELOPMENT or resource conservation areas
44 unless [a variance is granted in accordance with § 11-102.1 of this article or one or more
45 of the following criteria are met:] ONE OF THE EXCEPTIONS SET FORTH IN SUBSECTION
46 (B) OF THIS SECTION APPLIES.

47
48 (b) (1) [Man-made impervious surfaces associated with a parcel of land that is one-

1 half acre or less on or before December 1, 1985, may be increased to 25% of the parcel.

2 (2) If a parcel or lot greater than one-half acre and less than one acre in size
3 existed on or before December 1, 1985, then man-made impervious surfaces are limited
4 to 15% of the parcel or lot.]

5
6 LOTS OF RECORD ON OR BEFORE DECEMBER 1, 1985 ARE SUBJECT TO THE
7 IMPERVIOUS SURFACE LIMITS SET OUT IN THE FOLLOWING CHART:
8

LOT SIZE (SQUARE FEET)	ALLOWABLE IMPERVIOUS SURFACE
0-8000	25% OF PARCEL PLUS 500 SQUARE FEET
8001-21,780	31.25% OF PARCEL
21,781-36,300	5,445 SQUARE FEET
36,301+	15% OF PARCEL

9
10 (2) ALL NEW IMPERVIOUS SURFACE SHALL MINIMIZE ADVERSE WATER QUALITY
11 IMPACTS AS FOLLOWS:
12

13 (I) ADDITION OF NEW IMPERVIOUS SURFACE SHALL BE MINIMIZED:

14
15 (II) SITE DESIGN CONSIDERATIONS OR BEST MANAGEMENT PRACTICES
16 DESIGNED TO IMPROVE WATER QUALITY ARE APPROVED BY THE OFFICE OF PLANNING
17 AND ZONING; AND
18

19 (III) THE PROPERTY OWNER SHALL EITHER PERFORM ON-SITE MITIGATION AS
20 REQUIRED BY THE OFFICE OF PLANNING AND ZONING OR PAY A FEE OF \$.60 PER SQUARE
21 FOOT OF IMPERVIOUS SURFACE IN EXCESS OF 25% OF THE TOTAL AREA OF THE PARCEL.
22

23 (3) Man-made impervious surfaces associated with a lot one acre or less that was
24 part of a subdivision approved after December 1, 1985, may be increased to 25% of the
25 lot provided the area of impervious surfaces for the entire subdivision does not exceed
26 15% of the entire area of the subdivision [; or].
27

28 (4) Man-made impervious surfaces associated with a parcel of land that has been
29 used continuously for residential purposes as a mobile manufactured home park since
30 December 1, 1985 are exempt from impervious surface requirements.
31

32 [(5) A property owner may exceed the impervious surface limits provided in
33 paragraphs (1) and (2) of this subsection if the following conditions exist:
34

35 (i) new impervious surfaces on the property have been minimized;

36
37 (ii) for a lot or parcel one-half acre or less in size, total impervious surfaces do
38 not exceed impervious surface limits in paragraph (1) of this subsection by more than
39 25% or 500 square feet, whichever is greater;

40
41 (iii) for a lot or parcel greater than one-half acre and less than one acre in size,
42 total impervious surfaces do not exceed impervious surface limits in paragraph (2) of this
43 subsection or 5,445 square feet, whichever is greater;
44

1 (iv) water quality impacts associated with runoff from the new impervious
2 surfaces have been minimized through site design considerations or use of best
3 management practices approved by the County to improve water quality; and
4

5 (v) the property owner performs on-site mitigation as required by the County
6 to offset potential adverse water quality impacts from the new impervious surfaces, or the
7 property owner pays a fee of \$.60 per square foot for each square foot of impervious
8 surface over 15% of the area of the parcel.
9

10 (6)] (C) All fees collected under [paragraph (5)(v) of this] subsection (B) shall be
11 used to fund projects that improve water quality within the critical area.
12

13 (h) Development activities in the critical area on legally existing lots, and legally
14 platted parcels of land of record on or before December 1, 1985 that have not otherwise
15 been subject to critical area regulation are permitted if the following criteria are met:
16

17 (3) (v) reforestation and afforestation planting shall be:
18

19 1. established first within the 100-foot buffer if feasible; and
20

21 2. with a combination of NATIVE SPECIES OF trees, shrubs, and ground
22 cover that is first approved by the Office of Planning and Zoning;
23

24 (5) (ii) a buffer management plan shall be approved by the Office of Planning and
25 Zoning, including an agreement with the County securing the replanting at a rate of
26 [\$.40] \$.60 per square foot;
27

28 1A-108. Growth allocation process.
29

30 (a) Within the Chesapeake Bay Critical Area, there is a growth allocation process
31 WHICH SHALL:
32

33 (1) BE LIMITED TO SITES ON WHICH COMMERCIAL OR INDUSTRIAL USE IS
34 PROPOSED;
35

36 (2) BE LOCATED ON A SITE DESIGNATED FOR EXISTING, OR PLANNED, ~~OR FUTURE~~
37 SERVICE ON THE WATER AND SEWER MASTER PLAN MAPS; AND
38

39 (3) FOR REDESIGNATION FROM RCA TO LDA, BE LOCATED ON A SITE BOUNDED ON
40 ONE OR MORE SIDES BY LDA OR IDA PROPERTY.
41

42 (h) Approval of a growth allocation is rescinded by operation of law if:
43

44 (1) action to commence the use is not begun within one year of the date of
45 approval by the County Council or [Chesapeake Bay] Critical Area Commission,
46 whichever is later; and
47

48 (2) the approved use is not at least 50% complete within three years of the date of
49 approval by the County Council or [Chesapeake Bay] Critical Area Commission,
50 whichever is later; or

1 (3) the use or construction on the property deviates from any approved site plan.

2
3 (i) [For intense development areas granted through the growth allocation process, the
4 developer shall comply with the forest conservation requirements of Article 21 or Article
5 26 of this Code, as applicable, before grading permit approval or final subdivision
6 approval.] A SITE APPROVED FOR GROWTH ALLOCATION SHALL USE APPROVED NATIVE
7 SPECIES FOR ALL NEW PLANTING AND:
8

9 (1) A SITE REDESIGNATED FROM RCA TO IDA SHALL:

10 (I) MAINTAIN A 300-FOOT BUFFER, ~~IF POSSIBLE~~;

11 (II) BE NOT LESS THAN 15% FORESTED;

12 (III) BE VEGETATED IN ALL PERVIOUS AREAS EXCEPT FOR BEACHES, PATHS,
13 AND WALKWAYS; AND
14

15 (IV) PROVIDE PARKING STRUCTURES, IF POSSIBLE;

16 (2) A SITE REDESIGNATED FROM RCA TO LDA SHALL:

17 (I) MAINTAIN A 300-FOOT BUFFER, ~~IF POSSIBLE~~;

18 (II) LIMIT IMPERVIOUS SURFACES TO NOT MORE THAN 10% OF THE SITE; AND

19 (III) BE VEGETATED IN ALL PERVIOUS AREAS EXCEPT FOR BEACHES, PATHS,
20 AND WALKWAYS; AND
21

22 (3) A SITE REDESIGNATED FROM LDA TO IDA SHALL:

23 (I) MAINTAIN A MINIMUM 100-FOOT BUFFER, EXCEPT IN A BUFFER EXEMPT
24 AREA;

25 (II) BE NOT LESS THAN 15% FORESTED;

26 (III) PROVIDE AN ADDITIONAL 10-FOOT VEGETATED AREA BEYOND THE 100-
27 FOOT BUFFER;

28 (IV) BE VEGETATED IN ALL PERVIOUS AREAS EXCEPT FOR BEACHES, PATHS,
29 AND WALKWAYS; AND
30

31 (V) PROVIDE PARKING STRUCTURES, IF POSSIBLE.

32 1A-109. Buffer exemption and enhancement program.
33

34 (a) Within the Chesapeake Bay Critical Area there is a buffer exemption and
35 enhancement program for the 100-foot buffer and expanded buffer [described in § 1A-
36 104(a) of this title].
37

38 (b) A buffer exemption may be applied on land that is designated as a "buffer
39 exemption area" shown on buffer exemption area maps permanently on file in the Office
40 of Planning and Zoning[; and
41

42 (1) legally recorded lots, subdivided parcels, or parcels within the mapped buffer
43
44
45
46
47
48
49
50
51
52
53
54

1 exemption area that were created on or before December 1, 1985; or

2 (2) government reuse facilities].

3
4 (c) Except for a government reuse facility AND COMMERCIAL, INDUSTRIAL,
5 RECREATIONAL, AND MULTIFAMILY USES, all building permit applications for lots or
6 parcels within the buffer exemption area shall be reviewed by the Office of Planning and
7 Zoning to determine whether the application meets the following criteria for approval of
8 a buffer exemption:

9
10 (1) criteria for approval of new impervious surface consisting of expansions of
11 existing structures and new accessory structures:

12
13 (i) 1. no new impervious surface shall be placed nearer to the shoreline than
14 the existing principal structure, ~~EXCLUSIVE OF LANDSCAPE OR RETAINING WALLS,~~
15 ~~PERGOLAS, PATIOS, OR SWIMMING POOLS~~[, except by variance according to the
16 provisions set forth in Article 3, § 2-107 of this Code or § 11-102.1 of this article]; and

17
18 2. PRINCIPAL STRUCTURES DO NOT INCLUDE LANDSCAPE OR RETAINING
19 WALLS, PERGOLAS, PATIOS, OR SWIMMING POOLS; AND

20
21 ~~(3) Criteria for approval of buffer exemption for undeveloped lots that include~~
22 ~~shallow lots of 200 feet or less. The design and location of any new structure on a lot~~
23 ~~within the buffer exemption area shall:~~

24
25 ~~(v) 1. maximize the ability of the 100 foot buffer [and expanded buffer] to~~
26 ~~provide for the removal or reduction of sediments, nutrients, and potentially harmful or~~
27 ~~toxic substances in runoff entering the bay and its tributaries;~~

28
29 (E) WHEN COMMERCIAL, INDUSTRIAL, RECREATIONAL, OR MULTIFAMILY USE IS
30 PROPOSED IN BUFFER EXEMPTION AREAS, THE OVERALL DEVELOPMENT PLAN FOR
31 DEVELOPMENT OR REDEVELOPMENT, INCLUDING SEPTIC SYSTEMS, STRUCTURES,
32 ROADS, PARKING AREAS, AND OTHER IMPERVIOUS SURFACES OR SEPTIC SYSTEMS,
33 SHALL COMPLY WITH THE FOLLOWING CRITERIA:

34
35 (1) EXCEPT AS ALLOWED IN PARAGRAPH (4) OF THIS SUBSECTION, NO NEW
36 DEVELOPMENT OR REDEVELOPMENT SHALL BE PERMITTED WITHIN THE 100 FOOT
37 BUFFER UNLESS THERE IS NO REASONABLE ALTERNATIVE AVAILABLE AND THE
38 FOLLOWING EFFORTS HAVE BEEN MADE TO MINIMIZE BUFFER DISTURBANCE:

39
40 (I) NEW DEVELOPMENT AND REDEVELOPMENT ACTIVITIES ARE LOCATED AS
41 FAR AS POSSIBLE FROM MEAN HIGH TIDE, THE EDGE OF TRIBUTARY STREAMS, OR THE
42 LANDWARD EDGE OF TIDAL WETLANDS;

43
44 (II) VARIANCES TO OTHER SETBACK REQUIREMENTS ARE SHALL BE
45 CONSIDERED PRIOR TO BUFFER DISTURBANCE;

46
47 (III) CONVENIENCE MAY NOT BE CONSIDERED IN EVALUATING THE EXTENT
48 OF ALLOWABLE BUFFER DISTURBANCE; AND

49
50 (IV) FOR NEW DEVELOPMENT, EXPENSE MAY NOT BE CONSIDERED IN
51 EVALUATING ALLOWABLE BUFFER DISTURBANCE.
52

1 (2) NEW DEVELOPMENT OR REDEVELOPMENT OF SITES WITH LESS THAN 15%
2 EXISTING IMPERVIOUS SURFACES, INCLUDING ACCESSORY STRUCTURES, SHALL
3 MINIMIZE BUFFER INTRUSION AND MAY NOT BE LOCATED CLOSER TO THE WATER OR TO
4 TIDAL WETLANDS THAN 50 FEET.
5

6 (3) REDEVELOPMENT OF PRINCIPAL OR ACCESSORY STRUCTURES ON SITES WITH
7 MORE THAN 15% EXISTING IMPERVIOUS SURFACES SHALL MINIMIZE BUFFER INTRUSION
8 AND MAY NOT BE LOCATED CLOSER TO THE WATER OR EDGE OF TIDAL WETLANDS
9 THAN 25 FEET.
10

11 (4) WITHIN THE BUFFER, NEW STRUCTURES MAY BE CONSTRUCTED ON THE
12 FOOTPRINT OF AN EXISTING STRUCTURE OR ON EXISTING IMPERVIOUS SURFACES.
13

14 (5) NATIVE SPECIES MAY NOT BE REMOVED, EXCEPT AS NECESSARY FOR
15 CONSTRUCTION OR FOR MAINTENANCE AND ENHANCEMENT OF THE BUFFER.
16

17 (6) ON ALL DEVELOPMENT OR REDEVELOPMENT SITES, A 25-FOOT WATERFRONT
18 BUFFER SHALL BE DENSELY PLANTED WITH NATIVE TREES AND SHRUBS.
19

20 (7) ALL DEVELOPMENT AND REDEVELOPMENT IN A BUFFER EXEMPTION AREA
21 SHALL BE SUBJECT TO THE MITIGATION REQUIREMENTS OF SUBSECTION (C)(5)(I) OF THIS
22 SECTION.
23

24 “(h) (1) (i) The Planning and Zoning Officer shall:

25
26 (I) approve, approve with conditions, or deny the application for change in the
27 buffer exemption maps; AND [. The Planning and Zoning Officer shall]
28

29 (II) mail a copy of the decision to the applicant and all persons who submitted
30 written comments.
31

32 (2) The Planning and Zoning Officer shall approve the application if the Planning
33 and Zoning Officer finds THAT:
34

35 (I) THE APPLICATION IS FOR ONE OR MORE LEGALLY RECORDED LOTS,
36 SUBDIVIDED LOTS, OR A PARCELS THAT WERE CREATED ON OR BEFORE DECEMBER 1,
37 1985;
38

39 (II) there was an error or omission in the original maps; and
40

41 (III) [that] the existing pattern of residential, industrial, commercial, or
42 recreational development in the critical area prevents the buffer from fulfilling the
43 following functions:
44

45 [(1)] 1. providing for the removal or reduction of sediments, nutrients, and
46 potentially harmful or toxic substances in runoff entering the bay and its tributaries;
47

48 [(2)] 2. minimizing the adverse effects of human activities on wetlands,
49 shorelines, stream banks, tidal waters, and aquatic resources;
50

51 [(3)] 3. maintaining an area of transitional habitat between aquatic and
52 upland communities;
53

1 [(4)] 4. maintaining the natural environment of streams; and

2 [(5)] 5. protection riparian habitat.

3
4 TITLE 5. MARITIME GROUP DISTRICTS

5
6 5-109. MA1-Community Marina District; uses permitted.

7
8 (c) Notwithstanding any contrary criteria or regulation adopted by the [Chesapeake
9 Bay] Critical Area Commission:

10
11 (3) A variance from the provisions of this subsection (c) may be granted in
12 accordance with regulations adopted by the State of Maryland's [Chesapeake Bay]
13 Critical Area Commission concerning variances as part of local program development set
14 forth in COMAR 27.01.11 and notification of project applications set forth in COMAR
15 27.03.01.

16
17 TITLE 10. MISCELLANEOUS REGULATIONS

18
19 10-112. Shore erosion protection works.

20
21 (a) All shore erosion protection works are subject to the following provisions:

22
23 (9) [vegetation shall be used for erosion control, if feasible] NATURAL
24 VEGETATION AND NONSTRUCTURAL METHODS SHALL BE EMPLOYED TO THE EXTENT
25 POSSIBLE, FOR SHORELINE STABILIZATION AND EROSION CONTROL IN PLACE OF
26 STRUCTURAL METHODS WHEREVER POSSIBLE.

27
28 TITLE 11. REZONINGS, SPECIAL EXCEPTIONS, AND VARIANCES.

29
30 11-102.3. Requirements for and effect of Chesapeake Bay Critical Area reclassification.

31
32 (c) Critical area reclassifications shall be granted or denied in accordance with
33 compatibility with the underlying zoning district, but a reclassification may not be
34 granted expect on the basis of an affirmative finding that:

35
36 (1) there was a mistake in the approved Chesapeake Bay Critical Area map based
37 on land uses OR NATURAL FEATURES in existence on December 1, 1985;

38
39 SECTION 4. *And be it further enacted*, That the Program and Appendices described
40 in Section 5 of Bill No. 49-88 are hereby amended as shown in the "Critical Area
41 Program Document, March 2003" incorporated herein by reference as if fully set forth
42 and by the "Critical Area Amendment 2003" attached as Exhibit A and the "Buffer
43 Exemption Amendment 2003," attached as Exhibit B. A certified copy of said program
44 document and map amendments shall be permanently kept on file in the Office of the
45 Administrative Officer to the County Council and in the Department of Planning and
46 Zoning.

47
48 SECTION 5. *And be it further enacted*, That if any provision or application of this

1 Ordinance to any person or circumstance is declared by the Critical Area Commission to
2 be in conflict with the State's Critical Area Law or is held invalid for any reason in a
3 court of competent jurisdiction, the conflict or invalidity does not affect other provisions
4 or any other application of this Ordinance that can be given effect without the conflicting
5 or invalid provision or application, and for this purpose the provisions of this Ordinance
6 are declared severable.

7
8 SECTION 6. And be it further enacted, That the changes to Article 28, section 1A-
9 108, as shown in this Ordinance, may not be applied to properties for which growth
10 allocation was approved on or before August 18, 2003.

11
12 SECTION 6 7. And be it further enacted, That this Ordinance shall take effect 45
13 days from the date of enactment or upon approval by the State Critical Area Commission,
14 whichever is later.

AMENDMENTS ADOPTED: October 20 and November 3, 2003

READ AND PASSED this 17th day of November, 2003

By Order:



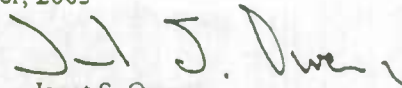
Judy C. Holmes
Administrative Officer

PRESENTED to the County Executive for her approval this 18h day of November, 2003



Judy C. Holmes
Administrative Officer

APPROVED AND ENACTED this ²⁴24 day of November, 2003



Janet S. Owens
County Executive

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
49-03, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE
COUNTY COUNCIL.



Judy C. Holmes
Administrative Officer

Anne Arundel County
Critical Area Amendment
2003

Legend

Critical Area Designations

- Immediately Developed Area
 - Unimproved Development Area
 - ✱ Resource Conservation Area
 - ▨ Critical Area Amendment
- Scale: 1 inch equals 200 feet

RCA

Bill No. 49-03
Exhibit A

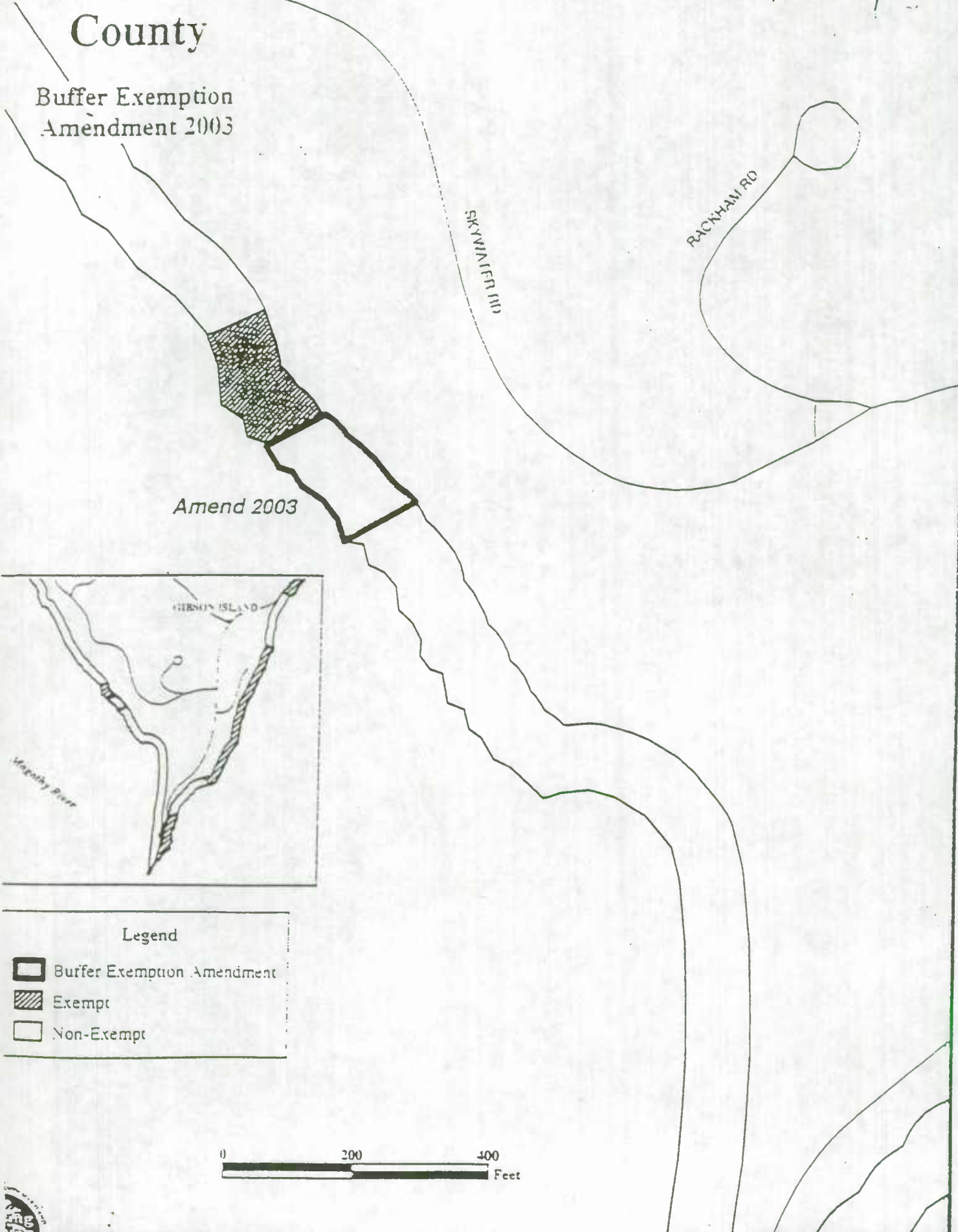


Anne Arundel County

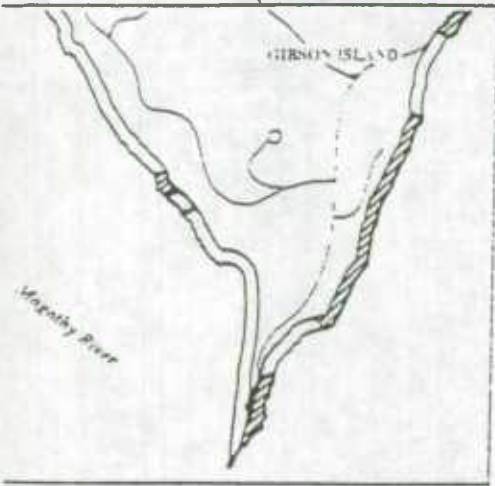
Bill No. 49-03
Exhibit B






Buffer Exemption
Amendment 2003



Amend 2003



Legend

-  Buffer Exemption Amendment
-  Exempt
-  Non-Exempt



FINDINGS OF FACT
BUFFER EXEMPTION AREA MAP AMENDMENT
Tax Map 33, Block 18, Parcel 147

There was an error in the original mapping based on the following:

- This lot was legally subdivided before December 1, 1985;
- There was a house in the buffer in 1985. Aerial photographs from 1984 show the house approximately 60 feet from the shoreline.

Also, the following were considered:

- Most of the buffer is lawn and trees, not naturally vegetated;
- There is an existing pattern of development created by this parcel and the adjoining parcel to the north that prevents this buffer from fulfilling the following functions:
 - Providing for the removal of sediments, nutrients and potentially harmful and toxic substances in runoff entering the bay and its tributaries;
 - Minimizing the adverse impacts of human activities on wetlands; shorelines, stream banks, tidal waters and aquatic resources;
 - Maintaining the natural environment of streams; and
 - Protecting riparian wildlife habitat.

RECEIVED

JAN 09 2004 *JAH*

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

RECEIVED

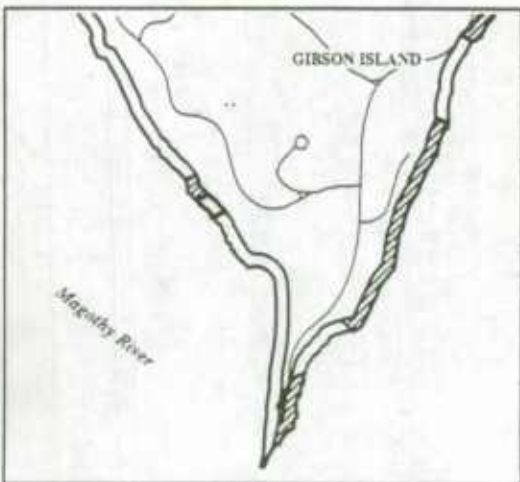
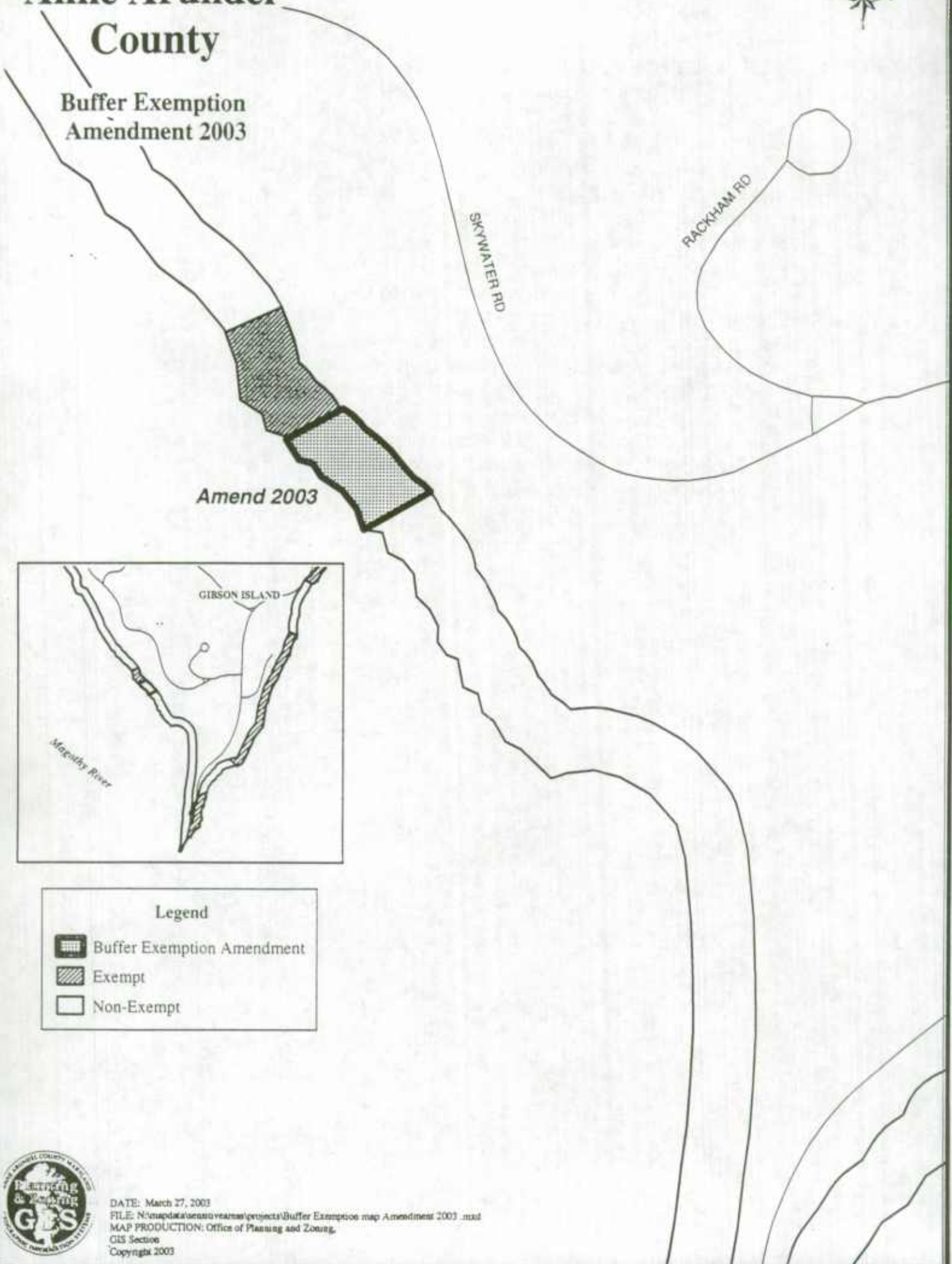
JAN 16 2004

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Anne Arundel County



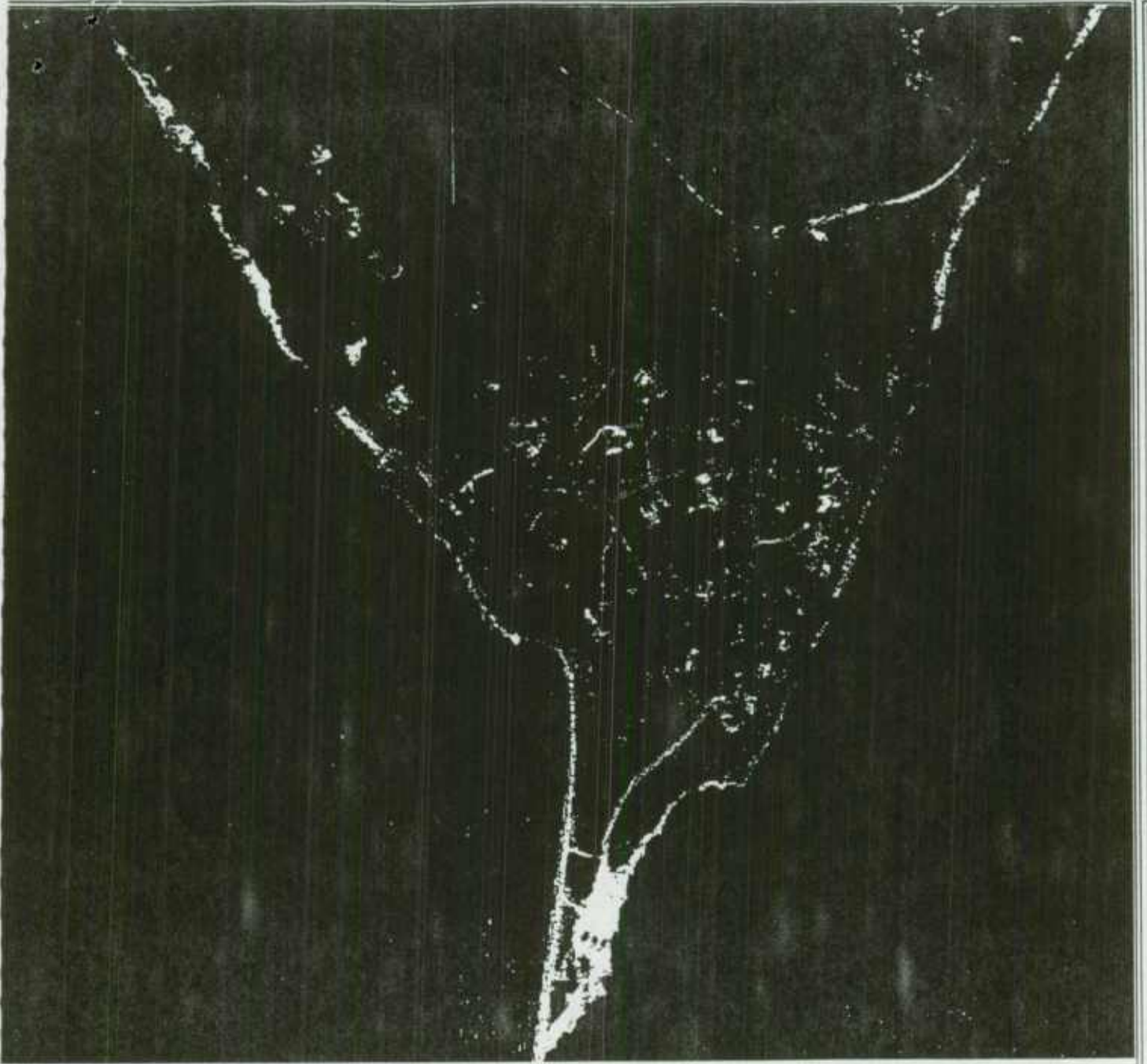
Buffer Exemption
Amendment 2003



Legend

- Buffer Exemption Amendment
- Exempt
- Non-Exempt





Addition to CRITICAL AREA RECLASSIFICATION INSTRUCTIONS Hand out

The applicant must submit compelling evidence to justify the claims of mistake in the original designation based on the land on December 1, 1985 such as:

- Soil analysis
- Aerial photographs
- Wetland delineation
- surrounding land use
- testimony regarding land use

update reclassification

RECEIVED

JAN 30 2004






CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Anne Arundel County Critical Area Amendment 2003



Legend

Critical Area Designations

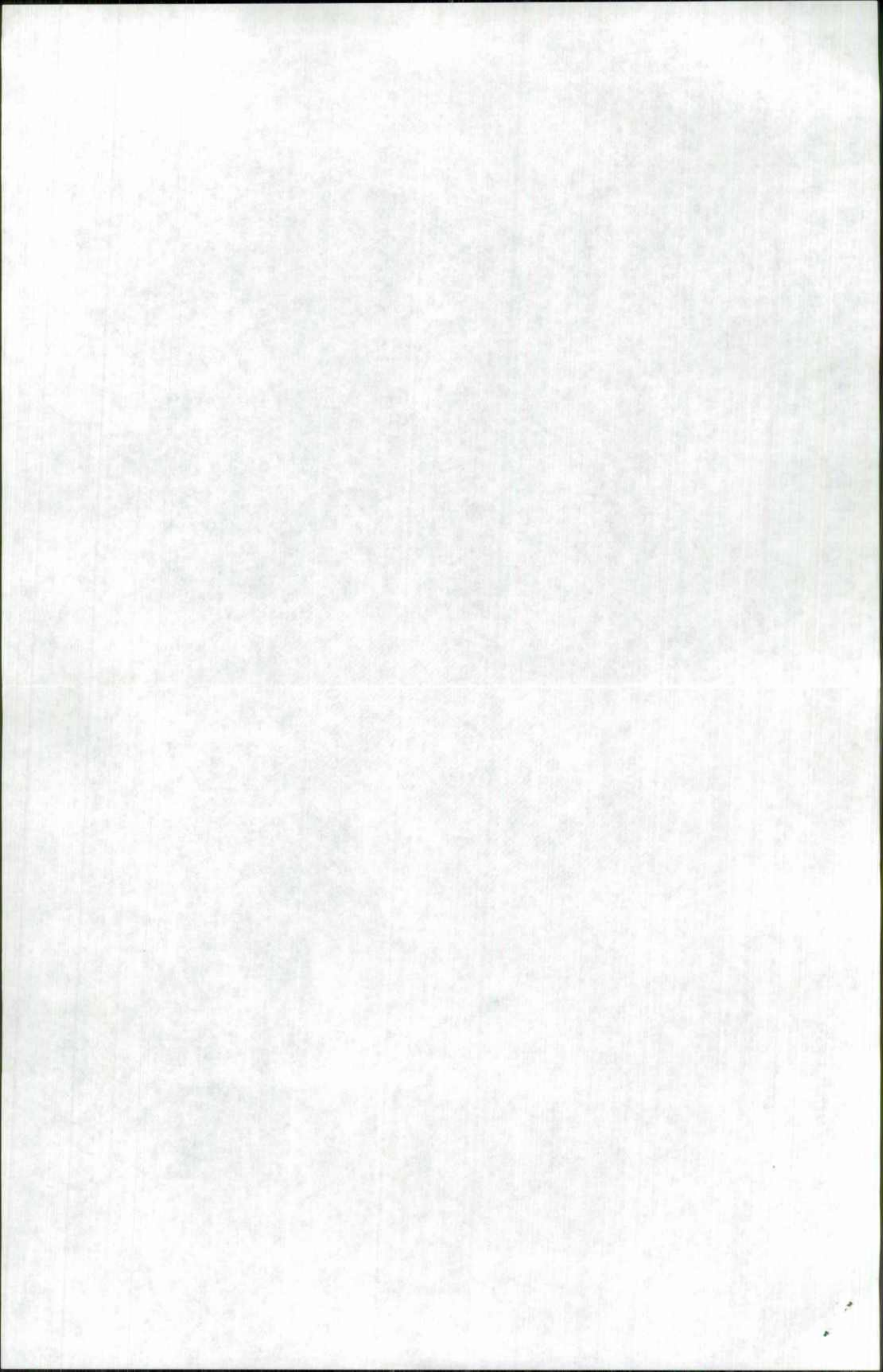
-  IDA - Intensely Developed Area
-  LDA - Limited Development Area
-  RCA - Resource Conservation Area
-  Critical Area Amendment
-  Building Footprints

1 inch equals 200 feet

RCA



Date: July 17, 2003
File: N:/mapdata/sensitiveareas/projects/Critical Area Amendment - Magenau Prop
Map Production: Anne Arundel County P&Z GIS
Copyright 2003



Anne Arundel County Comprehensive Review
Draft Conditions

The panel recommends the following conditions:

Amend Section 3-205 of Article 21 to state that *these provisions are applicable only to grandfathered, residential development projects involving less than 1,000 square feet of disturbance.* Commission staff has been asking the County for information concerning how the County determines the grandfathered status of various reserve and residue parcels for several years.

Amend Section 1A-103 of Article 28 by inserting, "...public and community parks, playgrounds, and other recreational uses consistent with preservation of natural habitat *and which are limited to only passive, recreational uses.*"

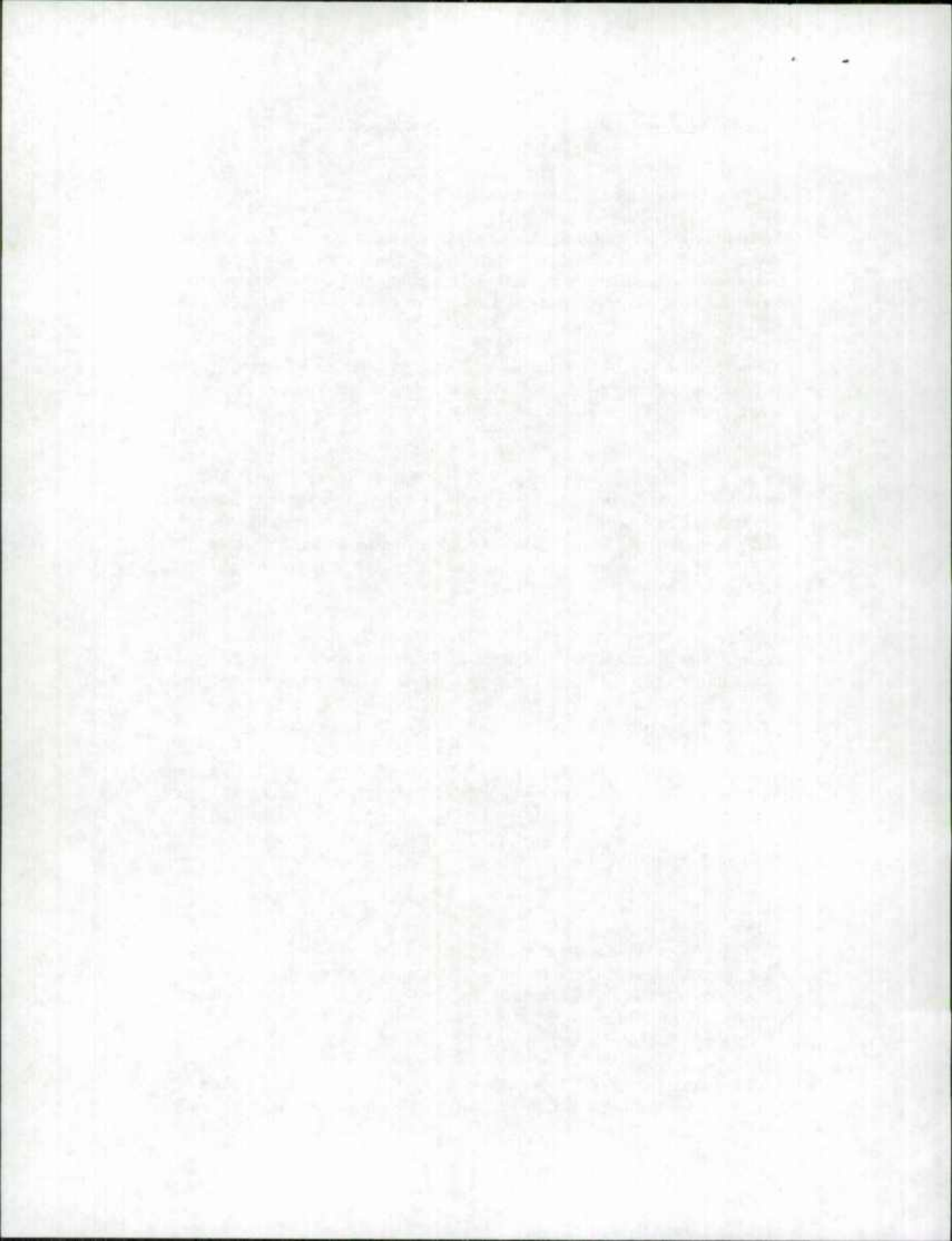
Amend Section 1A-109 (C)(5) so that it clearly states that 2:1 mitigation is required for the extent of the proposed footprint of development activity in the Buffer, regardless of whether or not that footprint is constructed on an existing impervious area OR the County may provide alternative provisions for meeting the water quality and habitat protection objectives of the Buffer provisions in COMAR 27.01.09.02. These alternative provisions would need to be approved by the Critical Area Commission.

Intrafamily Transfer Provision - The Commission understands, based on information provided by the County, that the County finds that the provisions of §8-1808.2 of the Annotated Code of Maryland, regarding intrafamily transfers, cannot be effectively implemented. In accordance with § 8-1809(L), the County is hereby notified that its program omits a provision required by the Critical Area Law (effective procedures for implementation of the intra family transfer provisions). Accordingly, the Commission has voted to require the County, within 90 days, to delete the provisions concerning intra family transfers from the County's Critical Area Program or to amend the County program in such a way that they can be effectively implemented. Any approvals granted under these provisions after this notice shall be null and void.

Alternatively:

The Commission could notify the County that it understands it is not possible for the County to implement the intrafamily transfer provisions consistent with the requirements of the Critical Area law. The Commission could ask the County to respond to this point formally by May 1, 2004 so that the Commission can consider the situation at its meeting on May 5, 2004.

County Lot inventory – At the Panel hearing, Spurgeon Eismeier, the Director of Inspections and Permits, stated that he has a checklist that he uses to make



determinations about the grandfathered status of properties when reviewing applications. The Panel requested a copy of the checklist; however, it has not yet been provided to Commission staff. The Commission may require additional amendments to the County Code to clarify how the information contained in the checklist is used or to ensure that the procedures for establishing "grandfathered status" are consistent with the Critical Area Criteria and the county's program.

Status of Reforestation Fund & 10% Pollutant Reduction Fund – A report was received on the Reforestation fund on March 26. The report was faxed to panel members and is currently being reviewed by staff. This report will be discussed at the panel meeting. Information on the 10% Pollutant Reduction fund status has not been received, therefore, the Commission requests that the County submit additional information about the stormwater offset fees within 90 days.

— new Commission member

Patricia Goucher

— Md. Dept. of Planning

Legislation

HB 1009 passed both houses of the Maryland General Assembly.

LEWIS

- Overrules the Court of Appeals decision in the Lewis case.
- Returns the law of variances in Maryland to its pre-Lewis status
- Allows local Boards of Appeals to consider testimony from their professional staffs.
- Specifies that applicants for variances must prove that they satisfy all standards of a local zoning ordinance for variances.
- Re-establishes that the applicant for a variance has the burden to prove that the variance is warranted.
- Provides that local governments do not have to conduct technical studies to rebut an applicant's studies.
- Reinforces that the cumulative impacts of development are of concern to the General Assembly and that they may be taken into account when considering a variance application.

FINES

- Authorizes local governments to assess fines up to \$10,000 for violations of local Critical Area regulations.

REFERRALS

- Authorizes local governments to refer violations to the Critical Area Commission and the Attorney General for prosecution.

HB 1345 passed both houses of the General Assembly.

DWELLING UNITS

- Provides a standard definition of dwelling unit, using the definition already in use by all local governments, but establishing that all structures in the Resource Conservation Area that meet the definition must be counted toward the density limit of one dwelling unit per 20 acres.

1997-1998 Annual Report of the Department of Health

2000

The Department of Health has a number of key priorities for the year 2000. These include:

- Improving the quality of health care services.
- Reducing health inequalities.
- Improving the efficiency of the health service.
- Improving the safety of health care.
- Improving the experience of patients and the public.

The Department will continue to work closely with other government departments and the private sector to achieve these objectives.

2001

The Department will continue to focus on these priorities in 2001. It will also be working to:

- Improve the performance of the health service.
- Reduce the costs of health care.
- Improve the health of the population.

2002

The Department will continue to work towards these objectives in 2002. It will also be working to:

- Improve the health of the population.
- Reduce the costs of health care.
- Improve the performance of the health service.

2003

The Department will continue to work towards these objectives in 2003. It will also be working to:

- Improve the health of the population.
- Reduce the costs of health care.
- Improve the performance of the health service.

Talbot County and St. Michaels

Talbot County

- Talbot County submitted several amendments to the local Critical Area Program.
- The amendments included the remaining changes to the local program required by the Commission in August 2002.
- The County also submitted an amendment altering the provisions of its program concerning the use of growth allocation by the towns of Easton, St. Michaels and Oxford.
- Under the County's proposal, growth allocation previously awarded to St. Michaels and Oxford would return to the County and be reallocated according to joint County-Municipal procedures established for Easton in 2000.

St. Michaels

- St. Michaels has submitted an amendment to the local Critical Area Program to use growth allocation for the Miles Point project based on growth allocation previously awarded to the Town.

The first part of the report deals with the general situation in the United States.

The second part of the report deals with the situation in the various states.

The third part of the report deals with the situation in the various cities.

The fourth part of the report deals with the situation in the various counties.

The fifth part of the report deals with the situation in the various towns.

The sixth part of the report deals with the situation in the various villages.

The seventh part of the report deals with the situation in the various hamlets.

The eighth part of the report deals with the situation in the various hamlets.

The ninth part of the report deals with the situation in the various hamlets.

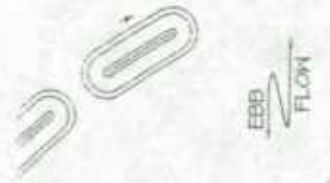
The tenth part of the report deals with the situation in the various hamlets.

The eleventh part of the report deals with the situation in the various hamlets.

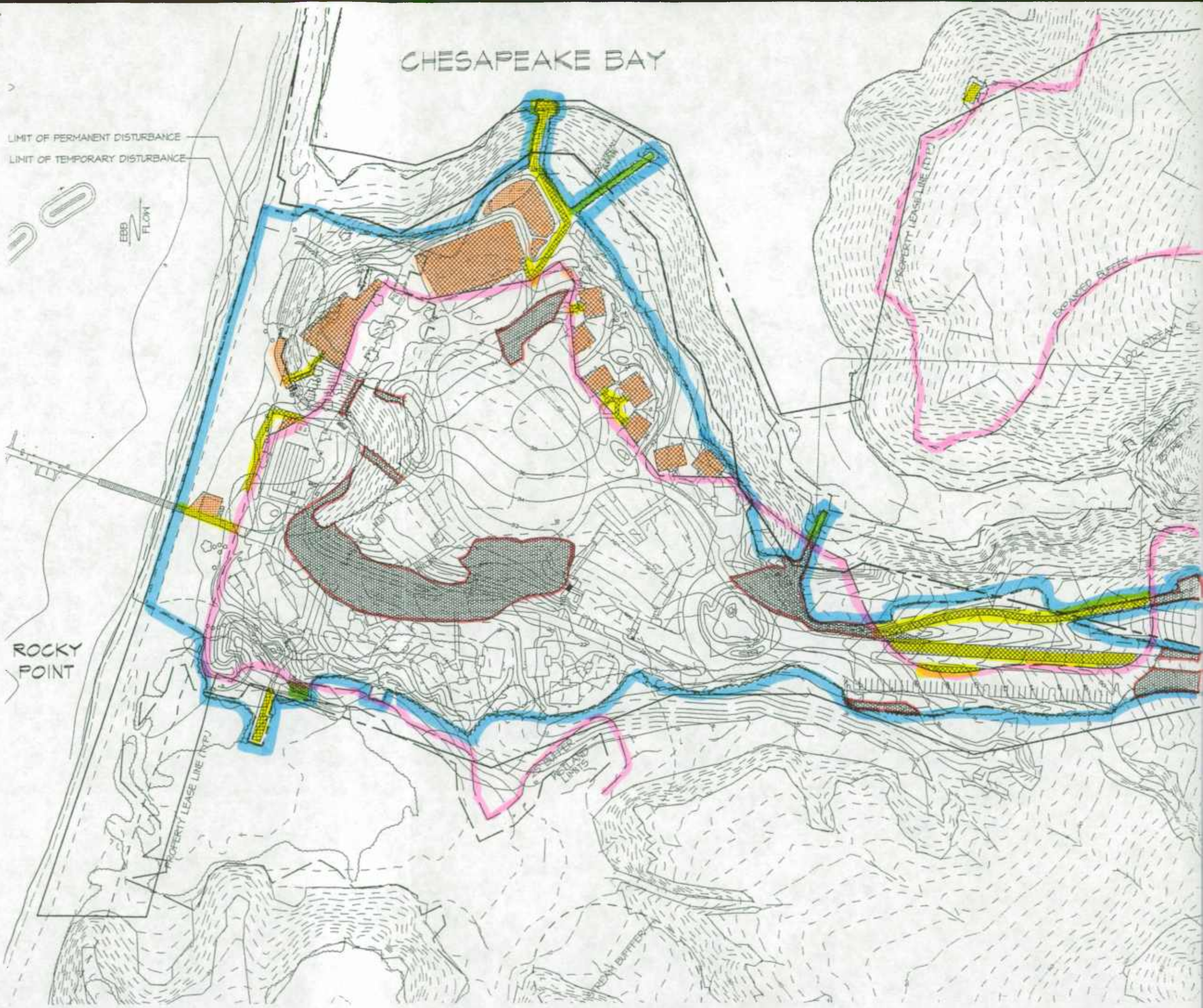
The twelfth part of the report deals with the situation in the various hamlets.

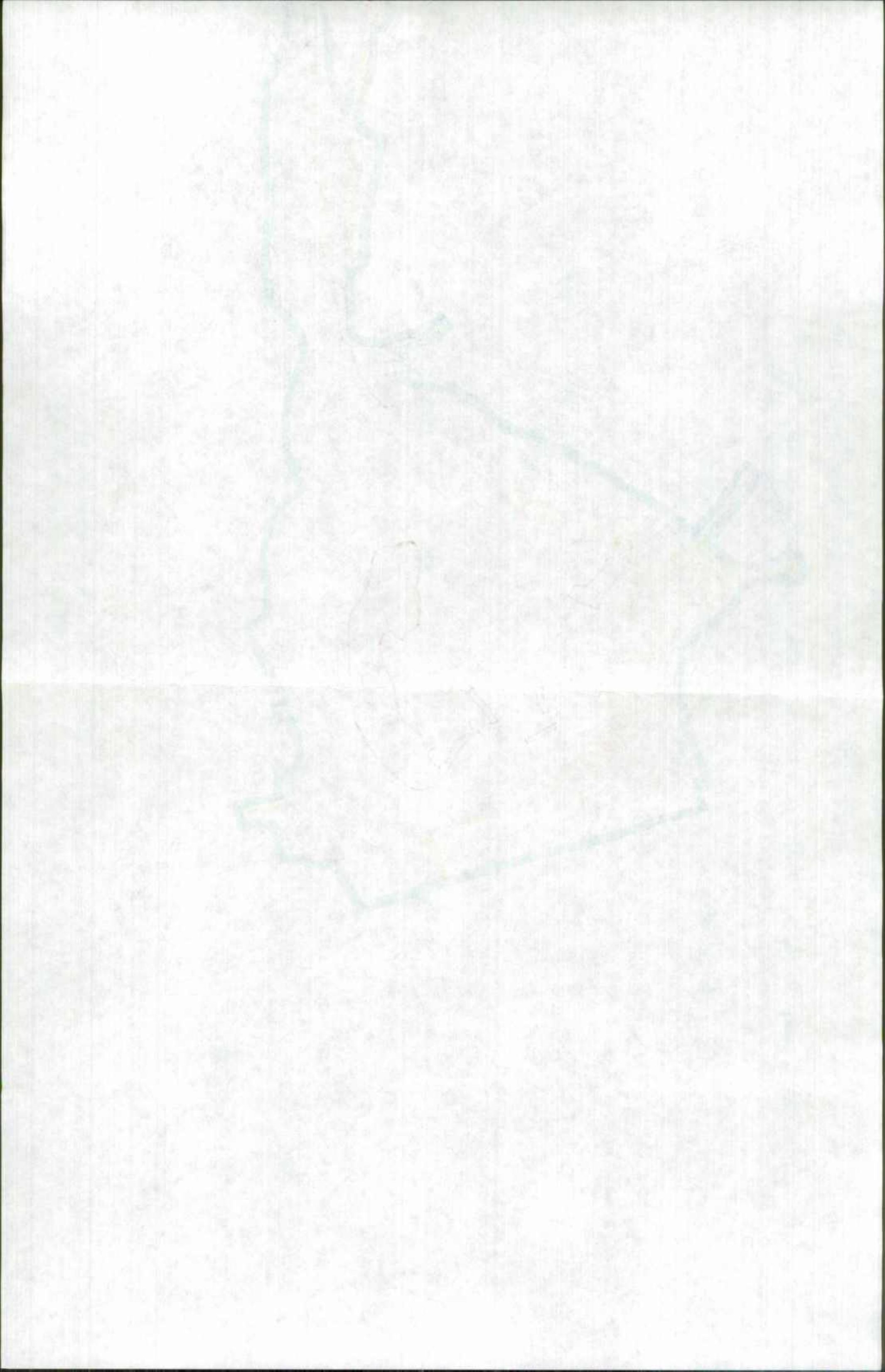
CHESAPEAKE BAY

LIMIT OF PERMANENT DISTURBANCE
LIMIT OF TEMPORARY DISTURBANCE



ROCKY POINT







HORSESHOE POINT LANE

