

AGENDA
WORCESTER COUNTY COMMISSIONERS

Worcester County Government Center, Room 1101, One West Market Street, Snow Hill, Maryland 21863

The public is invited to view this meeting live online at - <https://worcestercountymd.swagit.com/live>

December 19, 2023

	Item #
9:00 AM - Vote to Meet in Closed Session in Commissioners' Conference Room – Room 1103 Government Center, One West Market Street, Snow Hill, Maryland	
9:01 - Closed Session (Discussion regarding a personnel update, requests to hire a contract Accounts Payable Specialist, Plant Operator, Roads Worker, and Natural Resources Administrator, and Correctional Officers, to promote to Lieutenant, and certain matters with Human Resources, receiving legal advice, and performing administrative functions)	
10:00 - Call to Order, Prayer, Pledge of Allegiance	
10:01 - Report on Closed Session; Review and Approval of Minutes from December 5, 2023	
10:02 - Commendations (3)	1
10:05 - Consent Agenda (Broadband Grant Request, Request to Award Pocomoke Middle School Basketball Courts, Request for Public Hearing Growth Allocation, MDOT Harbor Request)	2-5
10:06 - Chief Administrative Officer: Administrative Matters (Recommendation to Award Comprehensive Plan Update, Request for WWW Service Records, Approved FY25 to FY29 CIP, Board Appointments)	6-9
10:30 - Public Hearing Rezoning Case 443	10
10:35 - Public Hearing Redistricting	11
12:00 PM - Questions from the Press; County Commissioner's Remarks	
Lunch	
1:00 PM - Chief Administrative Officer: Administrative Matters (if necessary)	

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

Hearing Assistance Units Available – see County Administration Office Please be thoughtful and considerate of others. *Turn OFF all cell phones and notification during the meeting!*
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OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

WESTON S. YOUNG, P.E.
CHIEF ADMINISTRATIVE OFFICER
CANDACE I. SAVAGE, CGFM
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THEODORE J. ELDER
ERIC J. FIORI
JOSEPH M. MITRECIC
DIANA PURNELL

COMMENDATION

WHEREAS, Accounts Payable Specialist Tina Litten has contributed 32 years of dedicated service to Worcester County Government where she began her career on September 27, 1991; and

WHEREAS, Ms. Litten’s expertise and experience have been instrumental in the overall management of the Worcester County Treasurer’s Office, where she has been a vital part of the accounts payable process, including paying all vendors, assisting with the payroll process, and handling electronic payments.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Tina Litten** for her years of devoted service to Worcester County, and we wish her a happy and healthy retirement.

Executed under the Seal of the County of Worcester, State of Maryland, this 19th day of December, in the Year of Our Lord Two Thousand and Twenty-Three.



Anthony W. Bertino, Jr., President

Madison J. Bunting, Jr., Vice President

Caryn G. Abbott

Eric J. Fiori

Theodore J. Elder

Joseph M. Mitrecic

Diana Purnell



Minutes of the County Commissioners of Worcester County, Maryland

December 5, 2023

Anthony W. Bertino, Jr., president
Madison J. Bunting, Jr., vice president
Caryn G. Abbott
Theodore J. Elder
Eric J. Fiori
Joseph M. Mitrecic
Diana Purnell

Following a motion by Commissioner Elder, seconded by Commissioner Abbott, the commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners’ Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Weston Young, Deputy Chief Administrative Officer Candace Savage, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included the following: a personnel update; hiring Christopher Bragg as a plant operator trainee within the Water and Wastewater Division and Ronald Parker and Brandon Taylor as correctional officer trainees in the County Jail, and certain matters with Human Resources; receiving legal advice from counsel; and performing administrative functions, including discussing board appointments, and receiving updates from staff on potential school construction funding options and the FY23 CareFirst benefits settlement.

Following a motion by Commissioner Abbott, seconded by Commissioner Bunting, the commissioners unanimously voted to adjourn their closed session at 9:32 a.m.

After the closed session, the commissioners reconvened in open session. Commissioner Bertino called the meeting to order, and following a morning prayer by Reverend Zachary Brown of Bates and Trinity United Methodist Churches and pledge of allegiance, announced the topics discussed during the morning closed session.

The commissioners reviewed and approved the open and closed session minutes of their November 21, 2023 meeting as presented.

The commissioners elected officers for the coming year through December 3, 2024. Upon a nomination by Commissioner Abbott, the commissioners voted 6-1, with Commissioner Mitrecic voting in opposition, to re-elect Commissioner Bertino as president of the Board of County Commissioners.

Upon a nomination by Commissioner Abbott, the commissioners voted 4-3, with Commissioners Abbott, Bertino, Bunting, and Fiori voting in favor and Commissioners Elder, Mitrecic, and Purnell voting in opposition, to re-elect Commissioner Bunting as vice president of the Board of County Commissioners.

DRAFT

The commissioners presented years-of-service commendations to the following retiring staff members: Worcester County Jail Lieutenant Desi Bratten (28 years), State's Attorney's Office Legal Assistant Deborah Thornes (27 years), and Recreation and Parks Worker III Leonard "Dean" Stutsman (11 years).

Upon a motion by Commissioner Purnell, the commissioners unanimously approved by consent agenda item numbers 2-7 as follows: accepting a 2023 State Homeland Security Program Grant of \$96,476.93 for emergency management projects and equipment and a 2021 Emergency Management Performance Grant – American Rescue Plan Act Grant adjustment of \$21,198.74; filing an FY25 State Aid for Police Protection Fund grant application; accepting a proposal of \$51,098 from Modern Controls for building automation system upgrades in the Circuit Court; a Memorandum of Understanding with the Maryland Department of Information Technology and Worcester County Emergency Services (WCES) to permit interoperability between County and State radio systems; and a Radio Service Agreement between WCES and Federal Engineering.

Pursuant to the recommendation of Development Review and Permitting Director Jennifer Keener and upon a motion by Commissioner Mitrecic, the commissioners voted 6-1, with Commissioner Elder voting in opposition, to accept the Findings of Fact for Rezoning Case No. 442 to rezone approximately 5.5 acres of land on the east side of U.S. Rt. 113 on Pin Oak Drive from C-1 Neighborhood Commercial District to C-2 General Commercial District. Following a public hearing relative to the above referenced rezoning on November 7, 2023, a motion by Commissioner Mitrecic to approve the requested rezoning failed 3-4, with Commissioners Elder, Mitrecic, and Purnell voting in favor and Commissioners Abbott, Bertino, Bunting, and Fiori voting in opposition.

The commissioners met with Ms. Keener to review draft emergency legislation to amend the County Government Article establishing the revised County Commissioner districts and associated maps, which were developed by DRP utilizing Draft Plan A as the basis after a four-week public comment period.

Following some discussion, Commissioners Abbott, Bertino, Bunting, Elder, Fiori, Mitrecic, and Purnell introduced the aforementioned legislation as Emergency Bill 23-08 (County Government – County Commissioners) and scheduled a public hearing on the bill for December 19, 2023.

Pursuant to the request of Budget Officer Kim Reynolds and upon a motion by Commissioner Mitrecic, the commissioners unanimously approved the requested assignment of FY23 Fund Balance of \$47,477,981 and adopted Resolution No. 23-19 increasing the Reserve Fund level from 12% to 15%, which represents a one-time increase of \$7 million. The approved fund balance includes revising the Pocomoke Library amount to \$4,222,159 (\$307,841 less) and increasing the Board of Education Other Post Employment (OPEB) benefits to \$1,839,569 (\$246,273 more), and County OPEB to \$459,892 (\$61,568 more).

The commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Elder, the commissioners unanimously agreed to reappoint Curt Lambertson to the Agricultural Preservation Advisory Board, Scott Tingle to the Housing Review Board, and Kathryn Culbertson to the Library Board.

Upon a nomination by Commissioner Abbott, the commissioners unanimously agreed to appoint Sarah Chapman to the Lower Shore Workforce Development Board.

The commissioners adjourned until 10:30 a.m.

The commissioners conducted a public hearing on the requested five-year Capital Improvement Plan (CIP) for FY25-FY29. Senior Budget Accountant Lynn Wright informed the commissioners and the public that the CIP is strictly a planning document the County will use in preparing future operating budgets, anticipating the future financial needs of the County, and identifying possible funding resources. Therefore, a project's inclusion in the CIP does not constitute a guarantee of future approval or funding from the County. She then reviewed the CIP and advised that projects totaling \$217,769,204 are proposed over the five-year period. Of these projects, \$39.9 million or 18% is proposed to come from the Assigned Funds and \$127.7 million or 58% from general bond funds. The remaining portion would come from grant funds, State match funds, user fees, assigned funds, private donations and enterprise bonds.

Upon a motion by Commissioner Abbott, the commissioners voted 4-3, with Commissioners Abbott, Bertino, Bunting, and Fiori voting in favor and Commissioners Elder, Mitrecic, and Purnell voting in opposition, to discuss the proposed inclusion of \$36.9 million for a new central office building to house the Board of Education (BOE) administration separately.

In response to comments by Commissioner Mitrecic regarding funding of \$5 million for broadband over the next five years, Chief Administrative Officer Weston Young advised that the commissioners are scheduled to receive an update in January 2024 from Choptank, Talkie, and Maryland Broadband Cooperative, Simple Fiber on the progress of extending broadband to unserved areas in the County. He further noted that the CIP includes up to \$1 million a year in broadband funding for the County to provide matching grants. In response to comments by Commissioner Fiori, Mr. Young confirmed that funding is available in the Assigned Funds for a feasibility study and engineering for the new public safety building and State's Attorney's Office addition.

Commissioner Bertino opened the floor to receive public comment.

There being no public comment, Commissioner Bertino closed the hearing.

A motion by Commissioner Mitrecic to approve the CIP as presented (to include the new central office building) failed 3-4, with Commissioners Elder, Mitrecic and Purnell voting in favor and Commissioners Abbott, Bertino, Bunting, and Fiori voting in opposition. Commissioner Mitrecic reminded the commissioners that the CIP is only a wish list.

Following further discussion and upon a motion by Commissioner Fiori, the commissioners voted 4-3, with Commissioners Abbott, Bertino, Bunting, and Fiori voting in favor and Commissioners Elder, Mitrecic, and Purnell voting in opposition, to approve the CIP minus the new central office.

In a related matter, the commissioners discussed the proposed new central office building for the BOE. A motion by Commissioner Mitrecic to include the new central office building in the CIP failed 3-4, with Commissioners Elder, Mitrecic, and Purnell voting in favor and Commissioners Abbott, Bertino, Bunting, and Fiori voting in opposition. Commissioner Elder

noted that the existing central office is older than half of the buildings in the County, and including it on the CIP is just a first step. Commissioner Abbott stated that the County is facing immense costs to replace schools in the coming years, and the existing central office building could last another 10 years with repairs and proper upkeep.

Following further discussion and upon a motion by Commissioner Abbott, the commissioners voted 4-3 not to include the new central office building in the FY25-FY29 CIP.

Commissioner Mitrecic announced that the Stephen Decatur High School Seahawks Football Team won its first State championship. Commissioner Bertino advised that the commissioners are scheduled to present a commendation to the team on December 19.

Commissioner Bertino discussed his grave disappointment regarding the recent announcement that the Ocean Pines Chamber of Commerce leadership decided to rebrand itself as the Worcester County Chamber of Commerce (WCCC) to expand its services, advocacy, and community outreach. He stated that Worcester County Tourism and Economic Development (WCTED) is the only entity sanctioned to speak for, advocate, and act on behalf of Worcester County Government at the regional, state, and federal levels. He further clarified in no uncertain terms that the WCCC has no authority or franchise to speak for or act on behalf of County government, nor is it the agency best suited to work collaboratively with business and education partners and civic organizations throughout the County. Rather, that is the job best left to the experts in WCTED.

The commissioners answered questions from the press, after which they adjourned to meet again on December 19, 2023.

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DIANA PURNELL

COMMENDATION

WHEREAS, we honor Deputy Mark Shayne, who was named the 2023 Law Enforcement Officer of the Year for Worcester County by Mothers Against Drunk Drivers (MADD) Maryland for his commitment to protecting the public from impaired drivers; and

WHEREAS, Deputy Shayne has stopped 200 impaired individuals from driving on Maryland roadways during the past two years, avoiding countless tragedies and the unnecessary suffering of families left to grieve loved ones killed by drunk drivers.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby commend **Deputy Mark Shayne** for his unwavering efforts to stop impaired driving to assure that there are No More Victims.

Executed under the Seal of the County of Worcester, State of Maryland, this 19th day of December, in the Year of Our Lord Two Thousand and Twenty-Three.

Anthony W. Bertino, Jr., President

Madison J. Bunting, Jr., Vice President

Caryn G. Abbott

Eric J. Fiori

Theodore J. Elder

Joseph M. Mitrecic

Diana Purnell



COMMENDATION

WHEREAS, culminating an unparalleled season of excellence, the Stephen Decatur High School Seahawks claimed the 2023 MPSSAA Class 2A State Championship to bring home their first state championship title; and

WHEREAS, for their unflinching dedication, unwavering sportsmanship, and unrivaled skill, we honor Seahawks Head Coach Jake Coleman and his assistant coaching staff, and players Jaxon Archer, Sullivan Auker, Zakhari Baker, Careen Bolden, Robert Bowen-Carpenter, Jr., Jack Bradley, Ethan Bradshaw, Eric Braica, Jakai Brittingham, Anthony Burke, Frankie Buxbaum, Evan Calloway, Davin Chandler, Brian Chester, Nicolas Ciorrocco, Brycen Coleman, Evan Copeland, Ricardo Copes, Ray Domianick, Tre Dorn, Brogan Eastlack, Yah'cere Fletcher, Ke'nai Floyd, Luca Gagliardi, Bo Gehrig, Brandon Hamm, Dalontae Henry, Donovan Henry, Benjamin Herrmann, Johnny Hobgood, Waylon Hobgood, R. Declan Horan, Jasir Jackson, Mason Jackson, Misael Juarez, Gunnar Ketner, Anthony Kolb, Ezekiel Lawson, Brody Lynch, Mason Lyons, Garrett Maloney, Adarein Manuel, Amarian Manuel, Nathan McDaniel, Shane McDermott, Cole Muir, Kyle Mumford, Noah Olguin, Seamus Orth, Jesse Pastella, Reid Phillips, Daniel Plumley, Jamien Purnell, Jhysier Purnell, Luke Schwalbach, Kayden Sharkey, Caden Shepard, Giovanni Smith, Coretez Smith, Jr., Nolan Soares, Gavin Solito, Nathan Tapley, Zachi Tindley, Blake Wallace, Brookes Waters, Brenn Wim, and Trybe Wise for their undefeated season.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby express our pride in the **Stephen Decatur High School Seahawks Football Team, the 2023 MPSSAA Class 2A State Champions**, for their hard work and dedication this season, which empowered them to seize this historic victory.

Executed under the Seal of the County of Worcester, State of Maryland, this 19th day of December, in the Year of Our Lord Two Thousand and Twenty-Three.



Anthony W. Bertino, Jr., President

Madison J. Bunting, Jr., Vice President

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DEPARTMENT OF
INFORMATION TECHNOLOGY

Worcester County

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To: Candace Savage
From: Brian Jones, IT Director 
Re: FY24 Home Stretch-Difficult to Serve Properties
Date: December 8, 2023

I would like to request permission to apply for the **FY24 Home Stretch Grant** from the Office of Statewide Broadband. This grant would go to the Internet Service Providers (ISP's) partnering with Worcester County for the installation of broadband at difficult to serve properties such as those residents with extremely long driveways.

The maximum funding for this grant is **\$1,100,000**, with the maximum grant amount per location of **\$8,000**. We have three possible ISPs interested in partnering with Worcester to date for this grant. The 25% match will be paid for by the ISP. There will be no direct cost to Worcester County.

The deadline to apply for this grant is December 22,2023. Funding announcements are expected to be made February 2024.



OFFICE OF STATEWIDE BROADBAND

Connect Maryland:

***FY24 Home Stretch - Difficult to
Serve Properties***

REQUEST FOR APPLICATIONS

Issued October 12, 2023



WES MOORE
Governor
ARUNA MILLER
Lt. Governor
JACOB R. DAY
Secretary
OWEN McEVoy
Deputy Secretary



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Introduction and General Information

The Connect Maryland: FY24 Home Stretch – Difficult to Serve Properties (HS-DSP program) is a new program that will utilize \$24,223,815 of Coronavirus Capital Projects Fund (CPF) to provide financial assistance to local jurisdictions to further the state’s digital access efforts. This grant opportunity will fund projects focused on bringing high-speed internet access to premises that have difficulty obtaining service due to their remoteness, distance from broadband infrastructure or other geographic issues that may discourage an ISP from delivering broadband service. The Office of Statewide Broadband (OSB), housed within the Department of Housing and Community Development (DHCD) manages the HS-DSP Program.

OSB plans to provide funding not to exceed \$1,100,000 per eligible applicant that is working to further the goals of the OSB. Most ISP’s have a limit to the distance they will construct to connect a premise to their existing network (drop). This drop distance typically varies from 250 feet to 800 feet depending on the ISP. If a property owner’s premise is beyond that distance, the ISP may require a contribution from the property owner for the additional cost of providing the connection.

While many unserved property owners can afford the ongoing monthly costs associated with service, they cannot afford the upfront connection cost. This grant opportunity will ensure equitable broadband connectivity.

Program Purpose

Many unserved locations are unserved not due to a lack of nearby infrastructure, but due to the difficulty and cost of installing service. To address the issue of the enabling difficult to serve premises to connect to broadband infrastructure that is available nearby, but not easily accessible, the OSB is introducing the HS-DSP program. The funding source for this budgeted expense is the American Rescue Plan Act (ARPA), Capital Projects Fund (CPF) administered by the United States Treasury. All requirements of the funding source must be adhered to.

Program Approach

This grant opportunity will provide access to high-speed internet at a minimum of 100Mbps download and 100Mbps upload speeds or, with proper certification, 100Mbps download and 20Mbps upload, with a maximum latency of 50 milliseconds to our most difficult to serve premises. The grant opportunity is reserved for connection of an unserved premise to an existing broadband network. The program will provide funding directly to local county jurisdictions that will use the funds to compensate an ISP that installs the service connection and provides broadband service. End user subscribers will be responsible for their ongoing internet subscription costs.

OSB recognizes that each jurisdiction has its own requirements and potential partner ISP(s). To satisfy these varying issues, applicants will develop their own jurisdictional specific funding program and present them in their application to the OSB. The program presented must require a match from the jurisdiction, ISP and/or the property owner that will receive service. The program must include an outreach component to promote the program. The applicant will be required to discuss how they will treat financially distressed owners in their program plan. One option for property owners that can show that the match is not

financially feasible is for the local jurisdiction or ISP contributing the match on their behalf, other options are allowable so long as they are fully explained. ISP's participating with the local jurisdiction are required to participate in the federal ACP program. ISP's must promote ACP and provide assistance to those wishing to utilize the program. More detail is provided in the RFA response section.

Eligible project costs will include capital costs related to the deployment of internet facilities capable of delivering 100Mbps download and 100Mbps upload with a maximum 50ms latency to individual difficult to served premises beyond what the serving ISP typically constructs for serviceable premises. ISP networks that cannot deliver the required speeds due to geography, topography, or excessive cost will be permitted to deliver 100Mbps download and 20Mbps upload with a maximum 50ms latency. ISP's taking advantage of this lower threshold are required to ensure the network is scalable to a minimum of 100 Mbps symmetrical for download and upload speeds as new technology becomes available. ISP's seeking to deliver the lower speed must certify the reason for their inability to deliver the preferred speeds and that they will upgrade their network as the new technologies are available.

Both wireline and wireless technologies may be considered for this grant so long as the required connection speed and latency is reliably met. When considering wireless technologies that can meet the program requirements, often the topography, building location or tree cover impacts successful delivery of service. In many circumstances, a taller antenna mast, enhanced receiving equipment, or a more robust antenna array may be necessary to serve a premise. These costs would be eligible for funding.

We would also consider projects that included funding of satellite receiving equipment for satellite providers that can meet the program requirements including the speed and latency requirements. For the most remote locations that lack access to internet facilities, satellite service may be the most judicious solution.

Projects that are funded by the OSB under other administered funding programs allow costs for difficult to served premises to be included as part of the program funding. The OSB will review applications to ensure that there is no duplication of funding from either federal or state sources. Other state or federal funds as permitted can be used for the required match since that would not be duplication, but a complementary use. Additionally, applicants will be required to pay all non-capital expenses related to any required state and federal reporting and ongoing administrative costs for the duration of the project.

Target Capital Assets:

Grant funds provided by the program are to be used for new, non-depreciated, capital assets including the construction of service delivery, equipment, and materials necessary to serve an unserved difficult to serve premise.

Summary of Program Requirements

This is a summary of the HS-DSP program requirements. Additional requirements and details are contained in the topic specific section of this guide.

Eligible Applicant

A local county jurisdiction with an ISP partner or partners.

Eligible Locations

The grant opportunity is reserved for connection of an unserved difficult to reach premise to an existing broadband network.

Network Requirements

Projects must be able to provide access to high-speed internet at a minimum of 100Mbps download and 100Mbps upload speeds or, with proper certification, 100Mbps download and 20Mbps upload, with a maximum latency of 50 milliseconds to our most difficult to serve premises.

Funding Limits

Funding not to exceed \$1,100,000 per eligible applicant.

Funding not to exceed \$8,000 per eligible unserved location.

Required Match

25% of eligible capital construction costs. The match can be met by the local jurisdiction, their ISP partner, the owner of the premise or a combination of these sources or from other outside entities such as foundations or non-profit agencies.

Eligible Grant Purposes

Grant funds may be used to finance:

The construction of facilities used for connection of an unserved difficult to reach premise to an existing broadband network. This may include minor extensions of ISP's existing infrastructure; however, the maximum grant per location still applies.

Ineligible Grant Purposes

The duplication of any existing broadband service provided by other entities.

The duplication of any other state, local, federal funding provided for the location.

Middle mile infrastructure.

Expenses related to the provision of telephone or video service that is not necessary for the delivery of Broadband Service.

The purchase of land or towers, construction of buildings, towers, building renovations or tower improvements.

Operating expenses.

Home Stretch - Difficult to Serve Properties (HS-DSP) Funding Program

Through the FY24 Connect Maryland Broadband for Difficult to Serve Premises Funding Program, the OSB will facilitate the award of funding to selected Applicants to assist in the implementation of Projects that involve partnering with ISPs to extend existing broadband service to unserved difficult to serve premises. The OSB will review submitted applications to ensure that the information contained therein is complete and proposes an eligible and sustainable broadband HS-DSP Project. While the Department will provide financial resources to help fund the Project, and the OSB will provide technical assistance and oversight, the Applicant and/or its ISP Partner will be the owner of any facilities constructed as part of the Project, and will be responsible for the overall funding, implementation, and operation of the Project.

Any Applicant awarded funding under the Program must also commit to funding a portion of the Project's capital construction cost (Match) outlined in the Match section of this guide. The source of the Match must be identified in the Response. Projects for which the Match is comprised of funding from both the Applicant and the ISP Partner may receive greater consideration than those without ISP Partner or local jurisdiction contribution. Projects for which the Match commitment is greater than the required Match will receive greater consideration during the evaluation.

Eligible Applicants

A local county jurisdiction

Eligible Projects

Only Projects that will connect unserved difficult to serve premises to an existing broadband network are eligible for funding. An unserved premise is a premise lacking terrestrial, fixed internet service at speeds of 100 Megabits per second (Mbps) download and/or 20 Mbps upload and/or with latency above 50 milliseconds. All partnering ISP's are required to participate in the federal ACP program.

Timeframe

Applications are due on or before December 22, 2023. It is the OSB's intent to facilitate the award of funding in February 2024. Projects must be completed by December 31, 2025.

Authority

The local jurisdiction must have entered a partnership with an ISP partner or partners prior to entering into a funding agreement with the Department. It is the local jurisdiction's responsibility to acquire any legal authority necessary to do so. The OSB will not assist the local jurisdiction in negotiating or contracting with the ISP Partner.

Funding

The OSB will facilitate the award of funding to the Applicant for its development of a Project or Projects. Financial assistance for the capital construction cost, less required Match, of each application, in an amount not to exceed \$1,100,000 per application, may be available.

Match

The required match is 25% of eligible capital construction costs. The match can be met by the local jurisdiction, their ISP partner, the property owner or the combination of these.

The source of the Match must be identified in the Applicant's Response. Projects for which the Match is comprised of contributions from the Applicant and/or the ISP Partner will receive greater consideration than those without ISP Partner and/or applicant participation.

Projects for which the Match commitment is greater than the minimum requirement will also receive greater consideration during the evaluation. Match from the Applicant or any other source must be in the form of cash. In-kind matches are not acceptable.

Sufficient Match must be available for each reimbursement requested.

- Requests for reimbursement will be submitted in full and the Match will be deducted prior to reimbursement being made.

Network Requirements

The OSB will only support Projects that are able to provide a minimum internet connectivity of 100 Mbps down and 100 Mbps up with a maximum latency of 50 milliseconds measured at the served subscribers' location ("Broadband"). The network must be capable of providing the minimum connectivity to all subscribers. Proposed subscribers must all be offered the minimum connectivity or higher. Subscriber offerings of less than the minimum connectivity are allowable, but only in conjunction with offerings that include or exceed the minimum connectivity.

The OSB will support Projects that are able to provide a minimum internet connectivity of 100 Mbps down and 20 Mbps up with a maximum latency of 50 milliseconds measured at the served subscribers' location only if the network is scalable to a minimum of 100 Mbps symmetrical for download and upload speeds based on future technology advances, with a maximum latency of 50 milliseconds measured at the served subscribers' location. The ISP will be required to submit a Certificate as to circumstances preventing the ISP from achieving the minimum connectivity required. The circumstances preventing the minimum connectivity from being provided must be related to geography, topography, or excessive cost.

Projects that propose speeds higher than the minimum speeds outlined above will receive greater consideration than those proposing only the minimum speeds.

RFA Response Requirements

Responses should explain how the Project will further the OSB's goal of ensuring that difficult to reach premises in unserved areas are to be provided access to High Speed Internet. While there is no minimum or maximum length of the required response, please be concise and limit your response to the information requested. If some of the information requested is not available at this time, please state this in your response.

Failure to completely address each section or failure to provide the indicated information may result in the application being deemed ineligible.

Grant Application Form

Complete the Grant Application for the FY24 Connect Maryland-Broadband for Difficult to Serve Premises Project form, attached. A fillable pdf is also available on the program website at <https://dhcd.maryland.gov/broadband>.

Executive Summary

The Executive Summary for the Project should briefly provide an overview of the unserved difficult to serve premises expected to be served, how the unserved premises will be chosen and what problems the residents currently face. It should include how the proposed Project will help alleviate those problems, increase the resident's quality of life, and how the Project will provide enhanced opportunities for businesses and residents. Be clear and concise and provide convincing links between the Project and the benefits to the proposed premises.

Application Partnership

The Applicant's Response **must** name an ISP partner or partners. The Response should also describe what assistance or cooperation that the Applicant will offer to the ISP Partner, if any. If a grant is approved and the grantee wishes to add additional ISP partners at a later time, this will be permitted after notification of and approval by OSB.

Experience

Provide a statement of experience of the senior team that will participate in any funded Project, both from the Applicant and from the ISP Partner.

Network Discussion

Please describe the network of your ISP partner(s), identify the technology being utilized (FTTP, HFC, DOCIS version, licensed or unlicensed wireless, frequency, etc.), network speed capabilities, ISP offerings, etc.

Subscriber Profile

Provide a description of the unserved locations you expect to serve through the Project as well as demographic data relating to the project area and residents of the project area.

Subscriber Costs and Limitations

Provide a listing of the partner ISP's subscriber service options for the Project, their costs, and any limitations of service such as data caps.

- a. Include any low and moderate subscriber options.

Budget

Provide an estimate of the capital construction costs expected to be funded with HS-DSP funds. The estimate should include the common ISP's absorbed costs (first 300', etc.) as well as costs related to minor improvements of existing infrastructure.

Program Overview

Provide an overview of the program you plan to offer. The overview should include details of the program including, but not limited to, how end users will be selected, assistance to be offered to low income end users, the ISP's method of billing for the work, acceptable ISP costs, low income program, ACP assistance, and ACP promotion offered to subscribers by the ISP, etc. The program overview should be in sufficient detail to allow OSB to judge the effectiveness of the program in connecting unserved locations.

Eligible Grant Purposes.

Matching funds will only be considered if used for eligible grant purposes. Grant funds may be used to finance:

- a. The construction of facilities used to deploy service at the broadband grant speed to all difficult to serve premises.
- b. Electronics necessary to deliver service to an end user including, but not limited to Optical Network Terminals (ONT's), routers, switches, firewalls, wireless radio equipment, antennae, access points and modems and any necessary equipment shelters.

NOTE: All equipment and materials purchased for this Project must be new and non-depreciated.

Ineligible Grant Purposes.

Grant funds may not be used to finance:

- a. The duplication of any existing broadband service provided by other entities.
- b. The duplication of any other state, local, federal funding provided for the location.
- c. Middle mile infrastructure.
- d. Expenses related to the provision of telephone or video service that is not necessary for the delivery of Broadband Service.
- e. The purchase of land or towers, construction of buildings, towers, building renovations or tower improvements.
- f. Operating expenses.

NOTE: Costs incurred by the applicant, or others on behalf of the applicant, for facilities, installed equipment, or other services rendered prior to submission of a completed Response shall not be considered as eligible for grant or match purposes.

Schedule

Describe the proposed schedule for implementing the Project, assuming a Spring 2024 start. Provide a timeline with key milestones.

Response Process

Please submit one (1) electronic pdf copy of your Response to osb.md@maryland.gov on or before December 22, 2023. “Difficult to Serve Premises Grant Application” and the local county jurisdiction name must be included in the subject line of the email.

- All items included with the Response should be combined into one zip file (.zip) to ensure the submission is bound together and no portions are lost during transmission or review. If your application is too large for emailing, you may upload your files to a Google Drive or another cloud service and share the link with us.
- File names used should clearly identify the file contents.

Please identify any information contained in your Response that you contend to be proprietary or confidential. Should a request for this information be made under the Maryland Public Information Act, we consider the request for confidentiality.

Scoring Criteria

Applications will be scored and awards made based on high to low score as funding permits. The maximum score is 45 points based on the criteria presented below.

1. Need for Service and Project Benefits (up to 5 points)

The description of the community needs and the benefits to be provided to the community by the Project as presented in the Executive Summary will be scored.

2. Match Contribution Source and Percentage (up to 15 points)

The required match of 25% of total cost may come from any source. The source of the match indicates the level of commitment from the partners in the Project. Applicants are encouraged to contribute more than 25%. Points will be awarded for each of the following criteria:

a. Match contribution source (combined):

Some or the entire match provided by the local jurisdiction – 2 points

Some or the entire match provided by the ISP – 2 points

Some or the entire match provided by another source – 1 point

b. Match as percentage of total cost:

25% (Required) – 0 point

Greater than 25% and less than or equal to 40% - 5 points

Greater than 40% and less than or equal to 50% - 8 points

Greater than 50% - 10 points

3. Network Delivery Speed (up to 5 points)

Network Delivery Speed: Projects that propose speeds at or above the minimum broadband speeds will receive additional points. Points will be awarded for proposed networks meeting one of the following criteria:

$\geq 100\text{Mbps} \times 20\text{ Mbps}$ but $< 100\text{Mbps} \times 100\text{Mbps}$ = 0 points

$\geq 100\text{Mbps} \times 100\text{ Mbps}$ but $< 1\text{Gbps} \times 1\text{Gbps}$ = 2 points

$\geq 1\text{Gbps} \times 1\text{Gbps}$ = 5 points

4. Subscriber Options (up to 20 points)

Projects providing equity programs such as low cost service options and projects with lower cost of service will receive additional points. Projects that do not impose data caps or other subscriber limitations such as speed reductions based on data usage will receive additional points.

a. Affordability and Service Limitations including low cost equity programs (ACP @ 100x20mbps required)

Low cost offering at reasonable speeds for low income subscribers (up to 10 points): The grantee offers a discounted plan for low income subscribers (may utilize ACP requirements for eligibility). Specify cost of service for different speed tiers for low income subscribers.

Eligibility terms for how subscribers can qualify for the low cost offerings should be provided. It should also be clarified what the low cost offer is before applying ACP.

$\geq 100\text{Mbps} \times 20\text{Mbps}$ but $< 100\text{Mbps} \times 100\text{Mbps}$ for \$30 per month before Applying ACP
= 0 points

$\geq 100\text{Mbps} \times 100\text{Mbps}$ but $< 200\text{Mbps} \times 200\text{ Mbps}$ for \$30 per month before Applying ACP
= 5 points

$\geq 200\text{Mbps} \times 200\text{Mbps}$ for \$30 per month before Applying ACP = 10 points

b. Low cost offering for all subscribers (up to 8 points): Specify cost of service for different speed tiers for all subscribers regardless of income (Include all details about your pricing including one time fees, contracts, etc.) OSB will review your pricing as compared to other applications and assign points accordingly:

Low cost: 8 points

Medium cost: 4 points

High cost: 0 points

c. No data or usage penalty based on service consumption – 2 points

Additional Information

1. The OSB reserves the right to waive any formalities of the RFA process, to re-issue the RFA, to amend the RFA, to extend the dates provided herein, to amend or revise the match requirements, or to suspend the RFA as the OSB may determine, at its sole discretion, is in the best interest of the OSB.
2. No reimbursement will be made by the OSB for any costs incurred in responding to this RFA, developing or submitting a Response, or attendance at meetings or interviews.
3. The OSB reserves the absolute right to conduct such investigations as it deems necessary to assist in the evaluation of any Response, to establish the claimed staff experience, the unserved nature of the premises, the responsibility, reliability, references, reputation, business ethics, history, qualifications and financial ability of the applicant, proposed partner(s), independent consultants, and suppliers. This includes the public release of the information to allow objection to the unserved nature of the locations by others.
4. Successful applicants will be selected based on the scoring criteria outlined. The OSB reserves the right to conduct such discussions or negotiations with Counties or other entities, as it deems necessary to assist in the evaluation of any proposal, to secure maximum clarification and completeness of any proposal, and to select the Responses that best meet the requirements of the OSB and the public interest.
5. All awardees will be required to execute a Memorandum of Understanding (“MOU”) that outlines the obligations of the awardee and State to the “Project”. A sample “MOU” is available for review at <https://dhcd.maryland.gov/broadband>.
6. Questions should be addressed to Kenrick Gordon, Director, Office of Statewide Broadband at kenrick.gordon@maryland.gov or 301-429-7426. The OSB will do its utmost to timely answer questions related to this RFA.



Connect Maryland: Home Stretch for Difficult to Serve Properties
FY24 Grant Application Form

(additional information required – see RFA for all application requirements)

Project Name: Worcester County DSP FY24
Connect Maryland: Home Stretch for Difficult to Serve Properties

Applicant Information

Jurisdictional Legal Name (must match W9):
Worcester County Commissioners

Federal EIN Number: 52-6001064

Attach a copy of your current IRS W-9 Form

Unique Entity ID (SAM.gov) Number: KEA9KRV8GPG3

Address:

Street: 1 West Market Street

City: Snow Hill

County: Worcester

State: MD Zip: 21863

Project Information

Requested Funding:

Applicant: \$0.00

ISP: \$287,500.00

State: \$1,150,000.00

Other: _____

Project Total: \$1,437,500.00



Difficult to Serve Premises:

Difficult to serve premises benefitting from the funding must be unserved with no locations receiving broadband service at 100Mbps download by 20Mbps upload speeds with latency at or below 50ms.

Grant Speed:

Minimum service speeds of 100 Mbps download by 100 Mbps upload speeds (with exceptions) with a maximum of 50ms latency must be available to all end users provided funding.

Technology used to serve the subscriber:

Check all that apply

- Fiber Optics to the Premise
- Coax to the Premise
- Unlicensed Fixed Wireless Frequency Band: _____
- Licensed Fixed Wireless Frequency Band: _____
- Other: _____

Number of Difficult to Serve Premises expected to be served:

Premises: _____



LOCAL JURISDICTIONAL APPLICANT

CERTIFICATION OF GRANT APPLICATION REVIEW

I hereby certify that to the best of my knowledge and belief, the information provided in this Application is true and correct. I further certify that I have reviewed the Request for Applications, FY24 Broadband for Difficult to Serve Premises Funding Program documentation including eligibility of costs and expansion areas and have discussed these requirements with our ISP partner.

Brian Jones Digitally signed by Brian Jones
Date: 2023.12.08 12:50:27 -05'00'

12/11/2023

Signed

Date

Brian Jones

Typed Name

Director of Information Technology

Title

Contact Information

This should be the primary contact for the person coordinating all elements of this application for the Applicant. This is the person the Office will contact with any questions regarding the application.

Name: Brian Jones Title: Director of Information Technology

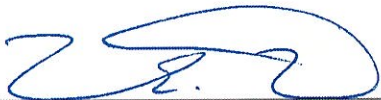
Email: bjones@co.worcester.md.us Phone: (410) 632-9301



LOCAL JURISDICTIONAL ISP PARTNER

CERTIFICATION OF GRANT APPLICATION REVIEW

I hereby certify that I am partnering with the Local Jurisdictional Applicant to provide the service outlined in the Application and have reviewed the Request for Applications, FY24 Broadband for Difficult to Serve Premises Funding Program documentation including eligibility of costs and expansion areas and have discussed these requirements with our Local Jurisdictional Partner. I further certify that I have reviewed the project capital budget, proposed project area, network design and construction and project schedule proposed in the Application and am in agreement with them.


Signed

11/7/23
Date

M. E. Malandro
Typed Name
President & CEO
Title

Contact Information

This should be the primary contact for the person coordinating all elements of this application for the ISP Partner. This is the person the Office will contact with any questions regarding the application.

Name: Valerie Connelly Title: Vice President Government Affairs
Email: Valeruc@choptank.electrnc.coop Phone: 443-690-2411



P.O. BOX 430, Denton, MD 21629
 Toll-Free: 1-877-892-0001
 Z_info@choptankelectric.coop
 www.choptankelectric.coop

Choptank Fiber, LLC & Choptank Electric Cooperative, Inc.

Project: Worcester County FY2024 Partnership

Connect Maryland: FY 24 Home Stretch - Difficult to Serve Premises

Choptank network design and capabilities (i.e. speeds, latency, technologies utilized, etc):

Types of Equipment: Calix access gear

Technologies: fiber

Facilities to be used: Choptank Electric substations as remote COs and Choptank Electric headquarters office as the primary data center.

Network speed: minimum 100Mbps/ maximum 2.5Gbps - symmetrical speeds.

Latency capabilities: maximum 50ms, average 8ms

Backhaul methods: fiber

Pole attached or underground? Both

Construction by: Primarily contractors and Choptank Electric Cooperative staff as needed.

Intended final ownership: Choptank Fiber will own the broadband equipment and the fiber drop to each location. Choptank Electric Cooperative will continue to own backbone and distribution fiber with leased use to Choptank Fiber.

Details regarding subscriber/pricing options and low income program (pdf pages 10 and 11):

Residential Pricing

Up to 100 Mbps \$84.95/month

Up to 450 Mbps \$99.95/month

Up to 1,000 Mbps (1 Gig) \$139.95/month

Up to 2,500 Mbps (2.5 Gig) \$279.95/month

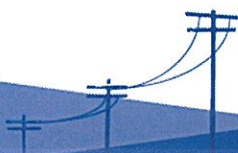
No data caps. Same speed upload & download.

CF Voice - a phone service \$27.99/month

Visit www.choptankfiber.com for more information.

Affordable Connectivity, MEBB & Low-Income Access Programs available

The affordable connectivity – or financial assistance – packages are outlined on the Choptank Fiber website. They can be combined and can bring our \$84.95 subscription down to under \$25. The ACP is offered by the FCC and provides a \$30 per month discount to those who qualify. The MEBB is offered through the state OSB and provides an additional \$15 for



customers who qualify for the ACP. And the LIAP is a program initiated by Choptank at the onset of our fiber program to help members/customers who qualify for energy assistance programs with a \$15 discount. We never want to see a family pass up the opportunity to connect when we get there in the buildout because of a financial concern.

The certification of grant application review (Appendix D):

To be signed upon review of grant application.

Statement of experience for the Choptank team members (Appendix E).

Choptank Fiber is a wholly owned subsidiary of Choptank Electric Cooperative, a not-for-profit, trusted community partner for over 80 years. Over the last 3-years, Choptank Fiber has constructed a broadband fiber-to-the-home network that currently passes 9540+ locations and provides internet service to 3300+ subscribed customers. The team working on this project include:

Mike Malandro, President of Choptank Fiber and President & CEO of Choptank Electric Cooperative. Mike has significant experience directing the operations of electric cooperatives and building broadband fiber businesses. Malandro is active as a director on several boards including: National Rural Telecommunications Cooperative (NRTC), Old Dominion Electric Cooperative (ODEC), Virginia Maryland Delaware Association of Electric Cooperatives (VMDAEC), Virginia Maryland Delaware Association of Broadband Cooperatives (VMDABC), and Virginia Gateway Region EDO. He is a Professional Engineer and holds a B.S. in Electrical Engineering from West Virginia University and has also completed NRECA's Robert I. Kabat Management program. A Veteran of the U.S. Army and West Virginia National Guard, Malandro previously led Prince George Electric Cooperative in Waverly, Virginia as President and CEO, where he launched the successful fiber broadband service company, RURALBAND.

Tim McGaha, Vice President of Operations for Choptank Fiber and Vice President of Technical Services for Choptank Electric Cooperative. Tim provides technological leadership and strategic planning by keeping abreast of emerging technology trends and risks. He has been awarded a fellowship at Indiana University for completion of their leadership program and he also possesses a degree in Accounting and Computer Science from ITT. He previously served as Vice President of Information Technology for Prince George Electric Cooperative and has successfully coordinated fiber broadband deployment.

Lisa DeSantis, CFO for Choptank Fiber and Vice President & Chief Financial Officer for Choptank Electric Cooperative. Lisa has been Vice President since 2015. Previously, she was the Manager of Finance & Regulatory Affairs for Choptank Electric and she has 28 years of diverse experience in finance, accounting, and regulatory affairs. DeSantis graduated with honors from Wesley College with a BS in Business Administration and completed her Master of Science in Accounting and Financial Management in 2014 from the University of Maryland University College.

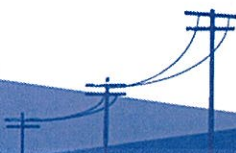


Leroy D. Sverduk, Vice President of Engineering for Choptank Electric Cooperative. Leroy is responsible for guiding the Engineering Department as it oversees the long-term planning and design of Choptank's electrical system and fiber network. Leroy holds a Bachelor of Science in Engineering with an electrical concentration from Messiah College and is a licensed Professional Engineer in both Delaware and Maryland. He is also a recipient of the prestigious Robert I. Kabat Management Program. Prior to joining Choptank, Sverduk was with Delaware Electric Cooperative as Manager of Metering and Power Supply.

Charles Peyton Gleaton Jr., Director of Distribution Engineering. Peyton is a licensed professional engineer in the state of Maryland. He earned his Bachelor of Electrical Engineering and Master of Science in Electrical and Computer Engineering degrees from the Georgia Institute of Technology. Peyton has worked with electric cooperatives in various capacities for over 25 years. For Choptank Fiber's broadband build, Peyton supervises system design, fiber allocation, splicing orders, permitting, attachment requests, system integration and coordination, networking, mapping and GIS, and reviews, manages and approves all work orders.

Kyle Holcomb, Senior Electrical Engineer for Choptank Electric Cooperative. Kyle coordinates the engineering and staking teams as CEC continues to scale its distribution network. Prior to his work at Choptank, Kyle was an engineer at the Prince George Electric Cooperative in Virginia where he spent the last several years designing, installing, splicing, troubleshooting and maintaining fiber optic broadband infrastructure.

Tyler Thompson, Senior Fiber Administrator. Tyler handles outside fiber plant planning and analysis. He helps manage fiber inventory and coordinates training of in-house personnel on how to work with fiber plant materials. He also works with engineering and IT to plan the best routes and implementation methods for fiber builds. Tyler helps coordinate appropriate support personnel to handle outages. He oversees the splicing to make sure it is done to our specifications. Prior to joining the Choptank team, Tyler worked at the Maryland Broadband Cooperative managing fiber optic backbone.





LOCAL JURISDICTIONAL ISP PARTNER

CERTIFICATION OF GRANT APPLICATION REVIEW

I hereby certify that I am partnering with the Local Jurisdictional Applicant to provide the service outlined in the Application and have reviewed the Request for Applications, FY24 Broadband for Difficult to Serve Premises Funding Program documentation including eligibility of costs and expansion areas and have discussed these requirements with our Local Jurisdictional Partner. I further certify that I have reviewed the project capital budget, proposed project area, network design and construction and project schedule proposed in the Application and am in agreement with them.



Signed

12/11/23
Date

Brent Davis

Typed Name

Owner of Simple Fiber

Title

Contact Information

This should be the primary contact for the person coordinating all elements of this application for the ISP Partner. This is the person the Office will contact with any questions regarding the application.

Name: Brent Davis Title: Owner

Email: bdavis@davis-strategic.com Phone: 240-994-6481

Simple Fiber's Layer1 network consists of 100% optical fiber that is installed in underground conduit and utilizing a mixture of industry standard technologies. Examples of these include GPON, XGSPON and colorless directionless DWDM. This approach allows Simple Fiber to maximize the bandwidth possibilities using today's off the shelf technology on a single fiber while making it easy to upgrade to new developmental multiplexing like 25G-PON and bidirectional 100G DWDM. Simple Fiber typically uses its own outside plant construction crews, but at times may use subcontractors to supplement.

Simple Fiber's network core, which is located in downtown Salisbury, MD connects to our points of presence (POP) throughout the Eastern Shore. At this core site we have access to 3 completely separate fiber paths leaving the Eastern Shore, Philadelphia PA, Ashburn VA, and Annapolis MD. This allows us to not only deliver traffic to the fastest location possible but also the resiliency of outage mitigation both planned or unplanned. Using a common network "hub and spoke" design allows every spoke to split and become multiple POPs by utilizing dense wavelength division multiplexing (DWDM). This allows a POP with 2x10G to upgrade to 4x10G or even split into 2 POPs without a disruption of services. Simple Fiber is also a proud member of the Maryland Broadband Cooperative, which provides middle mile interconnection and internet backhaul services to its members. This allows Simple Fiber to add capacity and reliably deploy its services into new territories.

Our Layer2 and Layer3 network was designed from the ground up using exclusively open source whenever possible to prevent being stuck with proprietary vendor licensing. This allows us many additional benefits along with security, subscriber costs savings, quickly utilizing new technologies and allows subscribers to access the network using their own 3rd party router and optical SFPs.

Simple Fiber's network at Layer2 can carry ethernet frames from POPs at a minimum of 2x10G up to 16x10G when using 16 channels per single fiber. Additional leveraging of technologies together allows us to make changes, updates, upgrades, and add additional services on our network without interruption. Some of these Layer2/3 technologies are LACP, pvLAN, and QinQ allowing for private communication when it is a requirement. Our network at Layer3/4 uses protocols like BGP at our core and OSPF at our POPs, one of the main differences of the 2 site definitions. Being fully routed at every POP by default allows for packets to sometimes never leave the Eastern Shore resulting in lower latency and faster speeds.

As fiber and network equipment technology is constantly improving, Simple Fiber's approach will put us at the forefront allowing faster adoption to provide faster and more reliable service for decades to come.

SUBSCRIBER COSTS AND LIMITATIONS (LOW INCOME AND ACP)

The partner ISP will need to provide:

With no contracts and no data caps, a \$99 installation fee, and a \$9.99 per month router rental fee, residential customers will be able to obtain high-speed, symmetrical broadband services up to 10 Gbps down/up. Table 1.1, below, lists Talkie’s Residential Service Offerings by speed and monthly price options.

Table 1.1: Talkie's Residential Service Offerings

Service	Speed	Monthly Price
Basic	400/400 Mbps	\$79.99
Gigabit	1/1 Gbps	\$89.99
Gigabit Plus	2.5/2.5 Gbps	\$119.99
Blazing Fast	10/10 Gbps	\$499.99

Talkie also offers these service offerings on a discounted basis to eligible low-income subscribers pursuant to the FCC’s Affordable Connectivity Program (“ACP”) and the Maryland Emergency Broadband Benefit (“MD EBB”) program. In addition, in its RDOF areas, Talkie offers additional discounts pursuant to the FCC’s Lifeline program.¹ For low-income households that are eligible for these programs, Talkie will waive the \$99 installation fee.

For instance, a low-income residential customer that is eligible for these programs would obtain a total discount of \$54.25 (\$30.00 (ACP) + \$15.00 (MD EBB) + \$9.25 (Lifeline) = \$54.25), such that the customer would pay an affordable amount of \$29.73 or \$39.73 per month for Talkie’s 400/400 Mbps Basic or 1/1 Gbps Gigabit services, respectively.²

Notably, even without applying the discounts under these programs available to low-income residential customers, Talkie’s plans are extremely affordable to *all subscribers regardless of income* compared to the FCC’s 2023 Broadband Reasonable Comparability Benchmarks. In particular, Talkie’s 400/400 Mbps and 1/1 Gbps service offerings are approximately 39%, and 37% less, respectively, than the FCC’s 2023 Broadband Reasonable Comparability Benchmarks for broadband services at these speeds.³

¹ For ACP, see <https://www.fcc.gov/acp>. For MD EBB, see <https://dhcd.maryland.gov/Broadband/Pages/Individual-Resources.aspx>; For Lifeline, see <https://www.fcc.gov/lifeline-consumers>. See also <https://talkiefiber.com/ACP.aspx>.

² This includes the application of the Network Recovery Fee of \$3.99 and the residential customer does not rent a router.

³ See <https://us-fcc.box.com/v/URSUSBenchmarkCalculator>; see also <https://www.fcc.gov/economics-analytics/industry-analysis-division/urban-rate-survey-data-resources>.

Talkie also offers phone, home security, and home automation along with two new speed tiers, 2.5/2.5 Gbps and 10/10 Gbps, which are super-fast speeds that other broadband providers generally do not offer currently. Talkie looks to also offer IPTV services.

In addition, Talkie offers four levels of business Internet services, that are set forth in Table 1.2, below.

Table 1.2: Talkie's Business Service Offerings

Service	Speed	Monthly Price
Starter	100/100 Mbps	\$129.99
Advanced	400/400 Mbps	\$169.99
Gigabit	1/1 Gbps	\$249.99
Blazing XXL	10/10 Gbps	Varies

Talkie cannot overemphasize that it does not require customers to enter into long-term contracts, as we do not believe it is good business to lock someone into such a contract, especially if they do not want the service after signing up. Notably, this practice extends to both residential and business customers. Moreover, because we prefer to avoid raising rates, Talkie does not offer introductory teaser rates. Rather, Talkie offers a “no-strings-attached” three-year rate guarantee (which does not require a 3-year term contract) when customers establish services with us.

For more information on Talkie’s residential and business offerings, see <https://talkiefiber.com/>.

Appendix E

Talkie's key management that will oversee the Project have extensive experience and talent needed to perform and complete the proposed Project properly, timely and safely. Talkie's Co-CEOs and owners, Andre DeMattia and Andrew DeMattia, are ex-Verizon employees. They each have over 23 years of telecommunications experience, which includes 16 years of experience at Verizon. For the past 11 years, Andre and Andrew have been jointly and successfully leading all aspects of Talkie's operations, including, among other things, the successful construction and deployment of Talkie's FTTH/P network and offering its broadband services to unserved rural locations. This effort has involved their effective management of Talkie's FTTH/P business from overall network design, project and construction planning, permitting and deployment, to product design and marketing, network management, customer relations, and ongoing operations, including employee and contractor workforce development and oversight. They have executed and managed FTTH/P deployment projects that have served communities with populations in the low hundreds to larger rural communities that culminate in thousands of users being served. Various federal and state agencies and county governments highly regard their leadership and have awarded Talkie over \$100 million in broadband funding opportunities associated with the FCC's RDOF and Maryland Office of Statewide Broadband programs. Talkie appreciates the opportunity to bring its superior service to the unserved residents with long driveways in Cecil County, Maryland. In designing its network, Talkie has partnered with ADTRAN and utilizes Kevin Schneider (who is a professional engineer with ADTRAN and serves as part of Talkie's staff as a sub-contractor via ADTRAN) in the design, architecture, planning, operation, optimization, and performance management of network systems of Talkie's FTTH/P network. For more information, please see Appendix E, Attachment 1: Talkie Communications – Resume of Key Management, below.



LOCAL JURISDICTIONAL ISP PARTNER

CERTIFICATION OF GRANT APPLICATION REVIEW

I hereby certify that I am partnering with the Local Jurisdictional Applicant to provide the service outlined in the Application and have reviewed the Request for Applications, FY24 Broadband for Difficult to Serve Premises Funding Program documentation including eligibility of costs and expansion areas and have discussed these requirements with our Local Jurisdictional Partner. I further certify that I have reviewed the project capital budget, proposed project area, network design and construction and project schedule proposed in the Application and am in agreement with them.

Andrew DeMattia

12/8/2023

Signed

Date

Andrew DeMattia

Typed Name

Co-CEO

Title

Contact Information

This should be the primary contact for the person coordinating all elements of this application for the ISP Partner. This is the person the Office will contact with any questions regarding the application.

Name: _____ Title: _____

Email: _____ Phone: _____



Worcester County Government
One West Market Street | Room 1103 | Snow Hill MD 21863-1195
(410) 632-1194 | (410) 632-3131 (fax) | admin@co.worcester.md.us | www.co.worcester.md.us

MEMORANDUM

TO: Worcester County Commissioners
FROM: Nicholas W. Rice, Procurement Officer
DATE: December 19, 2023
RE: Request to Award – Pocomoke Middle Basketball Courts

Please see the attached bid tabulation for the Pocomoke Middle School Basketball Court Renovation project. Recreation and Parks is requesting the Commissioner’s approval to award this project to the lowest responsive and responsible vendor, Peninsula Sealcoating, LLC, in the amount of \$41,856. Bids were due and opened on November 20, 2023. Six bids were received.

Funding for this project was approved by Program Open Space. Funding is available under account 100.1602.500.6160.241, Grant Programs New Park Development. Project Open Space funding is 90% reimbursable. The county would be responsible for 10%, \$4,185.60.

Should you have any questions, please feel free to contact me.

Basketball Court Renovation - Pocomoke Middle School	
November 20, 2023 at 2:30pm	
Bid Tabulation	
<u>Vendor Name</u>	<u>Base Bid</u>
Stratified	\$90,090.00
David Bramble, Inc.	\$99,107.00
Terra Firma of Delmarva, Inc.	\$71,955.00
Peninsula Sealcoating, LLC	\$41,856.00
Mike Houck Construction, LLC	\$52,000.00
Asphalt Maintenance, LLC	\$94,720.00



WORCESTER COUNTY, MARYLAND

OFFICE OF THE COUNTY COMMISSIONERS
 1 WEST MARKET STREET, ROOM 1103
 SNOW HILL, MARYLAND 21863
 410-632-1194
 FAX: 410-632-3131

Weston Young
 Chief Administrative Officer

Nicholas W. Rice, CPPO, CPPB, NIGP-CPP
 Procurement Officer

CONTRACT

THIS CONTRACT, made on December 19, 2023, between the County Commissioners of Worcester County, Maryland ("County"); and Peninsula Sealcoating, LLC ("Successful Vendor").

WITNESSED: That for and in consideration for payment and agreements hereinafter mentioned:

1. Successful Vendor will commence and complete the POCOMOKE MIDDLE SCHOOL BASKETBALL COURT RENOVATION.
2. Successful Vendor will furnish all of the material, supplies, tools, equipment, labor and other services necessary for the Work described herein.
3. Successful Vendor will commence and complete the Work required by the Contract Documents within the timeframes listed in the Bid Documents unless the period for completion is extended otherwise.
4. Successful Vendor agrees to perform all of the Work described in the Contract Documents and comply with the terms therein for the sum of \$41,856 (forty-one thousand eight hundred fifty-six dollars and no cents).
5. The term 'Contract Documents' means and includes the following:
 - a. This Contract
 - b. Exhibit A - Worcester County Maryland Standard Terms and Conditions
 - c. Advertisement
 - d. Section I: Introduction
 - e. Section II: General Information
 - f. Section III: General Conditions
 - g. Section IV: Bid Specifications
 - h. Form of Bid
 - i. References
 - j. Exceptions
 - k. Individual Principal
 - l. Vendor's Affidavit of Qualification to Bid
 - m. Non-Collusive Affidavit
 - n. Addendums 1 & 2
 - o. Successful Vendor's Completed Bid Documents
 - p. Notice of Award

- q. Notice to Proceed
- 6. Any inconsistency or conflict between the Contract Documents shall be resolved in their order listed above.
- 7. The County will pay the Successful Vendor in the manner and at such times as set forth in the Bid Documents.
- 8. This Contract will be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Contract in duplicate each of which will be deemed an original on the date first above written.

ATTEST:

**COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND**

Anthony W. Bertino, Jr.
President
Date:

WITNESS:

CONTRACTOR:
Peninsula Sealcoating, LLC

By:
Title:
Date:



Worcester County Department of Environmental Programs
Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863
Tel: (410) 632-1220 | Fax: (410) 632-2012

Memorandum

To: Weston S. Young, P.E., Chief Administrative Officer

From: Robert J. Mitchell, LEHS, REHS/RS
Director, Environmental Programs

A handwritten signature in blue ink, appearing to be "RJM", is written over the name of the sender.

Subject: Growth Allocation Request
Island Resort Campground

Date: 12/11/23

Please accept this memorandum, with attachments, as a request for the County Commissioners to schedule a Public Hearing for an approval of 33.46 acres of Atlantic Coastal Bays Growth Allocation for the Island Resort Campground. The request has been reviewed by the Planning Commission and given a favorable recommendation.

In addition to a draft advertisement for the required public hearing, you will find applicable staff correspondence, the Planning Commission report and minutes, comments from the Critical Area Commission, and the applicant's Critical Area Report and site plan.

If you have any questions or need any additional information, please let me know.

Attachments

1. Memo from David Bradford, dated 12-7-23.
2. Planning Commission Report from Staff with Critical Area Comments
3. Planning Commission Meeting Minutes
4. Growth Allocation Summary
5. Draft Advertisement
6. Maps
7. Applicant's Critical Area Report

cc: David Bradford, Deputy Director



Worcester County
Department of Environmental Programs

Memorandum

To: Robert J. Mitchell, Director

From: David M. Bradford, Jr., Deputy Director

Subject: Island Resort Park, Inc. – Atlantic Coastal Bays Critical Area - Growth Allocation Request

Date: December 7, 2023

This memo is a request to schedule a public hearing for growth allocation for Island Resort Park, Inc. located at 9537 Croppers Island Road, as shown as Worcester County Tax Map 40 Parcel 93 & 241. The applicant is proposing to expand the current campground by 62 campsites. This request is to redesignate 33.46 acres of Resource Conservation Area (RCA) to Limited Development Area (LDA) to perform this campground expansion. Currently, within the Atlantic Coastal Bays Critical Area Program, there are 369.18 acres of growth allocation available.

As you are aware, Growth Allocation Requests are reviewed by the Worcester County Planning Commission and then forwarded to the County Commissioners. The Worcester County Planning Commission reviewed this request during their October 5, 2023 meeting and found this request was consistent with the Comprehensive Plan and gave it a favorable recommendation. The vote was unanimous. If approved by the County Commissioners, the request will then be forwarded to the Maryland Critical Area Commission for final review and determination.

Attached, you will find the proposed site plan, environmental plan and report, staff report submitted to the Planning Commission, as well as the Planning Commission meeting minutes. Also included is a draft advertisement to advertise the public hearing.

Once the request is scheduled, all applicable site plans and supplemental documents will be submitted to the County Commissioners in advance of the public hearing.

Please let me know if you need anything additional. I will be available for any questions during the Commissioner's meeting.

Citizens and Government Working Together

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863
TEL: 410-632-1220 FAX: 410-632-2012

Attachment 1

**Planning Commission
Report w/
Critical Area Commission
Comments**



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410.632.1220 / FAX: 410.632.2012

LAND PRESERVATION PROGRAMS
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WELL & SEPTIC
WATER & SEWER PLANNING
PLUMBING & GAS
CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

MEMORANDUM

TO: Worcester County Planning Commission

FROM: David M. Bradford, Jr. Deputy Director
Katherine Munson, Planner V

DATE: September 14, 2023

SUBJECT: Planning Commission Meeting, October 5, 2023, Growth Allocation Request
Island Resort Campground Tax Map 40, Parcel 93 & 241

The following comments are provided for the above referenced request:

The subject property for this request is identified as Tax Map 40, Parcel 93 and 241, which is located within the boundaries of the Atlantic Coastal Bays Critical Area Program (ACBCA), specifically within the Resource Conservation Area (RCA) designation. According to the Exhibits provided, a small area of the requested Growth Allocation is within the lot boundaries of Tax Map 40, Parcel 93 and 241. According to the Growth Allocation request, 33.46 acres within RCA is proposed to be reclassified as Limited Development Area (LDA). The property presently contains an active campground, support buildings, and an onsite sewage disposal system within its boundaries. These existing uses on the property, located with the Critical Area boundary, were approved prior to the implementation of the Atlantic Coastal Bays Critical Area Law, and per §NR 3- 108(c)(4), may remain in use. For your reference, attached within is a copy of the Atlantic Coastal Bays Critical Area Program map, highlighting the subject property.

This proposal is for reclassification of 33.46 acres of RCA to LDA, resulting in the proposed use of 33.46 acres of Growth Allocation. The applicant is proposing to expand the current campground within this area and include 62 new campsites. Presently, this proposed commercial use and expansion is not permissible within the RCA designation. As noted under §NR 3- 108(c)(5), *“new commercial, industrial, and institutional uses shall not be permitted in the Resource Conservation Areas.”*

As the Planning Commission is aware, Growth Allocation is the process to reclassify land use designations within the Critical Area. Under §NR 3-112 (c)(2) of the Worcester County Code of Public Local Laws (County Code), *“[a]ll applications for growth allocation shall be forwards to the Planning Commission for review and shall include comments and recommendations from the staff. The Planning*

Commission shall consider the growth allocation request prior to making a recommendation on the proposal to the County Commissioners."

General Comments:

Attached you will find copies of the Critical Area Site Plan, Report, and various other supporting documents provided by the Applicant as a part of this request.

Growth Allocation Standards §NR 3-112(b):

The Critical Area Law provides guidelines in considering Growth Allocation. Below is an analysis of the applicable guidelines for consideration of requests for reclassification to Limited Development Area (LDA).

(§NR 3-112(b)(2) New Limited Development Area should be located adjacent to existing Limited Development Area or Intensely Developed Areas.

Per the documents provided by the applicant, this proposed growth allocation appears to be adjacent to the existing LDA along Cropper Island Road. Also, as a part of this request they will consolidate Parcel 93 and 241 which further aids with required adjacency requirements.

(§NR 3-112(b)(4) No more than one-half of the allocated expansion may be located in Resource Conservation Areas except as provided in Subsection(b)(9) below.

As this request is 33.46 acres within the RCA, this acreage does not exceed one-half of the allocated expansion provisions of the Ordinance. Attached is a copy of the Summary of Growth Allocation to date of the Atlantic Coastal Bay Critical Area. Within the Atlantic Coastal Bays Critical Area Program, there are 369.18 acres available.

(§NR 3-112(b)(5) New Intensely Developed Areas and Limited Development Areas should be located in such a manner as to minimize impacts to Habitat Protection Areas as specified in this Subtitle an in an area and in a manner that optimizes benefits to water quality.

The Planning Commission should consider the applicant's Critical Area report and Critical Area Site Plan and testimony in determining if this guideline has been met.

- Tidal and non-tidal wetlands were originally field delineated in 2007, and again in 2010, 2015, and most recently in 2022 as a part of this proposal. This most recent delineation was used for this current concept plan development to minimize wetland impacts. The property owner proposes to avoid all wetland impacts. However, there are some impacts to non-tidal wetland buffers in the amount of 5,229 sf. No tidal wetland buffer impacts are proposed, and they maintain the required 300 ft setback for new growth allocation requests.

-The request will result in an increase of impervious surface by 4.54 acres. Applicant maintains within the Report that the stormwater management system for the development of the site will successfully address the three phase stormwater management process (concept plan, site development plan, and final stormwater management plan) for all new impervious surfaces proposed. Computational information has also been provided within the Report.

-Within the 33.46 acre growth allocation, a total of 24.33 acres are wooded with 2.79 acres proposed to be cleared. The project proposes to provide 2.93 acres of afforestation to offset this clearing. 2.29 acres of the afforestation is proposed within the 300 ft tidal setback. No proposed clearing is to occur within the 100 or 300 ft buffers. Forest Interior Dwelling Species (FIDS) management plan design guidelines will be utilized to minimize any impacts to FID species during clearing activities. Also, 21.76 acres of existing forest are proposed to be included within a Forest Conservation Easement.

- The letter from Maryland DNR Wildlife and Heritage Service regarding the presence or lack thereof of rare, threatened or endangered species is attached within the Environmental Report.

- The growth allocation request is for reclassification to LDA, there will be impervious surface limitations. Pursuant to §NR 3-107(c)(8): *“Except as otherwise provided in this subsection, for stormwater runoff, impervious areas, shall be limited to fifteen percent of the site.”* The proposed reclassification will maintain a lot coverage well below the required 15% threshold and fit the LDA criteria.

(§NR 3-112(b)(7) New Intensely Developed or Limited Development Areas in the Resource Conservation Area should be located at least three hundred feet landward of the limits of tidal wetlands or tidal waters

As note in COMAR 27.01.02.06-3(E)(4), a new LDA within a previous RCA must be located *“at least 300 feet beyond the landward boundary of tidal wetlands or tidal waters, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources.”*

The applicant will be providing the required 300 ft setback from tidal wetlands as shown on provided plans and within environmental report.

(§NR 3-112(b)(8) New Intensely Developed or Limited Development Areas shall conform to all criteria of the Department for such areas, shall be so designated on the County's Atlantic Coastal Bays Critical Area Maps and shall constitute an amendment to this Program subject to review and approval by the Planning Commission, the County Commissioners and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays

The proposed site, should it receive Growth Allocation, will meet all Critical Area Laws with respect to the development standards of LDA found in the Natural Resources Article of the Worcester County Code of Public Local Laws. Furthermore, should this project successfully proceed through the Planning

Commission, receive County Commissioners approval, and approval from the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, the critical area maps will be changed to reflect the new designation.

(§NR 3-112(b)(9) If the County Commissioners are unable to utilize a portion of its growth allocation as set out in Subsections (b)(1) and (2) above within or adjacent to existing Intensely Developed or Limited Development Areas, then that portion of the allocated expansion which cannot be so located may be located in the Resource Conservation Areas in addition to the expansion allowed in Subsection (b)(4) above. An applicant shall be required to cluster any development in an area of expansion authorized under this subsection.

Based upon information provided by the applicant and review of associated site plans, it appears that the expansion will be adjacent to the existing LDA once the two involved parcels are consolidated. Exhibit 2-8 within the provided Report illustrates this required adjacency.

ADDITIONAL FACTORS OF CONSIDERATION:

1.) Consistency with the local jurisdictions Comprehensive Plan (Plan) and whether the proposed growth allocation would implement the goals and objectives of the plan:

The 2006 Comprehensive Development Plan for Worcester County identifies overarching goals, including, to maintain and improve the county's rural and coastal character, protect natural resources and ecological functions, and to accommodate a planned amount of growth served by adequate public facilities. Objectives include to continue the dominance of agricultural and forestry uses throughout the county's less developed regions, minimize conflicts among land use due to noise, smoke, dust, odors, lighting and heavy traffic, and limit rural development to uses compatible with agriculture and forestry.

The location of the proposed project is designated "Agriculture" on the 2006 land use plan map. This category is "reserved for farming, forestry and related uses with minimal residential and other incompatible uses". As a general policy, the plan states that the "practice of not rezoning agricultural land for other uses should continue".

The proposed project is in close proximity to land designated Green Infrastructure. The closest other designated use is "Village": the Village of Newark, over two miles away.

The proposed expansion of 62 additional campground lots is not consistent with the Plan and would not implement the goals or objectives of the plan. A large campground is not a use consistent with maintaining the county's rural and coastal character, it is not compatible with agricultural and forestry uses and in particular may contribute to traffic conflicts impacting agricultural uses. While the proposal is not technically a "re-zoning", the use is not allowed in the A-1 zone, which conflicts with the policy stated in the comprehensive plan of not re-zoning land with an "Agriculture" designation. The

campground is an existing non-conforming use. The property is zoned A-1, Agricultural District, in which it is intended to preserve, encourage, and protect the County's farms, forestry operations and their economic productivity. This property was granted a special exception in January of 2008 by the Worcester County Board of Zoning Appeals to expand the existing campground and a variance was also granted to reduce the required setback to a residential district.

2.) For a map amendment involving a new limited development area whether the development is:

a.) To be served by a public wastewater system or septic system that uses the best available nitrogen removal technologies:

The campground is served by an advanced nutrient removal package wastewater plant with subsurface tile fields for the initial and first replacement areas with a drip irrigation system as the third replacement area. The existing system will have the existing force main extended to collect the expanded flow with both the advanced wastewater treatment plant with an additional spray irrigation field added. The effluent is proposed to be sprayed onto a proposed 15.44-acre spray field. These proposals are outlined in a Worcester County Water & Sewer Plan Amendment associated with the 62-lot expansion.

b.) Is a completion of an existing subdivision and is clustered:

No, the Island Resort Campground was originally established in 2005 on parcel 241 and has periodically expanded. The property owner also owns the adjacent parcel 93 and proposed to expand the existing campground.

3.) Uses public infrastructure where practical:

As described in the report, the site does not use public infrastructure other than the use of County roads.

4.) Is consistent with State and Regional environmental protection policies regarding the protection of rare and threatened endangered species in need of conservation:

As described in the report and confirmed in the letter there are no rare, threatened, or endangered species present on the site.

5.) Impacts on priority preservation areas as defined under section 2-518 of the Agricultural Article:

The proposed project is located within Worcester County's Priority Preservation Area (PPA). The county's farmland conservation objective is to avoid encroachment of non-agricultural development into large contiguous farming areas and to ensure that prime farmland is given the highest protection

priority. The PPA is 195,332 acres in size and the goal is that 153,000 acres will be permanently protected to ensure viability of the agricultural industry in Worcester County. Within the PPA there is minimal residential or commercial use. The Priority Preservation Area element recommends the following actions within the PPA: Continue to permit only minor subdivisions (up to 5 lots per parcel); allow compatible uses that provide additional farm income, including tourism and “value-added” facilities; focus growth near existing population centers with standards for minimum development density.

The proposed campground is not compatible with the policies stated in the PPA as this use is more intense than a minor subdivision, it is not an activity providing farm income, and the location is not near an existing population center. This use will weaken the long-term protection of the PPA, by introducing expansion of an incompatible use. As previously mentioned, the existing campground was subject granted a special exception in January of 2008 by the Worcester County Board of Zoning Appeals to expand the existing campground for the initial expansion and a variance was also granted to reduce the required setback to a residential district.

6.) Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams:

As noted in the report the site will utilize an advanced nutrient removal through an engineered designed pretreatment package with an initial (existing) drainfield and drip spray replacement areas and planned treatment plant upgrades with the addition of a spray irrigation field. The site also proposes approval for a stormwater management plan that incorporates environmental site design to the maximum extent practicable by utilizing rain gardens, grass channels, and disconnects to buffers to treat the Stormwater prior to discharging into tidal wetlands and waters.

7.) Environmental impacts associated with location in coastal hazard area or an increased risk of severe flooding attributable to the proposed development:

This project is proposed within a minimal flood hazard zone. Flood zones on the proposed development area are X and AE as depicted on the attached National Flood Hazard Layer FIRMette map.

STATE CRITICAL AREA COMMENTS

Comments from the State Critical Area Commission Staff are attached within.

ACTION OF THE PLANNING COMMISSION:

The Planning Commission is requested to forward a favorable or unfavorable recommendation to the County Commissioners regarding the applicant’s request for an award of 33.46 acres of Growth Allocation, by designating a portion of the subject critical area property as a Limited Development Area (LDA). Once the Planning Commission has made this recommendation, the applicant shall address and revise the concept plan according to any comments and/or recommendations before proceeding further. In addition,

Stormwater Concept Plan Approval, along with accompanying calculations, and a more detailed planting plan will be required by this Department prior to review by the County Commissioners. Pursuant to §NR 3-112(c)(3), the growth allocation request shall then be forwarded to the County Commissioners by the Planning Commission with a recommendation for either approval or denial.

ADDITIONAL APPROVAL STEPS:

The County Commissioners shall hold a public hearing pursuant to §ZS 1-114 of the Zoning and Subdivision Control Article on the request and any revisions to the concept Plan.

The County Commissioners may establish conditions of approval that are consistent with the intent of the Critical Area Program. Pursuant to §NR 3-112(c)(11), as a condition of approval, the County Commissioners may require that the project approved for the use of growth allocation demonstrate that it has been substantially completed within three (3) years of the date of growth allocation approval by the Commission. Substantially completed is defined as projects in which all public improvements such as roads, sewer and/or water facilities, etc. have been built and approved as required by the County Commissioners.

If the request is approved by the County Commissioners, it shall be forwarded to the State Critical Area Commission. Thereafter, the additional approval steps will be applied as set forth in §NR 3-112(c)(6) thru (10).

* * * * *

Should you have any questions or need additional information, please do not hesitate to contact us at (410) 632-1220:

David Bradford – ext. 1143, dbradford@co.worcester.md.us

Katherine Munson- ext. 1302, kmunson@co.worcester.md.us

- Attachments Applicant’s Critical Area Report
- Growth Allocation Summary;
- Critical Area Commission Letter;
- GIS Aerial Map illustrating CA boundary;
- FEMA Map;
- Land Use Map

cc: Bob Mitchell, Director DEP
 Joy Birch, NR Planner DEP

Wes Moore
Governor
Aruna Miller
Lt. Governor



Erik Fisher
Chair
Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

August 4, 2023

Mr. David Bradford
Worcester County Department of Environmental Programs
One West Market Street – Room 1306
Snow Hill, Maryland 21863

Re: Island Resort Campground
Preliminary Review for Growth Allocation

Dear Mr. Bradford:

I am writing in response to the above referenced proposal to provide initial review and comment. It is my understanding that the Island Resort Campground is interested in expanding their facility and may seek growth allocation in order to do so. The existing campground is located on Tax Map 40 Parcel 241, which totals 151.27 acres and contains Resource Conservation Area (RCA). A portion of the campground was approved within the RCA prior to the establishment of the Atlantic Coastal Bays Critical Area Program. The proposed expansion is on Tax Map 40, Parcel 93 which is directly adjacent to Parcel 241. Parcel 93 totals 365.37 acres, which is divided into two parts, or Items. Item 1 is 223.47 acres and Item 2 is 142 acres. Currently, 173.47 acres of the property are located within the RCA. The applicant is seeking 33.46 acres of growth allocation to reclassify a portion of the RCA to Limited Development Area (LDA), in order to locate 62 new lots/campground sites and meet the 15% lot coverage limit.

Based on the information provided, we have the following comments at this time:

1. In order for the Commission to accept an application for growth allocation, the County must provide all information in accordance with the Commission's growth allocation submittal requirements (COMAR 27.01.02.06-1). The Worcester County Commissioners must determine that the growth allocation meets the strict adjacency standards listed under Natural Resources Article 8-1808.1(c)(2) and COMAR 27.01.02.06-3.E, including that the proposed growth allocation is adjacent to an existing LDA or an Intensely Developed Area (IDA). Additionally, an application for growth allocation in an RCA shall provide a 300-foot setback from tidal waters or tidal wetlands. If a 300-foot setback is not provided, the County shall propose alternative measures that enhance water quality and habitat in order to provide greater benefits to the resources.

2. Additionally, any proposed development must conform to all the standards for a Limited Development Area. This includes no disturbance to the Buffer or expanded Buffer. The site plan included with this application does not show hydric soils, however analysis on MdMERLIN indicates there are extensive hydric soils on the site. A plan showing only the field delineated Buffer, properly expanded for hydric soils and nontidal wetlands, would be necessary to ensure all development is located outside of the Buffer.
3. The application must also include information that addresses the factors to be considered found in Natural Resources Article 8-1808.1(c)(4) and COMAR 27.01.02.06-3.G. Finally, the deduction must meet the requirements for a development envelope as outlined in COMAR 27.01.02.06-4.

Our office is available to discuss the above application further if necessary. Please feel free to contact Kate Durant at Kathryn.durant@maryland.gov or 410-260-3477.

Sincerely,



Kate Charbonneau
Executive Director

Attachment 2

**Planning Commission
Minutes**

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – October 5, 2023**

Meeting Date: October 5, 2023

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair
Rick Wells, Vice Chair
Mary Knight, Secretary
Ken Church
Marlene Ott
Betty Smith
Phyllis Wimbrow

Staff

Jennifer Keener, Director, DDRP
Matthew Laick, Deputy Director, DDRP
Kristen Tremblay, Zoning Administrator
Stu White, DRP Specialist
Cathy Zirkle, DRP Specialist
Bob Mitchell, Director, DEP
Dave Bradford, Deputy Director, DEP
Joy Birch, Natural Resources Planner, DEP
Roscoe Leslie, County Attorney

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, September 7, 2023

As the first item of business, the Planning Commission reviewed the minutes of the September 7, 2023 meeting.

Ms. Ott noted that there were comments made during the Refuge at Windmill Creek review that were not included in the minutes and asked to amend the minutes to include them. Following the review, a motion was made by Ms. Ott to approve the minutes with the amendments, Mr. Church seconded the motion, and the motion carried unanimously.

B. Board of Zoning Appeals Agendas, October 12, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for October 12, 2023. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Board.

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – October 5, 2023**

C. Technical Review Committee Agenda, October 11, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for October 11, 2023. Mr. White was present for the review to answer questions and address any concerns of the Planning Commission.

No comments were forwarded to the Committee.

III. Sea Squared – Minor Site Plan Code Requirements Waiver Request

As the next item of business, the Planning Commission reviewed a request for waivers for Sea Squared, a proposed 9,600 square foot, single story warehouse building for marine storage and an outdoor boat storage area. Located at 11206 Five-L Drive, approximately 950 feet south of the eastern intersection of Five-L Drive and Cathell Road, Tax Map 21, Parcel 267, Lot 7, Tax District 03, A-2 Agricultural District. Hugh Cropper IV, Melissa Clemens, and Ron Croker were present for the review. Mr. Cropper presented the project.

Mr. Cropper stated that the project received Special Exception approval from the Board of Zoning Appeals (BZA) for the proposed use of a boat storage facility in the A-2 Agricultural Zoning District and the site plan received preliminary approval from the Technical Review Committee (TRC).

Mr. Cropper explained that the Zoning Code requires that the travelway to the proposed facility be constructed of a hard surface such as concrete. He asked that this requirement be waived and stated that it would only create more impervious surface to the property and would be subject to damage from the equipment and trailer traffic. He stated they wish to instead have a stabilized stone driveway comprised of a gravel base with washed stone on the surface. Mr. Croker presented material samples to the Planning Commission members for reference and described how the proposed materials would create no dust. Mr. Cropper added that the road would seldom be used outside of the Spring and Fall.

Mr. Cropper then stated that a condition of the BZA approval is the requirement of a one-hundred-foot vegetated setback between the proposed storage facility and the property border with the Pennington Commons subdivision, which was later described as a one-hundred-foot vegetated buffer in the subsequent BZA hearing Opinion letter. He stated that he felt that the terminology of “buffer” was made in error and does not feel that the area should be treated the same as a landscape buffer that you would typically see in a residential subdivision, requiring certain species of plants, mulch, and irrigation. He stated that he felt that was not what the residents of Pennington Commons were seeking or what was intended. Mr. Cropper stated that the intention was to plant trees and let them grow in addition with the existing trees on the

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – October 5, 2023**

site. He added that approximately half of the property is wooded and would not be bothered. Ms. Wimbrow questioned if the site plan illustrated existing or proposed conditions. Mr. Cropper explained that it illustrates the existing tree line along with proposed green-giant arborvitae plantings. Ms. Wimbrow added that she was looking for clarification that the site plan illustrates what is proposed or what is required. Ms. Keener clarified that the site plan is acceptable to the BZA's conditions and that the Planning Commission is not considering the Board's interpretation of the plan. She further clarified that the Planning Commission is reviewing whether irrigation would have to be provided to which Mr. Cropper responded that they are seeking a waiver from the requirement. Ms. Wimbrow added that the landscaping would have to be bonded for survival.

Ms. Wimbrow then asked, with regards to the driveway surface requirement, if pavement was required. Ms. Tremblay then read the Zoning Code section which defines the requirements for vehicular travelways and parking areas. Mr. Croker added that the existing driveway and employee parking area already meet the Code requirements and that the driveway to the proposed building would only be used by employees. Ms. Wimbrow added that she agreed with Mr. Cropper's assessment that having a pervious driveway is advantageous with regards to stormwater management.

Following the discussion, a motion was made by Ms. Wimbrow, seconded by Ms. Ott, and carried unanimously to grant the waivers from the hard surface requirement for the driveway and the requirement for an automatic irrigation system for the one-hundred-foot landscape buffer plantings.

IV. Rezoning

Case 443

As the next item of business, the Planning Commission reviewed Rezoning Case 443. Mr. Church recused himself from the review. Hugh Cropper, IV, applicant's attorney, Greg Wilkins, Linda Ayres, and Chris McCabe were present for the review. Linda Ayres started by describing the history of the property and surrounding area. The property has been in the family since the 19th century. Mrs. Ayres stated that she was shocked by the changes in the neighborhood as she rode by the property. She described how there was no true farmland, and that the area was mostly developed by churches, schools, gas stations, housing, and farm stands. Mrs. Ayres also described how the family has a history of preserving farmland in Worcester County. Mrs. Ayres also stated that Mr. Littleton has farmed the land for decades. He wrote to her stating that he could no longer farm the land and make money off it. She stated that the traffic makes it difficult for combines and other farm equipment to access the property as well as problems with wildlife eating the crops.

**WORCESTER COUNTY PLANNING COMMISSION
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Mr. Cropper asked that the Planning Commission ignore the submitted definition of the neighborhood that was included in his submittal, as he would like to redefine it. Mr. Cropper called Greg Wilkins Professional Land Surveyor for 13 years and has been in the surveying business for 35 years generating site plans and working with the Comprehensive Plan

Mr. Cropper submitted Applicant's Exhibit #1, an excerpt from page 17 of the Comprehensive Plan that talks about commercial centers. The applicants are asking to rezone for two acres next to the existing convenience store as commercial and the rest as an upgrade from A-1 to A-2. Mr. Cropper described the different types of Community Centers that serve 3,000 or more within a 10-to-20-minute travel time and used this definition to define the neighborhood. Mr. Cropper tried to define a narrow neighborhood but stated that did not work due to the cohesive neighborhood of Ocean Pines. Mr. Wilkins believes that the neighborhood is defined by a circle, and concurred it is consistent with the Comprehensive Plan. The subject property is centered in the redefined neighborhood.

Mr. Cropper described the surrounding zoning and how there is like a peninsula of A-1 zoning with A-2 zoning just to the south and stated that there is no reason why it shouldn't be A-2 and that there is more farmland (Crop Land) in the A-2 than the A-1 area. He further stated that there have been substantial and material changes since the November 3, 2009, rezoning. The first being the Tidal Health campus across the street. He stated that the property had to obtain several special exceptions to develop it, as it is zoned C-1, and they developed several large establishments on the property.

Mr. Cropper explained that the second change in the neighborhood was the expansion of the casino, which applied for and received Water & Sewer Plan amendments and an expansion of the Ocean Pines sewer. Planning Commission and County Commissioners approved a Casino Overlay District text amendment which essentially changed the zoning of the property. He argued that this defines a substantial change to the neighborhood. Subsequently, Crabs to Go received a Water & Sewer amendment to connect to County Sewer which created another change to the neighborhood.

Mr. Cropper submitted Applicant's Exhibit No. 2, the County Commissioners Findings of Fact from Rezoning Case No. 392. The Planning Commission and County Commissioners found based on a smaller neighborhood that there was a change in the character of the neighborhood and rezoned the property from Agricultural to Commercial. The case was appealed to the Court of Special Appeals, submitted as Applicant's Exhibit No. 3, opinion from the Court of Special Appeals. Mr. Cropper mentions Bob Mitchell's comments about the properties being growth areas or EDA under the Comprehensive Plan. The Court of Special Appeals was not concerned about the underlying land use designation. He stated that the AGH complex added

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – October 5, 2023**

the traffic light and has made significant road improvements. Mr. Cropper defined this as the fifth change in the character of the neighborhood.

Mr. Cropper submitted Applicant's Exhibit No. 4, which was the County Commissioners Finding of Fact and Resolution Rezoning Case No. 396, and Applicant's Exhibit No. 5, Resolution 19-2, requiring service area expansions and a Water & Sewer Plan Amendment. Mr. Mark Cropper represented a group of clients who owned the properties across from the casino and they were rezoned from A-1 and E-1 to C-1 and C-2. He stated that was a sectional rezoning that was a significant change in the character of the neighborhood.

Chris McCabe, owner of Coastal Compliance Solutions, submitted Applicant's Exhibit No. 6 which was the County Commissioners Finding of Fact for Rezoning Case 403. The property was rezoned from A-1 and E-1 to R-1 on Beauchamp Road and is part of the neighborhood and a substantial change in the neighborhood. The property owner now has 90 single-family lots under construction and obtained Water & Sewer amendment to purchase service from River Run. Mr. McCabe reviewed subject property from an environmental perspective. The land is generally upland and suitable for development with the woods having some non-tidal wetlands dispersed. The entire area will be converted farmland with plenty of uplands. It has limited on-site septic capacity, but that is theoretical as Mr. McCabe is not a soil scientist. The property is constrained by wastewater disposal. In his opinion, the changes previously outlined are a substantial change in the character of neighborhood, Mr. McCabe agrees with Ms. Ayres that it is a bad location for farm equipment.

Mr. Cropper submitted applicant's exhibit No. 7, an email from Maryland Department of Transportation (MDOT) State Highway Administration (SHA) showing that they have no objection to the rezoning and that SHA would require road improvements if it were ever developed. Mr. Cropper admitted that there are traffic problems on Rt. 589, but that the potential traffic generated from this project would be mitigated by road improvements required by SHA. He further stated that traffic generated from this property would be a drop in the bucket to the current Rt. 589 traffic.

Mr. Cropper submitted applicant's exhibit No. 8A and 8B, the complete A-1 and A-2 statutes. He described that the permitted uses in both the A-1 and A-2 are nearly identical. There are two more permitted uses in the A-2, under the Special Exceptions there are 8 more in the A2 than in the A-1. He suggested that in every other respect, both districts are the same. From a traffic perspective there is no difference from A-1. Mr. Cropper listed Special Exception uses in the A-1 District and suggested that only difference is that the A-2 allows golf courses, campgrounds, contractors shops and storage facilities. He stated that the two acres next to the existing convenience store as Commercial part would allow more uses.

**WORCESTER COUNTY PLANNING COMMISSION
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In conclusion, if the Comprehensive Plan designates this as agriculture, Mr. Cropper disagrees with staff and believes that the adjoining commercial zoning area touches this property, and that it should be part of the commercial intersection. Mr. Cropper feels that the requested 2 acres of C-2 is consistent with the Comprehensive Plan as it adjoins the existing gas station property. This is an isolated piece of property that has been left behind because of the change in the character of the neighborhood. Mr. Cropper's Opinion is that entire section of the A-1 peninsula should be A-2, but he is only asking for the subject property.

Mr. Barbierri inquired about the traffic circle that was proposed to be included in the last rezoning. Mr. Cropper said SHA proposed a roundabout, designed it, and put it to a public comment period with Ocean Pines Association. He stated that it received so many negative comments that they decided to table it. Sewer capacity was also brought up and Mr. Cropper stated that sewer will be handled on site.

A question was asked about the proposed commercial area. Mr. Cropper provided an aerial photograph illustrating the proposed 2.0-acre area. He stated that he will have Greg Wilkins prepare a survey illustrating it.

Mr. Wells stated that he was very concerned about traffic issues in this area and that a better solution could be a roundabout or other resolutions. He stated that it's not what the property is used for, it's what the traffic is doing to it. He further stated that something can be done with the property now, but it will still require entrances and it is not safe. Mr. Wells does not think the rezoning will make traffic worse though.

Mrs. Wimbrow is in full agreement with Rick about the traffic and feels that we need to deal with the issues first before granting a rezoning. Read code reference ZS1-113(c)(3) aloud. She said "personally, that's where we need to put our foot down." She stated that she disagreed with the sectional rezoning across from the casino and feels she cannot vote for this.

Mr. Barbierri states that he is hearing from people "What is the Planning Commission approving now for Rt. 589 to worsen the traffic conditions?" Mr. Barbierri states that until they had a definitive plan for Rt. 589, he felt they would be doing an injustice to approve any additional commercial rezonings in that area of Rt. 589.

Mrs. Knight asked if the Planning Commission was overstepping SHA's authority and questioned who has the final say on traffic.

Mrs. Wimbrow stated that it is the Planning Commission's responsibility for land uses.

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Motion made for a Favorable recommendation by Mrs. Knight, fails for lack of second.

Motion made for a unfavorable recommendation by Mrs. Wimbrow, seconded by Mr. Wells,

Motion passed 5 to 1 with Mrs. Knight in opposition.

V. Atlantic Coastal Bays Critical Area – Growth Allocation Request

As the next item of business, the Planning Commission reviewed an application associated with an Atlantic Coastal Bays Critical Area Growth Allocation. The subject property for this request is identified as Tax Map 40, Parcel 93 and 241, which is located within the boundaries of the Atlantic Coastal Bays Critical Area Program (ACBCA), specifically within the Resource Conservation Area (RCA) designation. According to the Exhibits provided, a small area of the requested Growth Allocation is within the lot boundaries of Tax Map 40, Parcel 93 and 241. According to the Growth Allocation request, 33.46 acres within RCA is proposed to be reclassified as Limited Development Area (LDA). David Bradford, Deputy Director, and Katherine Munson, Planner V, prepared the staff report submitted to the Planning Commission. Mark Cropper, Attorney, presented on behalf of the Applicant, Bob Ewell.

Mr. Cropper made an opening presentation to the Commission and explained the history of the development of the campground, including its prior use as a surface mine and finished with the zoning history of the property as well. He explained in detail about the uses permitted in A1 and A2 zoning categories and how the existing campground was in existence before the A2 category was adopted by the county. He detailed how he believed under the current code expansion of existing non-conforming uses can be accomplished, reviewed special exceptions vs a variance and a rezoning in addressing inconsistencies with existing non-conformities, and finished with his summary of peculiarities with respect to the history of the property and how they could proceed in the future with any additions to the existing campground. In a request from the Commission Chair for comments, Robert Mitchell, Director of Environmental Programs, explained a portion of Environmental Programs comments regarding conformance with the Comprehensive Plan. Mr. Mitchell said that the Department didn't ignore literal inconsistencies with The Plan, but acknowledged that the existing campground was granted a special exception in January of 2008 by the Worcester County Board of Zoning Appeals to expand the existing campground for the initial expansion and a variance was also granted to reduce the required setback to a residential district. Mr. Cropper presented a vigorous response detailing his arguments that the application was in conformance with The Plan and emphasized the historical approvals in that presentation which was well received by the Planning Commission members.

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Mr. Cropper reviewed and concurred with staff's findings on their report, save the aforementioned Comprehensive Plan comments, and asked that it be incorporated along with the comments from the state Critical Area Commission. He introduced James Cook from Rauch Incorporated to review their critical area report for the application and detailed the history for the property, which presently contains an active campground, support buildings, and an onsite sewage disposal system with advanced treatment within its boundaries. Mr. Cook and Mr. Cropper explained these existing uses on the property, located with the Critical Area boundary, were approved prior to the implementation of the Atlantic Coastal Bays Critical Area Law, and per §NR 3- 108(c)(4), and how they may remain in use.

They also reviewed this proposal for reclassification of 33.46 acres of RCA to LDA, resulting in the proposed use of 33.46 acres of Growth Allocation. The applicant is proposing to expand the current campground within this area and include 62 new campsites. Presently, this proposed commercial use and expansion is not permissible within the RCA designation without the acquisition of a Growth Allocation aware. As noted under §NR 3- 108(c)(5), "new commercial, industrial, and institutional uses shall not be permitted in the Resource Conservation Areas." Hence, Environmental Programs noted that is why they are here with this growth allocation application.

Mr. Cropper closed with a request for the approval of the Growth Allocation, noting that there is ample Growth Allocation remaining for the Atlantic Coastal Bays Critical Area. In response to a concern expressed by Ms. Wimbrow, Mr. Bradford replied that the comment made regarding half of the growth allocation acreage was already awarded was not correct. He specified that there were 369 acres of remaining growth allocation acreage available for utilization. Many of the interim period projects, which occurred during the establishment of the Critical Area Law, used a portion of our total allocation which may make it appear that more acres had been used. He also stated that the utilization of some of the growth allocation acres for this project would be a good fit, as it was expanding upon an existing campground use rather than the construction of a new campground in another area of the county.

Following the discussion, a motion was made by Ms. Knight, seconded by Mr. Church, to find this application consistent with the Comprehensive Plan and recommended that they forward a favorable recommendation to the County Commissioners. The vote was unanimous.

VI. Maryland Coastal Bays Program – Comprehensive Conservation and Management Plan (CCMP) discussion

As the next item of business, the Planning Commission met with Kevin Smith, Executive Director, Maryland Coastal Bays Program (MCBP), Steve Taylor, President, MCBP Board, and Nancy Zeller, Vice President, MCBP Board. Kevin Smith explained that MCBP is a non-

WORCESTER COUNTY PLANNING COMMISSION
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profit mainly funded through the EPA’s National Estuary Program that has been working for over two decades to restore Maryland’s coastal bays. They mentioned that Katherine Munson, a county employee, is a Board member, demonstrating the close working relationship the Coastal Bays Program has with the county. The MCBP is preparing an updated Comprehensive Conservation Management Plan (CCMP), the blueprint for restoration and preservation of the bays. MCBP wanted to communicate the connections between the CCMP and the Comprehensive Plan with the Planning Commission as they are about to prepare the Comprehensive Plan. Kevin Smith noted the 2006 Comprehensive Plan is an excellent document that reflects the goals of the CCMP.

Steve Taylor referred to a letter dated August 10, 2023, from Kevin Smith and himself to the Planning Commission. He addressed the negative effects of impervious surface on water quality, nutrient impairment of the bays and impacts of septic systems, sea level rise, flooding and shoreline impacts, and the need for landscape level stormwater management. Nancy Zeller noted that she is an officer of her community association and also volunteers as an educator at Assateague State Park. She said she speaks to many people, both residents and visitors, in these capacities, and feels she speaks for their interests/concerns about impacts to the bays. She addressed innovative ditch management, greenways, land protection, and farmland preservation. She noted that the Land Preservation and Recreation Plan and Priority Preservation Area element are excellent guiding documents.

Steve Taylor stated that during the development of the 2006 Comprehensive Plan, MCBP provided support to the county with outreach, including funding for community sessions with outside experts, and a public lecture series. He stated the program is willing to provide this support again.

Kevin Smith concluded by stating that MCBP has enjoyed a long-time strong partnership with Worcester County and looks forward to continuing to work with the county towards shared goals.

VII. **Adjourn** – A motion to adjourn was made by Ms. Ott and seconded by Mr. Wells.



Mary Knight, Secretary



Stuart White, DRP Specialist

Attachment 3

**Growth Allocation
Summary**

Worcester County
Atlantic Coastal Bay Critical Area
TENTATIVE SUMMARY OF GROWTH ALLOCATION

Per §NR3-112 - Total acreage classified as RCA upon County adoption of Ordinance(11/19/02) - 16,379 acres - 5% of this area can be allocated by the County Commissioners for future growth as IDA or LDA – **819 acres.**

Refinements/Amendments since adoption of Law:

- Bali-Hi RV Park (M10 P32) - 23.63 acres
- St. Martin’s Neck Rd. Bishopville
Resolution 02-44 passed to correct mapping
Error (RCA to IDA)
- Riverview Mobile Home Park (M9 P268) - 24.32 acres
- Shell Mill Rd. Bishopville
Resolution 02-44 passed to correct mapping
Error (RCA to IDA)
- Peterson, et al. (M26 P132,133,134,383) - 6.32 acres
- Ocean Gateway, West O.C.
Resolution No. 08-07 & 08-19 passed to correct mapping
Error (RCA to IDA)
- Rios (M10 P 28, 29, 48, 249, 302) - 35.74 acres
- Resolution No. 08-06 passed to correct
mapping error – (Acreage out of c.a. boundary)
- Tony Russo / Irving Lynch (M21 – Numerous Parcels) - 113.92 acres
- Resolution No. 09-22 passed to correct mapping error)

Adjustment to RCA acreage amount (16,379 acres – 203.93 acres) = 16,175.07 – 5% of this area can be allocated by the County Commissioners for future growth as IDA or LDA = 808.75 acres.

“Interim Period” Projects:

Preliminary Plat approval prior to 6/1/02 and recorded within one year from State adoption of law (June 1, 2002):

- Equestrian Shores (M73 P123,124,125) - 79.85 acres
- Coves at Isle of Wight (M22 P410 L3&4) - 32.74 acres
- Cropper Island Estates (M40 p/oP93) - 20.30 acres
- Anderson Property (M16 P36&81) - 14.00 acres
- Figgs Landing (M73 P53) - 22.54 acres
- Melson Tract (M9 P 161) - 60.72 acres

Residential Planned Communities (RPC’s) – received Step III approval and 3 of 4 State permits prior to 6/1/02:

- The Landings RPC (M33 P281) - 11.86 acres

RPC's, meeting above criteria, which include an inland marina (85% of total units comply with 100' buffer & remaining 15% have 50' buffer):

- Glenn Riddle PUD (M26 P1) - 122.73 acres.

SUBTOTAL = 364.74

Summary:

Acres available for allocation - 808.75 acres
 Less "Interim Period" Projects - 364.74 acres

Remaining Growth Allocation - 444.01 acres

Projects receiving Growth Allocation since adoption of Law:

Baypoint Plantation (M21 P257) - 38.0 acres
 Total site area - 181.46 acres
 RCA to IDA - 38 acres
 Resolution 04-____
 Balance remaining RCA 143.46 acres
 100 acres of which in restrictive easement

George Mount Property (M73 P28&42)
 Total Site area - (8.1 acres ±)
 RCA to LDA - entire parcel
 Approved in 2004 with condition of confirmation of exact acreage based on State vs. Private wetland determination. *On May 13, 2007 owner gave written request to not pursue request. On July 3, 2007, Resolution No. 07-19 was signed to revoke award of G.A. Accepted by CAC on August 1, 2007.*

Proposed YMCA (M21 P118)
 Site Area 9.46 acres
 RCA to IDA w/condition project must be substantially complete by 6/28/08 or growth allocation is reversed. *No Permit issued or activity on property as of 6/28/08- acreage reverts back to RCA.*

Steen & Associates (M21 P67&74) - 32.12 acres
 Total Site Area w/in CA - 55.39 (Total site 92.03ac)
 RCA to LDA - 32.12 acres
 Remaining RCA - 20.74 acres

Moore's Boatyard (M10 P4,171,301) - 4.71 acres
 Site area - 9.34 acres
 RCA to LDA - 4.71 acres

ITEM 4

To date: Balance of acres available for Growth Allocation:	444.01 acres
Less Approved G.A. projects	<u>- 74.83 acres</u>

TOTAL REMAINING FOR GROWTH ALLOCATION	369.18 acres
--	---------------------

Attachment 4

Draft Advertisement



Worcester County Administration
One West Market St. Room 1103 | Snow Hill MD 21863 | (410) 632-1194 | www.co.worcester.md.us

December xx, 2023

TO: The Daily Times Group and The Ocean City Today Group
FROM: Candace Savage, Deputy Chief Administrative Officer
SUBJECT: Worcester County Public Hearing Notice

Please print the attached Public Hearing Notice in The Daily Times/Worcester County Times/Ocean Pines Independent and Ocean City Digest/Ocean City Today on December XX, 2023 and December xx, 2023. Thank you.

NOTICE OF PUBLIC HEARING
FOR GROWTH ALLOCATION
ATLANTIC COASTAL BAYS CRITICAL AREA
ISLAND RESORT CAMPGROUND
Worcester County, Maryland

Pursuant to Section NR 3-112(c)(4) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland, a request has been submitted to the Worcester County Commissioners by Mark Cropper Esquire on behalf of Island Resort Park, Inc. for the reclassification of 33.46 acres of land from Resource Conservation Area to Limited Developed Area. The subject property is located along the northerly side of Croppers Island Road in Newark and is shown on Worcester County Tax Map 40, Parcels 93 & 241.

Pursuant to Section NR 3-112(c)(4) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners will hold a public hearing.

At said public hearing, the Commissioners will consider the request for an award of growth allocation for the above referenced property, any staff reports and recommendations, comments of other agencies, the recommendation of the Planning Commission, and testimony offered before them.

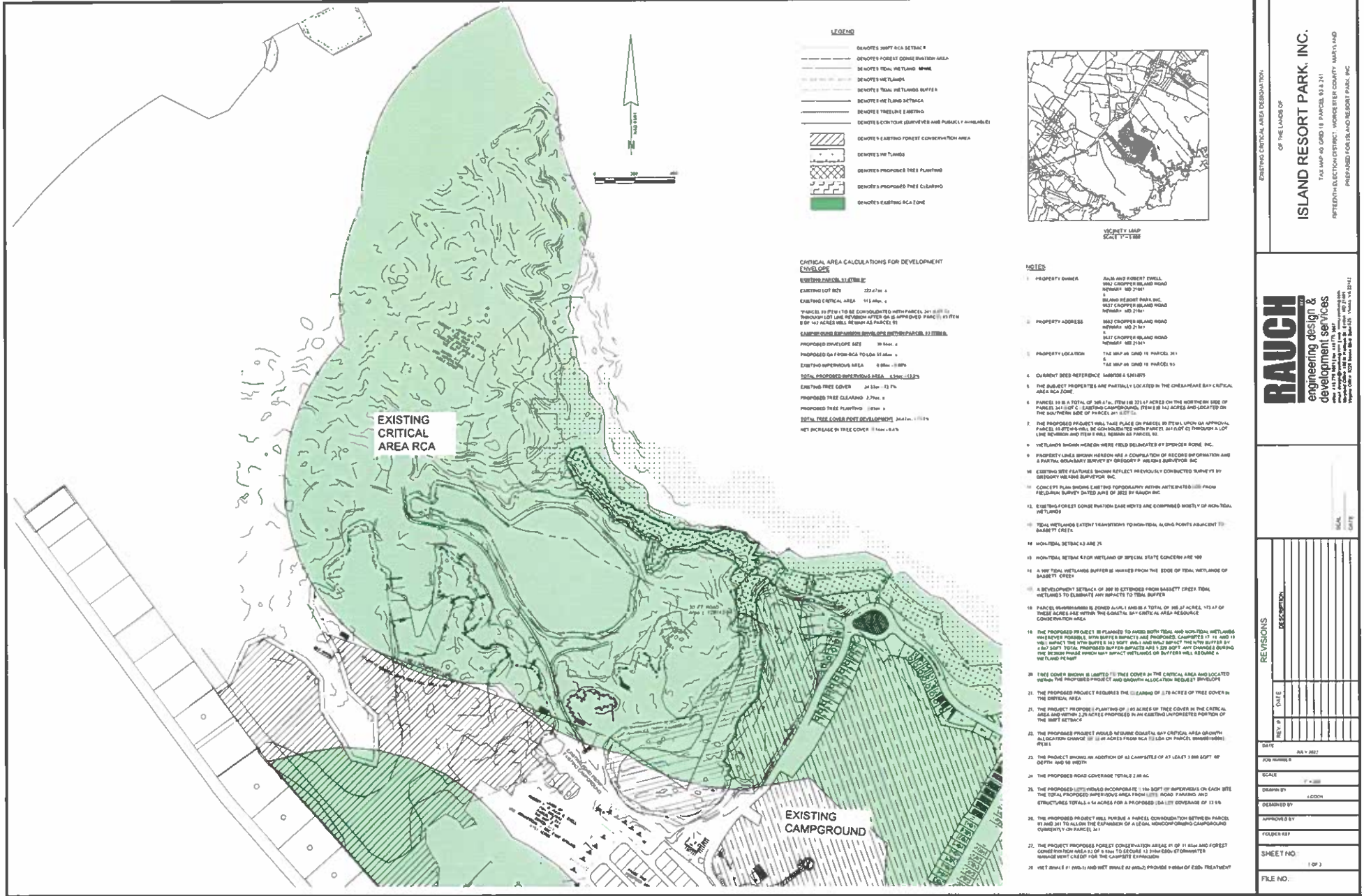
The public hearing on this application will be held on
TUESDAY, January xx, 2024 at xx A.M.
in the Commissioners' Meeting Room, Room 1101 – Government Center
One West Market Street, Snow Hill, Maryland 21863

The file containing the request for reclassification and other pertinent information which will be entered into the record of the public hearing are on file and are available for inspection at the Department of Environmental Programs, Worcester County Government Center, Suite 1306 (3rd floor), One West Market Street, Snow Hill, Maryland, 21863 during regular business hours of 8:00 am to 4:30 pm. Questions may be directed to David Bradford, Deputy Director, by calling (410) 632-1220, extension 1143 or email at dbradford@co.worcester.md.us

THE WORCESTER COUNTY COMMISSIONERS

Attachment 5

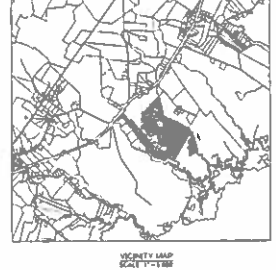
Maps



- LEGEND**
- DENOTES 300FT RCA SETBACK
 - DENOTES FOREST CONSERVATION AREA
 - DENOTES TIDAL WETLAND W/RA
 - DENOTES TIDAL WETLANDS
 - DENOTES TIDAL WETLANDS BUFFER
 - DENOTES TIDAL WETLAND SETBACK
 - DENOTES TIDAL WETLAND SETBACK
 - DENOTES 20 FT BUFFER (SURVEYED AND PUBLICLY AVAILABLE)
 - DENOTES EASTING FOREST CONSERVATION AREA
 - DENOTES W/ETLANDS
 - DENOTES PROPOSED TREE PLANTING
 - DENOTES PROPOSED TREE CLEARING
 - DENOTES EASTING RCA ZONE

CRITICAL AREA CALCULATIONS FOR DEVELOPMENT ENVELOPE

EXISTING FOREST 1.1767 ac
 EXISTING CRITICAL AREA 41.0 ac ±
 PARCELS 10 FT W/ 100 FT SETBACKS WITH PARCEL 34 ± 6.86 ac ±
 THROUGH LOT LINE REVISION AFTER ON AS APPROVED PARCEL 10 ITEM 8 OF 102 ACRES WILL BE 100 FT PARCEL 34
LANDSCAPE BUFFER REQUIREMENTS DETERMINED BY PARCEL 34 SETBACK
 PROPOSED DEVELOP SIZE 10.4 ac ±
 PROPOSED ON FROTH RCA TO 104 31 ac ±
 EXISTING SUPERVIOUS AREA 4.8 ac ± (10.8%
**TOTAL PROPOSED SUPERVIOUS AREA 1.15 ac ± (12.7%
 EXISTING TREE COVER 24.13 ac ± (73.7%
 PROPOSED TREE PLANTING 2.7 ac ±
 PROPOSED TREE CLEARING 0.8 ac ±
**TOTAL TREE COVER POST DEVELOPMENT 24.0 ac ± (73.7%
 NET INCREASE IN TREE COVER 0.4 ac ± (1.0%
 NET DECREASE IN TREE COVER 0.4 ac ± (1.0%)****



NOTES

1. PROPERTY OWNER: DAVID AND ROBERT SWELL, 1001 CROPPER ISLAND ROAD, NEPTUNE, MD 20641
2. PROPERTY ADDRESS: 1001 CROPPER ISLAND ROAD, NEPTUNE, MD 20641
3. PROPERTY LOCATION: TAX MAP 48 COND 12 PARCELS 34 ± & TAX MAP 48 COND 12 PARCELS 33 ±
4. CURRENT DEED REFERENCE: MAP 608 & 1341-075
5. THE SUBJECT PROPERTIES ARE PARTIALLY LOCATED IN THE CHESTERBAY BAY CRITICAL AREA RCA ZONE.
6. PARCELS 10 ± TOTAL OF 10.4 ACRES ± IS 321 ACRES ON THE SOUTHERN SIDE OF PARCELS 34 ± (LOT C, EXISTING CAMPGROUND, 218 ± ACRES AND LOCATED ON THE SOUTHERN SIDE OF PARCELS 34 ± (LOT D).
7. THE PROPOSED PROJECT WILL TAKE PLACE ON PARCELS 10 ITEM 8 WHICH AN APPROVAL PARCELS 10 ITEM 8 WILL BE CONSOLIDATED WITH PARCEL 34 (LOT C) THROUGH A LOT LINE REVISION AND THIS WILL BE SUBJECT TO PARCEL 34.
8. WETLANDS WHICH W/RA HEREIN WERE FIELD DELINEATED BY SPOCKEY ROSE, INC.
9. PROPERTY LINES SHOWN HEREON ARE A COMPILEATION OF RECORD INFORMATION AND A PARTIAL BOUNDARY SURVEY BY CHRISTOPHER P. WELTON SURVEYOR, INC.
10. EXISTING SITE PLAN SHOWS TRENCHES WHICH REFLECT PREVIOUSLY CONDUCTED SURVEYS BY CHRISTOPHER P. WELTON SURVEYOR, INC.
11. CONCEPT PLAN SHOWS EXISTING TOPOGRAPHY WITHIN ANTICIPATED LOTS FROM FIELD SURVEY DATED APRIL 03, 2012 BY RAUCH INC.
12. EXISTING FOREST CONSERVATION AREA HEREIN ARE COMPRISED MOSTLY OF NON-TIDAL WETLANDS.
13. TIDAL WETLANDS EXTENT IS DETERMINED BY TIDAL SURVEYS CONDUCTED BY RAUCH INC.
14. MONTHLY SETBACK 45 FEET IS REQUIRED.
15. MONTHLY SETBACK 45 FEET FOR WETLANDS OF SPECIAL STATE CONCERN ARE 45 FEET.
16. A 30 FOOT WETLANDS BUFFER IS REQUIRED FROM THE SIDES OF TIDAL WETLANDS OF SPECIAL STATE CONCERN.
17. A DEVELOPMENT SETBACK OF 300 FEET EXTENDED FROM BASKETT CREEK TIDAL WETLANDS TO ELIMINATE ANY IMPACTS TO TIDAL BUFFER.
18. PARCELS 10 ± SHOWS BOUNDARIES AS COMPILED AS OF 2011 AND A TOTAL OF 10.4 ACRES ± AT OF THESE ACRES AND WITHIN THE CRITICAL AREA W/RA CONSERVATION AREA.
19. THE PROPOSED PROJECT IS PLANNED TO INCLUDE BOTH TIDAL AND NON-TIDAL WETLANDS AND FOREST THOUGH WITHIN BUFFER ZONES AND PROPOSED, CAPTURED 17.1 AC ± AND 10.4 AC ± AND THE 100 FOOT BUFFER 34 ± SETBACK AND THE 30 FOOT BUFFER 10 ± SETBACK.
20. THE PROPOSED PROJECT WILL PROVIDE AN EASTING FOREST CONSERVATION AREA FOR THE 300 FT SETBACK.
21. THE PROPOSED PROJECT WILL PROVIDE AN EASTING FOREST CONSERVATION AREA FOR THE 300 FT SETBACK.
22. THE PROPOSED PROJECT WILL PROVIDE AN EASTING FOREST CONSERVATION AREA FOR THE 300 FT SETBACK.
23. THE PROJECT SHOWS AN ADDITION OF 42 COMPARTMENTS OF 17' x 21' x 16" DEPTH OF 17' x 21' x 16" DEPTH.
24. THE PROPOSED ROAD COVERAGE TOTALS 2.08 AC.
25. THE PROPOSED LOTS W/RA DISPROPORTIONATE 1:160 SETBACK IMPROVEMENTS ON EACH SITE THE TOTAL PROPOSED IMPROVEMENTS FROM LOTS, ROAD PARKING AND STRUCTURAL TOTALS 1.14 ACRES FOR A PROPOSED (24 LOTS COVERAGE OF 11.4%.
26. THE PROPOSED PROJECT WILL PURCHASE A PARCEL CONSIGNMENT BETWEEN PARCEL 10 ± AND 34 ± TO ALLOW THE EXPANSION OF A LEGAL W/RA CONSERVATION AREA CURRENTLY ON PARCEL 34 ±.
27. THE PROJECT PROPOSES FOREST CONSERVATION AREA 11 OF 11 ACRES AND FOREST CONSERVATION AREA 12 OF 8 ACRES TO SECURE 11 SHOWBOW GROWTH MANAGEMENT CREDIT FOR THE CARPENTER EXPANSION.
28. THE 28 ACRES ± (10.4% NET W/RA) 28 ACRES ± WILL PROVIDE 9 ACRES OF ECHO TREATMENT

ISLAND RESORT PARK, INC.

TAX MAP 48 COND 12 PARCELS 34 ± 311
 PREPARED FOR ISLAND RESORT PARK, INC.

RAUCH
 engineering design & development services

DATE: 04/11/2011
 TIME: 1:00 PM
 SCALE: 1" = 100'
 DRAWN BY: J. JONES
 CHECKED BY: J. JONES
 PROJECT NO.: 090-090
 SHEET NO.: 1 OF 3



Critical Area Boundary
 Island Resort Campground
 Growth Allocation Request



National Flood Hazard Layer FIRMeTte



ITEM 4

75°14'48"W 38°15'30"N



Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

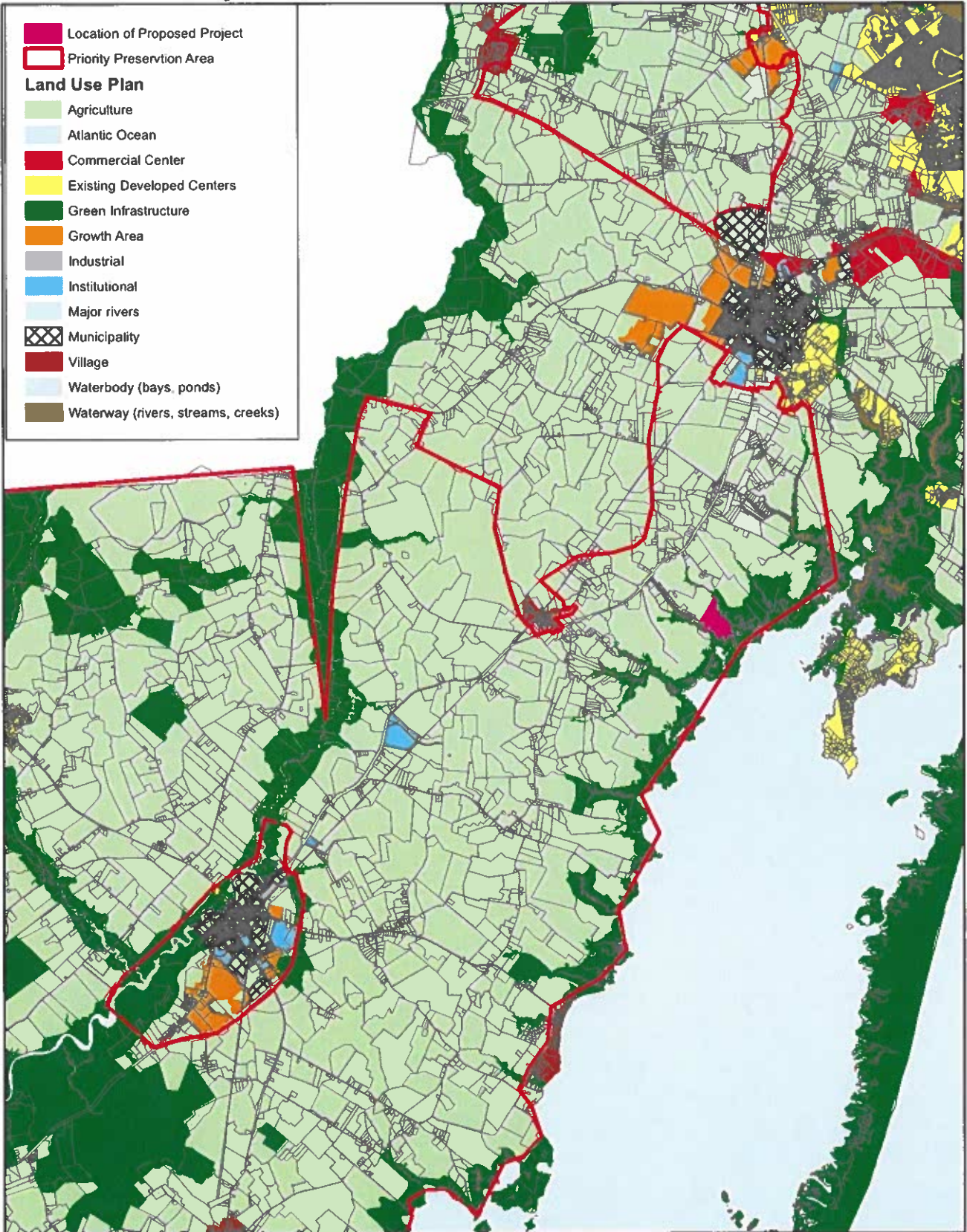
- | | | |
|------------------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR
Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes. Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard Zone D |
| | | Channel, Culvert, or Storm Sewer |
| OTHER FEATURES | | Levee, Dike, or Floodwall |
| | | Cross Sections with 1% Annual Chance Water Surface Elevation |
| MAP PANELS | | Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | | Digital Data Available |
| | | No Digital Data Available |
| | Unmapped | |
| | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location. | |

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

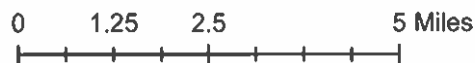
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 9/14/2023 at 2:53 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Island Resort Campground: 2006 Land Use Plan/Priority Preservation Area Worcester County



September 14, 2023



Attachment 6

**Applicant's
Critical Area Report**

* Report summary included the full report is available on request



Atlantic Coastal Bays Critical Area Property
Environmental Growth Allocation Report

At
“Island Resort Campground”
9537 Croppers Island Road, Newark, MD 21841
Worcester County, MD

For
Island Resort Park, Inc.
&
Robert and Julia Ewell

October 2022

* Report summary included the full report is available on request

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INTRODUCTION

Representatives of RAUCH inc. visited the subject property known as Island Resorts Campground in May 2021 and in June of 2022 to document the existing features and conditions of the property and evaluate the potential impacts of the award of LDA growth allocation in accordance with COMAR 27.01.02.06-1 and 27.01.02.06-2. On-site information-gathering efforts combined with State and Federal informational maps and resources were used to compile this environmental report.

PROJECT LOCATION, DESCRIPTION, AND SUBDIVISION HISTORY

The area of this review and assessment was conducted on property known as island resort campground located on the southeast side of U.S. route 113, Newark, Maryland – identified as parcels 93 and 241 on tax map no. 40, Worcester County, Maryland hereafter the “subject property”. Worcester County Assessment Reference Information is attached in the Appendix.

The site is adjacent to Croppers Island Road and fronted by Bassett Creek which is a tributary of the Newport Bay (Watershed 021301050683), and located in the Critical Area Zone RCA in Worcester County, MD. Parcel 93 consists of 365.37 acres divided into a 223.47-acre Item I (Lot C) and a 142-acre Item II (EXHIBIT 1-1). The parcel contains 173.47 acres of designated Resource Conservation Area (RCA) which limits the density and use of the RCA designated land. Parcel 241, the location of the existing campground, is 151.27 acres and is directly adjacent and connects to parcel 93.

The area of this review and assessment was conducted on Map 40 Grid 18 Parcel 93 and Map 40 Grid 18 Parcel 241 in Worcester County, Maryland, hereafter the “subject property”. Worcester County Assessment Reference Information is attached in the Appendix.

The site is adjacent to Croppers Island Road and fronted by Bassett Creek which is a tributary of the Newport Bay (Watershed 021301050683) and located in the Critical Area Zone RCA in Worcester County, MD. Parcel 93 consists of 365.37 acres divided into a 223.47-acre Item I (Lot C) and a 142-acre Item II (EXHIBIT 1-1). The parcel contains 173.47 acres of designated Resource Conservation Area (RCA) which limits the density and use of the RCA designated land. Parcel 241, the location of the existing campground, is 151.27 acres and is directly adjacent and connects to parcel 93.

The Island Resort Campground was originally established in 2005 on parcel Map/Grid/Parcel: 0040/0018/0241 (EXHIBIT1-2). The campground has periodically expanded with its existing land-use, density, and zoning regulations. The most recent expansion approval in 2020 added 36 lots on Map/Grid/Parcel: 0040/0018/0241 bringing the total lot count to 176. Owner Robert Ewell owns adjacent property Map/Grid/Parcel: 0040/0018/0093 and proposes to expand the Island Resort Campground to this property zoned A-1/R-1.

TIMELINE AND HISTORY OF PROPERTY KNOWN AS ISLAND RESORT CAMPGROUND

This original (PARENT) parcel consisted of approximately 500 acres according to the deed to the current owners Robert & Julia Ewell dated January 20, 1970 from Evelyn N. Bassett, widow; recorded among the land records of Worcester County in Liber 299 folio 642 which transferred the lands via two tracts consisting of 321.66 acres and 180 acres excepting that portion already conveyed out to Ocean Investments, Inc. by deed dated February 3, 1967 and recorded in Liber 216 folio 322 which created Croppers Island Road (see also Plat FWH No. 8 folio 1).

Out-conveyances/transfers and other major property changes after the initial acquisition were found as follows:

<u>DESCRIPTION</u>	<u>RECORDING / DATE</u>	<u>SOURCE</u>
1. Deed to Porter Creek Corporation	July 2, 1971	Deed 314 - 596
2. Subdivision Plat Lots 1 & 2	October, 1987	Plat Book 119 - 37
3. Subdivision Plat Lot A	June, 1988	Plat Book 120 - 14
4. Wor Co Appeal Case # 65727 for campground	Mar 14, 2002	Notes on Plat 234 - 36
5. Conf. of Board of Appeals Case in Circ. Court	Apr 08, 2003	Notes on Plat 234 - 36
6. Subdiv. Plat Lots 3-16 & Outlots A, B, & C	Apr 14, 2003	Plat Book 181 - 50
7. Subdivision Plat Lot B	Sep 25, 2003	Plat Book 185 - 27
8. Beginning and construction of campground	Circa 2005	(Based on Google Earth)
9. Original Forest Cons Plan	Aug 24, 2007	Plat Book 221 - 14
10. Rev Plat creating Lot C (Tax Parc. 241)	Mar 19, 2009	Plat Book 230 - 33
11. Plat of campground to convert to co-op	Jun 30, 2010	Plat Book 234 - 36
12. Expansion Plan of Campground for (Phase 2)	Jan 08, 2015	Plat Book 241 - 13

EXPANSION

Island Resort Park Inc. proposes to expand their campground by 62 lots onto Map/Grid/Parcel: 0040/0018/0093 (Item I) zoned A-1/R-1. Proposed force main will be extended to the expansion area to collect and transport wastewater. The property owner will increase the on-site wastewater treatment capacity via an expanded wastewater treatment plant and spray irrigation on an agricultural field on the same Map/Grid/Parcel: 0040/0018/0093 (Exhibit 7-8). In June of 2022, Island Resort Park, Inc. received conditional approval of a Worcester County Water and Sewer Plan Amendment which outlined the water and sewer needs in facilitating the 62-lot expansion. The approval was conditional on a growth allocation application being submitted in July of 2022 to reclassify the proposed development envelope as LDA in accordance with § NR3:I-NR3:I-12(e).

ZONING

Campground use is not an approved land use for A-1/R-1 zoning designation. However, the campground is considered a legal non-conforming use due to the campground's existence prior to the zoning use change regarding campgrounds in the A-1 zone. Worcester County code allows for expansion of legal non-conforming uses via a variance process § ZS1:III-ZS1:III-18(e)(4). In order to facilitate the expansion of the non-conforming use, Parcel 93 (Item I/Lot C) will be consolidated with Parcel 241 which houses the existing campground (EXHIBIT 5-1). Parcel 93 Item II, located to the South of Parcel 241, will remain a separate parcel from the consolidated campground parcel. The partial consolidation of parcel 93 and parcel 241 will utilize the existing out-lots to the current parcel 241. Out-lots currently serving Parcel 241 will serve the entire Parcel 241 post-consolidation. This consolidation and lot line revision will be pursued prior to the physical expansion of the campground and within 12 months of approval of the Water and Sewer Plan Amendment and the Critical Areas Growth Allocation Application. Consolidation will not be pursued if the growth allocation request and the water and sewer plan amendment are not approved.

GROWTH ALLOCATION

33.46 acres of parcel 93 are requested to be reclassified from RCA to LDA. The development will fit LDA criteria and will maintain lot coverage under 15% in accordance with § NR3:II-NR3:II-05(c)(7). The proposed LDA reclassification also requires adjacency to existing LDA or IDA lands per § NR3: I-NR3: I-12(b). EXHIBIT 2-8 demonstrates the adjacency of Parcel 93 and 241 to LDA parcels along Croppers Island Road. Additionally, portions of the overall growth allocation request do occur on both parcel 241 and parcel 93 (EXHIBIT 6-2). This further

demonstrates the immediate adjacency of parcel 241 and the proposed adjacency of the expansion area of parcel 93 once consolidated with Parcel 241. Upon the completion of the growth allocation, the campground will expand its overall capacity to help meet tourism demand to Worcester County in areas adjacent to the Atlantic Coast and popular tourist destinations in the vicinity like Ocean City.

JURISDICTIONAL OBJECTIVES

As stated in the Worcester County Comprehensive Plan, the County has growth and planning objectives for development within the County. This proposed expansion helps further the following objectives listed in the Comprehensive Plan:

1. Maintain and enhance the county’s livability¹
 - a. This project helps to facilitate demand for tourist living space
2. Provide adequate public health, safety, social, recreation, and waste disposal services¹
 - a. The expansion will provide for recreation, safety, wastewater treatment, and trash removal for its occupants
3. Facilitate the county’s economic activity¹
 - a. The project helps to draw tourism to the County and surrounding local municipalities
4. Provide for adequate housing opportunities for all income and age groups¹
 - a. Campgrounds facilitate tourism without adding additional demand on existing residential areas. This frees up residential structures for long-term living arrangements and helps divert short term rentals to the campground
5. Continue the viability of the agriculture and forestry industries¹
 - a. Island Resort Campground occupies an agriculturally zoned parcel and campgrounds were considered a use-by-right for agriculturally zoned districts at the time of its establishment and is maintained as a legal non-conforming use.
6. Accommodate planned future growth through designated “growth centers” with development standards designed to minimize environmental and habitat disruption¹
 - a. The expansion of Island Resort Campground will utilize all development standards to minimize environmental and habitat disruption in coordination to the relevant regulatory agencies

¹ (2006). Worcester County Comprehensive Plan. P. Commission, Worcester County. Pg. 8

ENVIRONMENTAL CONSIDERATIONS

TOPOGRAPHY

USGS topographical maps of the area have 5' contours. The highest elevation contours on the property are the 30' and 40" contours running almost parallel to the Northern most property line and adjacent to the Worcester Highway (EXHIBIT 2-1 and EXHIBIT 2-2). The lowest elevation contour on the property is 5' contour encompassing the area near the mean high-water line on the Northeast side of the parcel adjacent to Bassett Creek and along the shore of the existing pond located on the property. In general, the subject property has topography that falls in a Northwest to Southeast direction. Field-run topography was conducted on the Subject Property in June of 2022 and confirm the USGS topographical data (EXHIBIT 7-1).

Use of growth allocation will allow expansion of the existing campground within the Critical Area.

WETLANDS

There are several Wetlands of Special State Concern (WSSC) shown on the property by Maryland Department of Natural Resource (MD-DNR) as per their mapping on the MERLIN online website (EXHIBIT 2-3). The nontidal wetlands are often associated with perennial and intermittent streams within wooded drainage basins. The wetlands on the project site are adjacent to the Northern most pond on parcel 241 expanding over the property line onto parcel 93 (EXHIBIT 7-1). Additionally, a second wetland area is located on the Southeastern most portion of the property adjacent to Porter Creek, located to the South of the subject property, and extending North onto the Subject Property (EXHIBIT 7-1). Nontidal wetlands border the tidal wetlands at the bottom of the slope on the Southwestern edge of the tidal gut of Bassett Creek (EXHIBIT 7-1). These areas are vegetated with plants surviving in the existing very low salinity conditions. Common plant species include Arrow arum, Cattails, Phragmites, Soft Rush, and Sweet Pepperbush near the upland transition. Wetlands existing on the subject property have been shown on the Growth Allocation concept plan.

Existing tidal and non-tidal wetlands were field delineated by L.E. Bunting Surveys Inc. in 2007 and 2010, by Soule Associates P.C. in 2015, and by Spencer Rowe Inc in 2022. Spencer Rowe's delineation proved to be the most comprehensive and showed wetlands not identified in past delineations (EXHIBIT 5-2). The wetlands area for delineation shown was initiated based on an

early concept plan. This early plan shows impacts to wetlands. That plan has been modified in light of the wetlands delineation performed and is shown in the proposed concept plans. This most recent and extensive wetland delineation was used to develop the concept design for the campground and to minimize wetland impacts. The Property Owner proposes to avoid all wetland impacts. The proposed expansion does impact wetland buffers identified on the property and a non-tidal wetland buffer disturbance permit must be acquired for 5,229 ft² of buffer disturbance.

The National Wetlands Inventory maps generally agree with these field observations. The application that is being made for growth allocation to reclassify 33.46 acres of RCA to LDA contains areas directly adjacent to tidal and non-tidal wetlands and does encroach into tidal wetland buffers but does not propose any wetland disturbance. This growth allocation application will pose no significant impacts to these mapped areas.

SOILS

The 33.46-acre proposed area is comprised of approximately 36.2% Type A/D soils, 29.3% Type B/D soils, 18.3% Type A soils, and 16.3% Type B soils (EXHIBIT 9-1). All of the soils within the project area are hydric with the exception of Rosedale Loamy Sand and Hambrook Sandy Loam located to the South and East of the existing pond and Northwest of the existing forest conservation area and wetlands which overlap parcel 241 and 93 property lines. Due to the extensive amount of hydric soils on the subject property (EXHIBIT 2-4) and the flat terrain, significant surface erosion is not expected from water generating sources. These include but are not limited to down spouts, sump pumps, foundation drains, and impervious surfaces around the existing buildings. Any stormwater management must address all sources of water from any proposed improvements. Additionally, due to the relative flat topography of the subject property, sediment release from any new proposed construction can be sufficiently contained with the installation of silt fence.

VEGETATION

The NWI maps identify estuarine wetlands at the base of the slope on the East side of the parcel, which is confirmed by the site visits. Also see the section on “WETLANDS” as it relates to existing vegetation.

Extensive woodland exists on site (EXHIBIT 7-1). Within the proposed 33.46-acre growth allocation area, 24.33 acres are wooded. 2.79 acres are proposed to be cleared. Common tree species observed in this area are Red Maple, Loblolly Pine, Mulberry, and Sweetgum. Common herbaceous species that exist in this area are Poison ivy, English Ivy, Greenbriar, and several upland weed species. Vegetative species are thoroughly identified in the Forest Stand Delineation performed at the Subject Property in June of 2022 (EXHIBIT 8-1). The remainder of the forested areas outside of the development envelope and the proposed critical area envelope will remain. Per NR 3-116 of Worcester County Code, the proposed site must “Maintain or increase” tree cover within the LDA envelope. The project proposes afforestation of 2.93 unforested acres to the north of the development envelope. 2.29 of those acres are proposed within the 300ft setback in accordance with § NR3:I-NR3:I-12(e)(3) and 1:1 mitigated afforestation as referenced in COMAR 27.01.02.04 can be implemented (EXHIBIT 7-5). No tree clearing is proposed within the 100-foot buffer or the 300-foot tidal waterway setback. This consideration maintains wildlife corridors, habitats, and maintains watershed water quality integrity.

SUBMERGED AQUATIC VEGETATION

No submerged aquatic vegetation was observed or known to occur in Bassett Creek in the area immediately surrounding the Subject Property. All information obtained on known SAV locations was obtained from the MERLIN environmental navigator website. No SAV impacts have occurred in the land area proposed in this application for growth allocation.

SHELLFISH

No shellfish, specifically mussels, were observed in the area of Bassett Creek immediately surrounding the Subject Property. It should be noted however that this area of Bassett Creek has been designated as Maryland Coastal Bay Mussel Habitat. All information on known shellfish waters was obtained from the MERLIN environmental navigator website. No shellfish impacts have occurred in the land area proposed in this application for growth allocation and none are anticipated as a result of the proposed project.

FINFISH

Small Rockfish were observed breaking the water surface along Bassett Creek the area of Bassett Creek immediately surrounding the parcel is known and mapped as Maryland Finfish Tidal Adult Habitat (EXHIBIT 2-5).

Watersheds with streams where anadromous and semi-anadromous fish spawn are particularly vulnerable to landscape disturbances that could result in physical, chemical, or biological degradation. This suggests that extra care be taken in clearing and grading in the vicinity of these streams. These watersheds may also contain important opportunities for conservation activities of both governmental and private sector organizations.

No discharges should occur that would affect any surface water.

All information on known finfish waters was obtained from publicly available geo data from the State of Maryland. No finfish impacts occurred in the land area proposed in this application for growth allocation.

AMPHIBIANS AND REPTILES

The subject Property has two areas that are identified as part of Maryland's Sensitive Species Project Review Areas: Group 3, ID # = 591 (204 acres) and Group 2, ID # = 1222 (237 acres). The proposed project occurs entirely within Group 2, ID # = 1222 (EXHIBIT 2-6). For the subject property, the Maryland Amphibian and Reptile Atlas (MARA) project was completed and has documented twenty-three (23) reptile and amphibian species that have been accepted or confirmed as occurring in or near the project site.

Those species are documented as the Eastern Mud Turtle, the Eastern Box Turtle, the Painted Turtle, the Northern Red-Bellied Cooter, the Eastern Snapping Turtle, the Common Five-lined Skink, the Northern Water Snake, the Red-bellied Watersnake, the Eastern Gartersnake, the Ring-necked Snake, the Eastern Wormsnake, the Northern Rough Greensnake, the Northern Black Racer, the Eastern Ratsnake, the Eastern Kingsnake, the Eastern Redbacked Salamander, the Fowler's Toad, the New Jersey Chorus Frog, the Spring Peeper, the Green Tree Frog, the Southern Leopard Frog, the Northern Green Frog, and the American Bull Frog (EXHIBIT 2-7).

The Atlas will further identify area goals identifying impacts of concern to species present. Development activities that would contribute to water chemical makeup, temperature, or clarity

can be addressed through environmental site design to the maximum extent practical (ESD to the MEP). All information on known Amphibians and Reptiles was obtained from the Maryland Amphibian and Reptile Atlas (MARA).

WATERFOWL AND SHOREBIRDS

There are no recognized waterfowl areas within the Subject Property. There are no recognized Coastal Bay Shorebird areas within the Subject Property. There were no waterfowl or shorebirds observed during the site visit.

Regardless of the presence of waterfowl, all proposed impacts will set back 300 feet from tidal shoreline (Bassett Creek) and 25 feet from non-tidal shoreline (Pond) and will still allow for waterfowl and coastal shorebirds to freely access the area. All information on known waterfowl and coastal shorebirds was obtained from the MERLIN environmental navigator website. No waterfowl or coastal shorebird impacts will occur as a result of the approval of this growth allocation.

WILDLIFE

Wildlife onsite is typical of the area which include deer, raccoon, rabbit, groundhog, and Forest Interior Dwelling (bird) Species (FIDS). Any impact that would occur to the wildlife would be reflective of any proposed structures and the construction associated with it; i.e., woodland habitat loss (tree clearing), increased noise, vehicles, and pets. The development of this project will follow the Site Design Guidelines for FIDS to minimize the FIDS impact of the proposed 2.79 acres of tree clearing. The preliminary design utilizes all possible existing clearings, preserves wildlife corridors, is largely limited to the perimeter of the forest, and roadways are designed at less than 30' in width. Additionally, the final proposed project will incorporate other measures such as limiting relevant development/tree-clearing to outside of the breeding season of April-August, maintaining a 300-foot setback from Bassett Creek, and landscaping with native vegetation. No colonial nesting birds were observed at the site.

All information on known wildlife was obtained from the MERLIN environmental navigator website. No wildlife impacts occurred in the land area proposed in this application for growth allocation.

RARE, THREATENED, AND ENDANGERED (RTE) SPECIES

A request has been made to the Maryland Department of Natural Resources for information of any threats to RTE species. No rare, threatened or endangered species are supported on the project site (EXHIBIT 4-3). No species of concern were observed during the site visits and available Worcester County and USFWS did not identify known species of concern (EXHIBIT 4-2). No RTE impacts will occur in the land area proposed in this application for growth allocation. However, special attention will be paid to the habitats of special concern in the area and agency input and coordination will be a central focus of this project's attempt to avoid, minimize, and mitigate impacts. To this end, the Property Owners and their representatives through Spencer Rowe, Inc. have coordinated with Deborah Hinkle at MDE to identify and avoid impacts to an endangered bog fern species located in the identified wetlands of special state concern on site.

STORMWATER MANAGEMENT

The growth allocation as requested by this application for the increase in the amount of LDA will result in an increase of 4.54 acres of impervious surfaces. Due to the increase in impervious surface proposed, stormwater management features are proposed in this project. Due to the high groundwater and the significant presence of A/D and B/D hydric soils, stormwater management will consist largely of wet swales. The ESDv required for the proposed site is 21,814 ft³. Per § NR3:I-NR3:I-06(c)(4)B, There is no 10% nutrient reduction required as the proposed growth allocation is not IDA. ESD to the MEP on this site has been met through A combination of proposed forest conservation and best management practices.

FOREST CONSERVATION AREAS

21.76 acres of existing forest containing wetlands and environmentally sensitive areas are proposed to be a Forest Conservation Area (FCA) (EXHIBIT 7-7). This FCA is adjacent to the proposed expansion and is included in the site LOD. The proposed FCAs are adjacent to existing forest conservation areas on Parcel 241 and Parcel 93 (EXHIBIT 5-3(a)(b)). The proposed 21.76 acres of forest conservation area generates 12,316 cf of ESDv credit.

WET SWALES

The remaining 9,498 ft³ of ESDv required is treated through wet swales (EXHIBIT 7-6). Wet Swale #1 (WS-1) is designed to utilize a 4-foot bed and 3:1 slopes. WS-1 provides a surface area of 13,700 ft² with 6" of ponding and 6" of freeboard. WS-1 generates 6,850 ft³ of ESDv credit.

Wet Swale #2 (WS-2) is designed to utilize a 4-foot bed and 3:1 slopes. WS-2 provides a surface area of 5,600 ft² with 6” of ponding and 6” of freeboard. This practice generates 2,800 ft³ of ESDv credit and fully satisfies the remaining stormwater management requirements for the proposed project. Verified with the Maryland ESD Spreadsheet and the Maryland Stormwater Design Manual, the stormwater will be treated and will not negatively impact the watershed water quality or cause excessive runoff (EXHIBIT 3-1).

AGENCY CORRESPONDENCE

MARYLAND DEPARTMENT OF PLANNING

The project has been submitted to MDP Clearinghouse for State-level intergovernmental review. The clearinghouse review has yielded comments which conclude the project Consistent with Qualifying Comments and Contingent Upon Certain Actions (Exhibit 3-1). A list of agencies which participated in this review are as follows:

1. Maryland Department of Planning
2. Department of Natural Resources
3. Maryland Historical Trust
4. Maryland Department of Agriculture
5. Department of Transportation

DEPARTMENT OF NATURAL RESOURCES

DNR was contacted directly in addition to the MDP clearinghouse review in order to consult early on this project with respect to the significant sensitive habitat areas on the property. Specifically, the number of reptiles and amphibians listed on the site are of special concern to DNR and the project should work with DNR to minimize and mitigate and potential impacts. This more in-depth and focused review by DNR has not yielded a full set of comments and recommendations at this time.

US FISH AND WILDLIFE SERVICE

US Fish and Wildlife Service was consulted via the USFWS environmental review process. The review yielded a preliminary result of 0 threatened, endangered, or candidate species on the species list for the proposed project site. Additionally, there are no refuge lands within the project area (EXHIBIT 4-2).

US ARMY CORPS OF ENGINEERS

The US Army Corps of Engineers was contacted to provide preliminary comments and recommendations regarding the proposed project due to the proximity of the project to tidal waterways. Emails from US Army Corps of Engineers confirmed that comments on the project would be issued if and when the project submits permit applications during the design phase.

SUMMARY AND EVALUATION OF POTENTIAL IMPACTS

Based on information obtained and reported above, the following potential impacts and recommendations are noted:

A. Existing tidal and non-tidal wetlands were field delineated by Spencer Rowe Inc. in 2022. This survey shows consistent boundaries for existing wetlands which have been avoided and preserved by the Property Owner through each proposed expansion of the campground. This most recent and extensive wetland delineation was used to develop the concept design for the campground and to minimize wetland impacts. The Property Owner proposes to avoid all wetland impacts. The proposed expansion does impact wetland buffers identified on the property and a non-tidal wetland buffer disturbance permit must be acquired for 5,229 ft² of buffer disturbance. The Property Owner will continue to work with AHJs to minimize environmental resource impacts during the expansion process.

B. Wildlife and Vegetation will be impacted as a result of this project. Mitigation of impacts must be implemented and coordinated with relevant regulatory agencies.

1. FIDS impact must be addressed and mitigated or avoided
2. Impacts to Sensitive Species Project Review Area Group 2, ID # = 1222 must be addressed, mitigated, and coordinated with DNR
4. A forest conservation plan should be developed for the proposed FCAs.

C. Grading and disturbance of soils must be controlled with silt fences. This will suffice in SEC practices due to the flat topography.

D. High groundwater and hydric soils limits the ability to use ESD practices. Wet swales will be the predominant stormwater management structure to address and treat runoff from new impervious areas in conjunction with proposed forest conservation areas.



Worcester County Recreation & Parks
6030 Public Landing Road | Snow Hill MD 21863 | (410) 632-2144 | www.PlayMarylandsCoast.org

MEMORANDUM

TO: Weston S. Young, Chief Administrative Officer
Candace Savage, Deputy Chief Administrative Officer
FROM: Kelly Rados, Director of Recreation & Parks
DATE: December 11, 2024
SUBJECT: MDOT SHA - WOC Harbor Request

We received a request from Covington Machine & Welding Inc. to utilize a portion of the West Ocean City Harbor parking lot to set up a crane, dunk, and assemble some barges. Covington currently has a contract with Maryland State Highway Office of Structures to repair the Rt. 50 Ocean City drawbridge. The work is scheduled to take place beginning January 2nd or 3rd, 2024, in which they would need use one or two days, and then again on one day late March to early April 2024.

The scope of work for this project is to replace much of the bottom lateral bracing and gusset connection located within the channel to which they will need barges to access this work. The 50lf x 150lf at the bulkhead would be used to set up their cane, swing it into the water, and assemble their barge. Once assembled, the barge would be pushed into the Ocean City bridge channel where it will remain until the end of the project. This phase of the bridge repairs is expected to take 3-4 months and once completed they would need one additional day at Harbor to remove the equipment. All loading of materials will take place at the bridge and not from the Harbor parking lot.

If granted permission, MDOT State Highway Association has a Right of Entry Agreement which they would have to execute, making any damages that may occur while on our property to be repaired at their cost. Additionally, they would be willing to pay a fee for this usage.

The Recreation & Parks Department has reviewed and supports this request.

Attachments

cc: Jacob Stephens, Parks Superintendent



MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
ENTRY AGREEMENT

STATE HIGHWAY
ADMINISTRATION

I, _____ hereby grant permission to the State Highway Administration (SHA), its personnel, and contractors, to enter upon our property, shown as (Subject Address) for the purpose (Construction purpose)

I clearly understand that the term of this agreement is limited to the time period actually necessary to perform the work described and that this agreement will expire upon completion of the work. I understand that the State Highway Administration will perform the work in a neat and work-man-like manner.

This entry agreement shall in no way be construed as the conveyance of real property from one party to the other, nor is it to be construed as the conveyance of any rights other than the right of the State Highway Administration and/or its contractors to enter that portion of the Grantor's land at (Subject Address above), for the express (Construction purpose above).

At the termination of construction, the permission granted herein shall terminate and cease to exist.

Grantee will take all reasonable measures and exercise reasonable effort to prevent damage to Grantor's property and will instruct its contractor to do the same. In the event Grantee's contractor damages Grantor's property, Grantee will instruct its contractor to restore said property to the same or as similar a condition to the original as is possible and reasonable. Grantee requires that its contractors carry and maintain liability coverage for damage to Grantor's property, if any, due to or as a consequence of contractor's work pursuant to the contract.

It is hereby understood and agreed that all utility companies having facilities within the area covered by this agreement are hereby given permission to move and/or adjust the facilities as may be required in connection with the proposed project.

IT IS HEREBY UNDERSTOOD AND AGREED: In accordance with the Real Property Acquisition Policies Act of 1970, as amended, you must be informed of your right to receive just compensation for the real property interest being acquired. The fair market value of any rights would be determined by valuation of your property. In signing this agreement, I understand that I am relinquishing any rights to compensation in order to expedite the construction of this project.

In acknowledgement of this Agreement, I set my hands this ____ day of _____, 20____.

Witness

Property Owner or Representative

Agreed and accepted this ____ day of _____, 20____.

Director
SHA Office of Structures

ITEM 5



Golf Course Rd

Sunset Ave

Sunset Ave

Sunset Ave

Sunset Ave

Harbor Rd

5 - 3



Worcester County Government
One West Market Street | Room 1103 | Snow Hill MD 21863-1195
(410) 632-1194 | (410) 632-3131 (fax) | admin@co.worcester.md.us | www.co.worcester.md.us

MEMORANDUM

TO: Worcester County Commissioners
FROM: Nicholas W. Rice, Procurement Officer
DATE: December 19, 2023
RE: Recommendation to Award – Comprehensive Plan Update

The Department of Development, Review and Permitting along with the County's Procurement Officer is recommending the County award the Comprehensive Plan Update to Wallace, Montgomery & Associates, LLP. Proposals were due and opened on Tuesday, November 28, 2023. Two proposals were received. I have attached the proposal tabulation and contract to this memo. An evaluation team consisting of four members reviewed each proposal individually prior to an overall group average being established. All four members of the committee agree that the highest scoring proposal, which was received from Wallace, Montgomery & Associates, LLP, represents the best value to Worcester County. The total contract award amount is \$151,551.

Funding in the amount of \$125,000 for these services was approved in the current FY24 operating budget in account 100.1008.6530.040 Consulting Services. DRP is requesting an over expenditure in the amount of \$26,551 for the preparation of this county-wide planning document. The requested fees are consistent with services rendered by similar firms for comprehensive plans in other jurisdictions.

Should you have any questions, please feel free to contact me.

Table with 5 rows: Comprehensive Plan Update, November 28, 2023 at 2:30pm, Request for Proposals Tabulation Sheet, Respondent's Name(s):, Rauch Engineering, Wallace Montgomery



WORCESTER COUNTY, MARYLAND

OFFICE OF THE COUNTY COMMISSIONERS
 1 WEST MARKET STREET, ROOM 1103
 SNOW HILL, MARYLAND 21863
 410-632-1194
 FAX: 410-632-3131

Weston Young
 Chief Administrative Officer

Nicholas W. Rice, CPPO, CPPB, NIGP-CPP
 Procurement Officer

CONTRACT

THIS CONTRACT, made on December 19, 2023, between the County Commissioners of Worcester County, Maryland (“County”); and Wallace, Montgomery & Associates, LLP (“Successful Vendor”).

WITNESSED: That for and in consideration for payment and agreements hereinafter mentioned:

1. Successful Vendor will commence and complete the COMPREHENSIVE PLAN UPDATE.
2. Successful Vendor will furnish all of the material, supplies, tools, equipment, labor and other services necessary for the Work described herein.
3. Successful Vendor will commence and complete the Work required by the Contract Documents within the timeframes listed in the Proposal Documents unless the period for completion is extended otherwise.
4. Successful Vendor agrees to perform all of the Work described in the Contract Documents and comply with the terms therein for the sum of \$151,551 (one hundred fifty-one thousand, five hundred fifty-one dollars and no cents).
5. The term ‘Contract Documents’ means and includes the following:
 - a. This Contract
 - b. Exhibit A - Worcester County Maryland Standard Terms and Conditions
 - c. Advertisement
 - d. Section I: Introduction
 - e. Section II: General Information
 - f. Section III: General Conditions
 - g. Section IV: Proposal Specifications
 - h. Section V: Evaluation and Selection Process
 - i. Form of Proposal
 - j. References
 - k. Exceptions
 - l. Individual Principal
 - m. Vendor’s Affidavit of Qualification to Bid
 - n. Non-Collusive Affidavit
 - o. Addendums 1 – dated 11/8/2023
 - p. Successful Vendor’s Completed Proposal Documents
 - q. Notice of Award

- r. Notice to Proceed
- 6. Any inconsistency or conflict between the Contract Documents shall be resolved in their order listed above.
- 7. The County will pay the Successful Vendor in the manner and at such times as set forth in the Proposal Documents.
- 8. This Contract will be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Contract in duplicate each of which will be deemed an original on the date first above written.

ATTEST:

**COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND**

Anthony W. Bertino, Jr.
President
Date:

WITNESS:

CONTRACTOR:
Wallace, Montgomery & Associates, LLP

By:
Title:
Date:



Worcester County

Government Center

Department of Human Resources

One West Market Street, Room 1301

Snow Hill, Maryland 21863-1213

410-632-0090

Fax: 410-632-5614

STACEY E. NORTON
Human Resources Director

PAT WALLS
Deputy Director

To: Weston Young, Chief Administrative Officer
From: Dallas Baker, Public Works Director
Stacey Norton, Human Resources Director
Date: December 10, 2023
Subject: Request for Service Records in Water and Wastewater

We are requesting Commissioner approval for the following service records in the Water and Wastewater Division please:

- 1) Collections Plant Operator
- 2) Maintenance Worker and Equipment Operator
- 3) Wastewater Plant Operator
- 4) Water Plant Operator

These service records were created so the employees are aware of what license requirements, education requirements, and equipment operation experience is required to advance to the next level. We are hopeful that this will encourage employees to receive more training and experience to ensure we have qualified staff to run our operations.

We are requesting approval now so we can properly budget for personnel in the fiscal year 2025.

Thank you for your consideration.

Attachments

Collections Division - Plant Operator Service Record

EMPLOYEE NAME	
DATE OF HIRE	
JOB TITLE AT HIRE	

LICENSES HELD:	

JOB TITLE	SERVICE RECORD	
	HIRE/PROMOTION DATE	YEARS IN POSITION
COLLECTIONS PLANT OPERATOR I		
COLLECTIONS PLANT OPERATOR II		
COLLECTIONS PLANT OPERATOR III		
COLLECTIONS PLANT OPERATOR IV		

JOB TITLE	PO TRAINEE	PO I	PO II	PO III	PO IV
LICENSE REQUIREMENT	TEMP MDE OPERATOR (C-2)	PASS MDE OPERATOR (C-2)	RECEIVE HARD COPY MDE OPERATOR (C-2)	MAINTAIN MDE OPERATOR (C-2)	MAINTAIN MDE OPERATOR (C-2)
EDUCATION REQUIREMENT		1 YEARS EXP.	PASS 1 IN-HOUSE TEST 2 YEARS EXP.	PASS 2 IN-HOUSE TEST 4 YEARS EXP.	PASS 3 IN-HOUSE TEST 5 YEARS EXP.
EQUIPMENT OPERATION	1 CORE	2 CORE/1 ELECTIVE	3 CORE/2 ELECTIVE	4 CORE/3 ELECTIVE	4 CORE/4 ELECTIVE
CORE: VACUUM STATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: LIFT STATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: SUCTION LIFT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: GRINDER PUMP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: SKID STEER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: CLASS A/CLASS B COMBINATION W/TANKER END.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: BACKHOE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: MINI EXCAVATOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: SIX WHEEL (NON-CDL)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IN-HOUSE TESTING	0	0	1 OF 3	2 OF 3	3 OF 3
VACTRON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FORKLIFT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CONFINED SPACE ENTRY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOB PERFORMANCE	DATE/NUMBER	DATE/NUMBER	DATE/NUMBER	DATE/NUMBER	DATE/NUMBER

FINAL WARNINGS					
PREVENTABLE ACCIDENTS					
CONTINUING EDUCATION	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE
DEFENSIVE DRIVING CERTIFICATION					
FLAGGER CERTIFICATION					
CERTIFIED TEMP TRAFFIC CONTROL					
ADDITIONAL LICENSES					
CPR/AED/FIRST AID					
ADDITIONAL TRAINING/LICENSES	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE

Construction Division – Maintenance Worker & Equipment Operator Service Record

EMPLOYEE NAME	
DATE OF HIRE	
JOB TITLE AT HIRE	

LICENSES HELD:	

JOB TITLE	SERVICE RECORD	
	HIRE/PROMOTION DATE	YEARS IN POSITION
MAINTENANCE WORKER I		
MAINTENANCE WORKER II		
MAINTENANCE WORKER III		
EQUIPMENT OPERATOR I		
EQUIPMENT OPERATOR II		

HIRE/PROMOTION REQUIREMENTS					
JOB TITLE	MW I	MW II	MW III	EO I	EO II
LICENSE REQUIREMENT	VALID DRIVER'S LICENSE	OBTAIN CDL CLASS B LICENSE	OBTAIN CDL CLASS A LICENSE	OBTAIN CDL CLASS A LICENSE	OBTAIN CDL CLASS A LICENSE
EDUCATION REQUIREMENT		1 YEARS EXP.	3 YEARS EXP.	5 YEARS EXP.	5+ YEARS EXP.
EQUIPMENT OPERATION	1 CORE	2 CORE/1 ELECTIVE	3 CORE/2 ELECTIVE	3 CORE/3 ELECTIVE	4 CORE/4 ELECTIVE
CORE: FORKLIFT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: BACKHOE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: SKID STEER LOADER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: VAC TRUCK MINI OR TRAILER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: SIX WHEEL DUMP TRUCK (MINI)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: CLASS A/CLASS B COMBINATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: MINI EXCAVATOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: TRENCHER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: MATERIAL HANDLING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IN-HOUSE TESTING	0	0			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOB PERFORMANCE	DATE/NUMBER	DATE/NUMBER	DATE/NUMBER	DATE/NUMBER	DATE/NUMBER
FINAL WARNINGS					

PREVENTABLE ACCIDENTS					
CONTINUING EDUCATION	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE
DEFENSIVE DRIVING CERTIFICATION					
FLAGGER CERTIFICATION					
ADDITIONAL EDUCATION	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE
CERTIFIED TEMP TRAFFIC CONTROL					
PESTICIDE CERTIFICATION (MDE)					
CPR/AED/FIRST AID (AMERICAN HEART/RED CROSS)					
CONFINED SPACE CERTIFICATION (MARYLAND FIRE RESCUE INSTITUTE)					

Wastewater Division – Plant Operator Service Record

EMPLOYEE NAME	
DATE OF HIRE	
JOB TITLE AT HIRE	
JOB TITLE	SERVICE RECORD
	HIRE/PROMOTION DATE YEARS IN POSITION
WASTEWATER PLANT OPERATOR I	
WASTEWATER PLANT OPERATOR II	
WASTEWATER PLANT OPERATOR III	
WASTEWATER PLANT OPERATOR IV	

LICENSES HELD:	

	HIRE/PROMOTION REQUIREMENTS				
JOB TITLE	PO TRAINEE	PO I	PO II	PO III	PO IV
LICENSE REQUIREMENT	TEMP MDE OPERATOR (W-5A)	PASS MDE OPERATOR (5 OR A)	OBTAIN MDE OPERATOR (5 & A)	MAINTAIN MDE OPERATOR (5 & A)	MAINTAIN MDE OPERATOR (5 & A)
EDUCATION REQUIREMENT	CERTIFIED SAMPLER CERTIFICATION	CERTIFIED SAMPLER CERTIFICATION 1 YEARS EXP.	CERTIFIED SAMPLER CERTIFICATION PASS 1 IN-HOUSE TEST 3 YEARS EXP.	CERTIFIED SAMPLER CERTIFICATION PASS 2 IN-HOUSE TEST 4 YEARS EXP.	CERTIFIED SAMPLER CERTIFICATION PASS 3 IN-HOUSE TEST 5 YEARS EXP.
EQUIPMENT OPERATION	1 CORE	2 CORE/1 ELECTIVE	3 CORE/2 ELECTIVE	4 CORE/3 ELECTIVE	4 CORE/4 ELECTIVE
REQ CORE: LAB TESTING/SAMPLING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: BELT FILTER PRESS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: CLASS A/CLASS B COMBINATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: SKID STEER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: BASIC PLUMBING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: CHEMICAL PUMP REBUILD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: CHEMICAL HANDLING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: VAC TRUCK MINI OR TRAILER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: FORKLIFT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: MINI EXCAVATOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: BACK HOE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: BASIC UNDERSTANDING OF BLUEPRINTS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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IN-HOUSE TESTING	0	0	1 OF 4	2 OF 4	4 OF 4
LAGOON TREATMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OXIDATION DITCH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MEMBRANE TREATMENT PLANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NUTRIENT REMOVAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOB PERFORMANCE	DATE/NUMBER	DATE/NUMBER	DATE/NUMBER	DATE/NUMBER	DATE/NUMBER
FINAL WARNINGS					
PREVENTABLE ACCIDENTS					
CONTINUING EDUCATION	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE
DEFENSIVE DRIVING CERTIFICATION					
CPR/AED/FIRST AID (AMERICAN HEART/RED CROSS)					
CHEMICAL SAFETY TRAINING (MSDS)					
CONFINED SPACE CERTIFICATION (MARYLAND FIRE RESCUE INSTITUTE OR EQUIVALENT)					
ADDITIONAL TRAINING/LICENSES	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE

Water Division – Plant Operator Service Record

EMPLOYEE NAME	
DATE OF HIRE	
JOB TITLE AT HIRE	

LICENSES HELD:	

JOB TITLE	SERVICE RECORD	
	HIRE/PROMOTION DATE	YEARS IN POSITION
WATER PLANT OPERATOR I		
WATER PLANT OPERATOR II		
WATER PLANT OPERATOR III		
WATER PLANT OPERATOR IV		

JOB TITLE	PO TRAINEE	PO I	PO II	PO III	PO IV
LICENSE REQUIREMENT	TEMP MDE OPERATOR (T-4)	PASS MDE OPERATOR (T-4)	RECEIVE HARD COPY MDE OPERATOR (T-4)	MAINTAIN MDE OPERATOR (T-4)	MAINTAIN MDE OPERATOR (T-4)
EDUCATION REQUIREMENT	CERTIFIED SAMPLER CERTIFICATION	CERTIFIED SAMPLER CERTIFICATION 1 YEAR EXP.	CERTIFIED SAMPLER CERTIFICATION PASS 1 IN-HOUSE TEST 3 YEARS EXP.	CERTIFIED SAMPLER CERTIFICATION PASS 2 IN-HOUSE TEST 4 YEARS EXP.	CERTIFIED SAMPLER CERTIFICATION PASS 4 IN-HOUSE TEST 5 YEARS EXP.
EQUIPMENT OPERATION	1 CORE	2 CORE/1 ELECTIVE	3 CORE/2 ELECTIVE	4 CORE/3 ELECTIVE	4 CORE/4 ELECTIVE
REQ CORE: METER READING/CHANGE OUT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: HYDRANT REPAIRS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: VAC TRUCK MINI OR TRAILER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: UTILITY LINE LOCATES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CORE: LAB TESTING/SAMPLING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: TANKER ENDORSEMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: CLASS A/CLASS B COMBINATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: MINI EXCAVATOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ELECTIVE: BACK HOE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IN-HOUSE TESTING	0	0	1 OF 4	2 OF 4	3 OF 4
WELL TREATMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ITEM 7

ION EXCHANGE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GREEN SAND WTP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SWEET WATER BOYS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOB PERFORMANCE	DATE/NUMBER	DATE/NUMBER	DATE/NUMBER	DATE/NUMBER	DATE/NUMBER
FINAL WARNINGS					
PREVENTABLE ACCIDENTS					
CONTINUING EDUCATION	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE
DEFENSIVE DRIVING CERTIFICATION					
FLAGGER CERTIFICATION					
PESTICIDE CERTIFICATION (MDE)					
CPR/AED/FIRST AID (AMERICAN HEART/RED CROSS)					
CHEMICAL SAFETY TRAINING (MSDS)					
CONFINED SPACE CERTIFICATION (MARYLAND FIRE RESCUE INSTITUTE)					
ADDITIONAL TRAINING/LICENSES	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE	COMPLETION DATE



Worcester County Administration

One West Market St. Room 1103 | Snow Hill MD 21863 | (410) 632-1194 | www.co.worcester.md.us

TO: Weston Young, Chief Administrative Officer
Candace Savage, Deputy Chief Administrative Officer
FROM: Lynn Wright, Senior Budget Accountant
DATE: December 14, 2023
RE: Approved Capital Improvement Plan FY2025 through FY2029

The Approved Fiscal Year 2025 through Fiscal Year 2029 Five-Year Capital Improvement Plan is attached for review. The Public Schools New Central Office Building Project was removed as requested from the 12/5/23 meeting which brings the 5 year total to \$254,121,499.

RESOLUTION NO. 23 - 20

**Resolution Adopting the Worcester County
Five-Year Capital Improvement Plan - FY 2025 to FY 2029****Recitals:**

- A. The County Commissioners of Worcester County, Maryland have determined that certain Capital Projects should be constructed from July 1, 2024 to June 30, 2029 to promote the health, safety, and welfare of the citizens of Worcester County and to provide adequate public facilities for the citizens of Worcester County; and
- B. The Worcester County Commissioners held a public hearing on December 5, 2023 to receive public comment on the Capital Projects proposed for construction in the Worcester County Five-Year Capital Improvement Plan - FY 2025 to FY 2029 ("Plan").

Now, Therefore, Be It Resolved by the County Commissioners of Worcester County, Maryland that the attached Worcester County Five-Year Capital Improvement Plan - FY 2025 to FY 2029 is adopted.

And Be It Further Resolved by the County Commissioners of Worcester County, Maryland that funding for the projects identified in the Plan may be provided from annual tax levies, issuance of public debt, use of reserve funds, or other sources as the County Commissioners may determine.

And Be It Further Resolved that the County Commissioners of Worcester County, Maryland may, as deemed to be in the best interest of the County, amend the Capital Improvement Plan by the adding or deleting projects.

And Be It Further Resolved that this Resolution shall be effective immediately upon its passage.

Passed and Adopted this 19th day of December, 2023.

Attest:

Worcester County Commissioners

Weston S. Young
Chief Administrative Officer

Anthony W. Bertino, Jr.
President

Madison J. Bunting, Jr.
Vice President

Caryn G. Abbott
Commissioner

Theodore J. Elder
Commissioner

Eric J. Fiori
Commissioner

Joseph M. Mitrecic
Commissioner

Diana Purnell
Commissioner

Worcester County

Approved

5 Year Capital Improvement Plan FY 2025 to FY 2029



NOTE: The proposed Capital Improvement Plan is a planning document to anticipate future financial needs of the County. Inclusion of a project in the plan does not constitute a guarantee of funding from the county. Some capital projects will be added, deleted and or amended as necessary. As with the Operating Budget, the projects for each fund have to be balanced with the resources available in that fund.

December 19, 2023

REQUESTED PLAN SUMMARY BY CATEGORY

12/19/2023

WORCESTER COUNTY
 FIVE YEAR CAPITAL IMPROVEMENT PLAN
 FY 2025 TO FY 2029 PROJECT SUMMARY

Project Category	2025	2026	2027	2028	2029	Five Year Project Cost Total	Five Year % to Total Costs	Actual Prior Years	Balance to Complete *	Total Project Cost
General Government	10,680,317	2,030,000	1,000,000	1,000,000	1,000,000	15,710,317	8.69%	50,000	0	15,760,317
Public Safety	6,512,540	2,836,052	14,883,523	28,922,323	0	53,154,438	29.40%	11,897,919	0	65,052,357
Public Works	8,355,000	3,180,000	7,950,000	8,000,000	0	27,485,000	15.20%	0	0	27,485,000
Recreation & Parks and Natural Resources	11,191,000	0	0	0	0	11,191,000	6.19%	1,260,000	0	12,451,000
Public Schools	5,350,640	2,506,800	16,965,150	36,392,003	8,463,418	69,678,011	38.53%	955,000	58,958,564	129,591,575
Community College	0	0	0	171,875	3,437,500	3,609,375	2.00%	0	171,875	3,781,250
TOTAL	42,089,497	10,552,852	40,798,673	74,486,201	12,900,918	180,828,141	100.00%	14,162,919	59,130,439	254,121,499

Source of Funds	2025	2026	2027	2028	2029	Five Year Project Cost Total	Five Year % to Total Costs	Actual Prior Years	Balance to Complete	Total Project Cost
General Fund	0	0	0	0	0	0	0.00%	0	0	0
User Fees	250,000	100,000	100,000	0	0	450,000	0.25%	0	0	450,000
Grant Funds	12,847,312	2,730,000	1,250,000	6,900,000	0	23,727,312	13.12%	0	0	23,727,312
State Match	6,130,339	1,530,000	5,399,000	3,028,000	0	16,087,339	8.90%	0	17,288,000	33,375,339
State Loan	2,200,000	0	0	0	0	2,200,000	1.22%	0	0	2,200,000
Assigned Funds	17,275,938	6,192,852	3,715,550	5,839,362	5,408,158	38,431,860	21.25%	3,482,249	171,875	42,085,984
Private Donation	0	0	0	0	0	0	0.00%	0	0	0
Enterprise Bonds	0	0	6,600,000	1,100,000	0	7,700,000	4.26%	0	0	7,700,000
General Bonds	3,385,908	0	11,223,920	29,470,880	7,492,760	51,573,468	28.52%	10,680,670	41,670,564	103,924,702
General Bonds (Re-paid through VLT)	0	0	12,510,203	28,147,959	0	40,658,162	22.48%	0	0	40,658,162
TOTAL	42,089,497	10,552,852	40,798,673	74,486,201	12,900,918	180,828,141	100.00%	14,162,919	59,130,439	254,121,499

* Balance to Complete - Years FY2030 and future

FY 2025 TO FY 2029 SUMMARY BY PROJECT
REQUESTED

12/19/2023

WORCESTER COUNTY
FIVE YEAR CAPITAL IMPROVEMENT PLAN

	FY2025	FY2026	FY2027	FY2028	FY2029	Prior Allocation	Balance To Complete	TOTAL
General Government Facilities								
Broadband Infrastructure	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000			5,000,000
New Pocumoke Library	6,685,317	1,030,000						7,715,317
Snow Hill Library Building Improvements	2,545,000							2,545,000
Isle of Wight Building Renovation	450,000					50,000		500,000
Total General Government Facilities	10,680,317	2,030,000	1,000,000	1,000,000	1,000,000	50,000	0	15,760,317
Public Safety								
Worcester County Jail Improvement Project	275,000					11,740,419		12,015,419
Public Safety Logistical Storage Facility	3,150,000					157,500		3,307,500
Fire Training Tower	1,700,000							1,700,000
Outdoor Warning Siren System	1,300,000							1,300,000
State's Attorney Building Addition	87,540	2,731,052	2,373,320	774,364				5,966,276
Public Safety Building		105,000	12,510,203	28,147,959				40,763,162
Total Public Safety	6,512,540	2,836,052	14,883,523	28,922,323	0	11,897,919	0	65,052,357
Public Works								
Roads- Cove Landing Road Cross Road Pipes	70,000	350,000						420,000
Roads- Gradall	535,000							535,000
Roads - Utility Pole Relocation	350,000							350,000
Water Wastewater								
Riddle Farm WWTP Bypass to OP WWTP	1,050,000							1,050,000
Riddle Farm WWTP Rehabilitation	1,700,000							1,700,000
Mystic Harbour Solids Handling & Storage Building	4,400,000							4,400,000
Ocean Pines WWTP Lagoon Expansion	250,000							250,000
Riddle Farm Water Tower Rehabilitation, Painting & Lowering		650,000						650,000
Mystic Harbour WTP Rehabilitation		1,400,000						1,400,000
Landings Water Tower Rehabilitation		580,000						580,000
Assateague Point WWTP Replacement Liner		100,000	600,000					700,000
River Run Sewer Interconnection to Ocean Pines		100,000	1,100,000					1,200,000
Mystic Harbour Effluent Connection to Riddle Farm Lagoon			6,000,000					6,000,000
River Run Replacement Liner			100,000	1,100,000				1,200,000
Newark WTP Rehabilitation			150,000	2,850,000				3,000,000
Mystic Harbour Effluent Disposal Expansion				2,100,000				2,100,000
Mystic Harbor Water to Riddle Farm				1,950,000				1,950,000
Total Public Works	8,355,000	3,180,000	7,950,000	8,000,000	0	0	0	27,485,000

ITEM 8

FY 2025 TO FY 2029 SUMMARY BY PROJECT REQUESTED

12/19/2023

WORCESTER COUNTY FIVE YEAR CAPITAL IMPROVEMENT PLAN

	FY2025	FY2026	FY2027	FY2028	FY2029	Prior Allocation	Balance To Complete	TOTAL
Recreation & Parks and Natural Resources								
Recreation Center - HVAC Replacement	126,000					1,260,000		1,386,000
Ocean City Inlet and Harbor Navigation Improvement	11,065,000							11,065,000
Total Recreation & Parks	11,191,000	0	0	0	0	1,260,000	0	12,451,000
Public Schools								
Snow Hill Middle/Cedar Chapel School - Roof Replacement	4,164,000					80,000		4,244,000
Pocomoke Elementary School - Roof Replacement	100,000	2,143,000						2,243,000
Buckingham Elementary Replacement School	1,086,640	363,800	16,562,920	29,470,880	7,492,760	875,000		55,852,000
Worcester Technical High School - Roof Replacement			120,000	6,114,000				6,234,000
Snow Hill Elementary Replacement School			282,230	807,123	970,658		58,958,564	61,018,575
Total Public Schools	5,350,640	2,506,800	16,965,150	36,392,003	8,463,418	955,000	58,958,564	129,591,575
Wor-Wic Community College								
Wor-Wic Student Success and Wellness Center				171,875	3,437,500		171,875	3,781,250
Total Wor-Wic		0	0	171,875	3,437,500	0	171,875	3,781,250
CAPITAL PROJECT SUMMARY - BY SOURCE OF FUNDS								
Source of Funds	FY2025	FY2026	FY2027	FY2028	FY2029	Prior Allocation	Balance to Complete	TOTAL
General Fund								0
User Fees	250,000	100,000	100,000					450,000
Grant Funds	12,847,312	2,730,000	1,250,000	6,900,000				23,727,312
State Match	6,130,339	1,530,000	5,399,000	3,028,000			17,288,000	33,375,339
State Loan	2,200,000							2,200,000
Assigned Funds	17,275,938	6,192,852	3,715,550	5,839,362	5,408,158	3,482,249	171,875	42,085,984
Private Donation								0
Enterprise Bonds			6,600,000	1,100,000				7,700,000
General Bonds	3,385,908		11,223,920	29,470,880	7,492,760	10,680,670	41,670,564	103,924,702
General Bonds (Debt Service to be paid through Video Lottery Funds)			12,510,203	28,147,959				40,658,162
								0
TOTAL	42,089,497	10,552,852	40,798,673	74,486,201	12,900,918	14,162,919	59,130,439	254,121,499

CIP Project Name: Broadband Infrastructure

Project Director (Name & Title): Brian Jones, Director of IT
Phone Number: 410-632-9301

Project Summary and Purpose: To support the expansion of broadband infrastructure county-wide.

Project Location: Worcester County unserved areas.

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: There could possibly be more grant funds available in the future. We continue to monitor grant availability. Most grants do require a match based on a percentage.

Is there a Federal or State mandate related to this project? If so, please elaborate: No.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? Not at this point

What is the useful life of the asset/project? Fiber has a 20-45 year shelf life depending on it being buried in innerduct or aerial. Once the fiber is installed and the computer hardware is purchased it will become the service providers (ISP) responsibility to replace and upgrade as needed.

Will this project generate revenue? The availability of broadband will increase property values and add equity to home owners as well as provide Economic Development to areas that don't already have adequate services.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design								0
Land Acquisition								0
Site Work								0
Construction	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000			5,000,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	0	0	5,000,000

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000			5,000,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	0	0	5,000,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Broadband Infrastructure

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

We have a feasibility study that determines the scope of the project. The scope was conducted by residential testing for broadband speeds available in respective neighborhoods. Data was collected and sent to CTC Consulting for their review and reporting.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

This would allow all residents in unserved areas of the county to have broadband access. This will also help drive down the costs for those in the county already served. Having broadband in rural areas will increase property value and add equity home owners as well as add value to Economic Development. Delaying this progress will mean rising costs for hardware, fiber and labor as we have seen since other rural broadband projects started.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

We used the consultant of CTC to complete a feasibility study for Worcester County. The study was done a few years ago, prior to the pandemic. It was estimated to cost 52 to 54 million dollars for the entire project. As of 2/10/2022 the estimated costs jumped to 74 million dollars to complete. The cost per mile is estimated between \$36 to \$87 thousand per mile. This is dependent on road condition, population of the area and aerial verses in-ground cabling. The CTC original study can be found on the county internet site.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

Timing is always a huge factor in this project as the costs and availability for fiber is constantly changing. The costs to produce and manufacture is on the rise while availability is shrinking. No special timing concerns other than overall costs.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Since the wide spread of the pandemic, the ability to telework or virtual school from home and telehealth/telemedicine has had a huge impact for citizens without broadband capabilities. We want to expand broadband countywide. This is a growing concern of many residents that need the ability to work from home. The pandemic has changed the way residents work and or educate.

CIP Project Name: New Pocomoke Library

Project Director (Name & Title): Jennifer Ranck, Library Director

Phone Number: 410-632-2600

Project Summary and Purpose: To replace the current 53-year old faculty with a new, larger building

Project Location: 307 Market Street, Pocomoke, MD 21851

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: Yes, the Public Library Capital Grant program is available and administered through the Maryland State Library agency. The Library has submitted a grant for funding in FY 25. The project will space two fiscal years and the library will apply for additional funding in FY 26. Grants are due at the end of May. In addition, the Library Foundation will try to raise funds to help with furnishings and materials.

Is there a Federal or State mandate related to this project? If so, please elaborate: Yes, the Public Library Capital Grant is available and administered through the Maryland State Library agency. The Library has submitted a grant for funding in FY 25.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? The library will need to hire two additional part-time employees. We anticipate operating costs to go down with improved building systems.

What is the useful life of the asset/project? A new building is likely to last another 50 years.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design	75,000	30,000						105,000
Land Acquisition								0
Site Work	274,500							274,500
Construction	5,942,029	500,000						6,442,029
Equipment/Furnishings		500,000						500,000
Other - Please Specify (permitti	393,788							393,788

TOTAL	6,685,317	1,030,000	0	0	0	0	0	7,715,317
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SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match- Does not cover Engineering/Design/Demolition	2,993,158	500,000						3,493,158
State Loan								0
Assigned Funds	3,692,159	530,000						4,222,159
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0

TOTAL	6,685,317	1,030,000	0	0	0	0	0	7,715,317
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PROJECTED OPERATING IMPACTS	0	521,884	43,769	43,769	43,769			653,191
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CIP Project Name: New Pocomoke Library

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Worcester County Library completed a Facilities Master Plan in 2013. The Berlin Branch Library replacement project was identified as the first priority; building improvements to the Pocomoke Branch Library were identified as the second priority. The Pocomoke Branch opened in 1970 with an addition constructed in 2004. The addition provided much needed space but much of the library's furniture and shelving was re-used and many of building systems are in need of replacement. This project will address the following problems: 1) the lack of flexible space for collaborative work for patrons and staff; 2) the need for upgraded electrical and data systems; 3) the need for upgraded heating, ventilation, air conditioning and lighting; 4) roof and window replacement; and 5) accessibility issues. In September 2021, Worcester County Commissioners signed an agreement with the City of Pocomoke to use a downtown site for the new library, if a Strategic Demolition grant is successful. Unfortunately the grant was not successful and as requested in last year's CIP, the library would like to move forward with plans for a new branch on the current site, Market Street.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

The residents and visitors to Pocomoke City and the surrounding areas will benefit from this project. Many of the building's systems are nearing the "end of useful life" and a new facility will help maintain proper temperatures, improve lighting, and reduce the library's overall energy use. New flooring and furnishings will improve overall functionality and enable the library to reallocate collection space, create a dedicated young adult space, reconfigure staff area, and revise public service desk. Adjacent to the children's area, the lack of separation limits the use of the YA section. Due to space and wiring constraints, the library's 3D printer is housed on the other side of the building. Lack of programming space within the collection spaces limit the kinds of programs and equipment that the library can offer. The branch is often the recipient of discarded furniture. The mix of hodgepodge shelving negatively affects the overall character and layout of the branch. Library staff are continually weeding and shifting collections due to lack of space. The library would like to purchase additional non-fiction picture books for the Children's area to support Common Core curriculum and school readiness but there is no room to expand library collections. Dated HVAC equipment continues to fail. The circulation desk is crowded and there is little room to store held items and interlibrary loan materials for customers. The staff office and staff kitchen also serve as storage spaces. Many library operations must take place at the circulation desk in between assisting customers and checking out materials. The circulation desk is not accessible for those in wheelchairs and obstructs flow for all users. A more welcoming desk would improve the patron experience. A new building will enable the library to create inspiring and defined spaces that will facilitate greater and higher quality use by its visitors. The addition of quiet study and the possibility of a small conference room will expand the types of activities that can take place in the library. Additional places for visitors to plug in their own devices will enable users to research, complete online classes, and communicate in a more comfortable setting. New shelving will allow for the print collections to be displayed in a functional manner and easier to access by all patrons. The library will increase aisle widths to 42" to meet ADA preferred guidelines. The projected increase for library use is 15%. A well-designed staff area will increase productivity and staff morale. Efficient electrical and data communications systems will modernize technology for now and future reconfiguration. The library will also strive to minimize its environmental footprint and will explore the opportunities to use sustainable building materials, incorporate natural light to reduce energy costs, and other design elements that are cost effective and environmentally friendly. The library is central to the Pocomoke community and serves as the cultural and learning center. The space will support modern usage and technology and enable the library to meet the needs of the current and evolving community.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

The most recent cost estimate was developed by Whiting Turner in August 2023, currently construction cost is \$593/SF.

CIP Project Name: New Pocomoke Library

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

This project was first requested in FY 2019 and several options for facility upgrades and other locations have been discussed. An alternative downtown Pocomoke site was considered in Spring 2020 but upon further evaluation the location was not viable. The library apply for construction funding through the Public Library Capital Grant program in FY 24, but the grant did not move forward due to the location change. The Library has submitted a grant request for FY 25.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

The Pocomoke library is over 50 years and some building systems are at the end of their life cycle. Building improvements should lower ongoing operating costs.

CIP Operating Impact Projections

Project: New Pocomoke Library

Department & Signature of Department Head:

Personnel Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Job Title & Salary/Benefit Costs (List Separately)						
Part-time Library Services Assistant		9,000	18,000	18,000	18,000	63,000
Part-time Library Services Assistant		9,000	18,000	18,000	18,000	63,000
Benefits		3,884	7,769	7,769	7,769	27,191
						0
						0
						0
						0
						0
EXPENDITURES						

New Positions Salary & Benefits TOTAL	0	21,884	43,769	43,769	43,769	153,191
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Operating Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Utilities						0
Telephone						0
Custodial						0
Cleaning						0
Maintenance Repairs						0
Refuse						0
Fire/Security Alarm						0
Internet						0
Vehicle Expense						0
Other						0
						0
						0
						0
EXPENDITURES						

Operating TOTAL	0	0	0	0	0	0
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ITEM 8

Project: New Pocomoke Library

Capital Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Furnishings		500,000				500,000
Equipment						0
						0
						0
						0
						0
						0
						0
EXPENDITURES						
Capital TOTAL	0	500,000	0	0	0	500,000

Projected Revenue Impact	FY 25	FY 26	FY 27	FY 28	FY 29	Revenue Total
						0
						0
						0
						0
						0
						0
						0
REVENUES						
Project Revenue TOTAL	0	0	0	0	0	0

PROJECTED OPERATING IMPACTS	0	521,884	43,769	43,769	43,769	653,191
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Project: New Pocomoke Library

Complete the following questions.

Operating Impacts

Employee positions.

Does the project increase or reduce the number of employees needed? How many positions would be affected? Are the positions full-time, part-time, contractual, grant-funded, enterprise funded? What is the projected cost (savings) of the employees? Are there benefit costs for additional full-time or part-time employees? Benefit cost should be calculated by using the full time 46.54% or for part time 21.58%.

With a larger building, we anticipate the need of two additional part-time employees.

Utility costs.

Does the project increase or reduce utility costs? Utilities may include electricity, oil, gas, telephone, water or sewer costs.

New equipment should result in lower utility cost.

Maintenance costs.

Does the project increase or reduce internal maintenance costs or maintenance agreements with outside vendors? Some costs to consider are custodial services, ball field maintenance, road maintenance and general preventative maintenance.

Maintenance costs may increase depending on building systems and if outside vendors will need to support. Custodial services will increase with a larger building.

Insurance costs.

Does the project increase insurance costs? You should consider liability, property and vehicle insurance.

A larger building may increase property insurance.

Telecommunications.

Consider the potential need of telephones, copiers, and computers and hardware. List them below.

New telephone and updated security system will be needed; no additional computers in the adult and children's areas will be needed (though current machines will be replaced).

Furniture, equipment or capital outlay.

Does the project increase or reduce the need for furniture and equipment or other capital outlay items? Is the increase or savings on-going or one-time?

New shelving and furnishings will be needed, approximately \$500,000. The Library Foundation will help us

CIP Project Name: Snow Hill Library Building Improvements

Project Director (Name & Title): Jennifer Ranck, Library Director

Phone Number: 410-632-2600

Project Summary and Purpose: Replace HVAC system and make energy improvements to plumbing and lighting systems

Project Location: 307 N. Washington Street, Snow Hill, Maryland 21863

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

Funding is available through the Public Library Capital Grant program administered by the Maryland State Library. The total grant funding available is \$7.5 million is available for all 24 jurisdictions, and the library has requested funds for the Pocomoke library.

Is there a Federal or State mandate related to this project? If so, please elaborate:

No, not that the Library is aware of.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? No impact to personnel; operating and maintenance costs should decrease with more efficient equipment

What is the useful life of the asset/project? Equipment replacement should last 20-25 years.

Will this project generate revenue? The library generates very little revenue (book replacement and copy funds mainly).

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design								0
Land Acquisition								0
Site Work								0
Construction	2,545,000							2,545,000
Equipment/Furnishings								0
Other - Please Specify								0

TOTAL	2,545,000	0	0	0	0	0	0	2,545,000
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SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds	2,545,000							2,545,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0

TOTAL	2,545,000	0	0	0	0	0	0	2,545,000
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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Complete the following questions.

CIP Project Name: Snow Hill Library Building Improvements

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Worcester County Library completed a Facilities Master Plan in 2013. Building improvements to the Snow Hill Branch Library were identified as the third priority after the Berlin Branch Library replacement project and building improvements to the Pocomoke Branch Library. The Snow Hill branch was built in 1974 and is in good shape architecturally but the building's mechanical systems are in need of replacement. Some of the lighting has been upgraded, but improvements are needed in the staff areas and meeting room. The building's plumbing, including domestic water heater and restroom fixtures, need to be upgraded as well. A new Facility Plan was completed in FY 23 and similar building deficiencies were noted.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

The residents and visitors to Snow Hill and the surrounding areas will benefit from this project. The Snow Hill branch houses the library's Worcester Room which contains the local history collection and includes some unique and one-of-a-kind items. Replacing the HVAC will help maintain proper climate to help preserve those items. Improvements made to the lighting and plumbing will reduce the library's overall energy use.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

In May 2023, GIPE Engineering completed a Mechanical, Electrical, Plumbing, and Fire Protection Feasibility Study. The Study will be attached to the CIP request.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

This project was first submitted in FY 2019, and has been requested for approval in the FY 2024 budget. Currently there is \$800,000 allocated for the project. The Library needs help to determine how to phase the project. The timing of this project has been delayed due to the priority of the Pocomoke library project.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

This project is necessary but not time critical; although the age of the building equipment is a concern. Building improvements should lower ongoing operating costs. Delays will of course increase the cost of the project. In addition, the library shelving is approaching 50 years old and is starting to wear. The Branch has a fund for new shelving but we have delayed ordering because

CIP Project Name: Isle of Wight Building Renovation

Project Director (Name & Title): Public Works

Phone Number:

Project Summary and Purpose: Renovation and repair at the Isle of Wight facility to improve the space needed for the Treasurers and Health Department employees and the public served. Interior office spaces have remained unchanged since the building was constructed in 1971. The facility needs to be reconfigured to provide usable space to staff working at that location.

Project Location: Isle of Wight Service Building

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: N/A

Is there a Federal or State mandate related to this project? If so, please elaborate: No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? This would make the space more efficient.

What is the useful life of the asset/project? 20 to 30 years

Will this project generate revenue? No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design						50,000		50,000
Land Acquisition								0
Site Work								0
Construction	400,000							400,000
Equipment/Furnishings	50,000							50,000
Other - Please Specify								0
TOTAL	450,000	0	0	0	0	50,000	0	500,000

SOURCES OF FUNDS	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds	450,000					50,000		500,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	450,000	0	0	0	0	50,000	0	500,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Isle of Wight Building Renovation

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

CIP Project Name: Worcester County Jail Improvements Phase 2

Project Director (Name & Title):Fulton Holland, Warden: William Bradshaw P.E., County Engineer

Phone Number:410-632-1300:410-632-1200 x1150

Project Summary and Purpose: This project includes replacement of heating and ventilating equipment and ductwork, controls, fire alarms and electrical for the 1980's original housing units and 1988 work release addition housing unit. Also included is HVAC equipment for corridors and office areas in the 1980 and 1988 building areas and multipurpose rooms. This project includes roof replacement/repair for the original building. Maintenance and replacement of exterior steel coatings, kitchen doors, lighting in renovated areas, building controls and shower enclosures in the 1980/1988 areas are also included.

This project improves the 40 year old building sections heating, ventilating, and air conditioning equipment and will mitigate future outages and disruptions due to leaks and equipment failure. Construction began on this project in the Fall 2022 and is currently 50% complete.

Project Location: Worcester County Jail, 5022 Joyner Road Snow Hill, MD

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: There are no grant funds included in the project. Bonds and general fund are the source for this project since planning began in 2020.

Is there a Federal or State mandate related to this project? If so, please elaborate: There are no mandates to complete this project.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? The project does not increase personnel. The project does provide for energy costs savings as a result of more efficient equipment and LED lighting installation estimated at \$40,000 per year. In addition, the Delmarva Energy Efficiency program is pre-approved for a \$35,000 incentive to be paid at the end of the project.

What is the useful life of the asset/project? 20 years

Will this project generate revenue? No the project does not produce revenue.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design						582,000		582,000
Land Acquisition								0
Site Work								0
Construction	275,000					11,058,670		11,333,670
Equipment/Furnishings								0
Other - Please Specify						99,749		99,749

TOTAL	275,000	0	0	0	0	11,740,419	0	12,015,419
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SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds						1,059,749		1,059,749
Private Donation								0
Enterprise Bonds								0
General Bonds	275,000					10,680,670		10,955,670
Other - Please Specify								0

TOTAL	275,000	0	0	0	0	11,740,419	0	12,015,419
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PROJECTED OPERATING IMPACTS								
	(66,992)	(32,000)	(32,000)	(32,000)	(32,000)		0	(194,992)

CIP Project Name: Worcester County Jail Improvements Phase 2

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

The project scope was determined by the HVAC and supporting Electrical Engineering Study/Feasibility Analysis completed by Gipe Associates. Equipment failures during the winter 2016-2017 escalated the need for replacement of critical equipment based on operational priority and completed as phase 1 previously. The remaining improvements are generally designed to replace 40 year old equipment, improve building conditions including ventilation and space conditioning in select areas. Phase 2 also includes roof repairs and replacement of the original facility, painting of outdoor steel security enclosures, building control replacement/upgrades, and select replacement of interior doors and shower areas.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

The County improves reliability by replacing 40 year old systems with a newer, more efficient systems. The occupants benefit by improving building ventilation and conditioning.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Base estimate is per Gipe Engineering - attached. Construction is awarded to Bancroft Construction (December 2022) and cash flows represent the current project schedule (as of August 2023) - attached. Based on construction cash flow the 2025 cash flow is increased \$100,000. Prior allocation has decreased \$100,000 for the same overall project total budget.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

There are no requested changes at this time. This project is planned to be substantially complete by July 2024. There is some risk that final payments extend beyond July 2024.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

CIP Operating Impact Projections

Project: Worcester County Jail Improvements Phase 2

Department & Signature of Department Head: Warden Fulton Holland

Personnel Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Job Title & Salary/Benefit Costs (List Separately)						0
						0
						0
						0
						0
						0
						0
						0
EXPENDITURES						
New Positions Salary & Benefits TOTAL	0	0	0	0	0	0

Operating Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Utilities	(40,000)	(40,000)	(40,000)	(40,000)	(40,000)	(200,000)
Telephone						0
Custodial						0
Cleaning						0
Maintenance Repairs	7,500	7,500	7,500	7,500	7,500	37,500
Refuse						0
Fire/Security Alarm						0
Internet						0
Vehicle Expense						0
Other (Estimate of additional building insurance ba	500	500	500	500	500	2,500
Delmarva Power Energy Program Incentive Payme	(34,992)					(34,992)
						0
						0
EXPENDITURES						
Operating TOTAL	(66,992)	(32,000)	(32,000)	(32,000)	(32,000)	(194,992)

ITEM 8

Project: Worcester County Jail Improvements Phase 2

Capital Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Furnishings						0
Equipment						0
						0
						0
						0
						0
						0
						0
EXPENDITURES						
Capital TOTAL	0	0	0	0	0	0

Projected Revenue Impact	FY 25	FY 26	FY 27	FY 28	FY 29	Revenue Total
						0
						0
						0
						0
						0
						0
						0
						0
REVENUES						
Project Revenue TOTAL	0	0	0	0	0	0

PROJECTED OPERATING IMPACTS	(66,992)	(32,000)	(32,000)	(32,000)	(32,000)	(194,992)
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Project: Worcester County Jail Improvements Phase 2

Complete the following questions.

Operating Impacts

Employee positions.

Does the project increase or reduce the number of employees needed? How many positions would be affected? Are the positions full-time, part-time, contractual, grant-funded, enterprise funded? What is the projected cost (savings) of the employees? Are there benefit costs for additional full-time or part-time employees? Benefit cost should be calculated by using the full time 46.54% or for part time 21.58%. No additional employees.

Utility costs.

Does the project increase or reduce utility costs? Utilities may include electricity, oil, gas, telephone, water or sewer costs. Estimated to reduce utility costs \$40,000 per year beginning FY 25.

Maintenance costs.

Does the project increase or reduce internal maintenance costs or maintenance agreements with outside vendors? Some costs to consider are custodial services, ball field maintenance, road maintenance and general preventative maintenance.

Maintenance costs are estimated to increase by \$7,500 due to additional filtration and freeze protection systems beginning FY 25.

Insurance costs.

Does the project increase insurance costs? You should consider liability, property and vehicle insurance.

Based on the value of the improvements the facility insurance costs will increase. Estimate increase \$500 per year.

Telecommunications.

Consider the potential need of telephones, copiers, and computers and hardware. List them below. None additional.

Furniture, equipment or capital outlay.

Does the project increase or reduce the need for furniture and equipment or other capital outlay items? Is the increase or savings on-going or one-time? No.



Project Monthly Status Report

ITEM 8

Project: CWCM0001 - WC Detention Center Ph2

Month Ending: 7/31/2023

Report Date: 08/11/2023

Date	Current/Actual Projected	
	Monthly	Running
1/31/2022		\$0
3/31/2022	\$115,000	\$115,000
4/30/2022	\$5,000	\$120,000
5/31/2022	\$179,000	\$299,000
6/30/2022	\$70,000	\$369,000
7/31/2022	\$152,500	\$521,500
8/31/2022	\$611,000	\$1,132,500
9/30/2022	\$73,515	\$1,206,015
10/31/2022	\$995,500	\$2,201,515
11/30/2022	\$875,000	\$3,076,515
12/31/2022	\$654,000	\$3,730,515
1/31/2023	\$277,000	\$4,007,515
2/28/2023	\$483,000	\$4,490,515
3/31/2023	\$842,000	\$5,332,515
4/30/2023	\$345,500	\$5,678,015
5/31/2023	\$295,006	\$5,973,021
6/30/2023	\$349,000	\$6,322,021
7/31/2023	\$466,500	\$6,788,521
8/31/2023	\$445,800	\$7,234,321
9/30/2023	\$448,000	\$7,682,321
10/31/2023	\$331,000	\$8,013,321
11/30/2023	\$318,000	\$8,331,321
12/31/2023	\$336,425	\$8,667,746
1/31/2024	\$418,000	\$9,085,746
2/28/2024	\$330,500	\$9,416,246
3/31/2024	\$471,500	\$9,887,746
4/30/2024	\$320,500	\$10,208,246
5/31/2024	\$402,000	\$10,610,246
6/30/2024	\$382,500	\$10,992,746
7/31/2024	\$200,500	\$11,193,246
8/31/2024		\$11,193,246
TOTAL:	\$11,193,246	
TOTAL CHECK:	\$11,193,246	\$0



Gipe Associates, Inc.
CONSULTING ENGINEERS

Mechanical | Electrical | Plumbing

8719 BROOKS DRIVE

EASTON, MARYLAND

PHONE: 410-822-8688

FAX: 410-822-6306

CONSTRUCTION COST ESTIMATE

PROJECT: Worcester County Detention Center
GAI PROJECT NO: 20059
DATE: 03/05/21
PREPARED BY: GAW

GENERAL PROJECT INFORMATION

PROJECT SQUARE FOOTAGE: 57,524
FACILITY TYPE: Detention Center
OF FLOORS: 1
ARCHITECT: Gipe Associates, Inc.
BASIS FOR ESTIMATE: CODE-B (DESIGN DEVELOPMENT)
SUMMARY: DESIGN DEVELOPMENT ESTIMATE

Design Development Total Estimate	QUANTITY		MATERIAL		LABOR		TOTAL COST
	NO. OF UNITS	UNIT OF MEASURE	PER UNIT	TOTAL	PER UNIT	TOTAL	
BASE BID COST ESTIMATE							
DIVISION 01-DIVISION09	1.0	LS	\$ -	\$ -	\$ 2,546,000.00	\$ 2,546,000.00	\$ 2,546,000.00
DIVISION 21-23	1.0	LS	\$ -	\$ -	\$ 4,465,220.00	\$ 4,465,220.00	\$ 4,465,220.00
DIVISION 26-28	1.0	LS	\$ -	\$ -	\$ 453,670.00	\$ 453,670.00	\$ 453,670.00
COMMISSIONING	1.0	LS	\$ -	\$ -	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00
CONTINGENCY ALLOWANCE	1.0	LS	\$ -	\$ -	\$ 90,000.00	\$ 90,000.00	\$ 90,000.00
ALTERNATE #1 - 2 YEAR WARRANTY	1.0	LS	\$ -	\$ -	\$ -	\$ -	\$ -
ALTERNATE #2 - ATC SYSTEM CONTRACTOR	1.0	LS	\$ -	\$ -	\$ -	\$ -	\$ -
ALTERNATE #3 - PVC PIPE JACKET	1.0	LS	\$ -	\$ -	\$ -	\$ -	\$ -
ALTERNATE #4 - HIGH EFFICENCY UNITS	1.0	EA	\$ -	\$ -	\$ -	\$ -	\$ -
ALTERNATE #5 - LAUNDRY MAKE-UP	1.0	LS	\$ -	\$ -	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
ALTERNATE #6 - EXERCISE ENCLOSURES (9 ENCLOSURES)	1.0	LS	\$ -	\$ -	\$ 72,000.00	\$ 72,000.00	\$ 72,000.00
ALTERNATE #7 - ATC SYSTEM INTEGRATION	1.0	LS	\$ -	\$ -	\$ 33,000.00	\$ 33,000.00	\$ 33,000.00
ALTERNATE #8 - STAINLESS STEEL SHOWER ENCLOSURE	1.0	LS	\$ -	\$ -	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00
ALTERNATE #9 - ROOF REPLACEMENT	1.0	LS	\$ -	\$ -	\$ 538,000.00	\$ 538,000.00	\$ 538,000.00
ALTERNATE #10 - LED LIGHTING	1.0	LS	\$ -	\$ -	\$ 247,500.00	\$ 247,500.00	\$ 247,500.00

COST ESTIMATE SUMMARY			
DESCRIPTION	MATERIAL	LABOR	TOTAL
BASE BID TOTAL COST	\$ -	\$ 7,586,890.00	\$ 7,586,890.00
ALTERNATE #1 TOTAL COST	\$ -	\$ -	\$ -
ALTERNATE #2 TOTAL COST	\$ -	\$ -	\$ -
ALTERNATE #3 TOTAL COST	\$ -	\$ -	\$ -
ALTERNATE #4 TOTAL COST	\$ -	\$ -	\$ -
ALTERNATE #5 TOTAL COST	\$ -	\$ 30,000.00	\$ 30,000.00
ALTERNATE #6 TOTAL COST	\$ -	\$ 72,000.00	\$ 72,000.00
ALTERNATE #7 TOTAL COST	\$ -	\$ 33,000.00	\$ 33,000.00
ALTERNATE #8 TOTAL COST	\$ -	\$ 95,000.00	\$ 95,000.00
ALTERNATE #9 TOTAL COST	\$ -	\$ 538,000.00	\$ 538,000.00
ALTERNATE #10 TOTAL COST	\$ -	\$ 247,500.00	\$ 247,500.00
TOTAL BASE BID + ALTERNATES:	\$ -	\$ 8,602,390.00	\$ 8,602,390.00
TOTAL BASE BID + ALT. COST PER SQUARE FOOT:	\$ 0.00 PER S.F.	\$ 149.54 PER S.F.	\$ 149.54 PER S.F.

GRAND TOTAL COST ESTIMATE SUMMARY			
ADDITIONAL PROJECT COST ITEM DESCRIPTION (APPLIES TO BASE BID ONLY)	PERCENTAGE (%)	% X TOTAL BASE BID	REMARKS
CONTRACTOR OVERHEAD	5.0%	\$ 379,344.50	
CONTRACTOR PROFIT	5.0%	\$ 379,344.50	
GENERAL CONDITIONS	5.0%	\$ 379,344.50	
PHASING OF GENERAL CONDITIONS	5.0%	\$ 379,344.50	
DESIGN CONTINGENCY	5.0%	\$ 379,344.50	
CONSTRUCTION CONTINGENCY	5.0%	\$ 379,344.50	
BUILDER'S RISK INSURANCE	1.0%	\$ 75,868.90	
PERMIT FEES	1.0%	\$ 75,868.90	
CONTRACTOR INSURANCE	2.0%	\$ 151,737.80	
PAYMENT BOND	1.0%	\$ 75,868.90	
PERFORMANCE BOND	1.0%	\$ 75,868.90	
UTILITY COST (ELECTRIC, GAS, ETC...)	0.0%	\$ -	
TOTAL ADDITIONAL PROJECT COST ITEMS		\$ 2,731,280.40	
GRAND TOTAL CONSTRUCTION COST (BASE BID + ADDITIONAL PROJECT COSTS)		\$ 10,318,170.40	\$179.37 PER S.F.
GRAND TOTAL CONSTRUCTION COST (BASE BID + ALTERNATES + ADDITIONAL PROJECT COSTS)		\$ 11,333,670.40	\$197.03 PER S.F.



Gipe Associates, Inc.
CONSULTING ENGINEERS

Mechanical | Electrical | Plumbing

8719 BROOKS DRIVE
EASTON, MARYLAND
PHONE: 410-822-8688
FAX: 410-822-6306

CONSTRUCTION COST ESTIMATE

PROJECT: Worcester County Detention Center
GAI PROJECT NO: 20059
DATE: 03/05/21
PREPARED BY: GAW

GENERAL PROJECT INFORMATION

PROJECT SQUARE FOOTAGE: 57,524
FACILITY TYPE: Detention Center
OF FLOORS: 1
ARCHITECT: Gipe Associates, Inc.
BASIS FOR ESTIMATE: CODE-B (DESIGN DEVELOPMENT)
SUMMARY: DESIGN DEVELOPMENT ESTIMATE

Architectural Estimates	QUANTITY		MATERIAL		LABOR		TOTAL COST
	NO. OF UNITS	UNIT OF MEASURE	PER UNIT	TOTAL	PER UNIT	TOTAL	

BASE BID COST ESTIMATE

DESCRIPTION	NO. OF UNITS	UNIT OF MEASURE	PER UNIT	TOTAL	PER UNIT	TOTAL	TOTAL COST
Section 051200 - Roof Dunnage	1.0	LS	\$ -	\$ -	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00
Section 072100 - Insulation (~50,000 sq ft roof)	1.0	LS	\$ -	\$ -	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00
Section 076200 Flashing and Trim (~50,000 sq ft roof)	1.0	LS	\$ -	\$ -	\$ 450,000.00	\$ 450,000.00	\$ 450,000.00
Section 075600 Silicone Roof Coating (~11,500 sq ft roof)	1.0	LS	\$ -	\$ -	\$ 250,000.00	\$ 250,000.00	\$ 250,000.00
Section 081113 Detention Doors (10 Kitchen Doors)	1.0	LS	\$ -	\$ -	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
Section 092900 Gy. Board (Ceilings)	1.0	LS	\$ -	\$ -	\$ 150,000.00	\$ 150,000.00	\$ 150,000.00
Section 099113 Exterior Paint (Exercise Yards) - Alternate 6	1.0	LS	\$ -	\$ -	\$ -	\$ -	\$ -
Section 099123 Interior Paint (Kitchen doors and ceilings)	1.0	LS	\$ -	\$ -	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
099600 High Performance Coatings	1.0	LS	\$ -	\$ -	\$ -	\$ -	\$ -
Section 075216 - SBS Modified Bituminous Roofing	1.0	LS	\$ -	\$ -	\$ 1,270,000.00	\$ 1,270,000.00	\$ 1,270,000.00
Section 096723 - Polymer Flooring (Resurface 19 showers)	1.0	LS	\$ -	\$ -	\$ 76,000.00	\$ 76,000.00	\$ 76,000.00

COST ESTIMATE SUMMARY

DESCRIPTION	MATERIAL	LABOR	TOTAL
BASE BID TOTAL COST	\$ -	\$ 2,546,000.00	\$ 2,546,000.00
TOTAL BASE BID	\$ -	\$ 2,546,000.00	\$ 2,546,000.00
BASE BID COST PER SQUARE FOOT:	\$0.00 PER S.F.	\$44.26 PER S.F.	\$44.26 PER S.F.

GRAND TOTAL COST ESTIMATE SUMMARY

ADDITIONAL PROJECT COST ITEM DESCRIPTION (APPLIES TO BASE BID ONLY)	PERCENTAGE (%)	% X TOTAL BASE BID	REMARKS
CONTRACTOR OVERHEAD	0.0%	\$ -	
CONTRACTOR PROFIT	0.0%	\$ -	
GENERAL CONDITIONS	0.0%	\$ -	
BUILDER'S RISK INSURANCE	0.0%	\$ -	
PERMIT FEES	0.0%	\$ -	
CONTRACTOR INSURANCE	0.0%	\$ -	
PAYMENT BOND	0.0%	\$ -	
PERFORMANCE BOND	0.0%	\$ -	
UTILITY COST (ELECTRIC, GAS, ETC...)	0.0%	\$ -	
TOTAL ADDITIONAL PROJECT COST ITEMS		\$ -	
GRAND TOTAL CONSTRUCTION COST (BASE BID + ADDITIONAL PROJECT COSTS)		\$ 2,546,000.00	\$44.26 PER S.F.



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Mechanical | Electrical | Plumbing

8719 BROOKS DRIVE
EASTON, MARYLAND
PHONE: 410-822-8688
FAX: 410-822-6306

CONSTRUCTION COST ESTIMATE

PROJECT: Worcester County Detention Center
GAI PROJECT NO: 20059
DATE: 03/05/21
PREPARED BY: GAW

GENERAL PROJECT INFORMATION

PROJECT SQUARE FOOTAGE: 57,524
FACILITY TYPE: Detention Center
OF FLOORS: 1
ARCHITECT: Gipe Associates, Inc
BASIS FOR ESTIMATE: CODE-B (DESIGN DEVELOPMENT)
SUMMARY: DESIGN DEVELOPMENT ESTIMATE

Mechanical Systems	QUANTITY		MATERIAL		LABOR		TOTAL COST
	NO. OF UNITS	UNIT OF MEASURE	PER UNIT	TOTAL	PER UNIT	TOTAL	

BASE BID COST ESTIMATE

DEMOLITION	1.0	LS	\$ -	\$ -	\$ 287,620.00	\$ 287,620.00	\$ 287,620.00
GYM AHU	1.0	EA	\$ 143,810.00	\$ 143,810.00	\$ 115,048.00	\$ 115,048.00	\$ 258,858.00
CORRIDOR RTU	3.0	EA	\$ 57,524.00	\$ 172,572.00	\$ 43,143.00	\$ 129,429.00	\$ 302,001.00
CRANE	1.0	LS	\$ 70,000.00	\$ 70,000.00	\$ -	\$ -	\$ 70,000.00
REFRIGERANT/CONDENSATE PIPE	1.0	LS	\$ 43,143.00	\$ 43,143.00	\$ 31,638.20	\$ 31,638.20	\$ 74,781.20
HOT WATER PIPE	1.0	LS	\$ 103,543.20	\$ 103,543.20	\$ 135,181.40	\$ 135,181.40	\$ 238,724.60
INSULATION	1.0	LS	\$ 94,914.60	\$ 94,914.60	\$ 94,914.60	\$ 94,914.60	\$ 189,829.20
AUTOMATIC TEMP. CONTROLS (ATC)	1.0	LS	\$ 287,620.00	\$ 287,620.00	\$ 402,668.00	\$ 402,668.00	\$ 690,288.00
RELIEF FAN	12.0	EA	\$ 3,500.00	\$ 42,000.00	\$ 1,500.00	\$ 18,000.00	\$ 60,000.00
TEST AND BALANCE	1.0	LS	\$ -	\$ -	\$ 138,057.60	\$ 138,057.60	\$ 138,057.60
DUCTWORK	1.0	LS	\$ 483,201.60	\$ 483,201.60	\$ 819,717.00	\$ 819,717.00	\$ 1,302,918.60
FIRE PROTECTION	1.0	LS	\$ 43,143.00	\$ 43,143.00	\$ 109,295.60	\$ 109,295.60	\$ 152,438.60
H&V UNIT	11.0	EA	\$ 30,000.00	\$ 330,000.00	\$ 15,000.00	\$ 165,000.00	\$ 495,000.00
PLUMBING PIPING	2,300.0	LF	\$ 7.00	\$ 16,100.00	\$ 10.00	\$ 23,000.00	\$ 39,100.00
FREEZE PUMPS	15.0	EA	\$ 600.00	\$ 9,000.00	\$ 800.00	\$ 12,000.00	\$ 21,000.00
PLUMBING CHASE	54.0	EA	\$ 800.00	\$ 43,200.00	\$ 1,500.00	\$ 81,000.00	\$ 124,200.00
SHOWERS	17.0	EA	\$ 400.00	\$ 6,800.00	\$ 800.00	\$ 13,600.00	\$ 20,400.00

COST ESTIMATE SUMMARY

DESCRIPTION	MATERIAL	LABOR	TOTAL
BASE BID TOTAL COST	\$ 1,889,047.40	\$ 2,576,169.40	\$ 4,465,216.80
TOTAL BASE BID COST PER SQUARE FOOT:	\$32.84 PER S.F.	\$44.78 PER S.F.	\$77.62 PER S.F.

GRAND TOTAL COST ESTIMATE SUMMARY

ADDITIONAL PROJECT COST ITEM DESCRIPTION (APPLIES TO BASE BID ONLY)	PERCENTAGE (%)	% X TOTAL BASE BID	REMARKS
CONTRACTOR OVERHEAD	0.0%	\$ -	
CONTRACTOR PROFIT	0.0%	\$ -	
GENERAL CONDITIONS	0.0%	\$ -	
BUILDER'S RISK INSURANCE	0.0%	\$ -	
PERMIT FEES	0.0%	\$ -	
CONTRACTOR INSURANCE	0.0%	\$ -	
PAYMENT BOND	0.0%	\$ -	
PERFORMANCE BOND	0.0%	\$ -	
UTILITY COST (ELECTRIC, GAS, ETC...)	0.0%	\$ -	
TOTAL ADDITIONAL PROJECT COST ITEMS		\$ -	
GRAND TOTAL CONSTRUCTION COST (BASE BID + ADDITIONAL PROJECT COSTS)		\$ 4,465,216.80	\$77.62 PER S.F.



Gipe Associates, Inc.
CONSULTING ENGINEERS

Mechanical | Electrical | Plumbing

CONSTRUCTION COST ESTIMATE

PROJECT: Worcester County Detention Center
 GAI PROJECT NO: 20059
 DATE: 03/05/21
 PREPARED BY: EMP

GENERAL PROJECT INFORMATION

PROJECT SQUARE FOOTAGE: 57,524
 FACILITY TYPE: Detention Center
 # OF FLOORS: 1
 ARCHITECT: Gipe Associates, Inc
 BASIS FOR ESTIMATE: CODE-B (DESIGN DEVELOPMENT)
 SUMMARY: DESIGN DEVELOPMENT ESTIMATE

Electrical Systems	QUANTITY		MATERIAL		LABOR		TOTAL COST
	NO. OF UNITS	UNIT OF MEASURE	PER UNIT	TOTAL	PER UNIT	TOTAL	

BASE BID COST ESTIMATE

DEMOLITION	1.0	LS	\$ -	\$ -	\$ 48,895.40	\$ 48,895.40	\$ 48,895.40
FIRE ALARM	1.0	LS	\$ 71,905.00	\$ 71,905.00	\$ 106,419.40	\$ 106,419.40	\$ 178,324.40
GYM AHU	1.0	EA	\$ 2,400.00	\$ 2,400.00	\$ 6,000.00	\$ 6,000.00	\$ 8,400.00
CORRIDOR RTU	2.0	EA	\$ 1,000.00	\$ 2,000.00	\$ 3,000.00	\$ 6,000.00	\$ 8,000.00
MAU	1.0	EA	\$ 900.00	\$ 900.00	\$ 1,500.00	\$ 1,500.00	\$ 2,400.00
WORK RELEASE RTU	1.0	EA	\$ 1,200.00	\$ 3,500.00	\$ 2,500.00	\$ 1,500.00	\$ 5,000.00
H&V UNIT	11.0	EA	\$ 1,000.00	\$ 11,000.00	\$ 3,500.00	\$ 38,500.00	\$ 49,500.00
ERV UNIT	11.0	EA	\$ 1,000.00	\$ 11,000.00	\$ 3,500.00	\$ 38,500.00	\$ 49,500.00
FANS	9.0	EA	\$ 450.00	\$ 4,050.00	\$ 1,100.00	\$ 9,900.00	\$ 13,950.00
LIGHTING (REMOVE, CLEAN & REPLACE)	550.0	EA	\$ 75.00	\$ 41,250.00	\$ 35.00	\$ 19,250.00	\$ 60,500.00
UPS CIRCUITS	1.0	LS	\$ 2,700.00	\$ 2,700.00	\$ 6,500.00	\$ 6,500.00	\$ 9,200.00
PANEL	2.0	EA	\$ 5,000.00	\$ 10,000.00	\$ 5,000.00	\$ 10,000.00	\$ 20,000.00

ALTERNATE #1 - REPLACE LIGHTING IN KIND WITH LED LIGHTING

ALTERNATE #1 - LIGHTING	550.0	EA	\$ 300.00	\$ 165,000.00	\$ 150.00	\$ 82,500.00	\$ 247,500.00
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ALTERNATE #2 -

ALTERNATE #2 -	1.0	LS	\$ -	\$ -	\$ -	\$ -	\$ -
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COST ESTIMATE SUMMARY

DESCRIPTION	MATERIAL	LABOR	TOTAL
BASE BID TOTAL COST	\$ 160,705.00	\$ 292,964.80	\$ 453,669.80
ALTERNATE #1 TOTAL COST	\$ 165,000.00	\$ 82,500.00	\$ 247,500.00
ALTERNATE #2 TOTAL COST	\$ -	\$ -	\$ -
TOTAL BASE BID + ALTERNATES:	\$ 325,705.00	\$ 375,464.80	\$ 701,169.80
TOTAL BASE BID + ALT. COST PER SQUARE FOOT:	\$5.66 PER S.F.	\$6.53 PER S.F.	\$12.19 PER S.F.

GRAND TOTAL COST ESTIMATE SUMMARY

ADDITIONAL PROJECT COST ITEM DESCRIPTION (APPLIES TO BASE BID ONLY)	PERCENTAGE (%)	% X TOTAL BASE BID	REMARKS
CONTRACTOR OVERHEAD	0.0%	\$ -	
CONTRACTOR PROFIT	0.0%	\$ -	
GENERAL CONDITIONS	0.0%	\$ -	
BUILDER'S RISK INSURANCE	0.0%	\$ -	
PERMIT FEES	0.0%	\$ -	
CONTRACTOR INSURANCE	0.0%	\$ -	
PAYMENT BOND	0.0%	\$ -	
PERFORMANCE BOND	0.0%	\$ -	
UTILITY COST (ELECTRIC, GAS, ETC...)	0.0%	\$ -	
TOTAL ADDITIONAL PROJECT COST ITEMS		\$ -	
GRAND TOTAL CONSTRUCTION COST (BASE BID + ADDITIONAL PROJECT COSTS)		\$ 453,669.80	\$7.89 PER S.F.
GRAND TOTAL CONSTRUCTION COST (BASE BID + ALTERNATES + ADDITIONAL PROJECT COSTS)		\$ 701,169.80	\$12.19 PER S.F.

CIP Project Name: Public Safety Logistical Storage Facility

Project Director (Name & Title):Matthew Owens, Fire Marshal

Phone Number:410-632-5666

Project Summary and Purpose: The proposed building will house vehicles and storage for the Department of Emergency Services, the Sheriff's Office and the Fire Marshal's Office. The proposed building will hold the current 22 vehicles and the many trailers used by all three departments. The proposed building will house the storage for the Logistical Staging Area (LSA) inventory and supplies for all emergency preparation, to include pandemics, weather related emergencies, hazardous material responses (CBRNE) and secure impound facility.

Currently there is a need due to no covered storage for vehicles and trailers containing expensive and sensitive equipment with the need to respond to emergencies quickly. Although the county currently leases space for the LSA, the accessibility and security of the lease space is not desirable.

Project Location: The proposed location is on the property of the existing Fire Training Center which is owned by the county (approximately 12 acres of cleared land/adjacent to a proposed Public Safety Building).

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

No grants.

Is there a Federal or State mandate related to this project? If so, please elaborate:

N/A

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? The impacts, from a financial standpoint would be high. Partial funding for the project may qualify under grants provided from multiple sources, however that funding cannot be guaranteed. From a personnel standpoint, no immediate personnel is projected for this project. Obviously there would be an increase in maintenance cost due to the larger size building.

What is the useful life of the asset/project? 30 + Years

Will this project generate revenue? No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design								0
Land Acquisition								0
Site Work						157,500		157,500
Construction	2,887,500							2,887,500
Equipment/Furnishings	52,500							52,500
Other - Please Specify	210,000							210,000
TOTAL	3,150,000	0	0	0	0	157,500	0	3,307,500

SOURCES OF FUNDS	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds	39,092					157,500		196,592
Private Donation								0
Enterprise Bonds								0
General Bonds	3,110,908							3,110,908
Other - Please Specify								0
TOTAL	3,150,000	0	0	0	0	157,500	0	3,307,500

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Public Safety Logistical Storage Facility

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

The project was discussed between the 3 public safety departments to include Emergency Services, Sheriff's Office and the Fire Marshal's Office. A larger "warehouse" style building is needed for several purposes. To include current emergency response vehicles to be stored inside, out of the weather. These vehicles are critical response vehicles for a multitude array of purposes to support emergency management, law enforcement and hazardous materials and CBRNE type incidents.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project? The proposed project benefits the entire county. In addition to critical needs for county operated public safety departments, it also supplements the county's volunteer fire and EMS services and the incorporated towns. Not completing this project will further enhance the deterioration of current, as well as future, vehicles and apparatus that is damaged by exposure to weather elements currently being stored outside.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

The cost estimate was difficult to determine due to the current environment of supplies and materials. The county is currently entered into a contract with Davis Bowen and Friedel to provide architectural and engineering services. At this time the building product cost vary from day to day and have steadily increased over the past several years. There was no scope performed, the demand for this is driven by the pandemic, the need for the LSA and the protection of current assets exceeding \$1,000,000.00 in value. A square foot estimate is being prepared by DBF. A concern of material cost exist due to the current building industry.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project? There is no CIP timing. This project was driven by the pandemic, the need for LSA storage and to reduce damage to current emergency equipment and vehicles stored outside. In the past several years the county has added to the vehicles and equipment which is stored outside in harsh weather conditions.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded? We consider this project critical to Public Safety in Worcester County. Protecting current assets is crucial. Planning to mitigate any of the emergencies this project could aide is a must for emergency management planning and preparation. Not funding or planning for this project will further hamper the growth and technology changes which occur between regional and national emergencies.

March 10, 2023

*Ring W. Lardner, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Jamie L. Sechler, P.E.*

Re: Worcester Co Vehicle Storage Building
Preliminary Building Budget
Building Square Footage: 17,657
140 MPH Wind, Building Risk Category C
DBF Job # 0085B049.A01

1. Finished Conditioned Square Footage: 246 x \$200.00 =	\$49,200.00
2. Unfinished Heated Square Footage: 13,712 x \$100.00 =	\$1,371,200.00
3. Well:	Item removed using on site well.
4. Sprinkler System	County has a budget price for this item.
4. 250kW Gen Set Installed (1):	\$96,000.00
5. Building Cost:	\$1,516,400.00
6. Site Work:	\$371,335.00
9. Project Cost (2)	\$1,887,735.00

(1) Use \$385 per kW if other genset size is desired, installation costs are included in the building square footage cost.

(2) Does not include Sprinkler System, future Architectural/Engineering Fees, Construction Contingency, Cost Escalations, Builders Rick Insurance, Testing & Inspections, Owner's Contingency, Legal Fees Security and Technology or FF&E Costs.

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.

Christopher L. Cullen, AIA
Associate/Sr. Architect

CLC

R:\0085\0085B049.A01 Vehicle Storage\2-SD\Program\Budget.docx

ITEM 8

Attachment C

LSF Building @ Central Site Lane 13958 1 Story				Existing Site Parking, Stormwater			Project Total	
DBF or Contractor Estimates Area Based or fixed Estimates	Building		%	Site Development			13958	GSF
	13958	GSF		1.5	Acre	%	13958	GSF
Divison	Cost	\$/SF		Cost	\$/Acre	%	Cost	\$/SF
<u>Construction Work</u>								
1 Finished Cond Space - DBF Est (246 SF)	\$ 49,200.00	200	2.53	\$ -	0	0.00	\$ 49,200.00	200.00
2 Unfinished Heated Space - DBF Est (13712 SF)	\$ 1,371,200.00	100	70.55	\$ -	0	0.00	\$ 1,371,200.00	100.00
3 Tank and Pump Building - DBF	\$ 250,000.00		12.86	\$ -		0.00	\$ 250,000.00	
4 Genset - DBF	\$ 96,000.00	0	4.94	\$ -		0.00	\$ 96,000.00	0.00
5 Integrated Automation	\$ 25,000.00	fix	1.29	\$ -		0.00	\$ 25,000.00	
6 Electrical Utility	\$ -	0	0.00	\$ 22,500.00	15000	5.57	\$ 22,500.00	1.61
7 Communications/IT	\$ 37,200.00	IT	1.91	\$ -		0.00	\$ 37,200.00	
8 Electronic Safety & Security	\$ 115,000.00		5.92	\$ -		0.00	\$ 115,000.00	
9 Exterior Site Improvements (DBF Est)	\$ -		0.00	\$ 371,335.00	0	91.95	\$ 371,335.00	26.60
10 Site utilities (Sanitary & Water)	\$ -		0.00	\$ 10,000.00	10000	2.48	\$ 10,000.00	0.72
Subtotal Cost of Work	\$ 1,943,600.00	\$ 139.25	100	\$ 403,835.00	25000	100	\$ 2,347,435.00	\$ 168.18
		Base Bldg \$/SF						Base Bldg + Site \$/SF
<u>General Contractor Services</u>								
1 Preconstruction Services	\$ -	0.00	0.00	\$ -	0.00	0	\$ -	0.00
2 Design Contingency	\$ 117,371.75	8.41	5.00	\$ 8,076.70	5384.47	2	\$ 125,448.45	8.79
3 Construction Contingency	\$ 117,371.75	8.41	5.00	\$ 20,191.75	13461.17	5	\$ 137,563.50	9.37
4 General Conditions (Div 1)	\$ -	0.00	0.00	\$ -	0.00		\$ -	0.00
5 Bond and Insurance	\$ 23,474.35	1.68	1.00	\$ 4,038.35	2692.23	1	\$ 27,512.70	1.87
6 CM Fee	\$ -	0.00	0.00	\$ -	0.00	0	\$ -	0.00
Subtotal Construction	\$ 2,201,817.85	157.75		\$ 436,141.80	290761.20		\$ 2,637,959.65	188.221143
	\$ 2,201,817.85	Bldg \$/SF						Bldg+ Site \$/SF
<u>Owners Costs</u>								
1 Schematic Prelim Design	\$ 19,500.00	DBF contract					\$ 19,500.00	
2 Furnishings & AV	\$ 60,000.00	fix					\$ 60,000.00	
3 Permitting Fees + EDU	\$ 14,734.00	fix					\$ 14,734.00	
4 Moving Expenses & Temp Office	\$ -						\$ -	
5 Architect/Engineer Fees Est	\$ 251,500.00	DBF proposal	8				\$ 251,500.00	
6 Testing & Inspection Costs	\$ 20,000.00	geotech \$9k	fix				\$ 20,000.00	
7 Forest Conservation	\$ 25,000.00						\$ 25,000.00	
8 Legal + Insurance								
9 Owner Contingency	\$ 135,933.45		5				\$ 135,933.45	
10 Escalation	\$ 46,948.70		2				\$ 46,948.70	
Subtotal Owners Costs	\$ 573,616.15						\$ 573,616.15	
GRAND TOTAL PROJECT COST	\$ 2,775,434.00	157.7459414		\$ 436,141.80	290761.2		\$ 3,211,575.80	
Total Contingency	\$ 398,945.40		14%					
Project Budget	\$ 3,300,000.00							

CIP Project Name: Fire Training Tower

Project Director (Name & Title): Matthew Owens, Fire Marshal

Phone Number: 410-632-5666

Project Summary and Purpose: The proposed project is the replacement of the county's 40+ year old Fire Training Tower located at the Fire Training Center. The current Fire Training Tower has reached its end-of-life and needs to be replaced. The current tower has numerous structural problems and the cost to repair out ways the cost to replace. The current tower provides interior fire training to the 10 Worcester County Volunteer Fire Companies and mutual-aid companies. Law Enforcement also utilize the tower for training evolutions. The current Fire Training Tower does not meet current fire training codes and practices.

Project Location: Fire Training Center

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: I would like to think there are grants available for this type of project. This proposed project would be utilized for the training and development of new and existing firefighters, law enforcement officers and other public safety partners.

Is there a Federal or State mandate related to this project? If so, please elaborate: The existing Fire Training Tower does not meet today's codes for a fire training facility.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? No new personnel and utility. Maintenance cost should remain approximately the same.

What is the useful life of the asset/project? 40+ Years

Will this project generate revenue? No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design								0
Land Acquisition								0
Site Work	300,000							300,000
Construction	1,400,000							1,400,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	1,700,000	0	0	0	0	0	0	1,700,000

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds	1,700,000							1,700,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	1,700,000	0	0	0	0	0	0	1,700,000

PROJECTED OPERATING IMPACTS	2,000	0	0	0	0			0
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CIP Project Name: Fire Training Tower

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

The existing Fire Training Tower has provided training to new and existing firefighters for over the past 40 years. Moving into the future, we would like to provide state-of-the-art training to the career and volunteer firefighters helping to protect the citizens and visitors of Worcester County. There are several vendors which offer this type of training facility and we are currently researching pricing. We have formed a training committee consisting of all 10 volunteer fire companies and law enforcement departments in Worcester County to assist in making informed decisions regarding future training of firefighters and law enforcement officers in Worcester County.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project? This project would benefit the entire county. State-of-the-art training for Worcester County firefighters would only enhance the current level of service and professionalism provided by Worcester County fire service. This proposed project would also be used by law enforcement departments in Worcester County to further their training capabilities.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

This cost estimate is provided based on similar projects and based on estimates received from vendors which do this type of work.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project? The replacement of the Fire Training Tower is part of the site plan for the proposed LSA building currently under design and engineering which is to be constructed on the same property located at the Fire Training Center.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded? This project is critical to the continued training and development of new and existing firefighters and law enforcement officers in Worcester County. In the development of the site plan for the future of the Fire Training Center and the proposed LSA building, a new location for a State-of-the-art Fire Training Tower has been established. The existing Fire Training Tower has served Worcester County for the past 40+ years and is failing and needs to be replaced.

CIP Project Name: Outdoor Warning Siren Replacement

Project Director (Name & Title): James E Hamilton, JR - Deputy Director DES
Phone Number: 410-632-3080

Project Summary and Purpose: This project seek to continue the replacement of the Worcester County outdoor warning system.

Project Location: Countywide

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

Not at this time however the department continues to explore grant options.

Is there a Federal or State mandate related to this project? If so, please elaborate:
 No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? This project directly impacts operating and personnel costs.

What is the useful life of the asset/project? 20 years

Will this project generate revenue? No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design	100,000							100,000
Land Acquisition								0
Site Work	400,000							400,000
Construction								0
Equipment/Furnishings	800,000							800,000
Other - Please Specify								0
TOTAL	1,300,000	0	0	0	0	0	0	1,300,000

SOURCES OF FUNDS	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds	1,300,000							1,300,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	1,300,000	0	0	0	0	0	0	1,300,000

PROJECTED OPERATING IMPACTS	0	19,000	19,000	19,000	19,000	19,000	19,000	0
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CIP Project Name: Outdoor Warning Siren Replacement

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Scope is a best estimate based on experience in more recent siren replacements along with long lead times and rising costs.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Project will ultimately provide for coverage of the majority of most populated areas of the county.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Cost estimate developed based on experience from previous project coupled with anticipation of continued rising costs.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

No Change

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Project urgency is based on the continuing aging system in place within major portions of the county. Absent project proceeding as contained herein, staff will continue to provide maintenance and singular replacements of sirens as they fail.

CIP Operating Impact Projections

Project:

Department & Signature of Department Head:

Personnel Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Job Title & Salary/Benefit Costs (List Separately)						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0

EXPENDITURES

New Positions Salary & Benefits TOTAL	0	0	0	0	0	0
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Operating Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Utilities						0
Telephone						0
Custodial						0
Cleaning						0
Maintenance Repairs						0
Refuse						0
Fire/Security Alarm						0
Internet						0
Vehicle Expense						0
Other						0
						0
						0
						0
						0

EXPENDITURES

Operating TOTAL	0	0	0	0	0	0
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ITEM 8

Project:

Capital Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Furnishings						0
Equipment						0
						0
						0
						0
						0
						0
						0

EXPENDITURES

Capital TOTAL	0	0	0	0	0	0
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Projected Revenue Impact	FY 25	FY 26	FY 27	FY 28	FY 29	Revenue Total
						0
						0
						0
						0
						0
						0
						0
						0

REVENUES

Project Revenue TOTAL	0	0	0	0	0	0
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PROJECTED OPERATING IMPACTS	0	0	0	0	0	0
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Project:

Complete the following questions.

Operating Impacts

Employee positions.

Does the project increase or reduce the number of employees needed? How many positions would be affected? Are the positions full-time, part-time, contractual, grant-funded, enterprise funded? What is the projected cost (savings) of the employees? Are there benefit costs for additional full-time or part-time employees? Benefit cost should be calculated by using the full time 46.54% or for part time 21.58%.

Utility costs.

Does the project increase or reduce utility costs? Utilities may include electricity, oil, gas, telephone, water or sewer costs.

Maintenance costs.

Does the project increase or reduce internal maintenance costs or maintenance agreements with outside vendors? Some costs to consider are custodial services, ball field maintenance, road maintenance and general preventative maintenance.

Insurance costs.

Does the project increase insurance costs? You should consider liability, property and vehicle insurance.

Telecommunications.

Consider the potential need of telephones, copiers, and computers and hardware. List them below.

Furniture, equipment or capital outlay.

Does the project increase or reduce the need for furniture and equipment or other capital outlay items? Is the increase or savings on-going or one-time?

CIP Project Name: State's Attorney Building Addition

Project Director (Name & Title): William Bradshaw, P.E. County Engineer

Phone Number: 410-632-1200

Project Summary and Purpose:

Provide office space for the State's Attorney Offices (SAO). The current building will not accommodate authorized and projected staffing levels. This estimate is for a 6,000 SF building addition adjacent to the existing SAO building with elevator. No formal design has been completed for this conceptual estimate. This estimate includes preliminary schematic design professional services.

Project Location: Snow Hill MD (Walking proximity to both Circuit and District Courthouses)

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

None Identified

Is there a Federal or State mandate related to this project? If so, please elaborate:

State mandate for law enforcement to use body/video cameras increases personnel/attorney resources required to process.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? Yes operating costs including utilities and maintenance.

What is the useful life of the asset/project? 40 years

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design	50,000	200,000	50,000	50,000				350,000
Land Acquisition	0							0
Site Work		600,000	703,852					1,303,852
Construction		1,705,813	1,194,069	511,744				3,411,625
Equipment/Furnishings			50,000	100,000				150,000
Other - Contingency, Permits	37,540	225,240	375,400	112,620				750,799
TOTAL	87,540	2,731,052	2,373,320	774,364	0	0	0	5,966,276

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds	87,540	2,731,052	2,373,320	774,364				5,966,276
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	87,540	2,731,052	2,373,320	774,364	0	0	0	5,966,276

PROJECTED OPERATING IMPACTS	12,950	12,950	13,025	13,025	13,450			65,400
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CIP Project Name: State's Attorney Building Addition

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

The scope of this project is to design and build an addition adjacent to the existing SAO office building. The building will need to be elevated to maintain ground level stormwater system function for the existing facility and to accommodate new roof/collection requirements for the addition. New parking lot expansion will be needed on Washington street. There is a vacant lot the County owns for the purpose of additional parking.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project? The County will benefit by locating State's Attorney personnel in a central location adjacent to existing court facilities and supervisory staff.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

This estimate is based on order of magnitude building area metrics and fee base percentages of construction cost (eg., architect fees, construction management fees, etc.)currently in use for similar projects. The estimate spreadsheet is attached.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

This project is requested by direction of the County Commissioners on 9/6/22 as a result of new SAO employee needs.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

This project is necessary and high priority to accommodate approved employee hiring.

CIP Operating Impact Projections

Project: State's Attorney Building Addition

Department & Signature of Department Head: William Bradshaw

Personnel Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Job Title & Salary/Benefit Costs (List Separately)						0
						0
						0
						0
						0
						0
						0
						0
EXPENDITURES						

New Positions Salary & Benefits TOTAL	0	0	0	0	0	0
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Operating Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Utilities	8,500	8,500	8,575	8,575	9,000	43,150
Telephone						0
Custodial	1,200	1,200	1,200	1,200	1,200	6,000
Cleaning						0
Maintenance Repairs	1,500	1,500	1,500	1,500	1,500	7,500
Refuse						0
Fire/Security Alarm	1,000	1,000	1,000	1,000	1,000	5,000
Internet						0
Vehicle Expense						0
Other	750	750	750	750	750	3,750
						0
						0
						0
EXPENDITURES						

Operating TOTAL	12,950	12,950	13,025	13,025	13,450	65,400
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ITEM 8

Project: State's Attorney Building Addition

Capital Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Furnishings						0
Equipment						0
						0
						0
						0
						0
						0
						0
EXPENDITURES						0

Capital TOTAL	0	0	0	0	0	0
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Projected Revenue Impact	FY 25	FY 26	FY 27	FY 28	FY 29	Revenue Total
						0
						0
						0
						0
						0
						0
						0
REVENUES						0

Project Revenue TOTAL	0	0	0	0	0	0
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PROJECTED OPERATING IMPACTS	12,950	12,950	13,025	13,025	13,450	65,400
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Project: State's Attorney Building Addition

Complete the following questions.

Operating Impacts

Employee positions.

Does the project increase or reduce the number of employees needed? How many positions would be affected? Are the positions full-time, part-time, contractual, grant-funded, enterprise funded? What is the projected cost (savings) of the employees? Are there benefit costs for additional full-time or part-time employees? Benefit cost should be calculated by using the full time 46.54% or for part time 21.58%. This project is required due to the prior authorization of additional employees. No additional employees are required for this addition to the existing building.

Utility costs.

Does the project increase or reduce utility costs? Utilities may include electricity, oil, gas, telephone, water or sewer costs. Yes utility costs will increase due to the increase in building size. Primarily electricity costs will increase for heating/cooling additional space.

Maintenance costs.

Does the project increase or reduce internal maintenance costs or maintenance agreements with outside vendors? Some costs to consider are custodial services, ball field maintenance, road maintenance and general preventative maintenance. Yes, additional custodial services, alarm systems maintenance/monitoring and general maintenance costs will increase.

Insurance costs.

Does the project increase insurance costs? You should consider liability, property and vehicle insurance. Yes, est. \$750 per year.

Telecommunications.

Consider the potential need of telephones, copiers, and computers and hardware. List them below.

Furniture, equipment or capital outlay.

Does the project increase or reduce the need for furniture and equipment or other capital outlay items? Is the increase or savings on-going or one-time?

CIP Project Name: Public Safety Building

Project Director (Name & Title): Sheriff Matthew Crisafulli

Phone Number: 410-632-1111

Project Summary and Purpose: The construction of a Public Safety Facility

Project Location: Parcel of land adjacent to the Health Department/Jail off of Route 113 or on the 12 acres of land where the Fire Training Center is located.

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: No grant funds available.

Is there a Federal or State mandate related to this project? If so, please elaborate: No Federal mandate.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? Employee positions may increase due to future unfunded mandates. Utility costs would increase due to operations being in a new facility other than the government center building.

What is the useful life of the asset/project? Indefinite useful life of the building.

Will this project generate revenue? No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design		105,000	1,563,775					1,668,775
Land Acquisition								0
Site Work			1,251,020					1,251,020
Construction			9,695,408	27,835,204				37,530,612
Equipment/Furnishings				312,755				312,755
Other - Please Specify								0
TOTAL	0	105,000	12,510,203	28,147,959	0	0	0	40,763,162

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds		105,000						105,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - General Bond to be re-paid thru VLT			12,510,203	28,147,957				40,658,160
TOTAL	0	105,000	12,510,203	28,147,957	0	0	0	40,763,160

PROJECTED OPERATING IMPACTS	0	0	261,500	262,500	262,500			786,500
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CIP Project Name: Public Safety Building

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

The new building amounts are based on the new MSP Cumberland Barrack that was recently opened and the Wicomico County Public Safety Building.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Consolidation of Public Safety into one building will allow for improved coordination between departments and offices. This will also allow for future growth as mandated by the State Legislature.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

There have been no consultants used or engineering studies done as of yet.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

CIP Operating Impact Projections

Project: Public Safety Building

Department & Signature of Department Head: Matt Crisafulli

Personnel Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Job Title & Salary/Benefit Costs (List Separately)						0
						0
						0
						0
						0
						0
						0
						0

EXPENDITURES

New Positions Salary & Benefits TOTAL	0	0	0	0	0	0
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Operating Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Utilities			26,000	26,000	26,000	78,000
Telephone			210,000	211,000	211,000	632,000
Custodial			5,000	5,000	5,000	15,000
Cleaning			10,000	10,000	10,000	30,000
Maintenance Repairs						0
Refuse			1,000	1,000	1,000	3,000
Fire/Security Alarm			7,500	7,500	7,500	22,500
Internet			2,000	2,000	2,000	6,000
Vehicle Expense						0
Other						0
						0
						0

EXPENDITURES

Operating TOTAL	0	0	261,500	262,500	262,500	786,500
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ITEM 8

Project: Public Safety Building

Capital Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Furnishings						0
Equipment						0
						0
						0
						0
						0
						0
						0
EXPENDITURES						
Capital TOTAL	0	0	0	0	0	0

Projected Revenue Impact	FY 25	FY 26	FY 27	FY 28	FY 29	Revenue Total
						0
						0
						0
						0
						0
						0
						0
REVENUES						
Project Revenue TOTAL	0	0	0	0	0	0

PROJECTED OPERATING IMPACTS	0	0	261,500	262,500	262,500	786,500
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Project: Public Safety Building

Complete the following questions.

Operating Impacts

Employee positions.

Does the project increase or reduce the number of employees needed? How many positions would be affected? Are the positions full-time, part-time, contractual, grant-funded, enterprise funded? What is the projected cost (savings) of the employees? Are there benefit costs for additional full-time or part-time employees? Benefit cost should be calculated by using the full time 46.54% or for part time 21.58%.

Employee positions may be increased due to future unfunded mandates.

Utility costs.

Does the project increase or reduce utility costs? Utilities may include electricity, oil, gas, telephone, water or sewer costs.

Utilities would increase due to operations being in a new facility other than the government center building.

Maintenance costs.

Does the project increase or reduce internal maintenance costs or maintenance agreements with outside vendors? Some costs to consider are custodial services, ball field maintenance, road maintenance and general preventative maintenance.

Custodial and cleaning services would be needed. Maintenance costs should be very low since the building would be newly constructed.

Insurance costs.

Does the project increase insurance costs? You should consider liability, property and vehicle insurance.

Property Insurance costs are unknown at this point in time.

Telecommunications.

Consider the potential need of telephones, copiers, and computers and hardware. List them below.

All new communications infrastructure would be part of the design and construction.

Furniture, equipment or capital outlay.

Does the project increase or reduce the need for furniture and equipment or other capital outlay items? Is the increase or savings on-going or one-time?

Equipment and furniture are considered in the CIP Project first page of this document.

CIP Project Name: Cove Landing Road

Project Director (Name & Title): Dallas Baker, Jr., P.E, Public Works Director

Phone Number: 410-632-5623

Project Summary and Purpose: Engineer design and construction of 3 new crossroad pipes on Cove Landing Road.

Project Location: Cove Landing Road, Bishopville, MD

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

N/A

Is there a Federal or State mandate related to this project? If so, please elaborate:

No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

25+ years

Will this project generate revenue? No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design	70,000							70,000
Land Acquisition								0
Site Work								0
Construction		350,000						350,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	70,000	350,000	0	0	0	0	0	420,000

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds	70,000	350,000						420,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	70,000	350,000	0	0	0	0	0	420,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Cove Landing Road

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

We are requesting to hire an engineering firm to design construction drawings to replace 3 failed crossroad pipes located on Cove Landing Road. Once drawings are complete and approved, we are requesting hiring an outside contractor to perform the work detailed in the engineer drawings. Due to the depth of the pipes and the amount of water present, County Road's doesn't have the means to handle this size of project in house. The project would go much smoother and safer for all involved to hire a contractor that can perform the work.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

The residents that utilize Cove Landing Road in their daily travels would benefit directly by having these pipes replaced, as this is the only roadway that access their homes. Delaying or not funding this project will only allow the pipes to deteriorate further and could result in a total road failure, which would completely close off numerous County residents from getting to and from their homes.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

This cost estimate was developed based off past engineer costs on similar related projects.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

This project needs to be completed first on the CIP given the current state of the roadway and pipes and the importance that roadway has to the residents who utilize it in their daily commute.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

This project is very urgent and critical based off the current state of the pipes and the roadway. Should that roadway completely fail, the residents would have no means of access to/from their homes. Emergency vehicles would have no access to the homes should that road fail and an emergency arise.

CIP Project Name: Gradall XL4100-V

Project Director (Name & Title): Kevin Lynch- Superintendent

Phone Number: 410-632-2244

Project Summary and Purpose: To acquire a new gradall to perform essential daily job duties all through out Worcester County. This will allow each Roads Division shop (Berlin, Snow Hill, and Pocomoke) to have a gradall which will allow the Department to provide the County with better response time and efficiency especially during storm events.

Project Location: Worcester County

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: N/A

Is there a Federal or State mandate related to this project? If so, please elaborate: N/A

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? General preventative maintenance such as but not limited to filter, tires, batteries, oil etc.

What is the useful life of the asset/project? Typically 20+ years

Will this project generate revenue? We use our gradalls to install new driveway pipes which is how the Road's Department gains

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design								0
Land Acquisition								0
Site Work								0
Construction								0
Equipment/Furnishings	535,000							535,000
Other - Please Specify								0
TOTAL	535,000	0	0	0	0	0	0	535,000

SOURCES OF FUNDS	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds	535,000							535,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	535,000	0	0	0	0	0	0	535,000

PROJECTED OPERATING IMPACTS	536,000	1,000	1,000	1,000	1,000			540,000
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CIP Project Name: Gradall XL4100-V

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

N/A

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

All citizens and visitors to Worcester County would benefit from this purchase. Adding another gradall to our fleet would allow us to respond to after hour emergency calls for tree's blocking roadways faster by allowing us to house a gradall in each section of the County. It would allow us to continue daily operations should one of our other gradalls break down or is in placed out of service for repairs. This would also allow for quicker response time during snow and storm events as it would be able to service all areas (North, Central, and South) locations within Worcester County.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Cost estimate was developed based off a quote, dated 10/11/23. We are requesting a straight purchase since this particular piece of equipment we tend to keep for at least 20+ years in our fleet. The quote price is \$535,000.00 which includes a 60" ditching bucket and 42" excavating bucket with bucket carrier.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

N/A

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

We believe this project is critical given the age of our current gradalls and the importance of their function to not only the Road's Division, but to all the citizens and visitors to Worcester County. Further delaying this project will only allow our current equipment to deteriorate further and cost more in maintenance and also the cost for an replacement Gradall to increase.

CIP Operating Impact Projections

Project: Gradall XL4100-V

Department & Signature of Department Head:

Personnel Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Job Title & Salary/Benefit Costs (List Separately)						0
						0
						0
						0
						0
						0
						0
						0
EXPENDITURES						

New Positions Salary & Benefits TOTAL 0 0 0 0 0 0

Operating Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Utilities						0
Telephone						0
Custodial						0
Cleaning						0
Maintenance Repairs						0
Refuse						0
Fire/Security Alarm						0
Internet						0
Vehicle Expense	1,000	1,000	1,000	1,000	1,000	5,000
Other						0
						0
						0
EXPENDITURES						

Operating TOTAL 1,000 1,000 1,000 1,000 1,000 5,000

ITEM 8

Project: Gradall XL4100-V

Capital Expenses	FY 25	FY 26	FY 27	FY 28	FY 29	Total Operating Cost
Furnishings						0
Equipment	535,000					535,000
						0
						0
						0
						0
						0
EXPENDITURES						
Capital TOTAL	535,000	0	0	0	0	535,000
Projected Revenue Impact	FY 25	FY 26	FY 27	FY 28	FY 29	Revenue Total
						0
						0
						0
						0
						0
						0
						0
REVENUES						
Project Revenue TOTAL	0	0	0	0	0	0
PROJECTED OPERATING IMPACTS	536,000	1,000	1,000	1,000	1,000	540,000

Project: Gradall XL4100-V

Complete the following questions.

Operating Impacts

Employee positions.

Does the project increase or reduce the number of employees needed? How many positions would be affected? Are the positions full-time, part-time, contractual, grant-funded, enterprise funded? What is the projected cost (savings) of the employees? Are there benefit costs for additional full-time or part-time employees? Benefit cost should be calculated by using the full time 46.54% or for part time 21.58%.

N/A

Utility costs.

Does the project increase or reduce utility costs? Utilities may include electricity, oil, gas, telephone, water or sewer costs.

N/A

Maintenance costs.

Does the project increase or reduce internal maintenance costs or maintenance agreements with outside vendors? Some costs to consider are custodial services, ball field maintenance, road maintenance and general preventative maintenance.

Adding a new gradall to our fleet would help to preserve the maintenance costs on the two current gradalls.

Insurance costs.

Does the project increase insurance costs? You should consider liability, property and vehicle insurance.

Would be a slight increase to our insurance costs adding a new vehicle to our fleet. Insurance estimate provided by Risk Manager based on similar equipment in our fleet - estimated at \$1,000 per year.

Telecommunications.

Consider the potential need of telephones, copiers, and computers and hardware. List them below.

N/A

Furniture, equipment or capital outlay.

Does the project increase or reduce the need for furniture and equipment or other capital outlay items? Is the increase or savings on-going or one-time?

N/A

ELLIOTT & FRANTZ, INC.

38420 Sussex Highway Delmar, DE 19940

Territory Manager: David L. Willin

Email: david@elliottfrantz.com

Cell: 302-858-6973

WWW.ELLIOTTFRANTZ.COM

PROPOSAL

TO : Worcester County Roads Division
 5764 Worcester Hwy
 Snow Hill, MD 21863

ATTN: Kevin Lynch
 PHONE : 410-632-2244

QTY	DESCRIPTION	LIST PRICE	TOTAL PRICE
1	2023 GRADALL XL4100-V		\$534,583.00
	*OPTIONS		
	AM/FM Radio Upper/Lower		
	Beacon Upper/Lower		
	Rear Step		
	Fire Extinguisher		
	60" Grading Bucket		
	*Last machine in stock with this pricing		
	*Sourcewell Pricing - \$559,000.00		

SUBTOTAL	\$534,583.00
TAX	
TOTAL	\$534,583.00
TRADE-IN	
NET PRICE	

DESCRIBE TRADE-IN

MAKE : _____
 MODEL : _____
 YEAR : _____
 SN : _____

CHANGE WITHOUT NOTICE -

D. Willin
 Authorized By

10/11/2023

Date

CIP Project Name: Utility Pole Relocation

Project Director (Name & Title): Dallas Baker, Jr., P.E., Public Works Director

Phone Number: 410-632-5623

Project Summary and Purpose: Relocation of utility pole

Project Location: St Martins Neck Road, Bishopville, MD 21813

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: No

Is there a Federal or State mandate related to this project? If so, please elaborate: No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? After the pole relocation County Roads personnel will be constructing a right hand turn lane onto Rt 90. After the construction, routine maintenance will be performed.

What is the useful life of the asset/project? Once pole moved, permanent.

Will this project generate revenue? No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design								0
Land Acquisition								0
Site Work								0
Construction	350,000							350,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	350,000	0	0	0	0	0	0	350,000

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds	350,000							350,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	350,000	0	0	0	0	0	0	350,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Utility Pole Relocation

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

This project involves the relocation of a utility pole on St Martins Neck Road at the intersection with Rt 90 (photo attached). Once the utility pole is relocated, Worcester County Roads will build a right turn only lane for access onto Rt 90. This will also involve the relocation of the roadside ditch. Currently, there is no right turn only lane which causes a lot of vehicle congestion, safety concerns, and shoulder damage on the County road. Having a right turn only lane will allow for better flow of traffic onto Rt 90 and less vehicle congestion and shoulder damage.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

This project will impact all Worcester County residents or visitors in this area of Worcester County. The negative impact if not funded will be a continuous congestion problem/safety issues in this area which could possibly result in vehicular accidents.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

CIP Timing.

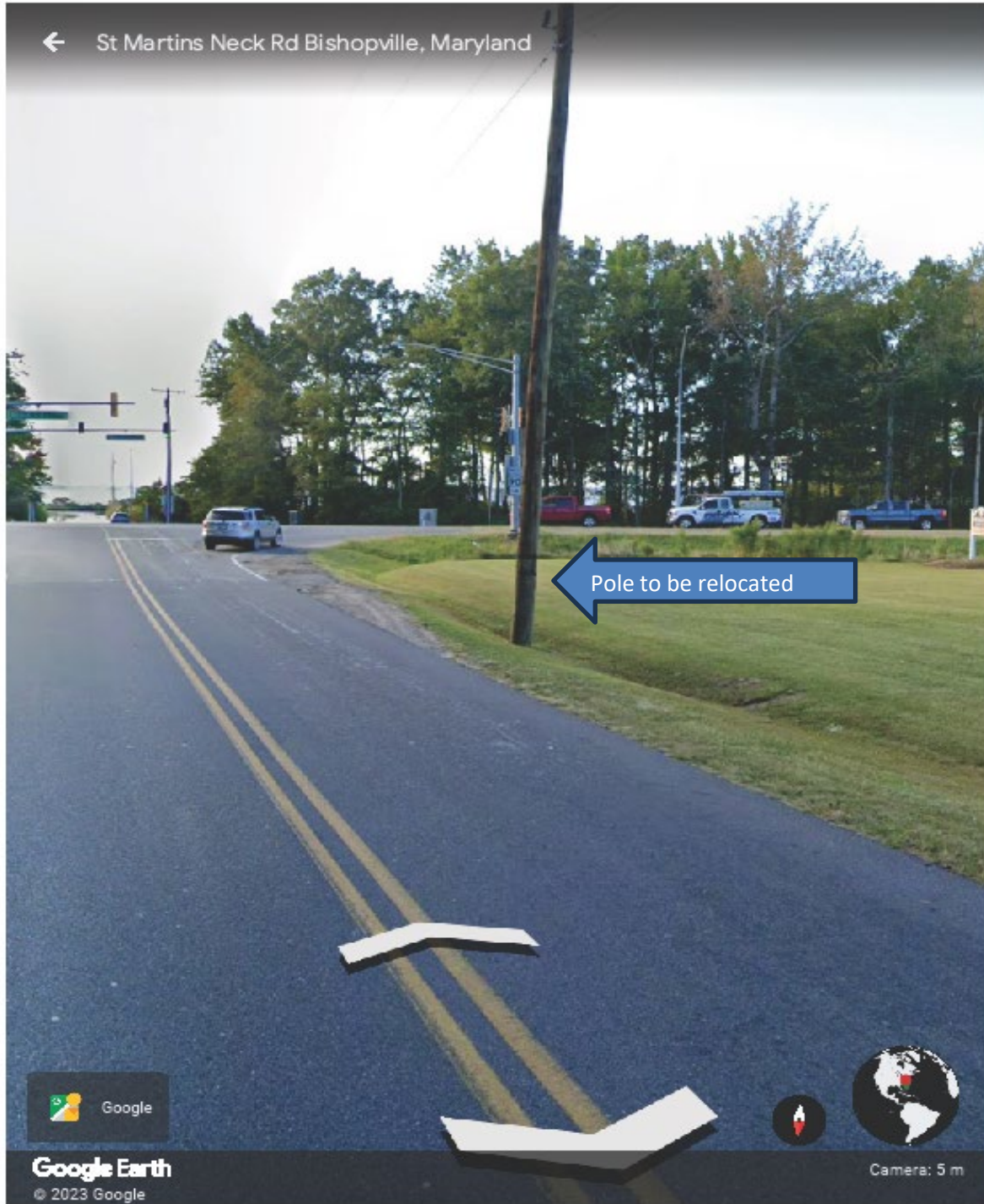
If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

N/A

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

We have placed this project in year 2027. This is definitely needed, especially in this particular area; however, it is not immediately critical.



CIP Project Name: Riddle Farm WWTP Bypass to OP WWTP

Project Director (Name & Title): Dallas Baker Jr., P.E. - Director of Public Works

Phone Number: 410-632-5623

Project Summary and Purpose: Install a sewer force main bypass line to allow untreated wastewater to flow from the Riddle Farm Service Area to the Ocean Pines WWTP for treatment. This will allow for the Riddle Farm WWTP to be bypassed during emergency plant shutdowns and future rehabilitation without the need for pumping & hauling operations. This will also eliminate the risk of sanitary sewer overflows that are a risk during plant shutdown or failure.

Project Location: Riddle Farm WWTP (Riddle Farm Service Area)

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

No

Is there a Federal or State mandate related to this project? If so, please elaborate:

No direct mandates, but DPW is at risk of violating discharge permits if pumping & hauling operations continue or if a plant failure resulted in sewer overflows at the plant.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

30-40 years

Will this project generate revenue?

Yes, this will allow for the Riddle Farm WWTP to stay in-service during the plant rehabilitation.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design	50,000							50,000
Land Acquisition								0
Site Work								0
Construction	1,000,000							1,000,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	1,050,000	0	0	0	0	0	0	1,050,000

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds	50,000							50,000
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Federal Earmark or MDE	1,000,000							1,000,000
TOTAL	1,050,000	0	0	0	0	0	0	1,050,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Riddle Farm WWTP Bypass to OP WWTP

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

The scope of this project is to design and install a sewer force main running from the Riddle Farm WWTP to the Ocean Pines WWTP. This scope was determined due to the need for the interconnect of the two plants so that raw, untreated sanitary sewerage can be treated during the Riddle Farm WWTP upgrades and during emergency situations that could impact plant operations. The Riddle Farm WWTP has been having issues treating wastewater effectively over the past few years due to ineffective membranes. This project will allow for wastewater to still be treated while the plant is taken offline for rehabilitation.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Impacts will benefit the Riddle Farm and the Ocean Pines Service Area. Additional plant resiliency will be introduced to the Riddle Farm Service Area. The Ocean Pines Service Area will see a reduction in the amount of truck traffic generated by pumping and hauling operations. Additionally, both service areas will benefit as the Riddle Farm WTP will be able to come back into service, therefor reducing the demand of water from the Ocean Pines Service Area. Negative impacts include the continuation of pumping & hauling costs, environmental risks of from accidental spills, increased debt to the Riddle Farm Service Area for pumping & hauling operations, and no expansion of the Riddle Farm Service Area.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Cost estimate was developed based off of an engineering study completed by GMB. This is a project specific estimate based off of real time materials and construction costs. Costs are subject to change in the future due to market volatility and inflation.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

Yes, this bypass force main needs to be done first to allow for raw, untreated wastewater to be directed to another treatment plant while the Riddle Farm WWTP has to be taken offline for rehabilitation.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

The project is critical and needs to be completed as soon as possible so that raw wastewater flow can be routed to another WWTP while the Riddle Farm WWTP is taken offline for rehabilitation.

CIP Project Name: Riddle Farm WWTP Rehabilitation

Project Director (Name & Title): Dallas Baker Jr., P.E. - Director of Public Works

Phone Number: 410-632-5623

Project Summary and Purpose: Rehabilitate the existing WWTP to include new membranes and aeration processes that will increase the treatment capacity of the plant. The overall purpose of this project is to provide a functional plant that has the ability to treat the flows coming to it, rather than having to pump & haul raw wastewater away due to inadequate capacity in the current membranes.

Project Location: Riddle Farm WWTP (Riddle Farm Service Area)

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

Yes, Tri-County and Federal Earmarks have already been applied for to cover the entire project budget.

Is there a Federal or State mandate related to this project? If so, please elaborate:

No direct mandates, but DPW is at risk of violating discharge permits if pumping and hauling operations continue.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

15-20 years, based off of estimated lifespan of membranes at other County-operated facilities

Will this project generate revenue?

Yes, additional EDUs will be available as plant capacity will be increased.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design	100,000							100,000
Land Acquisition								0
Site Work								0
Construction	1,600,000							1,600,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	1,700,000	0	0	0	0	0	0	1,700,000
SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Tri County Grant	1,700,000							1,700,000
TOTAL	1,700,000	0	0	0	0	0	0	1,700,000
PROJECTED OPERATING IMPACTS	0	0	0	0	0			0

CIP Project Name: Riddle Farm WWTP Rehabilitation

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

The scope of the project was determined via an engineering report by GMB. The original membranes lasted 14 years and were replaced by membranes from an alternate supplier. These alternate membranes are failing and have already been replaced by the manufacturer. It is the intent of this project to replace the faulty membranes and add new membranes from the original membrane supplier to make the operation more reliable and capable of treating higher flows.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Impacts will benefit the Riddle Farm and the Ocean Pines Service Area. Additional capacity and plant resiliency will be introduced to the Riddle Farm Service Area. The Ocean Pines Service Area will see a reduction in the amount of truck traffic generated by pumping and hauling operations. Additionally, both service areas will benefit as the Riddle Farm WTP will be able to come back into service, therefor reducing the demand of water from the Ocean Pines Service Area. Negative impacts include the continuation of pumping & hauling costs, environmental risks of from accidental spills, increased debt to the Riddle Farm Service Area for pumping & hauling operations, and no expansion of the Riddle Farm Service Area.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Cost estimate was developed based off of an engineering study completed by GMB. This is a project specific estimate based off of real time materials and construction costs. Costs are subject to change in the future due to market volatility and inflation.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

Yes, bypass forcemain needs to be done first to eliminate pumping and hauling.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

The project is critical and needs to be completed as soon as possible.

CIP Project Name: Mystic Harbour Solids Handling & Storage Building

Project Director (Name & Title): Dallas Baker, Jr., P.E, Public Works Director

Phone Number: 410-632-5623

Project Summary and Purpose: Upgrades to the Mystic Harbour Solids Dewatering process which will resolve the dewatering problems at the Mystic Harbor Wastewater Treatment Plant. This project also includes retrofitting the existing storage building as part of its scope of work.

Project Location: Mystic Harbour/West OC

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

No

Is there a Federal or State mandate related to this project? If so, please elaborate:

No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

30 years

Will this project generate revenue?

No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design	200,000							200,000
Land Acquisition								0
Site Work								0
Construction	4,200,000							4,200,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	4,400,000	0	0	0	0	0	0	4,400,000

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan	2,200,000							2,200,000
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - MDE	2,200,000							2,200,000
TOTAL	4,400,000	0	0	0	0	0	0	4,400,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Mystic Harbour Solids Handling & Storage Building

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

This project includes improvement to the Mystic Harbour Wastewater Treatment Plan by construction of needed improvements to the sludge handling facilities. Also, includes rehabilitation of the storage building in order to provide a conditioned space for safe storage of equipment.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

This project will permanently resolve the handling of bio-solids at the Mystic Harbour Wastewater Treatment Plant and provide adequate safe storage of equipment to benefit the Mystic Harbour Service.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

The cost estimate for the Solids Handling and Storage Building improvements were taken from a 2017 Preliminary Engineering Report completed by GMB. This is a complete design, permitting, and construction cost estimate including Construction Admin and Inspection. The two projects were combined as part of a grant application completed by GMB that yielded \$2.2Million in Grant and \$2.2Million in State Loan.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

This was on last years CIP for FY 23 & FY 24 but not funded.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Continued development within the West Ocean City/Mystic Harbour Area will require adequate public utilities. The only County owned wastewater facility in this area is the Mystic Harbour Wastewater Treatment Plant. To continue well controlled economic growth in this area, these building improvements are required.

CIP Project Name: Ocean Pines WWTP Lagoon Expansion

Project Director (Name & Title): Dallas Baker Jr., P.E. - Director of Public Works

Phone Number: 410-632-5623

Project Summary and Purpose: This project is to provide an increase in emergency storage capacity in the Ocean Pines WWTP lagoon. In doing so, the increase in storage will provide additional EDU's for sale.

Project Location: Ocean Pines WWTP

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

No

Is there a Federal or State mandate related to this project? If so, please elaborate:

No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

30 years, based off of estimated

Will this project generate revenue?

Yes, from the EDU sales.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design								0
Land Acquisition								0
Site Work								0
Construction	250,000							250,000
Equipment/Furnishings								0
Other - Please Specify								0

TOTAL	250,000	0	0	0	0	0	0	250,000
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SOURCES OF FUNDS								
General Fund								0
User Fees	250,000							250,000
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - USDA / MDE								0

TOTAL	250,000	0	0	0	0	0	0	250,000
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Ocean Pines WWTP Lagoon Expansion

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

This project scope involves the expansion of the Ocean Pines WWTP lagoon storage. EA Engineering provided 100% design early August and a cost estimate. The work includes building a retaining wall around one side of the lagoon to support the soil to account for the 1ft height increase in the berm elevation.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

This project benefits the Ocean Pines service area to aid in additional capacity and EDU sales for development. The negative impacts are additional growth in the service area could not occur.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Cost estimate was completed by EA Engineering and revised in March 2023. The project was broken down per unit item and cost per each.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

New Project

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Yes, this project is critical. This project needs to be completed to provide the Ocean Pines service area additional EDU's allowing for growth and divide the cost of maintenance amongst a greater population of customers.

CIP Project Name: Rehabilitation, painting and lowering of the Riddle Farm Water Tower

Project Director (Name & Title): Dallas Baker Jr., P.E. - Director of Public Works

Phone Number: 410-632-5623

Project Summary and Purpose: Painting, Lowering and rehabilitation of the Riddle Farm Water Tower in order to extend the life of the Riddle Farm Water Tower and to lower the tower and bring it to the same hydraulic elevation as surrounding service areas.

Project Location: Riddle Farm WTP (Riddle Farm Service Area)

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

Yes, Federal Earmarks and Tri-County Grant funding has been requested in the full amount of cost estimate.

Is there a Federal or State mandate related to this project? If so, please elaborate:

No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?:

No

What is the useful life of the asset/project?:

15-20 years

Will this project generate revenue?:

Yes, this will allow for efficient operations of the Riddle Farm WTP; hence allowing for water production for the service area.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design		50,000						50,000
Land Acquisition								0
Site Work								0
Construction		600,000						600,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	0	650,000	0	0	0	0	0	650,000

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - USDA / MDE / CDBG		650,000						650,000
TOTAL	0	650,000	0	0	0	0	0	650,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Rehabilitation, painting and lowering of the Riddle Farm Water Tower

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Repainting, lowering and miscellaneous improvements to the Riddle Farm Water Tower

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Extending the life of an important water storage tower. Lowering the tower will allow for better compatibility with adjoining service areas.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Cost estimate was developed based off of an inspection done by the County's trusted water tower consultant, MWB Tanks.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

No change in timing.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Waiting will increase the deterioration and increase rehabilitation cost

CIP Project Name: Mystic Harbour WTP Rehabilitation

Project Director (Name & Title): Dallas Baker Jr., P.E. - Director of Public Works

Phone Number: 410-632-5623

Project Summary and Purpose: Rehabilitation of the Mystic Harbour Water Treatment plant building and equipment. The project includes rehabilitation of the exterior and interior of the Water Treatment building at Mystic Harbour. The exterior of the building needs a new roof, repair of the concrete block, painting or siding to make the building more aesthetically acceptable, and security fencing around the site to secure the property. The building interior requires a new interior ceiling, cleaning and painting of the walls, sandblasting and painting of the interior piping and filters. In addition there are a number of electrical improvements needed, safety issues addressed and chemical feed systems upgraded to current standards. All of these repairs will extend the useful life of this building.

Project Location: Mystic Harbour

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

Yes, Tri-County and Federal Earmarks have already been applied for to cover the entire project budget.

Is there a Federal or State mandate related to this project? If so, please elaborate:

No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

40 years

Will this project generate revenue?

No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design		200,000						200,000
Land Acquisition								0
Site Work								0
Construction		1,200,000						1,200,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	0	1,400,000	0	0	0	0	0	1,400,000

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - USDA / MDE / CDBG		1,400,000						1,400,000
TOTAL	0	1,400,000	0	0	0	0	0	1,400,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Mystic Harbour WTP Rehabilitation

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

The Mystic Harbor Water Treatment Plant was constructed in 1975 and has been in continuous use since. The building the treatment equipment is housed in has never been updated. There are holes in the roof, corroded electrical panels, corroded equipment and support. In Fall 2021, local engineering firm George, Miles, & Buhr conducted a feasibility study for rehabilitating the building. Their findings include rehabilitation of the exterior and interior of the building. The exterior of the building needs a new roof, repair of the concrete block and either painting or siding to make the building more aesthetically acceptable. The building interior requires a new interior ceiling, cleaning and painting of the walls, sandblasting and painting of the interior piping and filters. In addition, there are a number of electrical improvements needed, safety issues addressed and chemical feed systems upgraded to current standards.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Project is required to maintain the operation of the Mystic Harbour Water system.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

The cost estimate is from the preliminary engineering study conducted in December 2021. The estimated impact (IF NO GRANT FUNDING WERE TO BE USED) to water debt service (EDUs) will increase the rate by \$7.78 per EDU per quarter assuming a 15 year bond. This estimate does not factor in interest rates on bond projects.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

This was on last years CIP for FY 23 & FY 24 but not funded.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

This facility is the primary supplier of water to the Mystic Harbour and West Ocean City Area

CIP Project Name: Landings Water Tower Rehabilitation

Project Director (Name & Title): Dallas Baker Jr., P.E. - Director of Public Works

Phone Number: 410-632-5623

Project Summary and Purpose: Painting and rehabilitation of the Landings Water Tower.

Project Location: Landings WTP (Landings Service Area)

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

No

Is there a Federal or State mandate related to this project? If so, please elaborate:

No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

15-20 years, based off of estimated lifespan at other County-operated facilities

Will this project generate revenue?

No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design		30,000						30,000
Land Acquisition								0
Site Work								0
Construction		550,000						550,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	0	580,000	0	0	0	0	0	580,000

SOURCES OF FUNDS	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - USDA / MDE / CDBG		580,000						580,000
TOTAL	0	580,000	0	0	0	0	0	580,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Landings Water Tower Rehabilitation

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Repainting, and miscellaneous improvements to the Landings Water Tower. Scope was determined by the County's tank consultant MBW tanks.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Extending the life of an important water storage tower

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Estimate developed from water tower inspection in December 2021 and historical costs from other tower painting projects. If a grant is not obtained, the estimated impact to water debt service (EDUs) will increase the rate by \$24.17 per EDU per quarter assuming a 15 year repayment term. This estimate does not factor in interest rates on repayments.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

Second time on CIP

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Waiting will increase the deterioration and increase rehabilitation cost

CIP Project Name: Assateague Point Replacement Liner

Project Director (Name & Title): Dallas Baker Jr., P.E. -Director of Public Works

Phone Number: 410-632-5623

Project Summary and Purpose: Replacement of the liner at the Assateague Point WWTP Lagoon

Project Location: Assateague Point WWTP (Assateague Point Service Area)

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

No grant funds are available.

Is there a Federal or State mandate related to this project? If so, please elaborate: No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? No

What is the useful life of the asset/project?

30 years, based off of estimated lifespan of liners at other County-operated facilities

Will this project generate revenue? No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design		100,000						100,000
Land Acquisition								0
Site Work								0
Construction			600,000					600,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	0	100,000	600,000	0	0	0	0	700,000

SOURCES OF FUNDS	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
General Fund								0
User Fees		100,000						100,000
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds			600,000					600,000
General Bonds								0
Other - Please Specify								0
TOTAL	0	100,000	600,000	0	0	0	0	700,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Assateague Point Replacement Liner

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Replacement of the liner at the Assateague Point WWTP Lagoon. Current liner is at the end of its useful life with increasing repair costs every year. Scope is based off of the need for an in-kind replacement of the liner at the lagoon.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Extending the life of this lagoon will allow for continued operations of a critical WWTP in the County's network. A replacement liner will lessen the risk of breaks and tears which cost money to repair and open the potential for fines from MDE.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Estimate developed from recent costs to replace other pond/lagoon liners in Worcester County.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

First time on CIP, requesting this liner sooner due to the increasing costs and frequency of tears/breaks in the existing lagoon liner.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Waiting will increase the deterioration and increase repair cost to the existing liner. Leaks due to tears/breaks can also open the County up to liability and fines with MDE.

CIP Project Name: River Run Sewer Interconnection to Ocean Pines

Project Director (Name & Title): Dallas Baker Jr., P.E. - Director of Public Works
Phone Number: 410-632-5623

Project Summary and Purpose: Interconnect the River Run and Ocean Pines Sewer systems via the installation of a new sewer line. This will allow for the River Run lagoon liner to be replaced while still treating the service area's wastewater via the Ocean Pines WWTP. In the future, this interconnect allows for redundancy in the event of an emergency or unexpected shutdown of one of the connected plants.

Project Location: River Run WWTP (River Run Service Area)

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

No

Is there a Federal or State mandate related to this project? If so, please elaborate:

No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

40 years

Will this project generate revenue?

No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design		100,000						100,000
Land Acquisition								0
Site Work								0
Construction			1,100,000					1,100,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	0	100,000	1,100,000	0	0	0	0	1,200,000

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - USDA / MDE / CDBG		100,000	1,100,000					1,200,000
TOTAL	0	100,000	1,100,000	0	0	0	0	1,200,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: River Run Sewer Interconnection to Ocean Pines

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

This project involves the interconnection of the River Run and Ocean Pines Sewer systems via the installation of a new sewer line. This will allow for the River Run lagoon liner to be replaced while still treating the service area's wastewater via the Ocean Pines WWTP. In the future, this interconnect allows for redundancy in the event of an emergency or unexpected shutdown of one of the connected plants.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

This interconnection allows for redundancy in the event of an emergency, unexpected shutdown, or maintenance of one of the connected plants. As a result of this interconnection, sewer flows can be directly sent to a connected treatment plant during shutdown periods which will avoid the need for expensive and intrusive pumping & hauling operations.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Estimate developed from recent force main installs in Worcester County.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

First time on CIP, requesting the interconnection sooner due to the need to send wastewater flow elsewhere for treatment during the River Run lagoon liner replacement. Once this project is complete, the raw wastewater from River Run can be directed to Ocean Pines for treatment while the River Run WWTP is take offline for the liner rehabilitation.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Not funding this project will lead to extremely high pumping & hauling costs that would be incurred during the River Run lagoon liner replacement. The need to resort to pumping & hauling operations could also open up the County to violation of the MDE permit regulations for the treatment plant.

CIP Project Name: Mystic Harbour Effluent Connection to Riddle Farm Lagoon

Project Director (Name & Title): Dallas Baker, Jr., P.E, Public Works Director

Phone Number: 410-632-5623

Project Summary and Purpose: Connection of the Mystic Harbor Effluent Discharge to the Riddle Farm WWTP lagoon via installation of a force main. This will allow for interconnectivity of the plants during emergency situations while also allowing Mystic to utilize excess effluent discharge capacity already available within the Riddle Farm Lagoon.

Project Location: Mystic Harbour/West OC

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

No

Is there a Federal or State mandate related to this project? If so, please elaborate:

No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

30 years

Will this project generate revenue?

No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design			400,000					400,000
Land Acquisition								0
Site Work								0
Construction			5,600,000					5,600,000
Equipment/Furnishings								0
Other - Please Specify								0

TOTAL	0	0	6,000,000	0	0	0	0	6,000,000
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	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds			6,000,000					6,000,000
General Bonds								0
Other - Please Specify								0

TOTAL	0	0	6,000,000	0	0	0	0	6,000,000
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Mystic Harbour Effluent Connection to Riddle Farm Lagoon

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Design and construction of a force main to allow the connection of the Mystic Harbor Effluent Discharge to the Riddle Farm WWTP lagoon via installation of a force main. This will allow for interconnectivity of the plants during emergency situations while also allowing Mystic to utilize excess effluent discharge capacity already available within the Riddle Farm Lagoon. George Miles and Buhr provided the County with a preliminary cost estimate on July 25, 2023 outlining two paths. Option one was utilizing Maryland SHA right of ways and option two was utilizing Worcester County right of way for the path of the force main. Option one total cost was \$8,551,410 and Option two total cost was \$6,209,830.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

By interconnecting, Public Works would have the ability to store treated effluent during extreme weather events without sending the flow to the Ocean City WWTP (where it would have to be treated again). There is a cost saving to the rate payers by not having to pay for treatment and disposal fees from the Town of Ocean City.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

The cost estimate is based off of George Miles and Buhr provided a preliminary cost estimate on July 25, 2023 outlining two options. Option one was utilizing Maryland SHA right of ways and option two was utilizing Worcester County right of way for the path of the force main. Option one total cost was \$8,551,410 and Option two total cost was \$6,209,830.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

New CIP item, this is listed sooner due to the urgent need for effluent disposal capacity in the Mystic, Landings, and Assateague Point service areas. Due to the cost of the project needing to be bonded the project is being moved back to FY26.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Continued development along the Rt 611 corridor will require adequate public utilities. Expansion of the effluent capacity needs to be created as soon as possible as the WWTP's in this area (Mystic, Landings, Assateague Point) can collectively treat more than can be disposed of.

CIP Project Name: Newark WTP Rehabilitation

Project Director (Name & Title): Dallas Baker Jr., P.E. - Director of Public Works

Phone Number: 410-632-5623

Project Summary and Purpose: Replacement of the Newark Water Treatment plant building and equipment as the existing treatment plant is nearing the end of its useful life.

Project Location: Newark WTP (Newark Service Area)

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

No

Is there a Federal or State mandate related to this project? If so, please elaborate:

No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

40 years

Will this project generate revenue?

No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design			150,000					150,000
Land Acquisition								0
Site Work								0
Construction				2,850,000				2,850,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	0	0	150,000	2,850,000	0	0	0	3,000,000

SOURCES OF FUNDS	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - USDA / MDE / CDBG			150,000	2,850,000				3,000,000
TOTAL	0	0	150,000	2,850,000	0	0	0	3,000,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Newark WTP Rehabilitation

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

The current Newark WTP and building was put into service in 1971. While numerous upgrades have been made over the last 50 years, the plant is nearing the end of its useful life. A new WTP building will need to be built at an undetermined site so that the existing plant can remain in-service during construction. As part of a new WTP construction, at least one new supply well will need to be constructed.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Project is required to maintain the operation of the Newark Water Treatment Plant to continue to efficiently serve the Newark Service Area.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

The cost estimate is based off of recent estimates for similar engineering estimates for projects in Worcester County.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

This is a new CIP item. Construction funding is added for the last year of the CIP. Engineering/design funding is requested in FY27 in order to have construction documents and permitting complete prior to bidding for construction.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

This facility is the only supplier of water to Newark Area and needs to be replaced in order to maintain plant resiliency. It is critical to fund the engineering/design/permitting phases sooner as plan development and permitting with the State may take an extended period of time.

CIP Project Name: River Run Replacement Liner

Project Director (Name & Title): Dallas Baker Jr., P.E. - Director of Public Works

Phone Number: 410-632-5623

Project Summary and Purpose: Replacement of the liner at the River Run lagoon.

Project Location: River Run WWTP (River Run Service Area)

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

No

Is there a Federal or State mandate related to this project? If so, please elaborate:

No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

30 years, based off of estimated lifespan of liners at other County-operated facilities

Will this project generate revenue?

No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design			100,000					100,000
Land Acquisition								0
Site Work								0
Construction				1,100,000				1,100,000
Equipment/Furnishings								0
Other - Please Specify								0

TOTAL	0	0	100,000	1,100,000	0	0	0	1,200,000
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	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
SOURCES OF FUNDS								
General Fund								0
User Fees			100,000					100,000
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds				1,100,000				1,100,000
General Bonds								0
Other - Please Specify								0

TOTAL	0	0	100,000	1,100,000	0	0	0	1,200,000
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: River Run Replacement Liner

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Replacement of the liner at the River Run WWTP Lagoon. Current liner is at the end of its useful life with increasing repair costs every year. Scope is based off of the need for an replacement of the Hypolon liner with a more durable 100 mil thick HDPE liner.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Extending the life of this lagoon will allow for continued operations of a critical WWTP in the County's network. A replacement liner will lessen the risk of breaks and tears which cost money to repair and open the potential for fines from MDE.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Estimate developed from recent costs to replace other pond/lagoon liners in Worcester County.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

First time on CIP, requesting this liner sooner due to the increasing costs and frequency of tears/breaks in the existing lagoon liner.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Waiting will increase the deterioration and increase repair cost to the existing liner. Leaks due to tears/breaks can also open the County up to liability and fines with MDE.

CIP Project Name: Mystic Harbour Effluent Disposal Expansion

Project Director (Name & Title): Dallas Baker, Jr., P.E, Public Works Director

Phone Number: 410-632-5623

Project Summary and Purpose: Expansion of the effluent disposal network for Mystic Harbour Wastewater Treatment Plant by tying in the Assateague Point and Landings WWTP systems. This will allow for additional effluent disposal capabilities for the network.

Project Location: Mystic Harbour/West OC

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

No

Is there a Federal or State mandate related to this project? If so, please elaborate:

No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

30 years

Will this project generate revenue?

Yes, this will free up the sale of additional EDU's currently limited at the Landings development due to inadequate effluent disposal capacity.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design				100,000				100,000
Land Acquisition								0
Site Work								0
Construction				2,000,000				2,000,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	0	0	0	2,100,000	0	0	0	2,100,000

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - USDA / MDE / CDBG				2,100,000				2,100,000
TOTAL	0	0	0	2,100,000	0	0	0	2,100,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Mystic Harbour Effluent Disposal Expansion

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Expansion of the effluent disposal network for Mystic Harbour Wastewater Treatment Plant by tying in the Assateague Point and Landings WWTP systems. This will allow for additional effluent disposal capabilities for the network. Expansion of the effluent capacity needs to be created as soon as possible as the WWTP's in this area (Mystic, Landings, Assateague Point) can collectively treat more than can be disposed of.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Continued development along the Rt 611 corridor will require adequate public utilities. Expansion of the effluent capacity needs to be created as soon as possible as the WWTP's in this area (Mystic, Landings, Assateague Point) can collectively treat more than can be disposed of. Negative impacts would simply mean limited development and potentially a hold on the sale of EDUs.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

The cost estimate is based off of similar utility connection projects that have recently taken place in Worcester County.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

New CIP item, this is listed sooner due to the urgent need for effluent disposal capacity in the Mystic, Landings, and Assateague Point service areas.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Continued development along the Rt 611 corridor will require adequate public utilities. Expansion of the effluent capacity needs to be created as soon as possible as the WWTP's in this area (Mystic, Landings, Assateague Point) can collectively treat more than can be disposed of.

CIP Project Name: Mystic Harbour Water to Riddle Farm

Project Director (Name & Title):Dallas Baker Jr., P.E. - Director of Public Works

Phone Number:410-632-5623

Project Summary and Purpose: Interconnect Mystic Harbor water to Riddle Farm service area as a backup via water main. This will allow Mystic Harbor to provide Riddle Farm water in the event of emergency.

Project Location: Mystic Harbor WTP to Riddle Farm WTP

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?:

No

Is there a Federal or State mandate related to this project? If so, please elaborate:

No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance?

No

What is the useful life of the asset/project?

40 years, based off of estimated

Will this project generate revenue?

No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design								0
Land Acquisition								0
Site Work								0
Construction				1,950,000				1,950,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	0	0	0	1,950,000	0	0	0	1,950,000

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - USDA / MDE				1,950,000				1,950,000
TOTAL	0	0	0	1,950,000	0	0	0	1,950,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Mystic Harbour Water to Riddle Farm

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

This project scope involves the interconnection of the Mystic Harbor water to Riddle Farm WTP. The work entails running a water main from Mystic Harbor plant down Old Bridge Road Rt. 707, along Rt. 50 heading west, boring underneath Herring Creek, and eventually turning North into Man O War Ln. This project would include permitting work within Maryland SHA right of way for a utility permitting and traffic control. J.W. Salm Engineering provided 85% design showing the layout and submitted permit applications to MDE/SHA.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

This interconnect would minimize the potential for downtime in the event of equipment failure at Riddle Farm, Mystic Harbor, or Ocean Pines water. Since these three facilities will be interconnected for water we could push water whichever way we see is needed to assist. The negative impacts of not funding or delaying this project would be Riddle Farm would be reliant upon Ocean Pines water in the event of a failure.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Cost estimate is pending from J.W. Salm Engineering.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

New Project

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Yes, this project is critical. This project needs to be completed as soon as feasibly possible to provide a interconnect and backup for Riddle Farm. In the event of delay or failure of equipment at Ocean Pines it would result in a water outage for Riddle Farm.

CIP Project Name: Recreation Center - HVAC replacement

Project Director (Name & Title): Kelly Rados, Director Recreation & Parks

Phone Number: 410-632-2144 x2502

Project Summary and Purpose:

This project will include a complete replacement of the existing ground mounted packaged rooftop HVAC units for the gym arena at the Recreation Center. The current gymnasium HVAC units are undersized and inadequate. They are 19 years old and past their useful life expectancy of 15 to 18 years.

Project Location: Worcester County Recreation Center, 6030 Public Landing Road, Snow Hill, MD 21863

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: N/A

Is there a Federal or State mandate related to this project? If so, please elaborate: No

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? General preventative maintenance and continued maintenance repairs

What is the useful life of the asset/project? 20 years

Will this project generate revenue? No

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design								0
Land Acquisition								0
Site Work								0
Construction	126,000					1,260,000		1,386,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	126,000	0	0	0	0	1,260,000	0	1,386,000

SOURCES OF FUNDS	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds	126,000					1,260,000		1,386,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	126,000	0	0	0	0	1,260,000	0	1,386,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Recreation Center - HVAC replacement

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

This project involves replacement of the two current ground mounted packaged rooftop units and incorporating a single zone VAV (supply and exhaust fans) control strategies on the same. This will require removal of each ground mounted packaged rooftop unit. The new units would incorporate variable frequency drives on the supply and exhaust air fans for a single zone VAV operations. The project had an analysis completed in 2018 including a detailed scope of the projects and recommendations.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

This project would benefit citizens that utilize the Recreation Center facility, addressing comfort complaints while attending and participating in Recreation programs and events. Not funding or delaying the project could result in decreased attendance and registration to programs and unsatisfactory working conditions to employees. Delaying the project would result in increased costs trying to maintain the current systems and overall increased project costs due to construction costs continuing to increase.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

The cost estimate was provided by Gipe Associates, Inc. Consulting Engineers. Gipe provided an HVAC Systems Analysis in 2018 for this project. Last year they provided us with an updated cost estimate based on actuals for construction projects similar to what is needed for the Recreation Center, including projections for increased construction. This year we were advised to add an additional 5 to 10% for escalation that has occurred in the last year. Concerns with my estimated would be the continued costs of construction and materials.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The condenser coils on the outside HVAC units are in bad shape and were scheduled for replacement 5-6 years ago. \$300,000 was earmarked, at the time, for the Recreation Center - HVAC improvements in assigned funds, when the coil replacements were in the works. This work was never completed as pricing came back to high. The units have now aged out and are not worth spending \$30-\$40K per unit for replacement coils.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

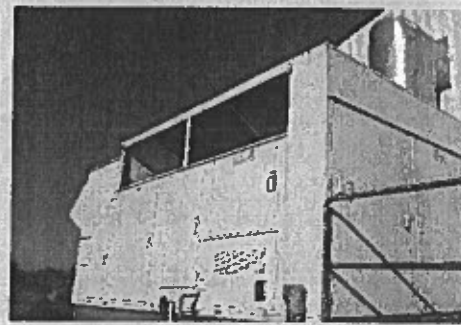
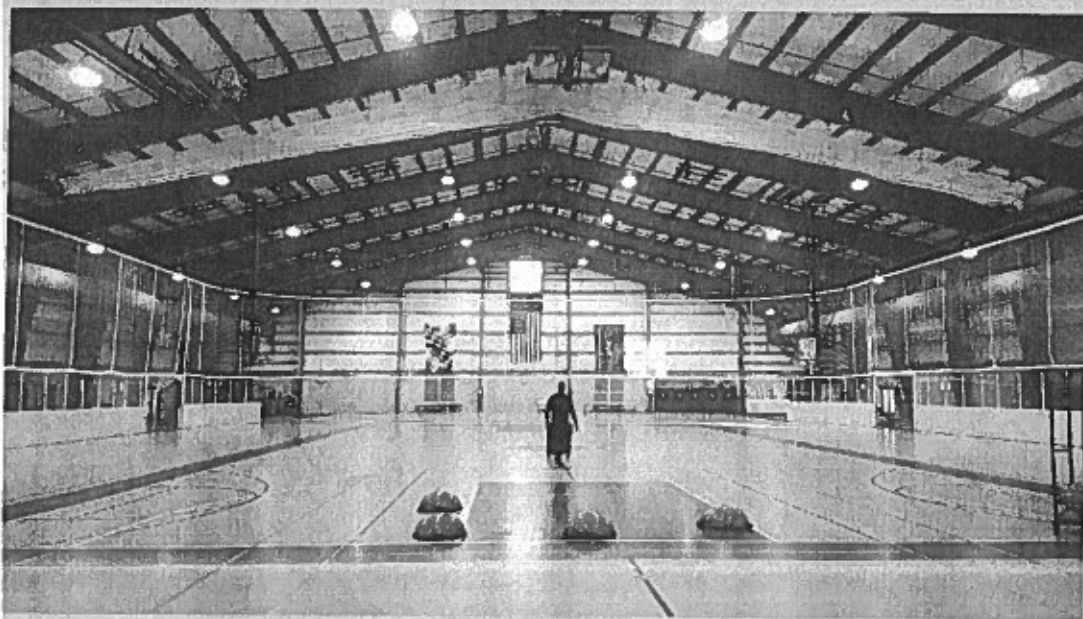
The current HVAC units are not able to maintain the temperatures in the gym arena. The existing cooling set point of 80 degrees is inappropriate for multipurpose area of this size related to temperature/humidity performance. Prolonging the project will incur additional maintenance costs and overall increased projects costs.




**Worcester County,
Maryland**

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*Worcester County Recreation Center
Multipurpose Space HVAC Systems Analysis*



 **Gipe Associates, Inc.**
CONSULTING ENGINEERS

Mechanical | Electrical | Plumbing

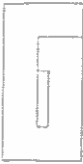
8719 Brooks Drive
Post Office Box 1147
Easton, Maryland 21601
(410) 822-8883

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APPENDIX

Appendix A:	Ground Mounted Rooftop Unit Submittal Data
Appendix B:	Mechanical Specifications
Appendix C:	Original Test and Balance Report
Appendix D:	Service Costs
Appendix E:	Ventilation Calculations
Appendix F:	Heating and Cooling Load Coil Calculations
Appendix G:	Cost Estimate for Option #1
Appendix H:	Cost Estimate for Option #2
Appendix I:	Life Cycle Cost Analysis


Gipe Associates, Inc.

CONSULTING ENGINEERS

W.O.#: 18030

June 19, 2018

Mr. Ken Whited
 Worcester County Dept of Public Works
 6113 Timmons Road
 Snow Hill, MD 21863

Project: Worcester County Recreation Center – Snow Hill, MD
 Reference: HVAC Systems Analysis

Dear Ken:

Thank you for the opportunity to assist you with evaluating the heating, ventilating, and air conditioning (HVAC) systems at the Worcester County Recreation Center Building (Approximately 35,700 square feet) located in Snow Hill, Maryland. The following report summarizes our review and recommendations related to the ground mounted packaged roof units #1 and #2 that serve the Multi-Purpose portion of the building.

INTRODUCTION

The existing HVAC systems were installed in 2004 and are approximately 14 years old. In addition, there have been many comfort complaints and questions about the installed capacity and it is our hope that you will find that the following report provides a solid overview of the HVAC systems with specific focus on the capacity versus required cooling and heating loads. All of the existing cooling systems contain R-22 refrigerant, which is currently being phased out of use in refrigerant systems in the United States due to ozone depletion in the atmosphere. Therefore, due to the age and condition of the existing HVAC systems and type of refrigerant in the installed cooling systems the time is ideal to consider either equipment upgrades or system replacements.

The following report will review the existing Ground Mounted Rooftop Units #1 & #2, provide ventilation calculation analysis, cooling/heating load calculation analysis and evaluate options for improving the HVAC systems based on the results of our analysis. We also will include all relevant information in the Appendix so that in the future you have a comprehensive location for information related to these two (2) HVAC systems at the Worcester County Recreation Center. First, we will spend some time evaluating and describing the existing HVAC systems.

To assist with describing the HVAC systems we have prepared the following HVAC zoning diagram (See Figure #1) that graphically illustrates what area of the building is served by what HVAC unit.

1220 East Joppa Road
 Suite 223
 Towson, Maryland 21286
 TEL 410.832.2420
 FAX 410.832.2418

8719 Brooks Drive
 Post Office Box 1147
 Easton, Maryland 21601
 TEL 410.822.8688
 FAX 410.822.6306

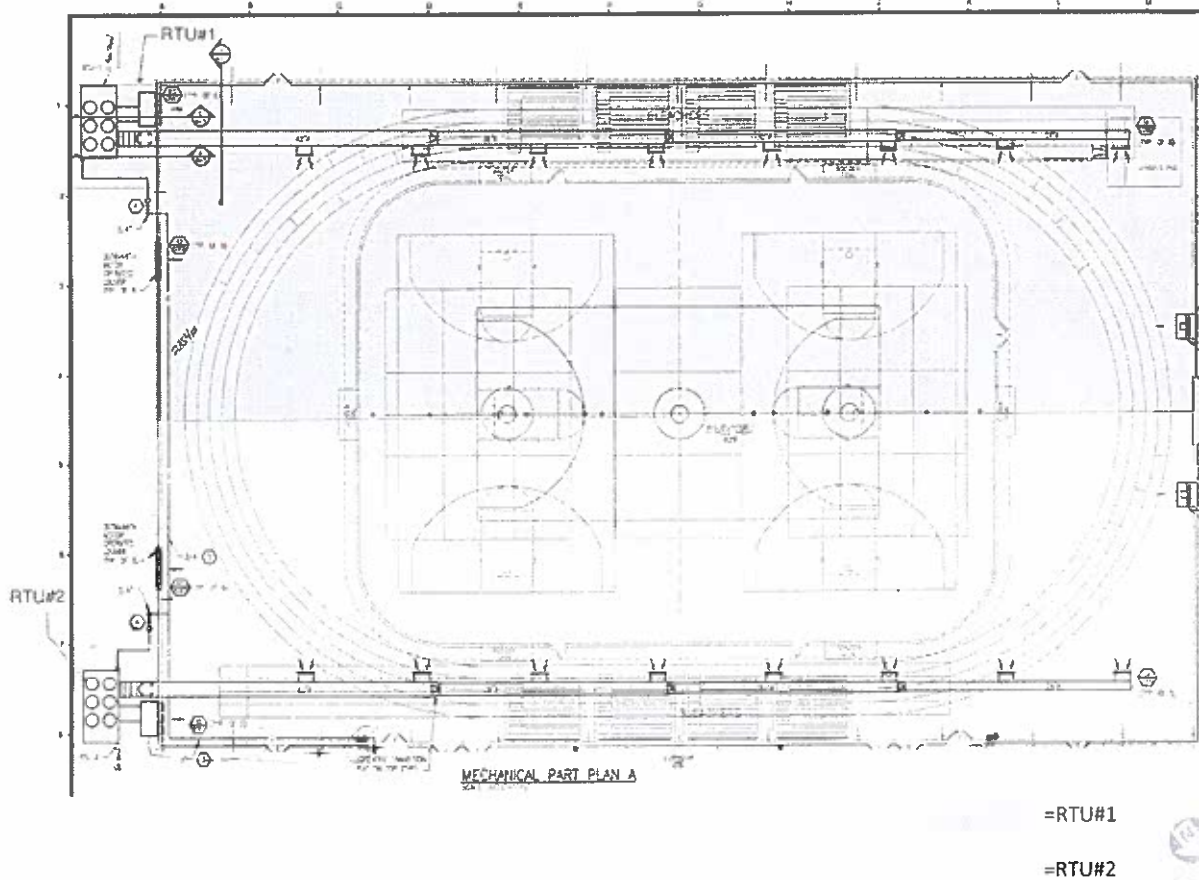


Figure # 1- HVAC Zoning Diagram
(Not to Scale)

As shown, the Multi-Purpose portion of the Worcester Recreation Center is basically served by the following types of equipment:

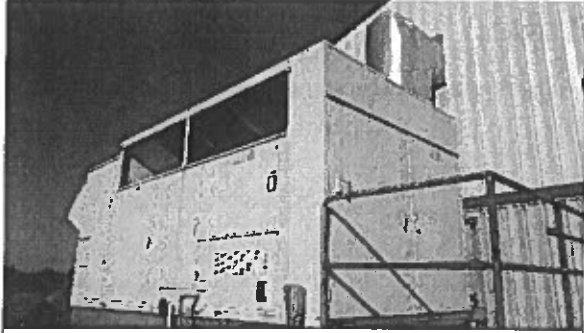
Tag	Equipment Type	Description	Refrigerant Type
RTU #1	Packaged Ground Mounted Rooftop Unit	Constant volume rooftop unit with direct expansion cooling and propane gas heat	R-22
RTU #2	Packaged Ground Mounted Rooftop Unit	Constant volume rooftop unit with expansion cooling and propane gas heat	Direct R-22

Table #1 – Existing HVAC System Types

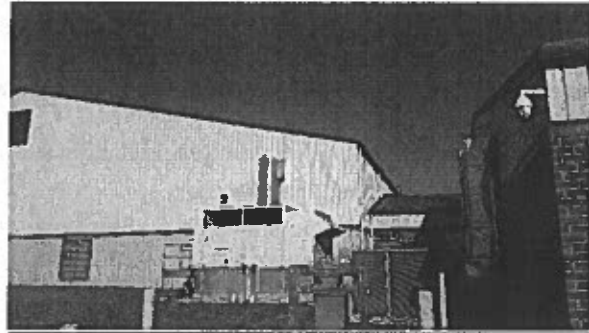
EXISTING GROUND MOUNTED PACKAGED ROOFTOP UNITS

As graphically illustrated, the majority of the Worcester County Recreation Center is heated and cooled with packaged ground mounted rooftop HVAC units located outside on grade as shown in Photograph #1 and #2.

Both Rooftop units are direct expansion rooftop units utilizing R-22 refrigerant for cooling and propane gas furnaces for heating. As shown in Figure #1 above, each unit serves half of the building. We were able to obtain a portion of the original submittal data and the same has been included in Appendix A.



Photograph #1 – Existing RTU #1



Photograph #2 – Existing RTU #2

GROUND MOUNTED PACKAGED ROOFTOP UNITS #1 AND #2

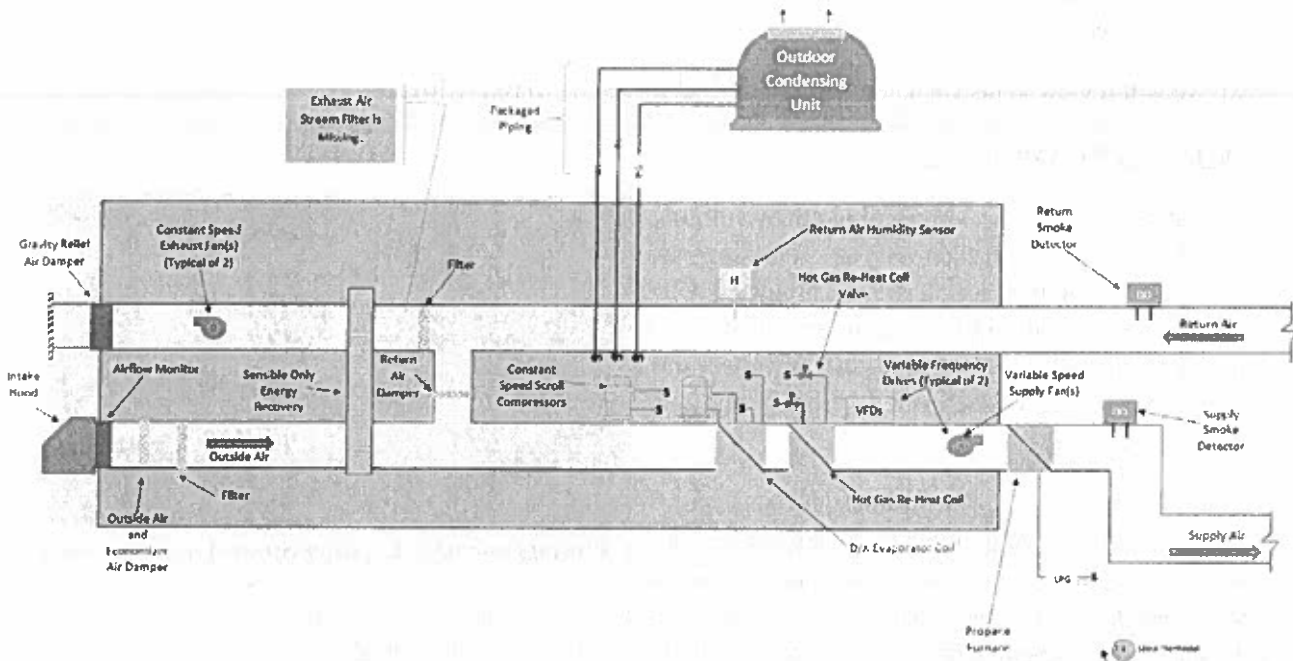


Figure #2 – Typical Ground Mounted Packaged Rooftop Unit Schematic

As shown in Figure #1, Ground Mounted Packaged Rooftop Unit #1 serves the Southwest portion of the Multi-Purpose Area and Ground Mounted Packaged Rooftop Unit #2 serves the Northeast portion of the Multi-Purpose Area. The existing units have the following characteristics/capacity data as shown in Table #2:

Unit	Model #	Serial #	Air Flow Rate (Per TAB Report)	Nominal Cooling Capacity	Nominal Heating Capacity	Outside Air Flow Rate
RTU#1	RN04030AB04-72	200408-ANGV00467	15,000 cfm	40 tons	437,000 btu/hr	5,150 cfm
RTU #2	RN05030AB04-72	200408-ANGW00468	14,000 cfm	50 tons	437,000 btu/hr	5,150 cfm

Table #2 – RTU Data

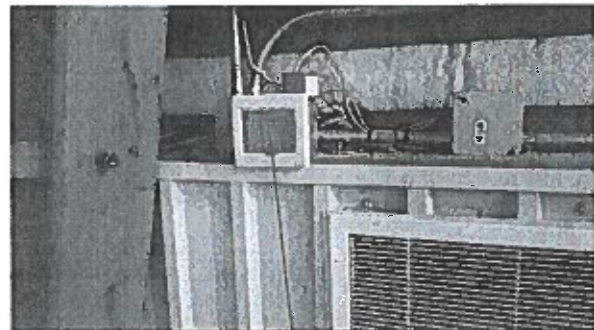
In addition as shown in Figure #2, both ground mounted rooftop units include the following components:

1. Economizer damper with enthalpy control.
2. Multiple Power Exhaust Fans
3. Duct Smoke Detectors (supply and return duct streams)
4. Multiple Scroll Compressors
5. Multiple Condenser Fans
6. Multiple Supply Air Fans with Variable Frequency Drives
7. Hot gas re-heat coils and return air humidity sensors.
8. Outside air/return air dampers.
9. Sensible heat energy recovery wheels.
10. Programmable thermostats.
11. Ductsox for air distribution.

Next, we will review items we noted during our field survey on May 11, 2018.

EXISTING THERMOSTATS

The existing thermostats are typical Honeywell touch screen Residential Type thermostats. As shown in Photograph #3, the thermostats are not protected with guards. We would highly recommend that wire guards be installed on the thermostats to protect the same against projectiles such as balls from hitting and damaging the same.



Photograph #3 – Existing Space Thermostats

In addition, the existing thermostats are standalone thermostats and we would highly recommend that the HVAC equipment in the Worcester County Recreational Center be connected to a web based direct digital control system to allow remote monitoring, scheduling, and set point adjustment. Next, we will discuss the sequence of operation.

ROOFTOP UNIT SEQUENCE OF OPERATION

The original contract documents did not include a control diagram. However, the specifications did include a sequence of operation which has been copied below for convenience:

A. VVT System

1. *Provide control panel for a space temperature zoning system that will allow for automatic system changeover from heating to cooling and the reverse from any zone.*

Control shall be for two stages heat and two stages cooling. Purge timer between heating and cooling changeovers shall be adjustable from two to three and a half minutes. Auto changeover time shall be field selected as five or ten minutes. LED lights shall indicate system operation and damper movement.

B. Control Sequence of Operation:

1. Control sequences of operation shall be as follows:

- i. Multipurpose/Gym: Space thermostat program function shall energize RTU-1 and 2 in stages. First stage heat or cool shall energize RTU-1, second stage heat or cool shall energize RTU-2. Space temperature setpoints shall be 68°F heating (adjustable) and 80°F cooling (adjustable). RTU's shall control their heating, cooling, dehumidification, and outdoor air functions by their factory furnished controls. When in heating mode, ceiling fans shall be energized. Provide space CO2 sensor to energize RTU outdoor air dampers to maintain setpoint (1000 ppm, adjustable).*

As indicated, the sequence of operation is very minimal and reviewing the same indicates the existing ground mounted packaged rooftop units have the following automatic temperature control strategies:

1. Staged capacity control for cooling using the rooftop units in a lead/lag fashion.
2. 2 Stages minimum for heating/cooling at each unit.
3. Active Dehumidification utilizing hot gas re-heat.
4. Demand Controlled Ventilation
5. Automatic changeover from cooling to heating and vice versa.

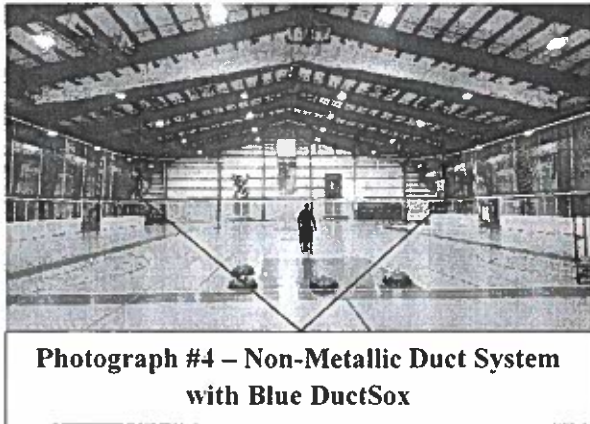
In addition, as indicated in the control sequence the space temperature setpoints in heating/cooling were indicated to be 68°F and 80°F, respectively. These setpoints are extremely low for heating and extremely high for cooling. In fact, the cooling set point of 80°F is so high that proper humidity control was likely a problem with the existing units due to poor part load performance when trying to maintain such a high temperature in cooling mode.

Furthermore, while we were onsite performing our survey we did not find the units properly staging in a lead/lag fashion. There were only about 25 people in the track area of the Multipurpose space and both rooftop units were operating. Due to the size of the space and potential high occupancy load we would recommend that a single zone VAV control strategy be implemented for the Multi-Purpose portion of the building. We will further discuss this strategy later in the report.

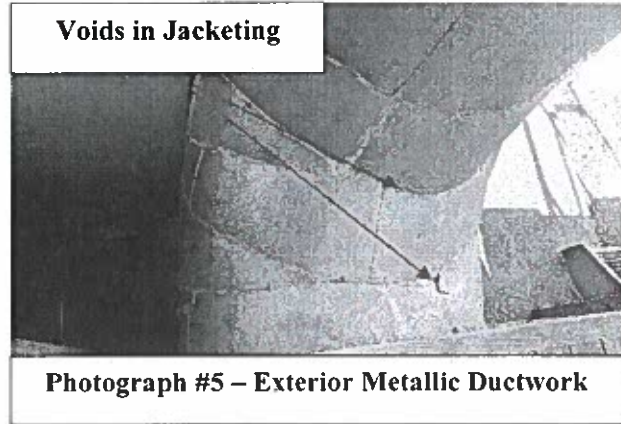
AIR DISTRIBUTION SYSTEM

As previously mentioned, the interior ductwork is a non-metallic duct system as shown in Photograph #4. The non-metallic ductwork was manufactured by ductsox and we feel the same is in good shape and was a very good choice for the application. We find the existing ductsox to be quiet and we did not notice any condensation, so regardless of what HVAC options are considered, we would recommend re-use of the same and if additional ductwork is required incorporate additional non-metallic ductwork.

The exterior ductwork is metallic ductwork with an exterior insulation system as shown in Photograph #5.



Photograph #4 – Non-Metallic Duct System with Blue DuctSox



Voids in Jacketing

Photograph #5 – Exterior Metallic Ductwork

As shown in Photograph #5, the exterior ductwork does have a metallic jacket, but the same has numerous openings in the supply and return ductwork. We would recommend that all tears, voids, and openings in the exterior duct jacketing be repaired and sealed to prevent the entry of water.

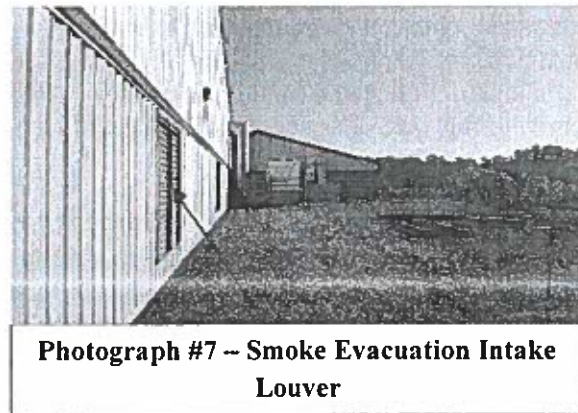
SMOKE EVACUATION SYSTEM

While we are discussing the air distribution system we thought we should also mention the smoke evacuation system. The smoke evacuation system is not directly related to the ground mounted rooftop units. However, as shown in Photograph #6 and #7, the smoke evacuation exhaust fan and intake louvers are very large creating a path for infiltration at the dampers. We would recommend that these dampers include seals on the damper blades to reduce leakage which would impact the facilities climate control systems and operating costs.



Smoke evacuation system exhaust fans

Photograph #6 – Smoke Evacuation System Exhaust Fans



Photograph #7 -- Smoke Evacuation Intake Louver

Next, we will review specific ground mounted packaged rooftop unit deficiencies.

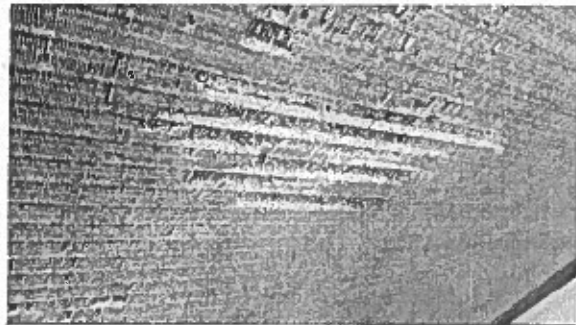
EXISTING ROOFTOP UNIT DEFICIENCIES

Due to the ground mounted packaged rooftop units #1 and #2 being the primary focus of our study, we thought it prudent to dedicate a section of our report just to rooftop unit deficiencies noted during our May 11, 2018 field work as follows:

Condenser Coil Fins

As shown in Photograph #8, the existing condenser coil fins on both units are damaged beyond repair.

It is our understanding that the condenser coil fins were accidentally cleaned with a caustic cleaner that was not intended to be left on the fins for a prolonged time, but was accidentally applied and remained on the fins for too long resulting in complete deterioration of the fins. We just "touched" the fins during our survey and the same crumbled immediately. The condenser coils and all tubing would need to be replaced completely to provide proper heat transfer during the cooling season. This is the most severe deficiency and the highest cost deficiency and the only way to correct the same would be evacuation of the refrigerant, replacement of all condenser coil parts and re-testing of the same. Due to the age of the existing equipment and difficulty in performing this corrective action we were forced to evaluate refurbishment versus new units which we address later in this report.



Photograph #8 – Damaged Condenser Coil Fins

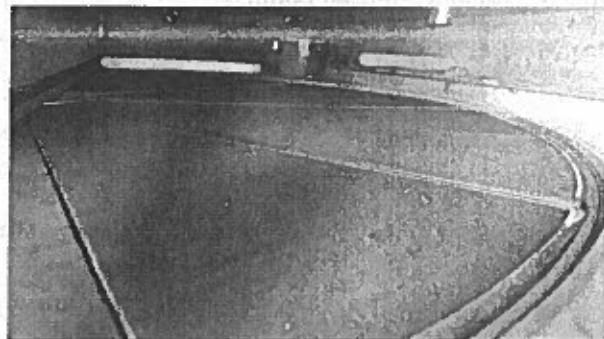
Energy Recovery Wheels

The original drawings do not indicate energy recovery wheels on the schedules. We do not have the specifications so we could not verify if the existing units were specified with energy recovery wheels, nonetheless, both ground mounted packaged rooftop units do contain sensible only energy recovery wheels as indicated in the original submittal –Appendix A. The original sequence of operation does not mention the control of the same. However, we found that at both ground mounted rooftop units the sensible only energy recovery wheels were "off" and the exhaust fans were "off". We suspect the reasons for the sensible only energy recovery wheels being turned "off" are as follows:

1. The sensible energy recovery wheels were found to be severely fouled preventing proper energy recovery.
2. The inlet side of the exhaust portion of the sensible energy recovery wheels were found to be not filtered which explains item #1 above.

The typical sensible energy recovery wheel is shown in Photograph #9 below.

Upon close inspection you will see that the heat transfer fins are very dirty and fouled. Until long term decisions are made for the ground mounted packaged rooftop units we would recommend that the ERV wheels be cleaned and a filter housing be installed upstream of the same on the exhaust side of the ERV wheels. In addition, the minimum outside air would need to be tested to make sure the proper ventilation air flow rate is being provided at all occupied times. Currently, the existing ground mounted rooftop units are not providing fresh air to the building, which violates ASHRAE 62.1 – Ventilation for Acceptable indoor Air Quality Requirements!



Photograph #9 – Existing Energy Recovery Wheel

The deficiencies associated with the damaged condenser coils and the inoperable and dirty sensible energy recovery wheels were the most severe deficiency items noted that essentially render the existing units ineffective in conditioning the building. In addition, to these two major deficiency items we noted the following minor deficiency items summarized in Table #3.

Minor Deficiency	Impact/Importance
Economizer Cycle disabled on both units	Results in higher energy consumption during times of the year when cooling is required and ambient air is cold enough to provide “free” cooling.
Condensate traps serving cooling coils are too small (i.e. 3/4”)	The existing traps were only 3/4” in size. The condensate traps for equipment of this size should be 1-1/4” minimum. We would recommend two (2) traps per unit to provide proper condensate removal.
Relief/exhaust air fans were disabled.	This is related to the economizer control. Without proper relief/exhaust air when fresh air is provided the space will over-pressurize.
Outside air dampers on both units were closed even during occupied periods.	Prevents code required ventilation from being provided to the breathing zone of occupants.
The relief/exhaust dampers are barometric type not motor operated.	Barometric or gravity dampers do not relieve air at partial economizer or when outside air is lowered during demand control ventilation mode.
Constant speed exhaust fans.	The use of constant speed exhaust fans results in higher noise levels, poor capacity control, and higher than needed fan speeds. We would recommend variable speed exhaust fans.
Service platforms are only on one side of the units.	Makes it difficult to service the rear side of each unit. We would recommend that the existing service platforms be extended to serve both side of the units.
The fan wheel on RTU #1 that is closest to the access door is wobbling.	This indicates a mass imbalance of the fan wheel likely due to dirt. This would require analysis by a vibration consultant.
The original sequence indicates the outside air dampers should remain closed until the carbon dioxide level gets the 1,000 ppm.	This does not meet code (i.e. <u>ASHRAE 62.1 Ventilation for Acceptable Indoor Air Quality</u>) requirements. The outside air must be provided at all times. The only value that can deviate during occupied periods is the “people component” of the ventilation air flow rate which is directly related to space CO ₂ levels.

Table #3 – Rooftop Unit Deficiencies/Impacts

The ground mounted packaged rooftop Units serve the main Multi-purpose area of the facility and it is our understanding that the original expected peak people load for this space was expected to be substantial. We will further discuss this later in the report when we review the engineering calculations. However, it is worth noting that the original control portions of the mechanical specifications (See Appendix B – Mechanical Specifications) indicated that both units were supposed to be provided with space carbon dioxide sensors (CO₂) that would modulate the outside air flow rate to maintain the space CO₂ level at 1,000 parts per million (ppm) by modulating the outside air damper to the minimum position

when less people were in the room. We feel that this was a good intent of the original design, but we doubt if the same is operating as intended because there is no mention of the same being tested in the original Test and Balance Report. If the CO₂ sensors were installed we highly recommend that the same be calibrated and the sequence of operation along with outside air flow measurement be verified.

Due to its importance to comfort and performance, Gipe Associates took a considerable amount of time to review the original Test and Balance (TAB) Report from when the project was first “turned over” to the Worcester County Department of Public Works. We were able to obtain a copy of the 2007 TAB Report and we feel that we should review the same because many of the findings are very interesting and need to be addressed. The next section of our report reviews the 2007 TAB Report and provides recommendations based on our review.

REVIEW OF THE ORIGINAL TEST AND BALANCE REPORT

The original Test and Balance Report dated August 2007 was obtained by Gipe Associates, Inc. from Ken Whited for our use in preparing our study. (Refer to the Appendix C.) We are not confident that this was the final Test and Balance Report, but it was the only data we were able to obtain after contacting multiple sources. Due to testing/balancing’s importance to the performance of HVAC (Heating, Ventilating, and Air Conditioning) systems, we feel it was prudent to review the same and note any observations. The complete Test and Balance Report is included in the Appendix C and our summary of observations are provided below.

Test and Balance Report Observations	Recommendations
1. Duct detectors were not tested.	Test fan shut-down and record results.
2. No coil temperature readings were taken in heating or cooling mode.	Dry bulb and wet bulb temperatures of all coils and across all energy recovery devices should be tested and recorded in both heating mode and cooling mode to verify performance.
3. Page #1: Rooftop Unit #1 air flow rate was below design by 6%.	This is acceptable in the industry.
4. Page #1: RTU #1: VFD output could not be increased to achieve the design air flow rate.	This would require investigation of drives/motor BHP. However, it does explain why the total air flow rate was below design.
5. Page #5: RTU #1 exhaust air flow rate was found to be 8% high.	We would recommend slowing fan down to within 5% of design air flow rate.
6. Page #7: RTU#2 supply air flow rate is 14% below design air flow rate.	Investigate duct leakage, seal openings, and re-test air flow rates.
7. Page 11: RTU#2 exhaust air fans are 6% high.	This is acceptable.

Table #4 – Summary of Test and Balance Report Observations

We hope that based on our review of the TAB Report that it is obvious that the original testing and balancing work was not complete nor, to the best of our knowledge, did any of the noted issues actually get addressed. If this is the case and this was the only TAB Report produced then we highly recommend that the entire system be Tested and Balanced and the same be retro-commissioned to verify not only proper air flow rates, but also verify temperatures, setpoints and the sequences of operation.

Next, we will review the current utility costs.

CURRENT UTILITY COSTS

Worcester County Public Works provided the building’s utility costs for the Worcester Recreation Center as shown in Table #5.

FY 2016-17 Utility Charges			
Month	Propane Charges	Electric Charges	
	Sandpiper	Delmarva Power	Washington Energy
Jul-16	\$124.99	\$2,612.29	\$4,385.20
Aug-16	\$4,258.02	\$2,483.80	\$3,754.40
Sep-16	\$5,812.56	\$2,331.17	\$2,378.80
Oct-16	\$125.28	\$1,709.70	\$2,325.60
Nov-16	\$514.07	\$1,703.96	\$2,728.32
Dec-16	\$1,456.41	\$1,916.25	\$2,568.24
Jan-17	\$5,411.33	\$1,688.70	\$2,310.72
Feb-17	\$3,147.63	\$1,513.51	\$2,157.60
Mar-17	\$1,382.31	\$1,615.53	\$1,976.64
Apr-17	\$608.77	\$1,938.56	\$2,519.52
May-17	\$227.06	\$2,421.01	\$4,039.20
Jun-17	\$4,455.49	\$3,652.66	\$4,066.00
	\$27,523.92	\$25,587.14	\$35,210.24
Budget Year	Propane Charges	Electricity Charges	Grand Total
FY 13 - 14	\$39,496.07	\$38,690.72	\$78,186.79
FY 14 - 15	\$33,921.30	\$42,609.24	\$76,530.54
FY 15 - 16	\$22,067.68	\$50,285.17	\$72,352.85
FY 16 - 17	\$27,523.92	\$60,797.38	\$88,321.30
FY 17 - 18	\$26,638.94	\$38,588.97	
**Propane and Electrical Expenses in FY 17 - 18 are based on expenses through January.			

Table #5 – Utility Costs (Propane and Electric)

The last full year of data was fiscal year 2016/2017 which resulted in a propane cost of \$27,523.92 and electrical cost of 60,737.38 for a total yearly utility (energy) cost of \$88,321.30. We realize these utility costs are for the entire building and not just our portion (Multi-Purpose) of the building we are evaluating. However, if you utilized the current square footage of the entire building which is 52,150 ft² and divide the same into the total energy cost the result is \$1.69/ft² which is reasonable for this type/size building. However, keep in mind that the outside air dampers currently being closed are preventing proper ventilation which artificially lowers utility costs. Therefore, in the future with proper code required ventilation air the utility costs are likely to rise.

SERVICE COSTS

The existing packaged ground mounted rooftop units have experienced numerous operational issues. Some of the operational issues were normal components wearing out. However, for equipment that is only 14 years old, we find the service costs to be excessive. As indicated in Appendix D the service costs for the existing packaged ground mounted units is in excess of \$33,000 since 2009. We believe a major contributor to the excessive service costs were the following (2) major deficiencies previously discussed.

1. The damaged condenser coil fins.
2. The disabling of the sensible energy recovery wheel system.

The proposed options discussed later in the report will address both operational issues and should lower service costs substantially.

OWNER'S PROJECT REQUIREMENTS

Prior to performing detailed engineering calculations we felt it was important to document the Owner's Project Requirements regarding the peak occupancy and temperature set points for the multipurpose portion of the building as follows in Table #6:

2017 Monthly Attendance Totals		Notes:
January	7,028	1. Track meets are held on Wednesdays in December & January. 2. The average attendance for a track meet is 613. 3. During track meets/tournaments the temperature is lowered to prevent athletes from getting overheated. Recreation Center Hours of Operation Monday – Thursday: 6:00am – 9:00pm Saturday: 6:00am – 5:30pm Open Saturdays (six months a year): January, February, March, September, October & November Closed Saturdays (six months a year): April, May June, July, August, & December
February	6,662	
March	1,915	
April	1,885	
May	2,116	
June	2,111	
July	1,743	
August	1,866	
September	2,141	
October	3,723	
November	2,800	
December	3,686	
Total	36,676	

Table #6: Worcester County Recreation Center 2017 Yearly Attendance/Peak Occupancy

The peak occupancy during track meets is 613 people. During our discussions with staff and the Wicomico County Department of Public Works it was mutually agreed upon to use 1,000 people as the peak design occupancy. Therefore, the engineering calculations for determining ventilating loads and subsequent cooling loads were both based on a peak occupancy of 1,000 people.

SET POINTS

As indicated in Table #7 below the interior design temperature for heating is 68°F and the interior design temperature for cooling during track meets is 68°F. However, track meets occur in the winter months so for cooling load calculations we utilized 72°F as the cooling design temperature. These values were utilized for the heating and cooling loads and also for the preliminary selections of the replacement units.

Gymnasium Thermostat in Heating Mode	
Day Temperature	68°F
Night Temperature	65°F
Track Meets	68°F
Tournaments	68°F
Monday – Thursday	On: 5:00am Off: 10:00pm
Friday	On: 6:00am Off: 5:30pm
Saturday	On: 7:00am Off: 5:30pm
Sunday	On: 12:00pm Off: 4:00pm
Gymnasium Thermostat in Cooling Mode	
Day Temperature	72°F
Night Temperature	75°F
Track Meets	68°F
Tournaments	68°F
Monday – Thursday	On: 5:00am Off: 9:00pm
Friday	On: 5:00am Off: 5:30pm
Saturday	Closed (Unit on 78°F all day, per Don)
Sunday	Closed (Unit on 78°F all day, per Don)

Table #7: Setpoints/ Schedules

Next, we will review our engineering calculations which are based on the previously mentioned peak occupancy load of 1,000 people, 68°F heating mode setpoint temperature, and 72°F cooling setpoint temperature.

ENGINEERING CALCULATIONS

Ventilation Calculations

Due to its contribution to load calculations and the health and well-being of the staff and visitors to the Worcester County Recreation Center, we have calculated the ventilation or fresh air flow rates needed to properly ventilate the portions of the Building served by Ground Mounted Packaged Rooftop Units #1 and #2. One of the most important criteria for determining the ventilation air flow rates besides the square footage of each room is the expected peak people density. Gipe Associates requested feedback from the staff at the Worcester County Recreation Center and they provided the following people count (See Table #8 below) for our use in ventilation calculations and load calculations.

Room Name/Number	Square Footage	Owner Desired Occupancy for Load Calculations
A-100 Fitness Arena – Multipurpose (1/2) – RTU #1 – South	17,625	500 (Seated at Rest)
A-100 Fitness Arena – Multipurpose (1/2) – RTU #2 – North	17,625	500 (Seated at Rest)

Table #8: Owner Desired Occupancy per Room

Based on ASHRAE 62.1- Ventilation for Acceptable Indoor Air Quality criteria, we calculated the ventilation requirements (See Appendix E) for each HVAC system as shown in Table #9 below:

HVAC System	Original Ventilation Air Flow Rate	Calculated Ventilation Air Flow Rate	% difference
RTU # 1	5,150 CFM	4,450 CFM	-15%
RTU # 2	5,150 CFM	4,450 CFM	-15%

Table #9: Ventilation Airflow Rate Summary

As indicated, the original ventilation air flow rates are slightly higher than what we calculated. This is primarily a result of our using the current occupancy counts based on Table #8, which are likely much lower than what was utilized when the building was originally designed.

Now that we have determined the correct amount of ventilation air for each HVAC system we can calculate the cooling and heating loads utilizing the same.

Heating and Cooling Load Calculations

Prior to making recommendations relative to the existing HVAC improvements/replacement, we feel it is prudent to verify the capacities and total air flow rates of the existing HVAC systems.

The existing HVAC units serve various spaces as previously illustrated in Figure #1. We have utilized an hourly analysis load program (Carrier HAP Version 5.01) to determine the capacities, air flow rates, and ventilation air flow rates.

The capacity or heating/cooling load calculations are based on the following assumptions in Table #10:

Heating Coil Leaving Air Condition	95°F DB
Cooling Coil Leaving Air Conditions	53°F DB, 52°F WB
Wall U-Value =	0.081 Btu/hr/s.f./°F
Roof U-Value =	0.049 Btu/hr/s.f./°F
Window U-Value =	0.766 Btu/hr/s.f./°F
Lighting Power Density Average =	2.0 watts/ft ²
Interior Plug Load Average Density =	0 watts/ft ²
Space Interior Design Condition Heating =	68°F DB
Space Interior Design Condition Cooling =	72°F DB, 60%RH (max)
Infiltration Air Flow Rate =	0.1 CFM/s.f.
Ambient Design Condition Heating =	10°F DB
Ambient Design Condition Cooling =	95°F DB 78°F WB

Table #10 - Heating/Cooling Load Calculation Assumption

Based on the above assumptions the heating/cooling load coil calculations were performed (See Appendix F) and compared to the original HVAC units' performance data as follows in Table #11:

	Original Scheduled Coil Data	Calculated Coil Load Values	% Difference
RTU #1	Heating Capacity	437,000 btu/hr	366,929 btu/hr +16%
	Cooling Sensible Capacity	363,840 btu/hr	488,858 btu/hr -26%
	Cooling Total Capacity	521,240 btu/hr	706,418 btu/hr -26%
	Supply Air Flow Rate	16,000 cfm	17,500 cfm -9%
RTU #2	Heating Capacity	437,000 btu/hr	366,929 btu/hr +16%
	Cooling Sensible Capacity	421,060 btu/hr	488,858 btu/hr -14%
	Cooling Total Capacity	664,440 btu/hr	706,418 btu/hr -6%
	Supply Air Flow Rate	16,000 cfm	17,500 cfm -9%

Table #11 Heating/Cooling Coil Load Calculation Summary

Please note, the calculations above, also include the heating and cooling load for the ventilation airflow rate calculated in the previous section of the report. The loads are based on the use of an enthalpy (total) energy recovery wheel for pre-treatment of outside air with a minimum energy recovery efficiency of 70%.

As indicated in Table #11, the installed equipment capacities are below the calculated required capacities for each of the HVAC systems. The major contributors to this scenario are as follows:

1. The actual people counts result in higher space latent loads requiring lower leaving coil air temperatures than the original HVAC units can produce on peak days.
2. The original design relative humidity setpoint was much higher than the 60% value we utilized.

It is safe to say that the existing HVAC systems are substantially undersized for the current expected peak cooling loads, ventilation loads, and design setpoints. The undersizing will in the future and has in the past resulted in poor temperature/humidity control and higher than necessary utility costs. The next section of the report will review HVAC options based on the results of our calculations.

HVAC OPTIONS

As previously stated the main goals of evaluating the HVAC systems at the Worcester County Recreation Center are as follows:

1. Prolong the life of replacement HVAC equipment.
2. Incorporate energy recovery if possible.
3. Improve the temperature/humidity in the building.
4. Improve ventilation in the building.
5. Provide automatic temperature controls that allow monitoring, trending, scheduling, and remote adjustments of set points.
6. Improve reliability of the HVAC systems.
7. Incorporated variable supply and outside air flow rates due to varying loads/people.
8. Reduce service/maintenance costs.
9. Improve overall efficiency.

Based on these goals, Gipe Associates feels there are two (2) reasonable HVAC options that should be considered as follows:

- Option #1 – Repair and Refurbish the Existing Ground Mounted Packaged Rooftop Units
- Option #2 – Replace Existing Ground Mounted Packaged Rooftop Units with new units.

Next, we will review the details of each option.

Option #1 – Repair and Re-use Existing Ground Mounted Packaged Rooftop Units

Option #1 would involve re-using the existing ground mounted packaged rooftop units in place. This would involve the installation of automatic temperature controls on the existing ground mounted packaged rooftop units and completely refurbishing the existing ground mounted packaged rooftops.

Option #1 would involve the following work and tasks:

1. Coordination with Worcester County Public Works Department on any possible long weekends or down time to allow proper time for repairs.
2. Lock/tag out all applicable energy sources.
3. Furnish Worcester County Public Works Department with a complete service report.
4. Submit a Test/Balance Report to Worcester County Public Works Department for review.
5. Air Survey the Existing Systems.
6. Re- Sheave Units as needed.
7. Install New Belts on units as needed.
8. Clean evaporator coils.
9. Replace condenser coils and associated components
10. Service gas furnaces / perform flue gas analysis
11. Replace condensate traps with correct size traps.
12. Clean all drain pans and condensate pipes
13. Clean fan wheels and correct mass imbalance in “wobbling fan”.
14. Replace or clean the existing energy recovery wheel and install filter housing on exhaust air stream.
15. Perform start-up of refurbished HVAC units
16. Test and Balance all New systems
17. Address demand controlled ventilation.
18. Install new controls on both rooftop units.
19. Commissioning of all HVAC systems.

Table #12 – Option #1 Repair and Re-use Existing Ground Mounted Packaged Rooftop Units

We would estimate the construction cost to implement Option #1 to be approximately \$258,750. Please refer to the detailed cost estimate in Appendix G.

Option #2 – Replace Existing Ground Mounted Packaged Rooftop Units

Option #2 would involve a complete replacement of all ground mounted packaged rooftop units and incorporating single zone VAV control strategies on the same. This will require removal of each ground mounted packaged rooftop unit. The new units would incorporate variable frequency drives on the supply and exhaust air fans for single zone VAV operations.

Option #2 would involve the following scope and tasks:

1. Lock/tag out all applicable energy sources.
2. Replace Ground Mounted Packaged Rooftop Unit #1.
3. Install VFD (Supply and exhaust fans).
4. Replace Ground Mounted Packaged Rooftop Unit #2.
5. Install new duct smoke detectors.
6. Install new plenum curbs.
7. Remove existing Ground Mounted Packaged Rooftop Units.
8. Crane Rental/ Rigging.
9. Phasing Costs.
10. Electrical Connections for New Ground Mounted Packaged Rooftop units.
11. Perform start-up of new HVAC units.
12. Test and Balance all new systems.
13. Address demand controlled ventilation.
14. Install new controls on RTU-1 and RTU-2.

15. Commissioning of all HVAC systems.
16. Miscellaneous Ductwork.
17. Mechanical Insulation.
18. Patch and Repair.
19. Miscellaneous gas and condensate piping.
20. Furnish Worcester County Public Works Department with complete start-up report.
21. Submit Test/Balance Report to Worcester County Public Works Department.
22. Install extended service platforms.

Table #13 – Option #2 Replace Ground Mounted Packaged – Scope/Tasks

We would estimate the construction cost to implement Option #2 to be approximately \$536,500. (Please refer to the detailed cost estimate in Appendix H.

Obviously, Option #2 costs substantially more to implement than Option #1. However, first cost, should not be the only criteria since the existing units are already 14 years old and contain refrigerant R-22. Incorporation of Life Cycle Cost Analysis shall be utilized to further evaluate both options.

The next portion of our report will review the Life Cycle Cost Analysis.

LIFE CYCLE COST ANALYSIS:

As previously discussed in the report there are multiple potential options for the HVAC systems that can serve the Worcester County Recreation Center, but to be of maximum benefit. any HVAC system must meet the following criteria:

1. High energy efficiency;
2. Must be easy to maintain;
3. Must provide code required amount of ventilation airflow for people and spaces;
4. Have the capability to maintain temperature and humidity levels in the space required for comfort and maintain good indoor air quality;
5. Must be able to adjust capacity based on widely varying occupancies and event functions.
6. Have low life cycle cost;
7. Have long useful service life.

We have evaluated two (2) potential HVAC Options for incorporation into the Worcester County Recreation Center based on the following criteria:

- Availability of cooling/heating energy sources;
- Required mechanical space;
- Installation costs (first costs);
- Service and maintenance costs (annual costs);
- Annual energy costs;
- Fuel Types;
- Maintenance involvement;
- Utility costs.

Based on the above criteria, the following two (2) Options (previously described in the report) were analyzed for a Life Cycle Cost Analysis for the Multipurpose Room. They are as follows:

- Option #1: Repair and Re-use existing packaged ground mounted rooftop units. This would involve the installation of automatic temperature controls on the existing rooftop units and completely refurbishing the existing packaged ground mounted rooftop units.
- Option #2: Replace existing packaged ground mounted rooftop units. This will require removal of each ground mounted packaged rooftop unit. The new units would incorporate variable frequency drives for both supply and exhaust air fans to allow for single zone variable air volume operations.

Because each system has unique advantages and disadvantages, a life cycle cost analysis was performed on each system which evaluates initial cost, operating costs, and maintenance costs associated with each system over a 20 year period.

The initial mechanical installation costs for the two options are tabulated in Table #14.

Option	Mechanical Construction Cost	Cost/Square Foot
Option #1: Re-Furbish Rooftop Units	\$258,750	\$7.34/S.F.
Option #2: Re-Place Rooftop Units	\$563,500	\$15.99/S.F.

Note: Mechanical Construction costs indicated above include supporting electrical connection costs. Mechanical construction costs do not include costs associated with plumbing systems, future additions, or architectural work.

Table #14: Estimated Initial Mechanical Installation Costs

The next step of the life cycle analysis is to identify the annual operating cost based on energy, service, and maintenance costs. The estimated costs for each of these are summarized below in Table #15.

Option	Annual Energy Cost (\$)	Annual Service Cost (\$)	Annual Maintenance Cost (\$)	Total Annual Operating Cost (\$)
Option #1: Re-Furbish Rooftop Units	\$97,631	\$5,700	\$7,000	\$110,331
Option #2: Re-Place Rooftop Units	\$67,661	\$3,950	\$5,000	\$76,611

Table #15: Estimated Annual Operating Cost

The final step in the life cycle analysis is to apply a present worth factor to these costs as appropriate for a 20 year life. This factor accounts for escalation in cost of utilities and discount (interest rate) over a 20 year period. Applying the factor to the costs summarized previously yields a total estimated life cycle cost for each system as summarized below.

The total 20-year life cycle cost for Option #1 and Option #2 are as follows:

- Option #1(Re-Furbish) – 20 year life cycle cost = **\$2,702,327**
- Option #2 (Replace) – 20 year life cycle cost = **\$1,696,757**

From this data the recommended Option based on a life cycle cost analysis is Option #2 (Replacement of Existing Ground Mounted Packaged Rooftop Units). The replacement of the existing units appears to be the overall optimal system due to its energy savings, service cost savings, incorporation of total energy

recovery wheels, and the relatively high first costs associated with re-furbishing the existing units. The full Life Cycle Cost Analysis can be found in the Appendix I.

It is also important to note that Option #1 and Option #2 do not both provide the same design interior conditions. As indicated earlier in the report the existing ground mounted packaged rooftop units do not provide sufficient airflow or a cold enough leaving air temperature (during cooling mode) to achieve the Owner's design conditions inside the Multi-Purpose Space. Therefore, Option #2 is even more desirable because the same when implemented can achieve the Owner's Project Requirements.

The final section of our report shall summarize our findings/recommendations.

SUMMARY & RECOMMENDATIONS

We hope that the preceding sections of our HVAC Analysis have clearly identified the following major findings related to the existing HVAC systems:

1. The existing HVAC systems are 14 years old and nearing the end of their useful life expectancy of 15 to 18 years.
2. The existing cooling systems all contain R-22 refrigerant which should be phased out of the building industry and be replaced with equipment that utilizes R-410A refrigerant.
3. The existing thermostats are residential touch screen type without guards. We would recommend an automatic temperature control system be incorporated into the building with remote sensors protected by guards.
4. The existing cooling set point of 80°F which is completely inappropriate for a multipurpose area related to temperature/humidity performance.
5. The existing ground mounted packaged units are not properly staged in a lead/lag fashion.
6. The smoke evacuation system exhaust fan and intake dampers are not properly fitted with air seals/gaskets.
7. The existing ground mounted packaged roof top unit condenser coils are damaged beyond repair. If the existing units are retained the condenser coils would require replacement.
8. The existing energy recovery wheels are sensible only devices and should have been total energy recovery wheel devices to allow transfer of moisture in addition to sensible (temperature) heat. We would only recommend a total energy recovery wheel (sensible and latent) for a multipurpose space HVAC application.
9. The existing energy recovery wheel did not have a filter housing on the upstream side of the exhaust air stream. All air entering the energy recovery wheels must be filtered.
10. Demand controlled ventilation operation on both rooftop units needs to be commissioned and the CO₂ sensor calibrated/tested.
11. The automatic temperature control system is not user friendly and is very limited in its ability to schedule equipment, monitor equipment and trend equipment.
12. When the HVAC system were originally tested/balanced many issues were noted in the TAB Report that have never been addressed resulting in an incomplete start-up and balancing of the original installed HVAC systems.
13. Both existing rooftop units have operational issues related to economizer operation, energy recovery wheel operation, and compressor/ condenser fan staging.

14. The original specified ventilation (fresh air) air flow rates are slightly higher than what is needed to meet current ventilation code requirements.
15. The existing packaged ground mounted rooftop units are substantially undersized when you compare the installed capacities with the calculated heating, cooling, and air flow rate calculations.

Based on the above major findings we previously presented two (2) HVAC options as follows:

HVAC Option #1 – Repair and re-use packaged ground mounted rooftop units	\$258,750.00
HVAC Option #2 – Replace existing packaged ground mounted rooftop units	\$563,500.00

Table #16 – Summary HVAC Options and Estimated Construction Cost

Due to the age of the existing packaged ground mounted rooftop units and the inability of the existing packaged ground mounted rooftop units to provide proper ventilation, temperature control, and humidity control, we would recommend that the HVAC Option #2 (Install new ground mounted single zone VAV units) be pursued as a long term solution for the multi-purpose portion of the Worcester County recreation center.

HVAC Option #1 (Repair and Re-use Rooftop Units) is obviously less first cost than HVAC Option #2. However, in our opinion this option does not fully address all of the goals of a long term solution for the multi-purpose portion of the Worcester County recreation center building. Therefore, we recommend that you seriously consider replacement of the existing HVAC systems with new HVAC systems using current technologies. Of course, should you decide to pursue Option #1 or any other option, we would be glad to assist you with the same.

We appreciate the opportunity to review the multi-purpose space HVAC systems at the Worcester County Recreation Center and look forward to reviewing our finding with you after you have had a chance to review our HVAC system Analysis Report.

Thank you for allowing Gipe Associates, Inc. to continue to serve you and Worcester County.

Very truly yours,
GIPE ASSOCIATES, INC.



David R. Hoffman, P. E., C.P.D., LEED AP
President
DRH/lks

APPENDIX

- Appendix A: Ground Mounted Rooftop Unit Submittal Data
- Appendix B: Mechanical Specifications
- Appendix C: Original Test and Balance Report
- Appendix D: Service Costs
- Appendix E: Ventilation Calculations
- Appendix F: Heating and Cooling Load Coil Calculations
- Appendix G: Cost Estimate for Option #1
- Appendix H: Cost Estimate for Option #2
- Appendix I: Life Cycle Cost Analysis

CIP Project Name: Ocean City Inlet and Harbor Navigation Improvement Project

Project Director (Name & Title): Robert Mitchell, Director, Department of Environmental Programs

Phone Number: 410-632-1220 x1601

Project Summary and Purpose: Building a structure to alter patterns for sediment deposit, deepening the channel and realigning the channel to deeper water.

Project Location: Ocean City Inlet, Ocean City, MD

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: This is a Section 107 Grant through the Corps of Engineers. Grant funding process has already been initiated, studied, and engineering estimates and designs prepared.

Is there a Federal or State mandate related to this project? If so, please elaborate: The Section 107 process is federally mandated as far as the process for funding the project and the limits on the design parameters authorized by the Section 107 of the Federal River and Harbor Act of 1960.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? The project will have a slight impact on the General Fund to provide the 10% local match that Maryland DNR and perhaps the Town of Ocean City cannot match.

What is the useful life of the asset/project? Historical work of this nature lasted over 30 years for the replacement structures designed for this project.

Will this project generate revenue? It will have an indirect effect on commercial fishing and recreational use of the inlet and both activities generate local revenues.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design								0
Land Acquisition								0
Site Work	1,256,000							1,256,000
Construction	9,309,000							9,309,000
Equipment/Furnishings								0
Other - Construction Management	500,000							500,000
TOTAL	11,065,000	0	0	0	0	0	0	11,065,000

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds	7,897,312							7,897,312
State Match	250,000							250,000
State Loan								0
Assigned Funds	2,574,507							2,574,507
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Other matching funds, leftove	343,181							343,181
TOTAL	11,065,000	0	0	0	0	0	0	11,065,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Ocean City Inlet and Harbor Navigation Improvement Project

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Scope and design solutions were determined after modeling done by the Corps of Engineers. The Corps utilized extensive local interviews and information in the design and modeling done for the project's proposed construction solutions.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project? This is a navigational improvement project designed to benefit vessel safety and provide a long term solution to the shoaling in the OC Inlet. Section 107 projects are formulated for commercial navigation. Economic justification for projects based solely on analysis of operating costs for commercial vessels. The benefits extend to recreational vessels as well.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Estimate was completed as a part of the modeling and design required for federal projects of this type. Estimated is attached along with 15% contingency estimates alongside current contingencies ranging from 10-44%.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

While the Corps decided against project in Spring of 2023, it appears economic justification was not done with consideration of other local economic impacts of not completing a constructed solution. Costs are updated as well.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Shoaling is getting exponentially worse each year and have been exacerbated since Hurricane Sandy in 2013. Besides the Assateague Island Restoration dredging, we are dependent on federal budgeted for maintenance and emergency funds to dredge the inlet where and when we need it. This is dependent on the federal budgeting process and federal, not state or local funding priorities.

**** TOTAL PROJECT COST SUMMARY ****

PROJECT: OC 107 - 65%
 PROJECT NO: P2 113070
 LOCATION: Wisconsin County, MD

DISTRICT: MAB District
 PREPARED: 7/18/2022
 POC: CHIEF, Estimating and Specs Section, Parris J. McGhee-Gay

This Estimate reflects the scope and schedule in report.

FS Report (underway)

WBS NUMBER	Description	ESTIMATED COST							PROJECT FIRST COST (Constant Dollar Basis)				TOTAL PROJECT COST (FULLY FUNDED)			
		COST (B)	CMTG (C)	CMTG (D)	CMTG (E)	TOTAL (F)	ESC (G)	COST (H)	CMTG (I)	TOTAL (J)	Spent Thru: 4-Oct-21 (K)	TOTAL FIRST COST (L)	INFLATED COST (M)	CMTG (N)	FULL (O)	
																Program Year (Budget EC) Effective Price Level Date: 1 OCT 21
12	NAVIGATION PORTS & HARBORS (Inlet Channel to Jetty Four Season Areas)	\$6,466	\$2,842	29.0%	\$1,120	\$1,256	0.0%	\$874	\$282	\$1,256	\$0	\$1,256	\$1,315	\$294	\$1,309	
10	BREAKWATER & SEAWALLS	\$6,466	\$2,842	44.0% 15%	\$7,435	\$9,309	0.0%	\$6,466	\$2,842	\$9,309	\$0	\$9,309	\$9,880	\$3,024	\$9,904	
CONSTRUCTION ESTIMATE TOTALS:		\$7,440	\$3,125		\$10,565	\$10,565	0.0%	\$7,440	\$3,125	\$10,565	\$0	\$10,565	\$11,212	\$3,318	\$11,212	
01	LANDS AND DAMAGES	\$0	\$0		\$0	\$0	-	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
30	PLANNING, ENGINEERING & DESIGN	\$0	\$0	0.0%	\$0	\$0	-	\$0	\$0	\$0	\$2,614	\$2,614	\$0	\$0	\$2,614	
31	CONSTRUCTION MANAGEMENT	\$744	\$77	10.4%	\$821	\$821	0.0%	\$744	\$77	\$821	\$0	\$821	\$760	\$81	\$861	
PROJECT COST TOTALS:		\$8,185	\$3,202	39.1%	\$8,055	\$11,386		\$8,185	\$3,202	\$11,386	\$2,614	\$14,000	\$14,874	\$3,399	\$14,873	

CHIEF, Estimating and Specs Section, Parris J. McGhee-Gay
 PROJECT MANAGER, Amber C. Metzallo
 CHIEF, REAL ESTATE, Susan Lewis

ITEM 8

ESTIMATED TOTAL PROJECT COST: \$12,873
 (excluding projected spent cost)

CIP Project Name: Replace Roof: Snow Hill Middle School/Cedar Chapel S.S.

Project Director (Name & Title): Vince Tolbert, Chief Financial Officer, Worcester County Public Schools

Phone Number: 410 632-5063

Project Summary and Purpose: Demolish existing and install new built-up roof at Snow Hill Middle School (90,000 square feet) and Cedar Chapel Special School (17,175 square feet). Existing roof at Snow Hill Middle School is 29-years-old and the existing roof at Cedar Chapel Special School is 37-years-old.

Project Location: Snow Hill Middle School, 522 Coulbourne Lane, Snow Hill, MD. 21863
Cedar Chapel Special School, 510 Coulbourne Lane, Snow Hill, MD. 21863

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: State School Construction funding will be provided through the Interagency Commission on School Construction (IAC) for construction.

Is there a Federal or State mandate related to this project? If so, please elaborate: No.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? We anticipate decreased utility costs at Snow Hill Middle School and Cedar Chapel Special School following completion of the project due to an improvement of the building envelope insulation characteristics. Ongoing maintenance has increased over recent years to address roof deficiencies; the maintenance requirements will be mitigated following installation of the new roof.

What is the useful life of the asset/project? 30-40 years.

Will this project generate revenue? No.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design						80,000		80,000
Land Acquisition								0
Site Work								0
Construction	4,164,000							4,164,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	4,164,000	0	0	0	0	80,000	0	4,244,000

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match	1,981,000							1,981,000
State Loan								0
Assigned Funds	2,183,000					80,000		2,263,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	4,164,000	0	0	0	0	80,000	0	4,244,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Replace Roof: Snow Hill Middle School/Cedar Chapel S.S.

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Ongoing roof inspections by an independent roofing contractor have resulted in prioritization of the replacement of the Snow Hill Middle School and Cedar Chapel Special School roofs. The deteriorating condition of the roofs has also been documented by the State of Maryland Public School Construction Program (PSCP) inspectors.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Completion of the roof replacement project will provide current and future students and staff with a sound roof structure and will eliminate roof leaks encountered at the school.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Current working construction and project cost estimates were developed based upon bids received from roof contractors for the Pocomoke Middle School Roof Replacement project (bid in December 2020) and through discussion with roof manufacturer regarding current and projected roof replacement square foot costs. There are no concerns with the estimate.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The Snow Hill Middle/Cedar Chapel Special School roof replacement project request timing is consistent with previous Board of Education and County Capital Improvement Programs. Funding approval for this project will determine the start of the following major construction project, a roof replacement project at Pocomoke Elementary School.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

As stated above, the Snow Hill Middle School and Cedar Chapel Special School roofs continues to deteriorate over time. The project is the second in a series of three major roof replacement projects (PMS, SHMS/CCSS and PES).

CIP Project Name: Replace Roof: Pocomoke Elementary School

Project Director (Name & Title): Vince Tolbert, Chief Financial Officer, Worcester County Public Schools

Phone Number: 410 632-5063

Project Summary and Purpose: Demolish existing and install new built-up roof at Pocomoke Elementary School (52,512 square feet). Existing roof at Pocomoke Elementary School is 30-years-old.

Project Location: Pocomoke Elementary School, 2119 Pocomoke Beltway, Pocomoke, MD. 21851

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: State School Construction funding will be provided through the Interagency Commission on School Construction (IAC) for both design and construction.

Is there a Federal or State mandate related to this project? If so, please elaborate: No.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? We anticipate decreased utility costs at Pocomoke Elementary School following completion of the project due to an improvement of the building envelope insulation characteristics. Ongoing maintenance has increased over recent years to address roof deficiencies; the maintenance requirements will be mitigated following installation of the new roof.

What is the useful life of the asset/project? 30-40 years.

Will this project generate revenue? No.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design	100,000							100,000
Land Acquisition								0
Site Work		2,143,000						2,143,000
Construction								0
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	100,000	2,143,000	0	0	0	0	0	2,243,000

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match	50,000	1,030,000						1,080,000
State Loan								0
Assigned Funds	50,000	1,113,000						1,163,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	100,000	2,143,000	0	0	0	0	0	2,243,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Replace Roof: Pocomoke Elementary School

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Ongoing roof inspections by an independent roofing contractor have resulted in prioritization of the replacement of the Pocomoke Elementary School roof. The deteriorating condition of the roof has also been documented by the State of Maryland Public School Construction Program (PSCP) inspectors.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Completion of the roof replacement project will provide current and future students and staff with a sound roof structure and will eliminate roof leaks encountered at the school.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Current working construction and project cost estimates were developed based upon bids received from roof contractors for the Pocomoke Middle School Roof Replacement project (bid in December 2020) and through discussion with roof manufacturer regarding current and projected roof replacement square foot costs. There are no concerns with the estimate.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The Pocomoke Elementary School roof replacement project request timing is consistent with previous Board of Education and County Capital Improvement Programs. Funding approval for this project will determine the start of the following major construction project, a roof replacement project at Worcester Technical High School.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

As stated above, the Pocomoke Elementary School roof continues to deteriorate over time. The project is the third in a series of three major roof replacement projects (PMS, SHMS/CCSS and PES).

CIP Project Name: Buckingham Elementary School

Project Director (Name & Title): Vince Tolbert, Chief Financial Officer, Worcester County Public Schools

Phone Number: 410 632-5063

Project Summary and Purpose: A Feasibility Study for the Buckingham Elementary School project began in July 2022. The Study documented existing building, site and instructional deficiencies at Buckingham Elementary School and provided options to address those deficiencies. The Study, and construction of a replacement school on the existing site, was approved by the Worcester County Board of Education in January 2023 and by the Worcester County Commissioners in March 2023. Conceptual Planning for the replacement school was completed in September 2023..

Project Location: Buckingham Elementary School, 100 Buckingham Road, Berlin, MD. 21811

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: State school construction funding will be requested through the Interagency Commission on School Construction (IAC).

Is there a Federal or State mandate related to this project? If so, please elaborate: No.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? The Buckingham Elementary Replacement School project will provide more square footage than the existing 49,000 square feet. However, with energy efficiency elements included in the future design and new building systems requiring minimal maintenance costs, impact on general funds is not expected to rise significantly.

What is the useful life of the asset/project? 30-50 years.

Will this project generate revenue? No.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design	1,053,640	198,800	238,560	337,960	159,040	875,000		2,863,000
Land Acquisition								0
Site Work								0
Construction			15,895,360	26,823,420	6,954,220			49,673,000
Equipment/Furnishings				1,666,000				1,666,000
Construction Management, Co	33,000	165,000	429,000	643,500	379,500			1,650,000
TOTAL	1,086,640	363,800	16,562,920	29,470,880	7,492,760	875,000	0	55,852,000

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match	513,000		5,339,000					5,852,000
State Loan								0
Assigned Funds	573,640	363,800				875,000		1,812,440
Private Donation								0
Enterprise Bonds								0
General Bonds			11,223,920	29,470,880	7,492,760			48,187,560
Other - Please Specify								0
TOTAL	1,086,640	363,800	16,562,920	29,470,880	7,492,760	875,000	0	55,852,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Buckingham Elementary School

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

The Buckingham Elementary School project began in July 2022 with the Feasibility Study. The Study, and the replacement school construction option, were approved by the Worcester County Board of Education in January 2023 and by the Worcester County Commissioners in March 2023. The Conceptual Planning phase of the project was completed in September 2023. The Schematic Design phase will commence upon preliminary approval of State funding in December 2023.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Completion of the Buckingham Replacement School project will provide current and future students, faculty and Buckingham Elementary parents and community with a complete upgrade to the existing 45-year-old facility.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Preliminary, pre-design cost estimate was developed by the BOE Facilities Department through school construction cost estimating worksheet developed and updated through execution of six major school construction projects, including the Showell Elementary Replacement School project, over the past twenty years. As Conceptual Planning is still in progress, projected replacement school size and the associated cost estimates are very preliminary. Estimated costs for Architectural/Engineering design, Construction Management and Construction Contracts are preliminary; none of these contracts have been negotiated or signed.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The Buckingham Elementary School project request timing is consistent with previous Board of Education and County Capital Improvement Programs.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Buckingham Elementary is a 45-year-old facility with aging structural/mechanical/electrical systems and five portable classrooms utilized for instructional space. Maintenance and repair costs will only increase as the building systems continue to age.

CIP Project Name: New Central Office Building

Project Director (Name & Title): Vince Tolbert, Chief Financial Officer, Worcester County Public Schools

Phone Number: 410 632-5063

Project Summary and Purpose: Worcester County Public Schools' Central Office operations are currently located in the old Worcester High School. This building was constructed in 1952. There have been no major renovation or addition projects to the building. The existing and original building systems, including water, sewer, electrical and mechanical, have surpassed their expected life. The building will require major systemic upgrades over the next few years in order for the building to remain a viable space for Central Office operations. This project is a preliminary evaluation of required space requirements for a future new Central office facility and the associated costs.

Project Location: Worcester County Schools Central Office, 6270 Worcester Highway, Newark, MD. 21841

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: There are no grants available at this time.

Is there a Federal or State mandate related to this project? If so, please elaborate: No.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? Without the construction of a new Central Office facility, energy and maintenance costs required to maintain the existing 71-year-old Central Office will continue to increase annually. A new Central Office building will provide energy efficiency elements, reducing existing energy costs, and new building systems requiring minimal maintenance costs.

What is the useful life of the asset/project? 50+ years.

Will this project generate revenue? No.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design		442,408	805,814	132,722	199,084			1,580,028
Land Acquisition								0
Site Work								0
Construction				12,066,360	20,545,425			32,611,785
Equipment/Furnishings					790,014			790,014
Other - Please Specify: Construction Manager			195,924	626,956	1,136,356			1,959,236
TOTAL	0	442,408	1,001,738	12,826,038	22,670,879	0	0	36,941,063

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds		442,408	1,001,738					1,444,146
Private Donation								0
Enterprise Bonds								0
General Bonds				12,826,038	22,670,879			35,496,917
Other - Please Specify								0
TOTAL	0	442,408	1,001,738	12,826,038	22,670,879	0	0	36,941,063

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: New Central Office Building

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

WCPS developed a Preliminary Space Study in September 2022. The Space Study calculated existing square footage for each department within Central Office and projected future square foot requirements. The Study differentiated office space requirements from warehouse space requirements. The Study will be provided to the Project Architect as an initial step in developing a more detailed Space Summary for design of the proposed new building.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Completion of the New Central Office construction project will provide current and future school leadership, instructional, finance, technology, transportation, food services, maintenance and facilities personnel with a complete upgrade to the existing 71-year-old facility to provide support to our 14 schools

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Preliminary, pre-design cost estimate was developed by the BOE Facilities Department through school construction cost estimating worksheet developed and updated through execution of six major school construction projects over the past twenty years. As this was a brand new CIP project last year, the required size of the new Central Office facility and the associated cost estimates are very preliminary. The preliminary cost estimate provides unique projected square foot costs for office space and for warehouse space. Estimated costs for Architectural/Engineering design, Construction Management and Construction Contracts are preliminary; none of these contracts have been negotiated or signed.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

No school construction project is dependent on the completion of this project.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

As stated above, the existing WCPS Central Office building is a 71-year-old structure with aging structural/mechanical/electrical systems and has far exceeded its life expectancy with no major building or systemic upgrades. Maintenance and repair costs will only increase as the building systems continue to age.

CIP Project Name: Replace Roof: Worcester Technical High School

Project Director (Name & Title): Vince Tolbert, Chief Financial Officer, Worcester County Public Schools

Phone Number: 410 632-5063

Project Summary and Purpose: Demolish existing and install new roof at Worcester Technical High School. The existing shingle roof at Worcester Technical High School will be 20-years-old when this project is scheduled to be executed in summer 2027.

Project Location: Worcester Technical High School, 5290 Worcester Highway, Newark, MD. 21841

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: State School Construction funding will be provided through the Interagency Commission on School Construction (IAC) for both design and construction.

Is there a Federal or State mandate related to this project? If so, please elaborate: No.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? We anticipate decreased utility costs at Worcester Technical High School following completion of the project due to an improvement of the building envelope insulation characteristics. Ongoing maintenance has increased over recent years to address roof deficiencies; the maintenance requirements will be mitigated following installation of the new roof.

What is the useful life of the asset/project? 30-40 years.

Will this project generate revenue? No.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design			120,000					120,000
Land Acquisition								0
Site Work								0
Construction				6,114,000				6,114,000
Equipment/Furnishings								0
Other - Please Specify								0
TOTAL	0	0	120,000	6,114,000	0	0	0	6,234,000

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match			60,000	3,028,000				3,088,000
State Loan								0
Assigned Funds			60,000	3,086,000				3,146,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	0	0	120,000	6,114,000	0	0	0	6,234,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Replace Roof: Worcester Technical High School

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

Preliminary scope is to replace the shingle system roof at Worcester Technical High School with a metal roof system (the original design intent roofing system for the school). Due to ongoing roof issues, WCPS requested and received a Limited Building Enclosure Evaluation for WTHS in January 2022 from an independent roofing manufacturer. The Evaluation identified deterioration of sheathing due to air space limitations, insufficient ventilation throughout the roof system and valley flashing issues. The Evaluation recommended short-term and long term solutions to the roof issues, including replacement of the roof system.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Completion of the roof replacement project will provide current and future students and staff with a sound roof structure and will eliminate roof leaks encountered at the school.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Current working construction and project cost estimates were developed based upon bids received from roof contractors for the Pocomoke Middle School Roof Replacement project (bid in December 2020) and through discussion with roof manufacturer regarding current and projected roof replacement square foot costs. There are no concerns with the estimate.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The Worcester Technical High School roof replacement project request timing was a new project identified last year for both the Board of Education and County Capital Improvement Programs. As both the Board of Education and County CIP's progress into the late 2020's, WCPS will continue to identify and include new systemic projects in the CIP.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

As stated above, the Worcester Technical High School shingle roof system continues to deteriorate over time.

CIP Project Name: Snow Hill Elementary School

Project Director (Name & Title): Vince Tolbert, Chief Financial Officer, Worcester County Public Schools

Phone Number: 410 632-5063

Project Summary and Purpose: A Feasibility Study for the Snow Hill Elementary School project is scheduled to begin in July 2026. The Study will document existing building, site and instructional deficiencies at Snow Hill Elementary School and will provide options to address those deficiencies (Replacement School on site, Replacement School off-site or Renovation/Addition to existing school). The Study is scheduled to be complete and presented to the Worcester County Board of Education in December 2026, to the State Interagency Commission on School Construction (IAC) in December 2026 and to the Worcester County Commissioners in March 2027.

Project Location: Snow Hill Elementary School, 515 Coulbourne Lane, Snow Hill, MD. 21863

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant?: State school construction funding will be requested through the Interagency Commission on School Construction (IAC). Based on preliminary school size and cost estimates for construction scheduled to begin in 2030.

Is there a Federal or State mandate related to this project? If so, please elaborate: No.

Are there impacts to the General Fund operating expenditures such as personnel or utilities & maintenance? Either through a Replacement School of a Renovation/Addition project, the Snow Hill Elementary project will provide more square footage than the existing 40,500 square feet. However, with energy efficiency elements included in the future design and new building systems requiring minimal maintenance costs, impact on general funds is not expected to rise significantly.

What is the useful life of the asset/project? 30-50 years.

Will this project generate revenue? No.

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
EXPENDITURES								
Engineering/Design			282,230	807,123	970,658		577,650	2,637,661
Land Acquisition								0
Site Work								0
Construction							52,971,001	52,971,001
Equipment/Furnishings							1,948,594	1,948,594
Other - Please Specify: Construcrction Manager, Commissioning							3,461,319	3,461,319
TOTAL	0	0	282,230	807,123	970,658	0	58,958,564	61,018,575

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds							41,670,564	41,670,564
State Match							17,288,000	17,288,000
State Loan								0
Assigned Funds			282,230	807,123	970,658			2,060,011
Private Donation								0
Enterprise Bonds								0
General Bonds								0
Other - Please Specify								0
TOTAL	0	0	282,230	807,123	970,658	0	58,958,564	61,018,575

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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CIP Project Name: Snow Hill Elementary School

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development?

The Snow Hill Elementary School project will begin in July 2026 with the Feasibility Study. The Study will provide a comprehensive evaluation of the existing school, providing data on the schools' condition, systems and instructional deficiencies. The Study will also provide the architectural/engineering recommendation regarding renovation and addition to the existing school or construction of a replacement school.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County as a whole or is the benefit targeted to a smaller area or population? What are the negative impacts to not funding or delaying this project?

Completion of the Snow Hill Elementary construction project will provide current and future students, faculty and Snow Hill Elementary parents and community with a complete upgrade to the existing 44-year-old facility.

Cost estimate (Must Be Provided).

How was the cost estimate developed? Was a consultant used or a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Provide quotes/estimates. For your project to be considered for the CIP, backup documentation must be provided. Are there any concerns with your estimate?

Preliminary, pre-design cost estimate was developed by the BOE Facilities Department through school construction cost estimating worksheet developed and updated through execution of six major school construction projects, including the Showell Elementary Replacement School project, over the past twenty years. As the Feasibility Study is three years from starting, projected replacement/renovation school size and the associated cost estimates are very preliminary.

CIP Timing.

If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The Snow Hill Elementary School project request timing is consistent with previous Board of Education and County Capital Improvement Programs.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Snow Hill Elementary is a 44-year-old facility, which will be 51-years-old when construction is scheduled to begin in 2030, with aging structural/mechanical/electrical systems and five portable classrooms utilized for instructional space. Maintenance and repair costs will only increase as the building systems continue to age.

Project: Wor-Wic Student Success and Wellness Center

Project Director (Name & Title): Jennifer Sandt, Vice President for Administrative Services

Phone Number: 410-334-2911

Project Summary and Purpose: A Student Success and Wellness Center is being proposed for design in FY 2028 and completion in FY 2030. This building will be a 50,000 to 80,000 square foot building. The building will include the student engagement and student club offices, as well as additional student success and support services office space. It will also include a multi-purpose gym, physical fitness equipment, locker rooms, several multi-purpose meeting rooms, the health and wellness faculty members, and a food services concession/kiosk space. A multi-purpose athletic field is also being considered. The college currently has a space deficit for offices, and student wellness and recreational space. This project is projected to cost \$55 million and will be eligible for 75% state funding.

Project Location: Wor-Wic Community College, 32000 Campus Drive, Salisbury, MD 21804

Are there any grant funds available? If so, through what agency? What is the grant deadline? How much funding will you be requesting through the grant? None that we are aware of

Is there a Federal or State mandate related to this project? If so, please elaborate: No

Are there impacts to the General Fund Operating expenditures such as personnel or utilities & maintenance? NA

What is the useful life of the asset/project? 50 years

Will this project generate revenue? NA

	FY 25	FY 26	FY 27	FY 28	FY 29	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design				171,875				171,875
Land Acquisition								0
Site Work								0
Construction					3,437,500			3,437,500
Equipment/Furnishings							171,875	171,875
Other								0
EXPENDITURES								
TOTAL	0	0	0	171,875	3,437,500	0	171,875	3,781,250
SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds				171,875	3,437,500		171,875	3,781,250
Private Donation								0
Enterprise Bonds								0
General Bonds								0
								0
								0
TOTAL	0	0	0	171,875	3,437,500	0	171,875	3,781,250
PROJECTED OPERATING IMPACTS	0	0	0	0	0			0

Project: Wor-Wic Student Success and Wellness Center

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law? This project is included in our 10-Year Facilities Master Plan (Feb. 2019). According to our "space needs report" that is submitted to the State annually, we are deficit of square footage for the types of spaces that we'd like to incorporate into this building. The report shows a current deficit and then projects a 10-year deficit, as well. The half gym and fitness room in Guerrieri Hall is primarily used by the criminal justice students and is only available to students and employees for one hour per day. We are in need of a larger, more private area for student success and mental health services. Our student engagement (student activities) and student clubs are in need of dedicated spaces. Faculty offices for health and wellness for both credit and non-credit could reside in this new building. There will also be opportunities available to the public.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact? Worcester County residents who attend Wor-Wic will benefit from the building. Some of our student service offices will move to the building to provide an improved experience for students. There will be an increase in student clubs and recreational offerings, which will help to recruit and retain students by providing more events/activities to students outside of their classes. Mental health and well-being are vital to student success/retention and this building will provide the opportunity to expand/improve services. The building will also house faculty who teach health and wellness related courses, meeting space, study space and recreation space. There will also be opportunities open to the public.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate? The estimate is based upon a dollar per square foot provided by Whiting-Turner. This next year, we will be working on the submission to the State, which is due in March 2025.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project? NA

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded? NA

WOR-WIC COMMUNITY COLLEGE - 10 YEAR CAPITAL IMPROVEMENT PROGRAM

CAPITAL PROJECTS	FY 2024			FY 2025			FY 2026			COLLEGE
	STATE	WIC	WOR	STATE	WIC	WOR	STATE	WIC	WOR	
MAINTENANCE BUILDING EXPANSION										
Design, CM Preconstruction							375,000	0	0	125,000
Construction, CITS							1,312,000	0	0	438,000
Furniture and Equipment										
TOTAL	0	0	0	0	0	0	1,687,000	0	0	563,000
STUDENT SUCCESS & WELLNESS CENTER										
Design, CM Preconstruction										
Construction, CITS										
Furniture and Equipment										
TOTAL	0	0	0	0	0	0	0	0	0	0
GRAND TOTAL	0	0	0	0	0	0	1,687,000	0	0	0

WOR-WIC COMMUNITY COLLEGE - 10 YEAR CAPITAL IMPROVEMENT PROGRAM

CAPITAL PROJECTS	FY 2027				FY 2028			FY 2029		
	STATE	WIC	WOR	COLLEGE	STATE	WIC	WOR	STATE	WIC	WOR
MAINTENANCE BUILDING EXPANSION										
Design, CM Preconstruction										
Construction, CITS	1,312,000	0	0	438,000						
Furniture and Equipment	563,000	0	0	186,000						
TOTAL	1,875,000	0	0	624,000	0	0	0	0	0	0
STUDENT SUCCESS & WELLNESS CENTER										
Design, CM Preconstruction					1,875,000	453,125	171,875			
Construction, CITS								37,500,000	9,062,500	3,437,500
Furniture and Equipment										
TOTAL	0	0	0	0	1,875,000	453,125	171,875	37,500,000	9,062,500	3,437,500
GRAND TOTAL	1,875,000	0	0	0	1,875,000	453,125	171,875	37,500,000	9,062,500	3,437,500

WOR-WIC COMMUNITY COLLEGE - 10 YEAR CAPITAL IMPROVEMENT PROGRAM

CAPITAL PROJECTS	FY 2030			FY 2031			FY 2032		
	STATE	WIC	WOR	STATE	WIC	WOR	STATE	WIC	WOR
MAINTENANCE BUILDING EXPANSION									
Design, CM Preconstruction									
Construction, CITS									
Furniture and Equipment									
TOTAL	0	0	0	0	0	0	0	0	0
STUDENT SUCCESS & WELLNESS CENTER									
Design, CM Preconstruction									
Construction, CITS									
Furniture and Equipment	1,875,000	453,125	171,875						
TOTAL	1,875,000	453,125	171,875	0	0	0	0	0	0
GRAND TOTAL	1,875,000	453,125	171,875	0	0	0	0	0	0

WOR-WIC COMMUNITY COLLEGE - 10 YEAR CAPITAL IMPROVEMENT PROGRAM

CAPITAL PROJECTS	STATE	FY 2033 WIC	WOR	TOTAL STATE	TOTAL WIC	TOTAL WOR	TOTAL COLLEGE	GRAND TOTAL
MAINTENANCE BUILDING EXPANSION								
Design, CM Preconstruction				375,000	0	0	125,000	500,000
Construction, CITS				2,624,000	0	0	876,000	3,500,000
Furniture and Equipment				563,000	0	0	186,000	749,000
TOTAL	0	0	0	3,562,000	0	0	1,187,000	4,749,000
STUDENT SUCCESS & WELLNESS CENTER								
Design, CM Preconstruction				1,875,000	453,125	171,875		2,500,000
Construction, CITS				37,500,000	9,062,500	3,437,500		50,000,000
Furniture and Equipment				1,875,000	453,125	171,875		2,500,000
TOTAL	0	0	0	41,250,000	9,968,750	3,781,250	0	55,000,000
GRAND TOTAL	0	0	0	44,812,000	9,968,750	3,781,250	1,187,000	59,749,000



COMMISSIONERS
 Anthony W. Bertino, Jr., PRESIDENT
 Madison J. Bunting, Jr. Vice PRESIDENT
 Caryn Abbott
 Theodore Elder
 Eric J. Fiori
 Joseph M. Mitrecic
 Diana Purnell

OFFICE OF THE
 COUNTY COMMISSIONERS
Worcester County
 GOVERNMENT CENTER
 ONE WEST MARKET STREET • ROOM 1103
 SNOW HILL, MARYLAND
 21863-1195

WESTONS. YOUNG, P.E.
 CHIEF ADMINISTRATIVE OFFICER
 CANDACE I. SAVAGE
 DEPUTY ADMINISTRATIVE OFFICER
 ROSCOER LESLIE
 COUNTY ATTORNEY

December 6, 2023

To: Worcester County Commissioners
 From: Karen Hammer, Administrative Assistant V
 SUBJECT: Upcoming Board Appointments - Terms Beginning January 1, 2023

President Bertino – You have Four (4) positions open:

- George Solyak – Term Ending – Agricultural Reconciliation Bd.
- Maria C- Lawrence – Term Ending Dec. 2023 – Housing Review Board
- Vicki O'Mara – Term Expiring Dec. 2023 – Library - Available for Reappointment
- Joseph Green, Jr. – Resigned – Board of Zoning Appeals

Commissioner Purnell – You have filled all of your positions, Thank you!

Commissioner Bunting - You have Two (2) positions open:

- Robert Fisher – Deceased- Economic Dev. Advisory Board
- Susan Childs – Resigned – April 2022 – Commission For Women

Commissioner Abbott – You have One (1) position open:

- Tamara White – Tenure Ends Dec. 31, 2023 – Not Available for Reappointment- Commission For Women

Commissioner Mitrecic – You have Four (4) positions open:

- Bill Paul – Term Expiring Dec. 2023 – Building Code Appeals Board
- Frank Knight – Term Ending Dec. 2023 – Ethics Board
- Michael Donnelly- Term Expiring Dec. 2023 – Local Development Council for Ocean Downs Casino
- Jake Mitrecic – Term Expiring Dec. 2023 – Board of Zoning Appeals

Commissioner Elder - You have Two (2) positions open:

- Joseph Stigler – Term Ending Dec. 2023 – Recreation Advisory Board
- Hope Carmean – Tenure Expires – Commission For Women - Not a Reappointment

Commissioner Fiori - You have Eight (8) positions open:

- Martin Kwesko - **Resigned** - Dec. 21-Water & Sewer Advisory Council, Mystic Harbour
- Joseph Weitzell – passed - Water & Sewer Advisory Council, Mystic Harbour
- Richard Jendrek- passed- Water & Sewer Advisory Council, Mystic Harbour
- Bruce Bums -passed- Water & Sewer Advisory Council, Mystic Harbour
- Keith Swanton -Term Ended-Dec. 21- Water & Sewer Advisory Council, West Ocean City
- Deborah Stanley – Term Ending Dec. 2023 - Water & Sewer Advisory Council, West Ocean City
- Gail Fowler – Term Ending Dec. 2023 - Water & Sewer Advisory Council, West Ocean City
- Elizabeth Rodier -Term Ending-Dec. 21- Commission for Women- Not a Reappointment

All Commissioners:

(5)-Adult Public Guardianship Board-

4– Terms Expiring Dec. 2023-attached summary in open session

1 - Term Expired - Ms. Wessels, (Roberta Baldwin will potentially help search for a viable replacement, if necessary).

(4)-Drug and Alcohol Abuse Council - 3 Positions Terms Ending Dec. 2023 – (1Deceased) (Dr. Cragway)

(3) -Local Development Council For the Ocean Downs Casino-

2- Previously Expired Terms - Mark Wittmyer At-Large, David Massey (At-Large-Business O.P.), **Term Expiring 1** - (Mitrecic) Michael Donnelly.

(4) -Water and Sewer Advisory Council - Mystic Harbour 3-(Passing of Richard Jendrek, Bruce Burns and Joseph Weitzell)

1-Term Ended-Martin Kwesko

(3)- Water and Sewer Advisory Council- West Ocean City- 1 Term Ended-Dec. 21 – Keith Swanton

2 – Terms Expiring Dec. 2023; Deborah Stanley, Gail Fowler

(5 - Total): Commission for Women:

(3) Resigned -Elizabeth Rodier, (Fiori); Hope Carmean (Elder) and Susan Childs (Bunting)

Tenure Ending: Not Available to be Reappointed.

Tamara White (Abbott) Terri Shockley (At-Large)

ADULT PUBLIC GUARDIANSHIP BOARD

Reference: PGL Family Law 14-402, Annotated Code of Maryland

Appointed by: County Commissioners

Function: Advisory
Perform 6-month reviews of all guardianships held by a public agency.
Recommend that the guardianship be continued, modified or terminated.

Number/Term: 11/3 year terms
Terms expire December 31st

Compensation: None, travel expenses (under Standard State Travel Regulations)

Meetings: Semi-annually

Special Provisions: 1 member must be a professional representative of the local department
1 member must be a physician
1 member must be a psychiatrist from the local department of health
1 member must be a representative of a local commission on aging
1 member must be a representative of a local nonprofit social services organization
1 member must be a lawyer
2 members must be lay individuals
1 member must be a public health nurse
1 member must be a professional in the field of disabilities
1 member must be a person with a physical disability

Staff Contact: Department of Social Services - Roberta Baldwin (410-677-6872)

Current Members:

<u>Member's Name</u>	<u>Representing</u>	<u>Years of Term(s)</u>
Connie Wessels	Lay Person	*15-16-19, 19-22 (Term Expired)
Brandy Trader	Non-profit Soc. Service Rep.	*15-17, 17-20, 20-23
LuAnn Siler	Commission on Aging Rep.	17-20, 20-23
Jack Ferry	Professional in field of disabilities	*14-14-17-20, 20-23
Thomas Donoway	Person with physical disability	17-20, 20-23
Roberta Baldwin	Local Dept. Rep. - Social Services	03-06-09-12-15-18-21-24
Melissa Banks	Public Health Nurse	*02-03-06-09-12-15-18-21-24
Dr. Ovais Khalid	Psychiatrist	23-26
Dr. William Greer	Physician	07-10-13-16-19-22-25
Richard Collins	Lawyer	95-16-19-22-25
Nancy Howard	Lay Person	*17-19, 19-22-25

* = Appointed to fill an unexpired term

Reference: Public Local Law § ZS 1-346 (Right to Farm Law)

Appointed by: County Commissioners

Function: Regulatory
 Mediate and arbitrate disputes involving agricultural or forestry operations conducted on agricultural lands and issue opinions on whether such agricultural or forestry operations are conducted in a manner consistent with generally accepted agricultural or forestry practices and to issue orders and resolve disputes and complaints brought under the Worcester County Right to Farm Law.

Number/Term: 5 Members/4-Year Terms - Terms expire December 31st

Compensation: None - Expense Reimbursement as provided by County Commissioners

Meetings: At least one time per year, more frequently as necessary

Special Provisions: - All members must be County residents
 - Two Members chosen from nominees of Worcester County Farm Bureau
 - One Member chosen from nominees of Worcester County Forestry Board
 - Not less than 2 but not more than 3 members shall be engaged in the agricultural or forestry industries (**At-Large members - non-ag/forestry**)

Staff Contact: Dept. of Development Review & Permitting
 - Jennifer Keener (410-632-1200)
 County Agricultural Extension Agent - As Consultant to the Board
 - Doug Jones, District Manager, Resource Conservation District - (632-3109, x112)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Ag/Forest Industry</u>	<u>Resides</u>	<u>Years of Term(s)</u>
George Solyak	At-Large	No	Ocean Pines	18-22
Stacey Esham	Forestry Bd.	Yes	Berlin	12-16-20, 20-24
Brooks Clayville	Farm Bureau	Yes	Snow Hill	00-04-08-12-16-20, 20-24
Dean Ennis	Farm Bureau	Yes	Pocomoke	06-10-14-18-22-26
Tom Babcock	At-Large	No	Whaleyville	14-18-22-26

Prior Members: Since 2000

- Michael Beauchamp (00-06)
- Phyllis Davis (00-09)
- Richard G. Holland, Sr. (00-12)
- Rosalie Smith (00-14)
- Betty McDermott *(09-17)

* = Initial terms staggered

BUILDING CODE APPEALS BOARD

Reference: PGL - Public Safety Article - Section 12-501 - 12-508 - Annotated Code of Maryland
COMAR 05.02.07 (Maryland Building Performance Standards)
- International Building Code, International Residential Code

Appointed by: County Commissioners

Function: Quasi-Judicial
Hear and decide upon appeals of the provisions of the International Building Code (IBC) and International Residential Code for one- and two-family dwellings (IRC)

Number/Term: 7/4-year terms
Terms expire December 31

Compensation: \$100 per meeting (by policy)

Meetings: As Needed

Special Provisions: Members shall be qualified by reason of experience, training or formal education in building construction or the construction trades.

Staff Contact: Jennifer Kenner, Director
Development Review & Permitting (410-632-1200, ext. 1100)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Bill Paul	D-7 - Mitrecic	Ocean Pines	15-19, 19-23
Kevin Holland	D-1 - Abbott	Pocomoke	96-04-08-12-16-20, 20-24
James Spicknall	D-5 - Bertino	Ocean Pines	04-08-12-16-20, 20-24
Mike Poole	D-6 - Bunting	Bishopville	17-21, 21-25
Mark Bargar	D-4 - Elder	Berlin	14-18-22-26
Jim Wilson	D-3 - Fiori	Berlin	02-06-10-14-18-22-26
Elbert Davis	D-2 - Purnell	Snow Hill	*03-07-11-15-19-23-27

Prior Members:

Robert L. Cowger, Jr. (92-95)
Charlotte Henry (92-97)
Robert Purcell (92-98)
Edward DeShields (92-03)
Sumei Prete (97-04)
Shane C. Spain (03-14)
Dominic Brunori (92-15)
Richard P. Mueller (98-17)

* = Appointed to fill an unexpired term

Reference: PGL Health-General, Section 8-1001

Appointed by: County Commissioners

Functions: Advisory
Develop and implement a plan for meeting the needs of the general public and the criminal justice system for alcohol and drug abuse evaluation, prevention and treatment services.

Number/Term: At least 18 - At least 7 At-Large, and 11 ex-officio (also several non-voting members)
At-Large members serve 4-year terms; Terms expire December 31

Compensation: None

Meetings: As Necessary

Special Provisions: Former Alcohol and Other Drugs Task Force was converted to Drug and Alcohol Abuse Council on October 5, 2004.

Staff Contact: Regina Mason, Council Secretary, Health Department (410-632-1100)
Doug Dods, Council Chair, Sheriff's Office (410-632-1111)

Current Members:

<u>Name</u>	<u>Representing</u>	<u>Years of Term(s)</u>
<u>At-Large Members</u>		
Jaclyn Sturgis	Knowledgeable on Substance Abuse Issues	*22-23
Jim Freeman, Jr.	Knowledgeable on Substance Abuse Issues	04-11-15, 15-19, 19-23
Mimi Dean	Substance Abuse Prevention Provider	*18-19, 19-23
Kim Moses	Knowledgeable on Substance Abuse Issues	08-12-16-20, 20-24
Dr. Roy W. Cragway, Jr.	Knowledgeable on Substance Abuse Issues	*17-20, 20-24
Rev. James Jones	Knowledge of Substance Abuse Issues	*21-25
Tina Simmons	Knowledge of Substance Abuse Treatment	21-25
Eric Gray (Christina Purcell)	Substance Abuse Treatment Provider	*15-18-22-26
Sue Abell-Rodden	Recipient of Addictions Treatment Services	10-14-18-22-26
Colonel Doug Dods	Knowledgeable on Substance Abuse Issues	04-10 (adv)-14-18-22-26

<u>Ex-Officio Members</u>		
Rebecca Jones	Health Officer	Ex-Officio, Indefinite
Roberta Baldwin	Social Services Director	Ex-Officio, Indefinite
Spencer Lee Tracy, Jr.	Juvenile Services, Regional Director	Ex-Officio, Indefinite
Trudy Brown	Parole & Probation, Regional Director	Ex-Officio, Indefinite
Kris Heiser	State's Attorney	Ex-Officio, Indefinite
Burton Anderson	District Public Defender	Ex-Officio, Indefinite
Sheriff Matt Crisafulli	County Sheriff	Ex-Officio, Indefinite
William Gordy (Eloise Henry Gordy)	Board of Education President	Ex-Officio, Indefinite
Diana Purnell	County Commissioners	Ex-Officio, Indefinite
Judge Brian Shockley (Jen Bauman)	Circuit Court Administrative Judge	Ex-Officio, Indefinite
Judge Gerald Purnell (Tracy Simpson)	District Court Administrative Judge	Ex-Officio, Indefinite
Donna Bounds	Warden, Worcester County Jail	Ex-Officio, Indefinite

* Appointed to a partial term for proper staggering, or to fill a vacant term

Reference: County Commissioners’ Resolutions of March 1976, 4/16/85, 9/16/97, 5/4/99 and 03-6 on 2/18/03

Appointed by: County Commissioners

Function: Advisory
Provide the County with advice and suggestions concerning the economic development needs of the County; review applications for financing; review Comprehensive Development Plan and Zoning Maps to recommend to Planning Commission appropriate areas for industrial development; review/comment on major economic development projects.

Number/Term: 7/4-Year - Terms expire December 31st

Compensation: \$100 per meeting as expense allowance

Meetings: At least quarterly, more frequently as necessary

Special Provisions: One member nominated by each County Commissioner
Members may be reappointed

Staff Contact: Economic Development Department - Melanie Pursel (410-632-3110)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Term(s)</u>
Joe Schanno	D-3, Church	West Ocean City	*19-20, 20-24
C.D. Hall	D-1, Abbott	Pocomoke	*22-24
Robert Fisher	D-6, Bunting	Snow Hill	87-17-21, 21-25 (passed)
Ashley Harrison	D-7, Mitrecic	Ocean City	19-21, 21-25
Harry Wimbrow	D-4, Elder	Snow Hill	*22-25
Steven Habeger	D-5, Bertino	Ocean Pines	19-23-27
Natoshia Collick Owens	D-2, Purnell	Ocean Pines	*15-19-23-27

Prior Members: Since 1972

George Gering	Shirley Pilchard	Thomas W. Davis, Sr. (99-09)
Margaret Quillin	W. Leonard Brown	Mickey Ashby (00-12)
Robert W. Todd	Charles Nichols (92-97)	Priscilla Pennington-Zytowicz (09-14)
Charles Fulton	Jeff Robbins (97-98)	Barbara Purnell (08-15)
E. Thomas Northam	Colleen Smith (94-98)	Timothy Collins (03-15)
Charles Bailey	Tommy Fitzpatrick (97-99)	Joshua Nordstrom (12-16)
Terry Blades	John Rogers (92-98)	William Sparrow (16-18)
Roy Davenport	Jennifer Lynch (98-99)	Greg Shockley (14-18)
M. Bruce Matthews	Don Hastings (92-99)	Tom Terry (15-19)
Barbara Tull	Jerry Redden (92-00)	John Glorioso (08-19)
Tawney Krauss	Keith Mason (98-00)	Ralph Shockley (*08-21)
Dr. Francis Ruffo	Bob Pusey (99-00)	Robert Clarke (*08-22)
William Smith	Harold Scrimgeour (00-02)	Marc Scher (*19-22)
Saunders Marshall	Scott Savage (98-03)	
Elsie Marshall	Gabriel Purnell (91-03)	
Halcolm Bailey	Michael Avara (99-03)	
Norman Cathell	Annette Cropper (00-04)	
Mary Humphreys	Billie Laws (91-08)	
Theodore Brueckman	Anne Taylor (95-08)	
	Mary Mackin (04-08)	

* = Appointed to fill an unexpired term

ETHICS BOARD

Reference: Public Local Law, Section CG 5-103

Appointed by: County Commissioners

Function: Advisory
 Maintain all Ethics forms; develop procedures and policies for advisory opinions to persons subject to the Ethics Law and for processing complaints alleging violations of the Ethics Law; conduct a public information program regarding the purpose and application of the Ethics Law; annually certify compliance to the State; and recommend any changes to the Commissioners in order to comply with State Ethics Law.

Number/Term: 7/4 years
 Terms expire December 31st

Compensation: \$100 per meeting

Meetings: As Necessary

Special Provisions:

Staff Contact: Roscoe Leslie, County Attorney (410-632-1194)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Frank Knight	D-7, Mitrecic	Ocean City	*14-19, 19-23
Judy Giffin	D-5, Bertino	Ocean Pines	*21-24
Joseph Stigler	D-4, Elder	Berlin	16-20, 20-24
Bruce Spangler	D-3, Fiori	Berlin	*02-05-09-13-17-21-25
Iola Tariq	D-2, Purnell	Berlin	*22-26
Mickey Ashby	D-1, Abbott	Pocomoke	14-18-22-26
David Deutsch	D-6, Bunting	Ocean Pines	17-21-23-27

Prior Members: (Since 1972)

- | | |
|-----------------------------|-------------------------------|
| J.D. Quillin, III | Walter Kissel (05-09) |
| Charles Nelson | Marion Chambers (07-11) |
| Garbriel Purnell | Jay Knerr (11-14) |
| Barbara Derrickson | Robert I. Givens, Jr. (98-14) |
| Henry P. Walters | Diana Purnell (09-14) |
| William Long | Kevin Douglas (08-16) |
| L. Richard Phillips (93-98) | Lee W. Baker (08-16) |
| Marigold Henry (94-98) | Richard Passwater (09-17) |
| Louis Granados (94-99) | Jeff Knepper (16-21) |
| Kathy Philips (90-00) | Faith Mumford (14-22) |
| Mary Yenny (98-05) | |
| Bill Ochse (99-07) | |
| Randall Mariner (00-08) | |
| Wallace D. Stein (02-08) | |
| William Kuhn (90-09) | |

* = Appointed to fill an unexpired term

HOUSING REVIEW BOARD

Reference: Public Local Law §BR 3-104

Appointed by: County Commissioners

Function: Regulatory/Advisory
 To decide on appeals of code official's actions regarding the Rental Housing Code. Decide on variances to the Rental Housing Code. Review Housing Assistance Programs.

Number/Term 7/3-year terms
 Terms expire December 31st

Compensation: \$100 per meeting (policy)

Meetings: As Needed

Special Provisions: Immediate removal by Commissioners for failure to attend meetings.

Staff Support: Development Review & Permitting Department
 Davida Washington, Housing Program Administrator - 410-632-1200

Ext: 1171

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Terms(s)</u>
Maria Campione-Lawrence	D-5, Bertino	Ocean Pines	*22-23
Felicia Green	D-2, Purnell	Ocean Pines	*21-24
Keri-Ann F. Byrd	D-1, Abbott	Pocomoke	22-25
Debbie Hileman	D-6, Bunting	Ocean Pines	10-13-16-19-22-25
Don Furbay	D-3, Fiori	W. Ocean City	23-26
Charlie Murphy	D-7, Mitrecic	Ocean City	*23-26
Scott Tingle	D-4, Elder	Snow Hill	14-17-20-23-26

Prior Members:

Phyllis Mitchell	Albert Bogdon (02-06)
William Lynch	Jamie Rice (03-07)
Art Rutter	Howard Martin (08)
William Buchanan	Marlene Ott (02-08)
Christina Alphonsi	Mark Frostrom, Jr. (01-10)
Elsie Purnell	Joseph McDonald (08-10)
William Freeman	Sherwood Brooks (03-12)
Jack Dill	Otho Mariner (95-13)
Elbert Davis	Becky Flater (13-14)
J. D. Quillin, III (90-96)	Ruth Waters (12-15)
Ted Ward (94-00)	John Glorioso (*06-19)
Larry Duffy (90-00)	Sharon Teagle (00- 20)
Patricia McMullen (00-02)	Davida Washington (*21-21)
William Merrill (90-01)	Donna Dillion (08-22)
Debbie Rogers (92-02)	C.D. Hall 10-22
Wardie Jarvis, Jr. (96-03)	Chase Church (*19-22)
	Jake Mitrecic (15-21)

* = Appointed to fill an unexpired term

BOARD OF LIBRARY TRUSTEES

Reference: PGL Education 23-403, Annotated Code of Maryland

Appointed by: County Commissioners (from nominees submitted by Board of Library Trustees)

Function: Supervisory
Responsible for the general control and development of the County library system. Oversees management of the libraries, assists in preparation of library budget and other fiscal matters, arranges for an annual audit, makes an annual report to the County Commissioners, make recommendations to the County Commissioners regarding library acquisitions/development.

Number/Term: 7/5 years
Terms expire December 31st

Compensation: None

Meetings: 1 per month except July, and August

Special Provisions: Nominees submitted by Library Board; Maximum 2 consecutive terms

Staff Contact: Library Director - Jennifer Ranck (410) 632-2600

Current Members:

<u>Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Vicki O'Mara	Ocean Pines	*18-22 Available for Reappt.
Jeff Smith	Berlin	19-24
Patricia Tomasovic	Pocomoke	*19, 19-24
Sandra Buchanan	Pocomoke	21-26
Jocelyn Briddell	Newark	21-26
Nancy Howard	Ocean City	16-21, 21-26
Kathryn Culbertson	Snow Hill	*21-23-28

Prior Members: Since 1972

Herman Baker	Jere Hilbourn	Beverly Dryden Wilkerson (06-10)
Lieselette Pennewell	Janet Owens	John Staley (97-11)
Edith Dryden	Ruth Westfall	James Gatling (01-11)
Clifford D. Cooper, Jr.	Helen Farlow	Shirley Dale (02-12)
Klein Leister	Judy Quillin	Edith Barnes (07-13)
Evelyn Mumford	Gay Showell	Richard Polhemus (11-16)
Ann Eschenburg	Susan Mariner	Richard Warner Davis (11-16)
Barbara Ward	Jacqueline Mathias	Frederick Grant (13-17)
Donald F. McCabe	Ann S. Coates (88-97)	Rosemary S. Keech (12-18)
Fannie Russell	Jim Dembeck (91-97)	Vivian Pruitt (09-19)
Stedman Rounds	Bill Waters (88-98)	Ron Cascio 09-19
Donald Turner	Geraldine Thweatt (97-98)	Donald James Bailey (16-21)
Sarah Dryden	Martha Hoover (87-99)	Holly Anderson (*10-21)
L. Richard Phillips	Eloise Henry-Gordy (98-00)	Leslie Mulligan (*17-21)
Barbara Bunting	William Cropper (91-01)	
Joanne Mason	Ms. Willie Gaddis (89-01)	
	Leola Smack (99-02)	
	Jean Tarr (94-04)	
	Lois Sirman (01-06)	
	Amanda DeShields (00-07)	
	David Nedrow (04-09)	
	Belle Redden (99-09)	

* = Appointed to fill an unexpired term

**LOCAL DEVELOPMENT COUNCIL
FOR THE OCEAN DOWNS CASINO**

ITEM 9

Reference: Subsection 9-1A-31(c) - State Government Article, Annotated Code of Maryland

Appointed by: County Commissioners

Function: Advisory
Review and comment on the multi-year plan for the expenditure of the local impact grant funds from video lottery facility proceeds for specified public services and improvements; Advise the County on the impact of the video lottery facility on the communities and the needs and priorities of the communities in the immediate proximity to the facility.

Number/Term: 15/4-year terms; Terms Expire December 31

Compensation: None

Meetings: At least semi-annually

Special Provisions: Membership to include State Delegation (or their designee); one representative of the Ocean Downs Video Lottery Facility, seven residents of communities in immediate proximity to Ocean Downs, and four business or institution representatives located in immediate proximity to Ocean Downs.

Staff Contacts: Kim Moses, Public Information Officer, 410-632-1194
Roscoe Leslie, County Attorney, 410-632-1194

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Represents/Resides</u>	<u>Years of Term(s)</u>
Mark Wittmyer	At-Large	Business - Ocean Pines	15-19
David Massey °	At-Large	Business - Ocean Pines	09-13-17, 17-21
Bobbi Jones	Ocean Downs Casino	Ocean Downs Casino	17-indefinite
Mary Beth Carozza	Indefinite	Maryland Senator	14-indefinite
Wayne A. Hartman	Indefinite	Maryland Delegate	18-indefinite
Charles Otto	Indefinite	Maryland Delegate	14-indefinite
Michael Donnelly	Dist. 7 - Mitrecic	Resident - Ocean City	*16-19, 19-23
Steve Ashcraft	Dist. 6 - Bunting	Resident - Ocean Pines	*19-20, 20-24
Kerrie Bunting	Dist. 4 - Elder	Resident - Snow Hill	*22-24
Mayor Rick Meehan °	At-Large	Business - Ocean City	*09-12-16-20-24
Bob Gilmore	Dist. 5 - Bertino	Resident - Ocean Pines	*19-21, 21-25
Matt Gordon	Dist. 1 – Abbott	Resident - Pocomoke	19-22, 22-26
Ivy Wells	Dist. 3 - Church	Resident - Berlin	22-26
Cam Bunting °	At-Large	Business - Berlin	*09-10-14-18-22-26
Roxane Rounds	Dist. 2 - Purnell	Resident - Berlin	*14-15-19-23-27

Prior Members:

J. Lowell Stoltzfus ° (09-10)
 Mark Wittmyer ° (09-11)
 John Salm ° (09-12)
 Mike Pruitt ° (09-12)
 Norman H. Conway ° (09-14)
 Michael McDermott (10-14)
 Diana Purnell ° (09-14)
 Linda Dearing (11-15)
 Todd Ferrante ° (09-16)

Since 2009

Joe Cavilla (12-17)
 James N. Mathias, Jr. ° (09-18)
 Ron Taylor ° (09-14)
 James Rosenberg (09-19)
 Rod Murray ° (*09-19)
 Gary Weber (*19-21)

Charlie Dorman (12-19)
 Gee Williams (09-21)

* = Appointed to fill an unexpired term/initial terms staggered
 ° = Charter Member

RECREATION ADVISORY BOARD

Reference: County Commissioners' Action 6/13/72 and Resolution of 12/27/83 and Resolution 97-51 of 12/23/97 and Resolution 03-6 of 2/18/03

Appointed by: County Commissioners

Function: Advisory
 Provide the County with advice and suggestions concerning the recreation needs of the County and recommendations regarding current programs and activities offered.
 Review and comment on proposed annual Recreation Department budget.

Number/Term: 7/4-year term
 Terms expire December 31st

Compensation: \$100 per meeting expense allowance, subject to funding

Meetings: At least quarterly, more frequently as necessary

Special Provisions: One member nominated by each County Commissioner

Staff Support: Recreation and Parks Department - Lisa Gebhardt (410) 632-2144

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Joseph Stigler	D-4, Elder	Snow Hill	*21-23
Mike Hooks	D-1, Abbott	Pocomoke	12-16-20, 20-24
Missy Denault	D-5, Bertino	Berlin	*15-16-20, 20-24
William Gabeler	D-6, Bunting	Ocean Pines	21-25
Norman Bunting, Jr.	D-3, Church	Berlin	*16-17-21-25
Alvin Handy	D-2, Purnell	Ocean City	06-10-14-18-22-26
John Gehrig	D-7, Mitrecic	Ocean City	14-18-22-26

Prior Members: Since 1972

Howard Taylor	Cyrus Teter	Gregory Purnell (83-96)	Sonya Bounds (12-15)
Arthur Shockley	Warren Mitchell	Vernon Redden, Jr. (83-98)	Burton Anderson (05-15)
Rev. Ray Holsey	Edith Barnes	Richard Ramsay (93-98)	William Regan (02-16)
William Tingle	Glen Phillips	Mike Daisy (98-99)	Shawn Johnson (15-19)
Mace Foxwell	Gerald Long	Cam Bunting (95-00)	Devin Bataille (19-20)
Nelson Townsend	Lou Ann Garton	Charlie Jones (98-03)	Chris Klebe (*11-21)
J.D. Townsend	Milton Warren	Rick Morris (03-05)	
Robert Miller	Ann Hale	Gregory Purnell (97-06)	
Jon Stripling	Claude Hall, Jr.	George "Eddie" Young (99-08)	
Hinson Finney	Vernon Davis	Barbara Kissel (00-09)	
John D. Smack, Sr.	Rick Morris	Alfred Harrison (92-10)	
Richard Street	Joe Lieb	Janet Rosensteel (09-10)	
Ben Nelson	Donald Shockley	Tim Cadotte (02-12)	
Shirley Truitt	Fulton Holland (93-95)	Craig Glover (08-12)	
		Joe Mitrecic (10-14)	

* = Appointed to fill an unexpired term

**WATER AND SEWER ADVISORY COUNCIL
MYSTIC HARBOUR SERVICE AREA**

Reference: County Commissioners' Resolutions of 11/19/93 and 2/1/05

Appointed by: County Commissioners

Function: Advisory
Advise Commissioners on water and sewer needs of the Service Area; review amendments to Water and Sewer Plan; make recommendations on policies and procedures; review and recommend charges and fees; review annual budget for the service area.

Number/Term: 7/4-year terms
Terms Expire December 31

Compensation: \$100.00/meeting

Meetings: Monthly or As-Needed

Special Provisions: Must be residents of Mystic Harbour Service Area

Staff Support: Department of Public Works - Water and Wastewater Division
Chris Clasing - (410-641-5251)

Current Members:

<u>Member's Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Martin Kwesko	Mystic Harbour	13-17, 17-21 (Resigned)
Richard Jendrek ^C	Bay Vista I	05-10-14-18, 18-22 (deceased)
Joseph Weitzell	Mystic Harbour	05-11-15-19, 19-23 (deceased)
Bruce Burns	Deer Point	19-23 (deceased)
David Dypsky	Teal Marsh Center	*10-12-16, 16-20, 20-24
Stan Cygam	Whispering Woods	*18-20, 20-24
Matthew Kraeuter	Ocean Reef	*19-22, 23-27

Prior Members: (Since 2005)

John Pinnero ^C (05-06)	Carol Ann Beres (14-18)
Brandon Phillips ^C (05-06)	Bob Hunt (*06-19)
William Bradshaw ^C (05-08)	
Buddy Jones (06-08)	
Lee Trice ^C (05-10)	
W. Charles Friesen ^C (05-13)	
Alma Seidel (08-14)	
Gerri Moler (08-16)	
Mary Martinez (16-18)	

^C = Charter member - Initial Terms Staggered in 2005
* = Appointed to fill an unexpired term

**WATER AND SEWER ADVISORY COUNCIL
WEST OCEAN CITY SERVICE AREA**

Reference: County Commissioners' Resolution of November 19, 1993

Appointed by: County Commissioners

Function: Advisory
Advise Commissioners on water and sewer needs of the Service Area; review amendments to Water and Sewer Plan; make recommendations on policies and procedures; review and recommend charges and fees; review annual budget for the service area.

Number/Term: 5/4-year terms
Terms Expire December 31

Compensation: \$100.00/Meeting

Meetings: Monthly

Special Provisions: Must be residents/ratepayers of West Ocean City Service Area

Staff Support: Department of Public Works - Water and Wastewater Division
Chris Clasing - (410-641-5251)

Current Members:

<u>Member's Name</u>	<u>Resides/Ratepayer of</u>	<u>Terms (Years)</u>
Keith Swanton	West Ocean City	13-17, 17-21
Deborah Maphis	West Ocean City	95-99-03-07-11-15-19, 19-23
Gail Fowler	West Ocean City	99-03-07-11-15-19, 19-23
Blake Haley	West Ocean City	*19-20, 20-24
Todd Ferrante	West Ocean City	13-17-21-25

Prior Members: (Since 1993)

Eleanor Kelly^c (93-96) Andrew Delcorro (*14-19)

John Mick^c (93-95)

Frank Gunion^c (93-96)

Carolyn Cummins (95-99)

Roger Horth (96-04)

Whaley Brittingham^c (93-13)

Ralph Giove^c (93-14)

Chris Smack (04-14)

COMMISSION FOR WOMEN

Reference: Public Local Law CG 6-101

Appointed by: County Commissioners

Function: Advisory

Number/Term: 11/3-year terms; Terms Expire December 31

Compensation: None

Meetings: At least monthly (3rd Tuesday at 5:30 PM - alternating between Berlin and Snow Hill)

Special Provisions: 7 district members, one from each Commissioner District
 4 At-large members, nominations from women's organizations & citizens
 4 Ex-Officio members, one each from the following departments: Social Services, Health & Mental Hygiene, Board of Education, Public Safety
 No member shall serve more than six consecutive years

Contact: Tamara White and Coleen Colson, Co-Chair
 Worcester County Commission for Women - P.O. Box 1712, Berlin, MD 21811

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Elizabeth Rodier	D-3, Fiori	Bishopville	18-21(Resigned)
Hope Carmean	D-4, Elder	Snow Hill	*15-16-19, 19-22
Tamara White	D-1, Abbott	Pocomoke City	17-20, 20-23
Susan Childs	D-6, Bunting	Berlin	21-24(Resigned)
Terri Shockley	At-Large	Snow Hill	17-20, 20-23
Dr. Darlene Jackson- Bowen	D-2, Purnell	Pocomoke	*19-21, 21-24
Kimberly List	D-7, Mitrecic	Ocean City	18- 21, 21-24
Gwendolyn Lehman	At-Large	OP, Berlin	*19-21, 21-24
Jocelyn Briddell	At-Large	Berlin	23-26
Coleen Colson	Dept of Social Services		19-22-25
Windy Phillips	Board of Education		19-22-25
Laura Morrison	At-Large	Pocomoke	*19-20-23-26
Crystal Bell, MPA	Health Department		*22-23-26
Judith Giffin	D-5, Bertino	Ocean Pines	*22-23-26
Jeanine Jersheid	Public Safety – Sheriff's Office		23-26

Prior Members: Since 1995

Ellen Pilchard ^c (95-97)	Bonnie Platter (98-00)	Vyoletus Ayres (98-03)
Helen Henson ^c (95-97)	Marie Velong ^c (95-99)	Terri Taylor (01-03)
Barbara Beaubien ^c (95-97)	Carole P. Voss (98-00)	Christine Selzer (03)
Sandy Wilkinson ^c (95-97)	Martha Bennett (97-00)	Linda C. Busick (00-03)
Helen Fisher ^c (95-98)	Patricia Ilezuk-Lavanceau (98-99)	Gloria Bassich (98-03)
Bernard Bond ^c (95-98)	Lil Wilkinson (00-01)	Carolyn Porter (01-04)
Jo Campbell ^c (95-98)	Diana Purnell ^c (95-01)	Martha Pusey (97-03)
Karen Holck ^c (95-98)	Colleen McGuire (99-01)	Teole Brittingham (97-04)
Judy Boggs ^c (95-98)	Wendy Boggs McGill (00-02)	Catherine W. Stevens (02-04)
Mary Elizabeth Fears ^c (95-98)	Lynne Boyd (98-01)	Hattie Beckwith (00-04)
Pamela McCabe ^c (95-98)	Barbara Trader ^c (95-02)	Mary Ann Bennett (98-04)
Teresa Hammerbacher ^c (95-98)	Heather Cook (01-02)	Rita Vaeth (03-04)

* = Appointed to fill an unexpired term

^c = Charter member

BOARD OF ZONING APPEALS

Reference: Public Local Law - ZS §1-116

Appointed by: County Commissioners

Function: Regulatory
 Hear and decide on applications for special exceptions, variances from the setback or area provisions of the Zoning Ordinance, and on appeals where there is an alleged error in the application of the Zoning Ordinance; grant expansions of nonconforming uses.

Number/Term: 7 members (as of 1-31-97 per Bill 96-14)/3 years
 Terms expire December 31st

Compensation: \$100 per meeting, plus mileage for site inspections (policy)

Meetings: 2 per month

Special Provisions: None

Staff Contact: Department of Development Review & Permitting
 Jennifer Keener -Deputy Director, DRP (410-632-1200, ext. 1123)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Joseph W. Green, Jr.	D-5, Bertino	Ocean Pines	Resigned *05-08-11-14-17-20-23
Jake Mitrecic	D-7, Mitrecic	Ocean City	20-23
Thomas Babcock	D-4, Elder	Whaleyville	15-18-21, 21-24
Robert M. Purcell	D-6, Bunting	Bishopville	*11-12-15-18-21, 21-24
Larry Fykes	D-1, Abbott	Pocomoke	*16-19-22-25
Lisa Bowen	D-2, Purnell	Berlin	* 22, 22-25
Don Furbay	D-3, Fiori	Ocean City	23-26

Prior Members: (Since 1972)

- | | | |
|--------------------------|------------------------------|-------------------------------|
| Robert B. Jackson | Marion Marshall (90-96) | James E. Clubb, Jr. (06-11) |
| Ruth Spinak | Madison Bunting (90-96) | Joe Fehrer, Jr. (06-12) |
| Merrill Lockfaw | Howard "Buzz" Taylor (97-98) | Beth Gismondi (96-14) |
| Winnie Williams | Edward Bounds (90-99) | Bill Bruning (12-15) |
| Randolph F. Wilkerson | Marion Butler, Sr. (96-99) | Robert L. Cowger, Jr. (10-16) |
| Cashar J. Hickman | Dwight Campbell (95-00) | Rodney C. Belmont (07-17) |
| E. Paige Boston | Larry Widgeon (94-00) | Larry Duffy (*17-19) |
| Elbridge Murray | Robert Ewell (95-01) | Glen Irwin (14-20) |
| Gary McCabe | Lester Shockley (99-02) | James Purnell (19-22) |
| Harley Day | Robert Mitchell (02-05) | David Dypsky(*11-23) |
| Charles Lynch | Janice Foley (99-05) | |
| Dwight E. Campbell | Richard Outten (00-06) | |
| T. Clay Groton | Doug Parks (00-06) | |
| Albert Berger | Brian Roberts (06) | |
| Clifford Dypsky | Dale Smack (01-06) | |
| Donald Jones | Lou Taylor (05-08) | |
| George Ward, Jr. (92-95) | Jerre F. Clauss (98-10) | |
| Doris Glover (91-95) | Mike Diffendal (08-10) | |

* = Appointed to fill an unexpired term



Worcester County Administration
One West Market St. Room 1103 | Snow Hill MD 21863 | (410) 632-1194 | www.co.worcester.md.us

TO: The Salisbury Daily Times and The Ocean City Today Group
FROM: Candace Savage, Deputy Chief Administrative Officer
DATE: December 14, 2023
SUBJECT: Worcester County Public Hearing Notice

Please print the below Public Hearing Notice in The Salisbury Daily Times and Ocean City Digest/Ocean City Today on November 30, 2023 and December 7, 2023. Thank you.

NOTICE OF
PROPOSED CHANGE IN ZONING

SOUTH SIDE OF MD ROUTE 589 (RACETRACK ROAD) NORTH OF MD
ROUTE 90 (OCEAN EXPRESSWAY) OPPOSITE THE OCEAN PINES
NORTH GATE

THIRD TAX DISTRICT WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 443 has been filed by Hugh Cropper, IV on behalf of William Ayres and Linda Ayres, property owners, for an amendment to the Official Zoning Maps to change approximately 27.25 acres of land located on the south side of MD Route 589 (Racetrack Road), north of MD Route 90 (Ocean Expressway) and opposite the North Gate of the Ocean Pines Subdivision, in the Third Tax District of Worcester County, Maryland, from A-1 Agricultural District to 25.25 acres of A-2 Agricultural District and 2.0 acres of C-2 General Commercial District. The Planning Commission has given an unfavorable recommendation to the rezoning application.

Pursuant to Sections 1-113 and 1-114 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

PUBLIC HEARING

on

Tuesday, December 19, 2023

at 10:30 a.m.

IN THE COUNTY COMMISSIONERS' MEETING ROOM WORCESTER COUNTY
GOVERNMENT CENTER - ROOM 1101 ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863

At said public hearing the County Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 443 and the recommendation of the Planning Commission, any proposed restrictions on the rezoning, other appropriate restrictions, conditions or limitations as may be deemed by them to be appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned or rezoned or of the surrounding or adjacent lands and improvements, and the advisability of reserving the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of applicable State laws and regulations and the County Zoning Ordinance.

Maps of the petitioned area, the staff file on Rezoning Case No. 443 and the Planning Commission's recommendation, which will be entered into record at the public hearing, are on file and available to view electronically by contacting the Department of Development, Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863 Monday through Friday from 8:00 A.M. and 4:30 P.M. (except holidays), at (410) 632-1200 as well as at www.co.worcester.md.us.

THE WORCESTER COUNTY COMMISSIONERS



APPROVED

WSY 11/21/23

DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008

<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Weston S. Young, Chief Administrative Officer
From: Jennifer K. Keener, AICP, Director
Date: November 13, 2023
Re: Rezoning Case No. 443 – William Ayres and Linda Ayres, applicants, Hugh Cropper, IV,
Esquire attorney for the applicants

I am requesting that the Worcester County Commissioners schedule the required public hearing associated with Rezoning Case No. 443. A draft public hearing notice is attached.

Mr. Cropper, on behalf of his clients, has filed Rezoning Case No. 443, seeking to rezone approximately 27.25 acres of land currently zoned A-1 Agricultural District located on the southerly side of Racetrack Road (MD Route 589), north of MD Route 90 (Ocean Expressway) and directly across from the North Gate of the Ocean Pines subdivision, as follows: 25.25 acres to A-2 Agricultural District and 2.0 acres to C-2 General Commercial District. The case was reviewed by the Planning Commission at its meeting on October 5, 2023, and was given an unfavorable recommendation. Attached you will also find the Planning Commission's written Findings of Fact and Recommendation as prepared by Matthew Laick, Deputy Director.

Please advise our department at your earliest convenience as to the public hearing date so that our department can ensure that the mandatory public notice of 15 days is met via posting on the site and mailings to adjoining property owners.

Thank you for your attention to this matter. Should you have any questions or require additional information, please do not hesitate to contact me.

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 443

APPLICANTS:

**William and Linda Ayres
2710 Cortland PL, NW
Washington, DC 20008**

ATTORNEY FOR THE APPLICANTS:

**Hugh Cropper, IV
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842**

October 5, 2023

WORCESTER COUNTY PLANNING COMMISSION

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I. INTRODUCTORY DATA

- A. **CASE NUMBER:** Rezoning Case No. 443, filed on May 25, 2023.
- B. **APPLICANT:** William and Linda Ayres
2710 Cortland PL, NW
Washington, DC 20008

APPLICANT’S ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842
- C. **TAX MAP/PARCEL INFO:** Tax Map 16, Parcels 21 & 53, Tax District 03
- D. **SIZE:** The petitioned area is approximately 27.57 acres in size.
- E. **LOCATION:** The petitioned area is located on the east side of Maryland 589 (Racetrack RD) directly across from the north entrance to Ocean Pines (Ocean Parkway).
- F. **CURRENT USE OF PETITIONED AREA:** The current use of the petitioned location is farmland and forested area.
- G. **CURRENT ZONING CLASSIFICATION:** A-1 Agricultural District.
- H. **REQUESTED ZONING CLASSIFICATION:** 25.25 Acres as A-2 Agricultural District and 2.0 acres as C-2 General Commercial District.
- I. **APPLICANT’S BASIS FOR REZONING:** The application indicates that a substantial changes in the character of the neighborhood since the November 3, 2009, Comprehensive Rezoning.
- J. **ZONING HISTORY:** At the time zoning was first established in 1964, the petitioned area was given a A-1 Agricultural District classification, and the A-1 zoning has been retained in comprehensive rezonings held in 1978, 1992 and 2009. This property was subject to a previous rezoning application (Case No. 421) which requested a reclassification for the entire property to C-2 General Commercial District. That application was withdrawn following the Planning Commission’s review and unfavorable recommendation.
- K. **SURROUNDING ZONING:** Adjoining properties to the south and west are zoned A-1 Agricultural District. Two adjacent properties to the east are zoned C-2 General Commercial District and currently have a convenience store, bank, and medical building on them. Directly across MD 589 (Racetrack Rd) is R-2 Suburban Residential District and C-1 Neighborhood Commercial District.

- L. **COMPREHENSIVE PLAN:** According to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Agriculture Land Use Category.
- M. **WATER AND WASTEWATER:** According to the response from Mr. Mitchell, the property is not currently connected to public sewer and/or water at this time. The subject property has a designation of a Sewer and Water Service Category of S-6/W-6 (No planned service) in the Master Water and Sewerage Plan
- N. **EMERGENCY SERVICES:** Fire and ambulance service will be available from the Ocean Pines Volunteer Fire Company approximately four minutes from the subject property. Service is also available from the Showell Volunteer Fire Company approximately also four minutes away. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately nine minutes away, and the Worcester County Sheriff's Office in Snow Hill, approximately twenty-six minutes away.
- O. **ROADWAYS AND TRANSPORTATION:** The petitioned area has frontage on MD Route 589 (Racetrack Road), a State-owned and maintained road. This location is directly across from the MD589, Ocean Parkway Intersection. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has no objection to the request.
- P. **SCHOOLS:** The petitioned area is within Zone 1 of the Worcester County Public School Zones
- Q. **CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS:** the petitioned is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law.
- R. **FLOOD ZONE:** The FIRM map (24047C0045H, effective July 16, 2015) indicates that this property is located outside of the floodplain in Zone X (Area of Minimal Flood Hazard).
- S. **PRIORITY FUNDING AREAS:** The petitioned area is not within a designated Priority Funding Area (PFA). The closest PFA is Ocean Pines, directly on the other side of MD 589
- T. **INCORPORATED TOWNS:** This property is within 5.5 miles of the incorporated town of Berlin.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

Hugh Cropper, IV, applicant's attorney, Gregory Wilkins, land surveyor, Linda Ayres, property owner and Chris McCabe, environmental consultant, were present for the review. Ms. Ayres described the history of the petitioned area and surrounding properties. She stated that the petitioned area has been in the family since the 19th century, and she was shocked by the changes that have occurred in the neighborhood. Ms. Ayres described how there was no true farmland, and that the area was mostly developed by churches, schools, gas stations, housing developments, and farm stands. Ms. Ayres also described how the family has a history of preserving farmland in Worcester County, and that the petitioned area has been farmed by Mr. Littleton for decades. She claimed that Mr. Littleton wrote her a letter stating that it was no longer financially feasible to farm the land. Ms. Ayres stated that the traffic makes it difficult for combines and other farm equipment to access the property and there are problems with wildlife eating the crops.

Mr. Cropper stated that he was redefining the neighborhood from the plan that was included in his initial submittal. Mr. Cropper introduced Gregory Wilkins, Professional Land Surveyor. Submitted as Applicant's Exhibit #1 was an excerpt from page 17 of the 2006 Comprehensive Plan that discusses commercial centers. The Applicants are seeking to rezone two acres of the petitioned area that are located next to the existing convenience store as C-2 General Commercial District and the rest to A-2 Agricultural District. Mr. Cropper stated that a commercial center should serve 3,000 or more residents within a 10-to-20-minute travel time and that this definition was used to redefine the boundaries of the neighborhood. Mr. Cropper stated that he tried to define a narrower neighborhood but stated that did not work due to the cohesive neighborhood of Ocean Pines. Mr. Wilkins believed that the neighborhood is defined by a circle and concurred that the defined neighborhood is consistent with the Comprehensive Plan. The petitioned area is centered in the redefined neighborhood.

Mr. Cropper described the surrounding zoning and how there is a peninsula of A-1 Agricultural District zoning with A-2 Agricultural District zoning just to the south. He then stated that there is no reason why the petitioned area shouldn't be zoned A-2 Agricultural District and that there is more farmland in the A-2 District than the A-1 District within the applicants defined neighborhood. He further stated that there have been substantial and material changes in the character of the neighborhood since the November 3, 2009 comprehensive rezoning. First, the Tidal Health campus was developed on the opposite side of MD Route 589. Mr. Cropper stated that the property had to obtain several special exceptions to develop it, as it is zoned C-1 Neighborhood Commercial District, and the developer constructed several large medical buildings on the property.

Mr. Cropper explained that the second change in the character of the neighborhood was the expansion of the Casino at Ocean Downs, which applied for and received Water & Sewer Plan Amendments and an expansion of the Ocean Pines Sewer Service Area. He

stated that the Planning Commission and County Commissioners approved a text amendment to the Zoning Code for a Casino Overlay District which would essentially change the zoning of the property. He argued that this is a substantial change to the character of the neighborhood. Subsequently, Crabs to Go also received a Water & Sewer Plan Amendment to connect to county sewer which created another change to the character of the neighborhood.

Mr. Cropper submitted Applicant's Exhibit No. 2, the County Commissioners Findings of Fact from Rezoning Case No. 392 (Silver Fox, LLC). The Planning Commission and County Commissioners found based on a smaller neighborhood that there was a change in the character of the neighborhood and rezoned the petitioned area from A-1 Agricultural District to C-2 General Commercial District. The case was appealed to the Court of Special Appeals and Mr. Cropper submitted their opinion as Applicant's Exhibit No. 3. Mr. Cropper referred to Mr. Bob Mitchell's comments about that petitioned area being Growth Areas or Existing Developed Areas (EDA) on the Land Use Map of the 2006 Comprehensive Plan. The Court of Special Appeals was not concerned about the underlying land use designation. He stated that the Atlantic General Hospital complex on those lands required a traffic light on MD Route 589 and the developer made other significant road improvements. Mr. Cropper defined this as the fifth change in the character of the neighborhood.

Mr. Cropper submitted Applicant's Exhibit No. 4, which was the County Commissioners Finding of Fact and Resolution Rezoning Case No. 396 (The Estate of Mildred Parsons) wherein the petitioned area was rezoned from A-1 Agricultural District to C-2 General Commercial District. Submitted as Applicant's Exhibit No. 5 was Resolution No. 19-2, the sectional rezoning of properties located on the westerly side of MD Route 589 across from the casino which were rezoned from A-1 Agricultural District and E-1 Estate District to C-2 General Commercial District. He stated that the sectional rezoning was a significant change in the character of the neighborhood.

Chris McCabe, owner of Coastal Compliance Solutions, LLC, submitted Applicant's Exhibit No. 6 which was the County Commissioners Finding of Fact for Rezoning Case 403 (Nichols-Neff Properties, LLC). The petitioned area located on Beauchamp Road was rezoned from A-1 Agricultural and E-1 Estate Districts to R-1 Rural Residential Districts. The property is included in the applicant's definition of the neighborhood and the rezoning is considered a substantial change in the character of the neighborhood. The property owner now has 90 single-family lots under review and obtained a Water & Sewer Amendment to purchase sewer service from River Run subdivision.

Regarding the petitioned area, Mr. McCabe reviewed it from an environmental perspective, noting that the land is generally uplands and suitable for development with the wooded area having some non-tidal wetlands dispersed throughout. The entire area will be considered prior converted farmland with plenty of upland. Mr. Cropper and Mr. McCabe stated that the property is constrained by wastewater disposal. In Mr. McCabe's opinion, the changes previously outlined are a substantial change in the character of

neighborhood, and he agrees with Ms. Ayres that it is a bad location for farm equipment access.

Mr. Cropper submitted Applicant's Exhibit No. 7, an email from Maryland Department of Transportation (MDOT) State Highway Administration (SHA) showing that they have no objection to the rezoning and that SHA would require road improvements if it were ever developed. Mr. Cropper admitted that there are traffic problems on MD Route 589, but that the potential traffic generated from this project would be mitigated by road improvements required by SHA. He further stated that any traffic generated from this property would be a drop in the bucket to the current traffic.

Mr. Cropper submitted Applicant's Exhibit No. 8A and 8B, the complete A-1 and A-2 Agricultural Districts statutes. He described that the permitted uses in both the A-1 and A-2 Districts are nearly identical. There are two more permitted uses, and eight more special exception uses in the A-2 than in the A-1 regulations. He suggested that in every other respect, both districts are the same. From a traffic perspective there is no difference from A-1 District. Mr. Cropper listed special exception uses in the A-1 District and suggested that the only difference is that the A-2 District allows golf courses, campgrounds, contractors shops and storage facilities. With respect to the two acres of the petitioned area for which the Applicant is requesting a C-2 General Commercial District zoning classification, Mr. Cropper noted that district would allow more uses.

In conclusion, Mr. Cropper argued that in his opinion, the 2006 Comprehensive Plan Land Use Map designated the petitioned area as not only Agriculture, but also partially Commercial, in opposition to staff's opinion. Mr. Cropper stated that the requested two acres of C-2 District is consistent with the Comprehensive Plan as it adjoins the existing gas station property. The petitioned area is an isolated piece of property that has been left behind because of the changes in the character of the neighborhood previously stated. Mr. Cropper opined that the entire section of the A-1 District peninsula should be A-2 District, but he noted that he is only asking for the petitioned area to be rezoned at this time.

Mr. Barbierri inquired about the traffic circle that was proposed to be included in the last rezoning. Mr. Cropper said SHA proposed a roundabout, designed it, and put it to a public comment period with Ocean Pines Association. He stated that it received so many negative comments that they decided to table it. Sewer capacity was also brought up and Mr. Cropper stated that sewer will be handled on site.

A question was asked about the proposed commercial area. Mr. Cropper provided an aerial photograph illustrating the proposed 2.0-acre area. He stated that he will have Mr. Wilkins prepare a survey illustrating the specific boundaries of the requested area.

Mr. Wells stated that he was very concerned about traffic issues in this area and that a better solution could be a roundabout or other resolution. He stated that it's not what the property is used for, it's what the traffic is doing to it. He further stated that something

can be done with the property now, but it will still require entrances and it is not safe. Mr. Wells does not think the rezoning will make traffic worse though.

Mrs. Wimbrow is in full agreement with Mr. Wells about the traffic congestion issues and believes that the county and state need to deal with those issues first before granting a rezoning that would increase traffic on the congested highway. Mrs. Wimbrow then read a portion of § ZS 1-113(c)(3) aloud, which states “[t]he fact that an application for a map amendment complies with all of the specific requirements and purposes set forth in this Title shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application”. She said, “personally, that’s where we need to put our foot down.” She stated that she disagreed with the sectional rezoning across from the casino and feels she cannot vote in support of this application.

Mr. Barbierri states that he is hearing from people, “what is the Planning Commission approving now for Rt. 589 to worsen the traffic conditions?” Mr. Barbierri states that until they had a definitive plan for MD Route 589, he felt they would be doing an injustice to approve any additional commercial rezonings in that area. Mrs. Knight asked if the Planning Commission was overstepping SHA’s authority and questioned who has the final say on traffic. Mrs. Wimbrow stated that it is the Planning Commission’s responsibility to manage land uses.

Motion made for a Favorable recommendation by Mrs. Knight, fails for lack of second.

Motion made for a unfavorable recommendation by Mrs. Wimbrow, seconded by Mr. Wells, Motion passed 6 to 1 with Mrs. Knight in opposition.

III. PLANNING COMMISSION’S FINDINGS AND CONCLUSIONS

- A. Regarding the applicant’s definition of the neighborhood: The Planning Commission noted that the definition of the neighborhood is the MD 589 coordinator from US RT50 to US RT 113 including all of Ocean Pines and west to US RT 113. This was illustrated in applicants exhibit #9. The Planning Commission generally found that the definition of the neighborhood was a little broad but overall agreed with it.
- B. Regarding population change: The Planning Commission concludes that there has been an increase in the population withing the defined neighborhood.
- C. Regarding availability of public facilities: The Planning Commission found that there would be no impact upon public facilities as it pertains to wastewater disposal and the provision of potable water, since this property would be served by private sewer and a private well. Additionally, fire and ambulance service will be available from the Ocean Pines Volunteer Fire Company approximately four minutes from the subject property. Service is also available from the Showell Volunteer Fire Company approximately also four minutes away. No comments were received from the fire companies regarding this

review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately nine minutes away, and the Worcester County Sheriff's Office in Snow Hill, approximately twenty-six minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Office. The petitioned area is served by the following schools: Showell Elementary, Berlin Intermediate, and Stephen Decatur Middle and High Schools. No comments were received from the Worcester County Board of Education (WCBOE). In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning.

- D. Regarding present and future transportation patterns: The Planning Commission found that the petitioned area has access to Racetrack RD MD RT 589, a state-maintained road. The Planning Commission extensively discussed how the increase in traffic over time has had a negative impact on the neighborhood surrounding MD RT 589. As noted on Page 4 of the Staff Report, the Comprehensive Plan states that the MD RT 589 corridor has experienced significant development and has reached an unsatisfactory level of service. They also concluded that no rezoning should occur on MD RT 589 until improvements are made to alleviate the traffic issues.
- E. Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: The Planning Commission also found that the proposed rezoning would not have an impact on environmental regulations.
- F. Regarding compatibility with the Comprehensive Plan: The Planning Commission found that according to the Comprehensive Plan and associated land use map, the petitioned area lies within the Agriculture Land Use Category. The Planning Commission found that the proposed rezoning of the petitioned area from A-1 Agricultural District to A-2 Agricultural District is compatible with the Comprehensive Plan and in keeping with its goals and objectives. They found that the C-2 General Commercial District portion was less compatible as it was not in the commercial center category, though it was proposed to abut other C-2 zoned properties.

IV. PLANNING COMMISSION RECOMMENDATION

- A. In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there had been a substantial change in the character of the neighborhood, albeit a significant negative change with respect to the road capacity of the MD Route 589 corridor. While a proposed map amendment may be generally consistent with the Comprehensive Plan, the Planning Commission concluded that “[t]he fact that an application for a map amendment complies with all of the specific requirements and purposes set forth in this Title shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application” (§ ZS 1-113(c)(3)). Therefore, the Planning Commission provided an unfavorable recommendation to Rezoning Case No. 443.

V. RELATED MATERIALS AND ATTACHMENTS

- A. Exhibit 1
- B. Exhibit 2
- C. Exhibit 3
- D. Exhibit 4
- E. Exhibit 5
- F. Exhibit 6
- G. Exhibit 7
- H. Exhibit 8A
- I. Exhibit 8B
- J. Exhibit 9

walled building of little or incompatible character



Adaptive reuse suits in-town commercial development

- Expanse of unscreened parking between the building and the roadway
- Minimal landscaping
- Incongruous and incompatible architecture and signage

Strip centers combined with “franchise” architecture can negate local sense of place, be visually destructive, and adversely affect property values. Commercial areas provide important services, but they should be developed to enhance community character. This approach has a track record of success for the property owner and for the community.

Commercial centers are planned to occur at three scales, which will be reflected in their zoning and site plan requirements: neighborhood, community and regional/highway.

- *Neighborhood* commercial provides convenient food, gas and other day-to-day products. Neighborhood commercial should take a central place within growth node developments. They may contain mixed uses and they should be provided with

sidewalks, landscaping, and other amenities. Local institutional uses such as schools, libraries, post offices and community buildings are also desired uses. It is especially important that neighborhood commercial uses blend visually into the surrounding community. Incorporating ancillary residential uses above the street level is encouraged. Such areas may also be appropriate additions to existing underserved population centers. These centers serve populations of 1,000 or more within a five-to-ten minute travel time.

- *Community* commercial centers provide for larger scale commercial uses with higher volume parking demand. Groceries, pharmacies, and support services are located at these centers. Careful attention to signage, landscaping, perimeter buffers, site layout and architectural design is necessary for these uses to be compatible with the community’s and the county’s character. Again, design standards are important for these high-visibility uses. **Community commercial centers serve populations of 3,000 or more within about a ten-to-twenty minute travel time.**

- *Regional/highway* commercial centers are designed for the most intense commercial uses, including “big-box” retailers. Such uses will be restricted to sites with access to Routes 50, 113 and 13. Specific zones prescribing appropriate setbacks,

IN THE MATTER OF *
 THE REZONING APPLICATION OF *
 SILVER FOX, L. L. C. AND * REZONING CASE NO. 392
 BURBAGE/MELSON, INC. *
 BERLIN, MARYLAND *

FINDINGS OF FACT

Subsequent to a public hearing held on August 7, 2012 and after a review of the entire record, all pertinent plans and all testimony, the Worcester County Commissioners hereby adopt the findings of the Worcester County Planning Commission and also make the following additional findings of fact as the County Commissioners' complete findings of fact pursuant to the provisions of Section ZS 1-113 of the Worcester County Zoning Ordinance.

Regarding the definition of the neighborhood: The neighborhood was defined by the applicants as being bound on the north by MD Rt. 90, on the east by the Isle of Wight Bay and Herring Creek, on the south by US Rt. 50, including the commercially zoned properties on the southerly side of that roadway to the west of Samuel Bowen Boulevard, including the WalMart, Home Depot and Ocean Landings II site which is currently under development, and on the west by MD Rt. 589, including those properties on the westerly side of the corridor that are commercially or residentially zoned as well as a number of properties in the vicinity of Griffin Road and McAllister Road. The Planning Commission concluded that those properties on the southerly side of US Rt. 50 should not be included within the defined neighborhood but concurred with the other boundaries cited by the applicants. By excluding those properties to the south of US Rt. 50 the petitioned area lies squarely in the middle of the neighborhood. Additionally, this revised definition takes into account major dividing lines such as MD Rt. 90, US Rt. 50 and Herring Creek. The County Commissioners find that the Planning Commission's definition of the neighborhood is appropriate and adopt it as their definition as well.

Regarding population change in the area: The County Commissioners concur with the Planning Commission's conclusion that the development of the petitioned area if rezoned will not have a significant impact on the neighborhood's population but would instead provide services to other developments in the vicinity. The County Commissioners find that the proposed 60 lot subdivision on an adjacent property to the east which is owned by Steen Associates, Inc. has been granted growth allocation approval by the State's Critical Area Commission to go from Resource Conservation Area to a Limited Development Area and has furthermore received approval for a Comprehensive Water and Sewer Plan amendment. These approvals are necessary to bring the project to fruition and to enable construction of infrastructure and homes to begin. The County Commissioners conclude that new homes located within the Baypoint Plantation subdivision at the easternmost end of Gum Point Road have also contributed to an increase in the residential population of the neighborhood and will continue to do so as more homes are constructed within that development as well. Based upon their review the County Commissioners conclude that the residential population living in the neighborhood has increased since the comprehensive rezoning was adopted on November 3, 2009.

Regarding availability of public facilities: Based upon the Planning Commission's findings and the testimony of the applicants's design engineer, John Salm, at the public hearing the County Commissioners find that there is available onsite septic disposal capacity to serve 9,552 gallons per day of wastewater. Mr. Salm testified that this would be adequate to serve the 80,000 to 130,000

square feet of commercial space anticipated by the applicants for the site. He also testified that there is also the possibility of public sewer service from the Ocean Pines Service Area if the current water and sewer designation in the County's Water and Sewer Plan is amended. Likewise, potable water could be obtained either on site or via connection to a public water system. Additionally, the County Commissioners note that both the Worcester County Sheriff's Office and the County's Roads Department indicated to the Planning Commission that they have no concerns with regard to the proposed rezoning. Furthermore, there will be no impact to public schools as this request is for a C-2 General Commercial District classification which does not permit residential uses of other than an owner's and/or caretaker nature. In consideration of their review, the County Commissioners find that public facilities and services are adequate to serve the petitioned area and anticipate that private on-site wastewater disposal and well systems can also satisfactorily serve the property if rezoned from A-1 Agricultural District to C-2 General Commercial District. The County Commissioners conclude that the proposed rezoning will not have an adverse impact on these facilities and services.

Regarding present and future transportation patterns: The County Commissioners find that Betty Tustin, a traffic engineer for the Traffic Group, determined that with minor traffic configuration changes at one intersection all the intersections in the defined neighborhood would operate at a minimum of Level of Service C under various design scenarios for the subject property. The County Commissioners conclude that Level of Service C is acceptable under both the Worcester County Comprehensive Plan and the State Highway Administration guidelines. Mrs. Tustin testified to the County Commissioners that these conclusions were based upon traffic counts which included data collected in July 2011 and that all data collected and analyzed was based on a worst case scenario and presumes all new trips. Based upon personal knowledge, the County Commissioners conclude that the objections of the protestants with regard to current traffic levels are unfounded and any future impacts will be within acceptable levels of service and are mitigated by the potential jobs to be created as a result of the rezoning. Noting that a connection through the property owned by Steen Associates, Inc. to King Richard Road within Ocean Pines had been discussed by the applicants, the County Commissioners believe that this direct connection to Ocean Pines would have a significant adverse impact upon the residential neighborhoods directly affected by the connection and therefore should not be permitted. Based upon their review, the County Commissioners find that the proposed rezoning and potential subsequent development of the petitioned area under the requested C-2 General Commercial District will not conflict with or have any greater adverse impact on present and future transportation patterns provided the necessary road improvements are made.

Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: Based upon the staff report included in the Planning Commission's findings of fact and various exhibits placed into the record, the County Commissioners note that at present the petitioned area consists of tilled cropland, with a small seasonally utilized produce stand, and wooded areas along the northerly and easterly perimeters, adjacent to Ocean Pines. Furthermore, the County Commissioners find that the petitioned area is not within either the Atlantic Coastal Bays Critical Area or the Chesapeake Bay Critical Area. Ed Launay of Environmental Resources, Inc. testified before the County Commissioners that he had performed soil borings on the site which indicated a predominance of upland soils with few, if any, development limitations. He stated that while resource mapping indicates that there are hydric soils in depressed areas of the tilled portion of the site, the site investigation indicated that these soils are actually upland soils and are therefore mapped erroneously. Additionally, Mr. Launay stated that there are approximately 15 acres of woodlands on the petitioned area, 6.6 acres of which would be required to be protected under the Forest Conservation Law. This area would therefore provide a buffer between the adjacent residences and the petitioned area. He also noted that the forested area is rather isolated and of insufficient size to provide habitat for forest interior dwelling birds. Mr. Launay also testified that the soils on the site drain well, making them ideal for commercial use. R. D. Hand, a land planner representing the applicants, testified to the County Commissioners that the neighborhood wherein

the petitioned area is located displays a mixed use character, with commercial areas being prevalent along MD Rt. 589 while residential uses predominate within Ocean Pines and Pennington Estates as well as along the Gum Point Road corridor, including Baypoint Plantation. He asserted that the petitioned area is not suitable for viable agriculture because the limited amount of tillable farmland is not conducive to profitable farming due to economies of scale and because large farm implements have difficulty accessing the site from busy MD Rt. 589. Mr. Hand also maintained that this area constitutes one of the most heavily developed areas within the County's jurisdiction and that agricultural use is not compatible with that character, particularly since many uses permitted by the A-1 Agricultural District would conflict with dense residential usage such as that found at Ocean Pines. Furthermore, he contended that residential use was also inappropriate due to the proximity of the roadway corridor. Steve Soule, also representing the applicants, testified that the 60 lot subdivision on the property owned by Steen Associates, Inc. will now be able to move forward to construction since the necessary award of growth allocation has been granted by the State's Critical Area Commission and the Comprehensive Water and Sewer Plan has been amended to allow for a sewer service connection to the site from the Ocean Pines system. Based upon their review, the County Commissioners agree with the applicants' assertion that the petitioned area's agricultural zoning is inappropriate because it is too small to be productively farmed and access for typical farm equipment would be difficult and conflict with traffic on MD Rt. 589 and that residential use is also not desirable. The County Commissioners find that the neighborhood of the petitioned area is one of mixed uses, the majority of which are commercial or residential in nature and that the A-1 Agricultural District zoning on the petitioned area is inappropriate and could result in land uses which are not compatible with the more prevalent uses in the neighborhood. The County Commissioners conclude that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is more in keeping with the character of the neighborhood and is more compatible with its existing and proposed development. Furthermore, the County Commissioners conclude that the proposed rezoning will have no significantly greater impact on existing environmental conditions in the area than would development of the site in accordance with its existing A-1 Agricultural District zoning category because all the same environmental regulations such as for forest conservation, etc. would be applicable to construction regardless of the zoning district.

Regarding compatibility with the County's Comprehensive Plan: The County Commissioners find that according to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Existing Developed Area Land Use Category. With regard to this category, the Comprehensive Plan states that this category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained, that recognizing existing development and neighborhood character is the purpose of this designation, and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The County Commissioners recognize that the Comprehensive Plan states that development along the MD Rt. 589 corridor should be limited until capacity increases but note that the traffic study provided by the applicant indicates that MD Rt. 589 will still operate at at least a Level of Service C or greater, the threshold called for by both the County's Comprehensive Plan and State Highway guidelines, if the petitioned area is rezoned and developed commercially. R. D. Hand testified to the County Commissioners that the area to the south of the petitioned area is within the Commercial Center Land Use Category according to the 2006 Comprehensive Plan and land use map and asserted that a portion of this Commercial Center designation extends onto the petitioned area. He maintained that the petitioned area is therefore mapped erroneously and should be within that land use category and therefore zoned for commercial purposes. The County Commissioners find that the petitioned area is in a segment of the MD Rt. 589 corridor which has long been used for commercial and residential purposes, that the area in general is unlikely to be utilized for viable and profitable agricultural purposes, and that the petitioned area itself is too small and difficult to access to be productively farmed. Based upon their review the County Commissioners find that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

Regarding the recommendation of the Planning Commission: The County Commissioners find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission.

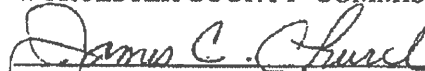
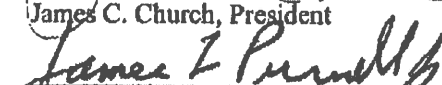
As a result of the testimony and evidence presented before the Commissioners and the findings as set forth above, the County Commissioners find that there has been a substantial change in the character of the neighborhood since the comprehensive rezoning adopted on November 3, 2009 due to the opening of the Ocean Downs Casino, the anticipated 60 lot residential subdivision to be constructed on lands adjacent to the petitioned area, and the Planning Commission's granting of site plan approval for a proposed movie theater and bowling alley for property along the MD Rt. 589 corridor to the south of the petitioned area. The County Commissioners conclude that the casino resulted from the approval of legislation by the Maryland General Assembly to permit slots in certain facilities, an action that was discretionary in nature and therefore not planned for. The site plan approval for the bowling alley and movie theater would not have been possible without the Planning Commission's granting of a number of waivers to site plan and design guidelines, decisions which are also discretionary. Likewise, the awarding of Critical Area growth allocation and the approval of a Comprehensive Water and Sewer Plan amendment for the Steen Properties, Inc. 60 lot subdivision were discretionary decisions that could not have been foreseen. Without those approvals the subdivision could not move forward. The County Commissioners concur with the applicants' assertion that each of those approvals constitutes a change to the character of the neighborhood because they are discretionary in nature and allow development that would not otherwise be permitted. The County Commissioners find, however, that any roadway connection to Ocean Pines via King Richard Road would be obtrusive and detrimental to the residential neighborhood. The County Commissioners therefore accept the applicants' proffer to not provide any such connection. In consideration of their findings the County Commissioners hereby approve Rezoning Case No. 392 and thus reclassify the petitioned area, shown on Tax Map 21 as Parcels a and B of Parcel 66, from A-1 Agricultural District to C-2 General Commercial District subject to the condition proffered by the applicants that no access will be provided to or from the petitioned area from King Richard Road in Ocean Pines.

PASSED AND ADOPTED this 4th day of September, 2012.

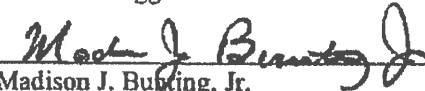
ATTEST:


 Gerald T. Mason
 Chief Administrative Officer

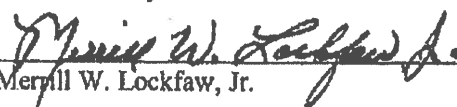
WORCESTER COUNTY COMMISSIONERS


 James C. Church, President

 James L. Purnell, Jr., Vice President

Judith O. Boggs


 Madison J. Bullock, Jr.

Louise L. Gulyas


 Merrill W. Lockfaw, Jr.

Virgil L. Shockley

ZONING RECLASSIFICATION RESOLUTION NO. 12-01

A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO SECTION ZS 1-113 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, CHANGING THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND SHOWN ON TAX MAP 21 FROM A-1 AGRICULTURAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT.

WHEREAS, pursuant to Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, Silver Fox, LLC and Burbage/Melson, Inc., applicants, filed a petition for the rezoning of approximately 30.90 acres of land shown on Tax Map 21, located on the easterly side of MD Rt. 589 and south of Manklin Creek Road, requesting a change in zoning classification thereof from A-1 Agricultural District to C-2 General Commercial District; and

WHEREAS, the Worcester County Planning Commission gave the said petition a favorable recommendation during its review on May 3, 2012; and

WHEREAS, subsequent to a public hearing held on August 7, 2012, following due notice and all procedures as required by Sections ZS 1-113 and 1-114 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners made findings of fact pursuant to the provisions of Section ZS 1-113 of the Worcester County Zoning Ordinance and found that there has been a substantial change to the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) and also made findings of fact relative to the other criteria as required by law;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the land petitioned by Silver Fox, LLC and Burbage/Melson, Inc. and shown on Tax Map 21 as Parcels A and B of Parcel 66, are hereby reclassified from A-1 Agricultural District to C-2 General Commercial District subject to the condition proffered by the applicants that no access will be provided to or from the petitioned area from King Richard Road in Ocean Pines.

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

EXECUTED this 4th day of September, 2012.

ATTEST:

Gerald T. Mason
Gerald T. Mason
Chief Administrative Officer

WORCESTER COUNTY COMMISSIONERS

James C. Church
James C. Church, President
James L. Purnell, Jr.
James L. Purnell, Jr., Vice President

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Louise L. Gulyas
Merrill W. Lockfaw, Jr.
Merrill W. Lockfaw, Jr.

Virgil L. Shockley

Exhibit 3

Exhibit 3

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0144

September Term, 2013

SILVER FOX, LLC, ET AL.

v.

WALTER M. STANSELL, JR., ET AL.

Meredith,
Zarnoch,
Eyler, James R.
(Retired, Specially Assigned),

JJ.

Opinion by Zarnoch, J.

Filed: July 22, 2014

7/23/14

In this zoning case, appellants Silver Fox, LLC and Burbage/Melson, Inc. (collectively, "Silver Fox") petitioned the Worcester County Commissioners ("County Commissioners") to rezone/reclassify Silver Fox's property from A-1 Agricultural District to C-2 General Commercial District under the Worcester County Zoning Code. The County Commissioners granted this petition. Appellees in this case are nearby property owners ("the Residents")¹ who protested the rezoning/reclassification and petitioned the Circuit Court for Worcester County for judicial review. The circuit court reversed the decision of the County Commissioners. We now reverse the judgment of the circuit court, leaving intact the County Commissioners' decision to grant the rezoning.

FACTS AND LEGAL PROCEEDINGS

Silver Fox owns the property at issue in this case, which consists of two parcels totaling about thirty-one acres ("the Property"). The Property is located in Worcester County, on the east side of Maryland Route 589 ("Rt. 589"), also known as Race Track Road, and on the south side of Manklin Creek Road. The Property is adjacent to the southwesterly side of the Ocean Pines subdivision, and contiguous to the westerly side of R-1 Single-Family Residential District zoned land, which is currently undeveloped. Turville Creek separates the Ocean Pines neighborhood and the Property from the Ocean Downs Racetrack and what is now called the Casino at Ocean Downs ("the Casino").

¹As identified in Silver Fox's brief, the appellees are Walter and Pamela Stansell, Jeanne R. Lynch, Carol J. Chauer, and Paul R. Bredehorst.

The Property currently consists of cropland and woodland, with a seasonally-operated produce stand. It has been zoned A-1 Agricultural District since 1965, and is the only A-1 Agricultural District property south of Route 90, though some property is zoned as an A-2 Agricultural District on the opposite side of Rt. 589.

In 2006, the Worcester County Comprehensive Land Use Plan ("Comprehensive Plan") designated the Property as a combination of "Existing Developed Area" and "Commercial Center." The Comprehensive Plan stated that its policy would be to limit development of the Rt. 589 corridor until road capacity improved.

In September 2009, the Video Lottery Facility Location Commission awarded a slots license to the owner of the Ocean Downs Racetrack, land zoned A-2 Agricultural. The Casino is about 2,000 feet south of the Property, on the same side of Rt. 589. On November 3, 2009, Worcester County adopted a Comprehensive Rezoning Plan ("2009 Rezoning Plan"), which found an adequate supply of commercial zoning in the area and discouraged additional development along Rt. 589 until the roadway improved.

Since the 2009 Rezoning Plan, the 35,000 square foot Casino has been constructed on the site, along with a 10,000 square foot clubhouse. The Casino presently has 800 video lottery terminals, though the Maryland General Assembly has approved a total of 2,500 video lottery terminals for this location.² Rt. 589 now has more traffic signals and turn lanes.

²The Casino did not open until January of 2011, some fourteen months after adoption of the Rezoning Plan. Although advertised as a "casino" (perhaps with an eye toward
(continued...)

Additionally, the owners of the Casino received "site plan approval" for the construction of a movie theater and bowling alley, which have not yet been constructed.

Also, since the 2009 Rezoning Plan, an adjacent seventy-acre property ("the Steen Property") received approval from Worcester County to reclassify from a Resource Conservation Area, which permitted one dwelling unit per twenty acres, to a Limited Development Area, which would allow a total of sixty residential units on the Steen Property. The Steen Property shares at least "a few hundred feet" of common property line with the Property.

On May 28, 2010, Silver Fox submitted a petition to Worcester County to rezone the Property, requesting a change from A-1 Agricultural District to C-2 General Commercial District. It set forth two grounds for rezoning in its petition: a substantial change in the character of the neighborhood since the 2009 Rezoning Plan, and a mistake in the existing zoning classification. On April 12, 2012, the Worcester County Planning Commission ("Planning Commission") held a public hearing on the application. Silver Fox presented evidence, including a witness from Atlantic General Hospital, who testified that the Property is an ideal site for a medical campus facility. Ocean Pines residents stated that traffic congestion is a serious health and safety issue. On May 3, the Planning Commission held a

²(...continued)

expansion), the facility at that time was more appropriately characterized as a "racino," i.e., a slots parlor at a racetrack. See http://en.wikipedia.org/wiki/Ocean_Downs (last visited July 10, 2014).

work session to discuss the character of the neighborhood, and then forwarded its Findings of Fact and Recommendation to the Worcester County Commissioners ("County Commissioners").

On August 7, the County Commissioners held an advertised public hearing.³ Silver Fox presented testimony from three professional engineers, including a traffic engineer, a land planner, and a surveyor. On September 4, the County Commissioners granted the rezoning request. They adopted the Planning Commission's Findings of Fact and Recommendation. The County Commissioners concluded that the neighborhood had substantially changed since the 2009 Rezoning Plan, based on the opening of the Casino,⁴

³Commissioner Church was asked to recuse himself because of an affiliation with the Atlantic General Hospital and with Mr. Burbage, a principal of Silver Fox. The County Attorney determined that this was not a conflict of interest.

⁴The Commission granted the rezoning request some two weeks after the Governor signed legislation that would result in a significant expansion of gambling at Ocean Downs and the other casino sites. See Chapter 1, *Laws of 2012*, (2d Spec. Sess.). Although the legislation could not take effect until a November, 2012 referendum, among other things, it authorized a license: 1) to offer table games; 2) to operate 24 hours per day; and 3) to offer live entertainment.

The legislation contemplated that Ocean Downs would generate additional revenue from table games, see Revised Fiscal & Policy Note on SB 1 (2012 2d Spec. Sess.), dated September 19, 2012, and provided for an increase in revenues for Ocean Downs as long as it spent a percentage of the proceeds on capital improvements to the facility. *Id.* Not surprisingly, as a result of these changes in the law, Ocean Downs, in September, 2013 announced a 50,000 square foot expansion to include table games and a new restaurant. See http://en.wikipedia.org/wiki/Ocean_Downs (last visited July 10, 2014). When this expansion takes place, Ocean Downs will no longer be a racino, but will be a genuine casino.

the approval for the movie theater and bowling alley, and the anticipated subdivision on the Steen Property.

On October 4, the Residents filed a petition for judicial review of the County Commissioners' decision. Silver Fox filed a cross-petition for the County Commissioners' failure to find there had been a mistake in the 2009 Rezoning Plan. On March 18, 2013, the circuit court held a hearing on the petition. The court denied Silver Fox's motion challenging the Residents' standing, and held that no mistake occurred in the 2009 Rezoning Plan, and that Silver Fox had not demonstrated a substantial change since that date. Judge Beck explained his denial of the rezoning:

So the Commissioners rely primarily on three points for the change: the . . . casino gambling at the racecourse. On that point, the site location commission approved the one mile area in September of 2009 prior to this rezoning and I believe that what happened at the racecourse with regard to casino gambling was known to the Commissioners at the time that they adopted their comprehensive rezoning. The Steen property has always been R-1. Some changes were made with regard to the density, but also [known] to the Commissioners at the time that they granted comprehensive rezoning in November of 2009. The movie theater and the bowling alley are extensions of nonconforming use and certainly could be within the contemplation of the Commissioners at the time they granted the comprehensive rezoning. The Atlantic Hospital interest in perhaps someday putting a medical facility on the subject property was speculative or remote at best. I read somewhere that soils are suitable for this kind of development which clearly does not fall within the realm of substantial change.

So there's been a number of changes. The appellate courts are clear that mere changes are not enough, it must be a substantial change to affect the character of the neighborhood and even

cumulatively I can't find that that occurred in the facts that before the Court.

On April 12, the court issued a written order reversing the decision of the County Commissioners. On May 7, Silver Fox filed a notice of appeal. The issue of mistake was not raised in this appeal. Additional facts will be provided as necessary in our discussion of the issues.

QUESTION PRESENTED

Silver Fox presents the following question for our review:

Was the decision to rezone/reclassify the [Silver Fox's] Property from the A-1 Agricultural Zoning District to the C-2 General Commercial District, fairly debatable and supported by substantial evidence, considering the aggregate, cumulative changes in the neighborhood since the last rezoning?

We answer in the affirmative, and reverse the decision of the circuit court.

DISCUSSION

I. Standard of Review

When a decision of an administrative agency like the County Commissioners comes to us from the circuit court, we review the decision of the agency itself, not the decision of the circuit court. *Long Green Valley Ass'n v. Prigel Family Creamery*, 206 Md. App. 264, 273 (2012). We will review the agency's decision in the light most favorable to the agency because its decisions are prima facie correct, though we are "under no constraint to affirm an agency decision premised solely upon an erroneous conclusion of law." *Catonsville Nursing Home, Inc. v. Loveman*, 349 Md. 560, 569 (1998) (Citations omitted).

We “will not disturb an administrative decision on appeal if substantial evidence supports factual findings and no error of law exists.” *Long Green Valley Ass’n*, 206 Md. App. at 274. Substantial evidence means “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Catonsville Nursing Home, Inc.*, 349 Md. at 569. Thus, “[i]t is only where there is no room for reasonable debate, or where the record is devoid of supporting facts, that the court is justified in declaring the legislative action of the board arbitrary or discriminatory.” *Offiat v. Bd. of Zoning Appeals of Baltimore Cnty.*, 204 Md. 551, 562 (1954). We appraise and evaluate the agency’s fact finding, but do not make an independent decision on the evidence. *Catonsville Nursing Home, Inc.*, 349 Md. at 569.

II. Substantial Change in Character

Zoning authorities in Maryland, like the County Commissioners, “implement their plans and determinations regarding appropriate land use zoning categories” through original zoning, comprehensive rezoning, and piecemeal rezoning. *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 532 (2002). The zoning regulations and boundaries may be amended or repealed. Md. Rule 4-204(a). The zoning authority may grant a change in a zoning classification based on a finding that there was a substantial change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification. Md. Rule 4-204(b)(2). *See also Rylyns Enterprises, Inc.*, 372 Md. at 535-36.

To change the zoning of a property based on change of character in a neighborhood, the petitioner must establish:

(a) what area reasonably constitutes the neighborhood of the subject property, (b) the changes which have occurred in that neighborhood since the comprehensive rezoning and (c) that those changes resulted in a change in the character of the neighborhood.

Montgomery v. Board of Cnty. Comm'rs for Prince George's Cnty., 256 Md. 597, 602 (1970). The changes in the character of the neighborhood must be evaluated cumulatively, in order to determine "whether the aggregate changes in the character of the neighborhood since the last zoning were such as to make the question fairly debatable." *Bowman Grp. v. Moser*, 112 Md. App. 694, 700 (1996).

A. Definition of Neighborhood

The first step in determining a change in a neighborhood is to define the neighborhood. *Montgomery*, 256 Md. at 602. Silver Fox contends that the issue is not preserved. It argues that the circuit court rejected the Residents' argument that the County Commissioners' definition was incorrect, and the Residents did not file a cross-appeal. The Residents contend that because this Court evaluates the decision of the administrative agency and not the circuit court, the Residents were not required to file a cross-appeal on the issue of the neighborhood.

We agree with the Residents that they did not need to file a cross-appeal to preserve this issue. However, we find that the neighborhood was sufficiently defined by the County

Commissioners. The Planning Commission clearly considered the definition, shown by their alterations to the definition originally presented by Silver Fox. The Planning Commission excluded the commercial property on the south side of U.S. Route 50. At the public hearing, the County Commissioners heard testimony concerning the neighborhood from Steven Soule, an engineer, and from an Robert Hand, a lander planner. Hand explained that when he was asked to define the neighborhood as an expert witness, he included areas that were a five to ten minute drive from the population centers as described in the Comprehensive Plan. Based on this evidence, the County Commissioners accepted the definition of the Planning Commission. Judge Beck explained that "there was no mistake in the appropriateness of the neighborhood and I'm not going to put my judgment in place of the Commissioners on the appropriateness of the neighborhood. I think that is fairly debatable" On this point, we agree with the circuit court.

B. Changes in the Character of the Neighborhood

Silver Fox contends that the County Commissioners' determination concerning the changes in the neighborhood was based upon substantial evidence. It looks to the construction of the Casino, the approval of the bowling alley and movie theater, the authorization of a subdivision at the Steen Property, and other changes. We will address each factor in turn.

1. Casino

Silver Fox contends that the County Commissioners were correct to find that the addition of the Casino was a significant change in the character of the neighborhood. Silver Fox argues that the County Commissioners found a change due to the Casino's \$45,000,000 complex, adjacent 10,000 square foot clubhouse, and related road improvements like traffic signals and turning lanes. It points to evidence such as testimony from an engineer representing the Casino, and testimony from the County Attorney, John Bloxom, who described how the Casino went from a "simple venue that's open two or three months during the summer, evening time for racing, now to a casino that's open 24/7 with all of the traffic that comes and goes every day of the year, 24 hours a day." Silver Fox also argues that the slot machines were an unanticipated change after the 2009 Rezoning.

Residents contend that the County Commissioners knew prior to the 2009 Rezoning that the Casino had been approved. They argue that prior to the Casino, there was more than harness racing because the center was open for more than 320 days for off-track betting.

In our view, it is at least fairly debatable for the Commissioners to conclude that the opening and operation of the casino represented a substantial change in the neighborhood. What they knew at the time of the 2009 Rezoning was that a slots license had been issued to the owner of Ocean Downs. By 2012, racino interests were more than poised at the gate. A large and unique facility was in place and in operation. Moreover, by the time the Commissioners granted the rezoning request, the General Assembly had enacted legislation

that contemplated that Ocean Downs and the other sites would become genuine 24-hour casinos with table games and entertainment. It is hard to think of a more substantial change in a neighborhood.

2. Bowling Alley and Movie Theater

Silver Fox contends that the County Commissioners were correct to find a cumulative change in the character of the neighborhood because of the design waivers granted for the bowling alley and movie theater. It notes that the County Commissioners stated that the grant of the waivers was a discretionary decision after the 2009 Rezoning Plan. The Residents argue that the County Attorney said these would not constitute a change in the character of the neighborhood.

We find the County Commissioners were correct to find that the granting of the waivers for the bowling alley and movie theater was a substantial change. Zoning authorities are entitled to consider projects that are "reasonably probable of fruition in the foreseeable future." *Jobar Corp. v. Rodgers Forge Cnty. Ass'n*, 236 Md. 106, 112 (1964). It is fairly debatable that the granting of these waivers and the future projects were unforeseeable at the time of the 2009 Rezoning Plan and that they represented a substantial change for a neighborhood that previously offered only off-track betting and harness racing.

3. Steen Property Subdivision

Silver Fox contends that the County Commissioners also found a change in the character of the neighborhood since the 2009 Rezoning Plan due to the rezoning of the Steen

Property. It argues that the County Commissioners heard testimony that the development was not a planned change for the neighborhood.

The Residents contend that the Steen Property was classified as a Residential District in the 2009 Rezoning Plan, and though now it may develop at a greater density, there was no evidence that any actual development has occurred or would be a change from the plan.

A change in residential density can constitute a substantial change. *Bosley v. Hosp. for Consumptives of Md.*, 246 Md. 197, 204 (1967), and again the County Commissioners are entitled to consider probable future changes. *Jobar Corp.*, 236 Md. at 112. We find when considered cumulatively with the opening and operation of the Casino and the design waivers for the bowling alley and movie theater, the change in the zoning of Steen Property contributed to a fairly debatable change in the neighborhood.

In light of our conclusion that the Commissioners did not err in finding a substantial change in the neighborhood, we need not consider additional factors addressed by the parties.

III. Worcester County Zoning Ordinance Criteria

In addition to the issue of a substantial change in the character of the neighborhood, the parties disagree over the Commissioners' application of some of the other criteria specified in the County zoning laws. To change the zoning classification of a property, the Worcester County Code, Zoning and Subdivision Control Article ("ZS"), § 1-113(c)(3)(2009) requires the County Commissioners to make certain findings of fact. These findings shall include:

- (a) population change,
- (b) availability of public facilities,
- (c) present and future transportation patterns,
- (d) compatibility with existing and proposed development and existing environmental conditions for the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement,
- (e) the recommendation of the Planning Commission, and
- (f) compatibility with the County's Comprehensive Plan.

The County Commissioners are permitted to adopt the findings of the Planning Commission, *id.*, and they did so in this case, in addition to making findings of their own. For reasons set forth below, we find that the County Commissioners did make appropriate findings on the required factors.

A. Population Change

The Residents did not challenge that the County Commissioners made a sufficient finding on population change.

B. Availability of Public Facilities

The Residents have not contested the issue of whether the County Commissioners made an appropriate finding on the availability of public facilities.

C. Present and Future Transportation Patterns

Silver Fox contends that the County Commissioners made findings on traffic patterns when it stated that “with minor configuration changes at one intersection all the intersections in the defined neighborhood would operate at a minimum Level of Service “C” which is acceptable under the Comprehensive Plan and the State High Administration Guidelines.⁵

The Residents argue that the County Commissioners did not base their traffic findings on the evidence. They state that there was no testimony about a plan for road improvements or funding. They also contend that there was no evidence to support the County Commissioners' assumption that the increased traffic would be mitigated by the potential jobs created by the rezoning. The Residents argue that the County Commissioners ignored findings from the Comprehensive Plan that Rt. 589 is impacted by traffic congestion.

A zoning board “is entitled to consider . . . proposed improvements to existing highways in determining the proper classification of property” if the improvements are reasonably probable to occur in the foreseeable future. *Cnty. Comm'rs of Howard Cnty. v. Merryman*, 222 Md. 314, 323 (1960). Here, the County Commissioners based their finding on testimony from Betty Tustin, a traffic engineer,⁶ which is sufficient evidence to consider

⁵Under the State Highway Administration guidelines, the Level of Service standard that should be achieved at State intersections is “D.” Intersections are graded from A through F, with A being the best and F being the worst. The grades take in to account vehicle length, traffic light cycle times, and queue times. See Maryland Dep't of Transp, State Highway Access Manual, *Guidelines for Traffic Impact Reports/Studies, Appendix E*, <http://www.roads.maryland.gov/Index.aspx?PageId=461>.

⁶Tustin explained that to conduct traffic counts her firm will:

(continued..)

an issue "at least fairly debatable." *Montgomery*, 263 Md. at 6-7. We conclude that the County Commissioners made a sufficient finding on the issue of traffic patterns.

D. Compatibility with Development and Environmental Conditions

Silver Fox contends that the County Commissioners made sufficient findings of fact on the rezoning's compatibility with development and environmental conditions: that the Property is not within any environmentally critical areas; that the property was too small to be productively farmed and residential use was not desirable; and that the majority of the mixed uses within the neighborhood were commercial or residential in nature that were not compatible with agricultural uses.

The Residents contend that the County Commissioners' finding regarding the compatibility with development and environmental conditions was not supported by the evidence. They argue that the County Commissioners rezoned the Property in the A-1 Agricultural District within the last three years, making a change inappropriate.

⁶(...continued)

analyze what the worst case scenario would be. For example, we study the worst hour of the day, and then we actually take the worst 15 minutes within that hour and add a factor to our setting. So that we are assuming— we're adding the safety factor in, if you will, so to make sure that we are analyzing what the worst hour of the whole week, and in this case since we did summer, of the whole year would be. If we can provide for that traffic, then we can provide for traffic for the other 23 hours of the day.

We find that the County Commissioners made sufficient findings of fact on this issue. They cited evidence such as a staff report included in the Planning Commission's findings of fact,⁷ exhibits on the record, and their judgment that the present area consists of tilled cropland, a produce stand, and wooded areas.

E. Recommendation of the Planning Commission

The parties do not disagree on whether the County Commissioners made findings on the Planning Commission's recommendations. The Commissioners stated: "[We] find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission."

F. Compatibility with County's Comprehensive Plan

Silver Fox contends that the County Commissioners made findings on compatibility and desirability with the Comprehensive Plan: an environmental consultant testified that the soil was suitable for development; a land planner stated that the property is designated as "Existing Developed Area" on the land use plan, which encompasses many commercial uses,

⁷This staff report addresses the Chesapeake/Atlantic Coastal Bays Critical Areas by stating, "According to an email received from Roby Hurley, Natural Resources Planner for the Critical Area Commission, the petitioned area is not within either the Atlantic Coastal Bays Critical Area or the Chesapeake Bay Critical Area."

and that commercial zoning was more desirable; and the Property was unlikely to be utilized for viable and profitable agricultural purposes.

The Residents contend that the County Commissioners' finding disregards statements in the Comprehensive Plan about the development of Rt. 589. The Residents argue that purpose of C-2 zoning is to provide for more intense commercial development, which is contrary to the provisions of the Comprehensive Plan.

Generally, comprehensive plans are

advisory in nature and have no force of law absent statutes or local ordinances linking planning and zoning. Where the latter exist, however, they serve to elevate the status of comprehensive plans to the level of true regulatory device. In those instances where such a statute or ordinance exists, its effect is usually that of requiring that zoning or other land use decisions be consistent with a plan's recommendations regarding land use and density or intensity.

Ryllys Enterprises, Inc., 372 Md. at 530-31. Here, the Worcester County Zoning Code does not require consistency. Instead, it requires the County Commissioners to consider the Comprehensive Plan by making findings on the issue of compatibility, and it directs the Commissioners to make a finding "that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan." ZS § 1-113(c)(3).

The County Commissioners' decision stated that they

recognize[d] that the Comprehensive Plan state[d] that development along the MD Rt. 589 corridor should be limited until capacity increased but note[d] that the traffic study provided by the applicant indicates that MD Rt. 589 will still operate at least a Level of Service C or greater, the threshold

called for by both the County's Comprehensive Plan and State Highway guidelines, if the petitioned area is rezoned and developed commercially.

They also noted that a portion of the Commercial Center Land Use Category already extends on to the Property. The County Commissioners explained that rezoning would lead to a more profitable use of the land and would likely create more jobs in the neighborhood. We conclude that the County Commissioners sufficiently considered the compatibility of the zoning change with the Comprehensive Plan.

Viewing the record as a whole, we believe the County Commissioners' findings were consistent with the requirements of ZS § 1-113(c)(3). We cannot say that the County Commissioners acted arbitrarily in granting Silver Fox's request to rezone the property.

For all of these reasons we reverse the judgment of the circuit court and uphold the decision of the County Commissioners.

**JUDGMENT OF THE CIRCUIT COURT
FOR WORCESTER COUNTY REVERSED.
COSTS TO BE PAID BY APPELLEES.**

Exhibit 4

IN THE MATTER OF *
 THE REZONING APPLICATION OF *
 THE ESTATE OF MILDRED L. * REZONING CASE NO. 396
 PARSONS, MARGARET P. BUNTING, *
 PERSONAL REPRESENTATIVE *

FINDINGS OF FACT

Subsequent to a public hearing held on March 1, 2016 and after a review of the entire record, all pertinent plans and all testimony, the Worcester County Commissioners hereby adopt the findings of the Worcester County Planning Commission and also make the following additional findings of fact as the County Commissioners' complete findings of fact pursuant to the provisions of Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland.

Regarding the specifics of Rezoning Case No. 396: This case seeks to rezone approximately 11.5 acres of land (hereinafter referred to as the petitioned area) located on the easterly side of MD Route 589 to the north of Gum Point Road from A-1 Agricultural District to C-2 General Commercial District. The petitioned area is shown as Parcel 72 on Tax Map 21.

Regarding the definition of the neighborhood: Mr. Cropper entered that Planning Commission's findings of fact and recommendation on Rezoning Case No. 396 into the record as Applicant's Exhibit No. 1. He then entered into the record as Applicant's Exhibit No. 2 a large scale full color zoning map showing the petitioned area, the zoning of all properties and the limits of the neighborhood as defined by the applicant. The neighborhood was defined on behalf of the applicant by R. D. Hand, landscape architect for R. D. Hand and Associates, Inc., as being that area bound on the north by MD Route 90, on the east by the Isle of Wight Bay, on the south by US Route 50, and on the west by those properties on the westerly side of MD Route 589. As did the Planning Commission, the County Commissioners agree that this is an appropriate definition of the neighborhood because it contains similar uses and zoning, primarily residential and commercial in nature.

Regarding population change in the area: Mr. Hand testified before the Planning Commission and the County Commissioners that there had not been a substantial change in the neighborhood's population since the comprehensive rezoning of 2009, with most resulting from infill development of vacant lots in the neighborhood. The County

Commissioners concur with the Planning Commission's conclusion there has been a general increase, though not a substantial one, in the population of the neighborhood since the comprehensive rezoning of 2009 as vacant lots in residential subdivisions in the neighborhood have been constructed upon, leading to infill development. Additionally, the County Commissioners agree with the Planning Commission's finding that the population of visitors to the neighborhood has escalated as patrons at the Casino at Ocean Downs and at commercial facilities in the neighborhood have increased.

Regarding availability of public facilities: Based upon the Planning Commission's findings, the County Commissioners find that as it pertains to wastewater disposal and the provision of potable water, the petitioned area itself is not within an area which receives public sewer or water service at the present time. The County Commissioners find that Robert J. Mitchell, Director of the Department of Environmental Programs, by memo included in the staff report attached to the Planning Commission's findings of fact, stated that the petitioned area has a designation of Sewer Service Category S-6 (No Planned Service). Mr. Mitchell also stated that his department has no well or septic records or soil evaluation records in the property file indicating any onsite capacity exists to support construction that would require water and sewerage be supplied. Mr. Mitchell further noted that if the applicant is intending to utilize public water and sewer for the development of this property, there are currently 24 excess sewer Equivalent Dwelling Units (EDUs) remaining as of the date of his memo (November 17, 2015) in the Ocean Pines Sanitary Service Area. The County Commissioners find that Edward Launay, an environmental consultant with Environmental Resources, Inc., testified on behalf of the applicant that he had conducted a site evaluation of the petitioned area and performed soil borings. Applicant's Exhibit No. 3 was entered into the record and is comprised of a large full color aerial soils map and two smaller aerial maps showing elevation mapping. Mr. Launay testified that based upon his evaluation he had determined that the site is well drained, has good depth to groundwater and its soils are suitable for on-site septic disposal if need be. Based upon the comments of Mr. Mitchell and the testimony of Mr. Launay, the County Commissioners find that adequate wastewater disposal facilities of some type, be they on-site or public wastewater, may be available to serve the petitioned area if rezoned. The County Commissioners find that fire and ambulance service will be available from the Ocean Pines and Berlin Volunteer Fire Company, located approximately five and ten minutes away respectively while police protection will be available from the Maryland State Police Barracks in Berlin, approximately ten minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. Chief Deputy J. Dale Smack 3rd of the Worcester County Sheriff's Office by memo included in the staff report attached to the Planning Commission's findings of fact stated that he had reviewed the application and spoken with Sheriff Mason and with Lt. Starner of the State Police relative to the rezoning case and they saw no issues with the proposed rezoning and concluded that it will not interfere with law enforcement activities. The petitioned area is within the area served by the following schools: Ocean City

Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. Joe Price, Facilities Planner for the Worcester County Board of Education (WCBOE), by memo included in the staff report attached to the Planning Commission's findings of fact stated that the WCBOE does not anticipate an impact to the projected school enrollment for any of the schools serving the area by the proposed rezoning. In consideration of their review, the County Commissioners find that there will be no negative impacts to public facilities and services resulting from the requested rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District.

Regarding present and future transportation patterns: The petitioned area fronts on and currently has access to MD Route 589. That roadway is state-owned and -maintained and connects to both US Rt. 50 and US Route 113. The Planning Commission found that the Comprehensive Plan classifies MD Route 589 as a two-lane secondary highway/major collector highway and recommends that development be limited in the corridor until capacity increases, that scenic and transportation corridor planning be conducted, that the roadway be dualized after the US Route 113 project is completed, that US Route 113 traffic continue to be deflected to MD Route 90 rather than MD Route 589, and interparcel connectors and service roads be introduced where feasible. Donnie L. Drewer, District Engineer for State Highway Administration District 1, stated in his memo included in the staff report attached to the Planning Commission's findings of fact that MD Route 589 is identified in the State Highway Administration's current or long range planning documents for SHA's future needs in the area(s) noted in the application. He stated that, specifically, the SHA Highway Needs Inventory (HNI) identified the need for 4.6 miles of a multi-lane reconstruct from US Route 50 to US Route 113 and is noted as a County priority. He also commented that this section of roadway is also identified in the SHA Consolidated Transportation Plan (CTP) for potential improvements to the existing MD Route 589 corridor to relieve traffic congestion and improve traffic safety and accommodate bicycle and pedestrian safety. Mr. Drewer further stated that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration. He expressed that all future development of a site along this corridor will require the review and approval by his office and all access and entrance construction from a property onto the State highway shall be subject to the terms and conditions of an access permit to be issued by his office. Mr. Hand stated that although there will be traffic impacts to MD Route 589 if the petitioned area is rezoned to C-2 General Commercial District from A-1 Agricultural District, they will be significantly less than those anticipated to arise from the rezoning from agricultural to commercial of the much larger Silver Fox parcel immediately to the north, in which the traffic study showed that a Level of Service C would be maintained if that property were rezoned to commercial. That rezoning to a C-2 General Commercial District was approved by the County Commissioners on September 4, 2012 and, although appealed to court, was subsequently upheld. Based upon their review, the County Commissioners concur with the applicant's testimony stated above and the Planning

Commission's finding and adopt said finding that although there will impacts to the present and future transportation patterns arising from the proposed rezoning of the 11.5 acre petitioned area, they will not be as substantial as those arising from the previously approved rezoning (Case No. 392) of 33 acres and will have to be dealt with at some future point.

Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: The County Commissioners concur with the Planning Commission's conclusion that the neighborhood displays a mixture of land uses, with residential subdivisions and commercial uses being the predominant ones. The Casino at Ocean Downs is a predominant feature. Although the petitioned area and the adjoining property to the north are currently tilled cropland, there is virtually no other agricultural use in the neighborhood. It is essentially the agricultural use that is the blatant anomaly in the neighborhood, not commercial or residential use. The County Commissioners note that Edward Launay, professional wetlands scientist, testified that his examination of the petitioned area showed that there are no wetlands on the site, it is well-drained and has no archeological sites or endangered species. He also asserted that the proposed rezoning and anticipated development of the site will not have an adverse impact on impaired waters or increase the Total Maximum Daily Loads (TMDLs). Based upon their review the County Commissioners find that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is compatible with existing and proposed development and existing environmental conditions in the area.

Regarding compatibility with the County's Comprehensive Plan: According to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Commercial Center and Existing Developed Area Land Use Categories. With regard to the Commercial Center Land Use Category, the Comprehensive Plan states that this category designates sufficient area to provide for anticipated needs for business, light industry, and other compatible uses. Retail, offices, cultural/entertainment, services, mixed uses, warehouses, civic, light manufacturing and wholesaling would locate in commercial centers. The Comprehensive Plan also states that commercial areas by their nature locate on prominent sites and can visually dominate a community. For this reason, special attention must be given to the volume, location and design of these uses. The Comprehensive Plan states that the first step is to balance supply with demand and that strip commercial centers are discouraged. Commercial areas provide important services but they should be developed to enhance community character, according to the Comprehensive Plan. With regard to the Existing Developed Area (EDA) category, the Comprehensive Plan states that this category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained, that recognizing existing development

and neighborhood character is the purpose of this designation, and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The Plan furthermore states that the EDAs are anticipated to remain as mapped at least until the next plan review period and that this will provide for orderly infill development within EDAs and new community-scale growth in the growth areas. The Plan also states that, not designated as growth areas, these areas should be limited to infill development and that density, height, bulk and site design standards should also be consistent with the EDA's existing character. The Planning Commission found that certain pertinent objectives were also cited in the Land Use chapter of the Comprehensive Plan and state that the character of the County's existing population centers should be maintained, that the County should provide for appropriate residential, commercial, institutional, and industrial uses, that new development should be located in or near existing population centers and within planned growth centers, and that existing population centers should be infilled without overwhelming their existing character. Other objectives state that development should be regulated to minimize consumption of land, while continuing the County's rural and coastal character, that the supply of commercially zoned land should be balanced with anticipated demand of year-round residents and seasonal visitors, that major commercial and all industrial development should be located in areas having adequate arterial road access or near such roads, and that highway strip development should be discouraged to maintain roadway capacity, safety, and character. The Planning Commission found that the Transportation chapter of the Comprehensive Plan states that Worcester's roadways experience morning and evening commuter peaks; however, they are dwarfed by summer resort traffic and that resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90. The Plan further states that of special note is the fact that the MD Route 589 corridor has experienced significant development, has reached an unsatisfactory level-of-service and congestion has become a daily occurrence regardless of season. The Plan asserts that for this reason, MD Route 589 is considered impacted from a traffic standpoint. The Comprehensive Plan states that this implies that land use should not intensify in this area, that infill development of existing platted lots should be the extent of new development, and that this policy shall remain until road capacity is suitably improved. This chapter also states that commercial development will have a significant impact on future congestion levels and that commercial uses generate significant traffic, so planning for the proper amount, location and design will be critical to maintain road capacity. Additionally, the Planning Commission found that the Comprehensive Plan states that it is the Plan's policy that the minimal acceptable Level of Service (LOS) for all roadways be LOS C and that developers shall be responsible for maintaining this standard. Mr. Hand on behalf of the applicant testified that as part of the previous rezoning of the adjacent Silver Fox property in Case No. 392, at 33 acres approximately three times the size of the now petitioned area, a traffic study was submitted into evidence and upheld which indicated that although traffic impacts would arise after development of that site with commercial uses, a Level of Service C would still be maintained on MD Route 589, a level which the Comprehensive Plan considers acceptable.

As did the Planning Commission, the County Commissioners find that although there will most likely be adverse impacts to MD Route 589 arising from commercial development of the 11.5 acre petitioned area, they will be much less significant than those anticipated to arise from the previous rezoning and will have to be dealt with at the time of development.

Based upon their review, the County Commissioners adopt the findings of the Planning Commission and find that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

Regarding the recommendation of the Planning Commission: The County Commissioners find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission and adopt its findings.


As a result of the testimony and evidence presented before the Commissioners and the findings as set forth above, the County Commissioners find that there has been a change in the character of the neighborhood since the 2009 comprehensive rezoning. As did the Planning Commission, the County Commissioners concur with the applicant's assertion that the most predominant change is the approval of Rezoning Case No. 392 which reclassified the adjacent property to the north from A-1 Agricultural District to C-2 General Commercial District in 2012. That rezoning has left the petitioned area as an island of A-1 Agricultural District zoning. Other changes to the character of the neighborhood include the significant expansion of the Casino at Ocean Downs, its connection to public sewer service, and the expansion of the Ocean Pines wastewater and water service areas. Furthermore, the County Commissioners conclude that the proposed development of the adjacent property to the east into a residential subdivision constitutes a change to the character of the neighborhood because the granting of Atlantic Coastal Bays Critical Area growth allocation by the Worcester County Commissioners and the Critical Area Commission was necessary to allow the subdivision to occur. Additionally, the County Commissioners agree with the applicant's argument that although the Casino is located on an agriculturally zoned property, it is truly not an agricultural use and is in fact commercial in nature, given its size of approximately 10,000 square feet and the extensive expanse of parking lots associated with the use. Like the Planning Commission, the County Commissioners agree with the applicant's contention that because Rezoning Case No. 392 was upheld in court it is only equitable to give the petitioned area the same zoning. The County Commissioners find that the existing A-1 Agricultural District zoning is inconsistent with the Comprehensive Plan, particularly in regards to the Land Use Categories placed on the petitioned area, and with existing zoning and development in the area and that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is more desirable in terms of the Comprehensive Plan. In consideration of their findings the County Commissioners hereby approve Rezoning Case


No. 396 and thus rezone the petitioned area, shown on Tax Map 21 as Parcel 72, from A-1 Agricultural District to C-2 General Commercial District.

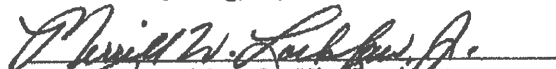
Adopted as of March 1, 2016. Reduced to writing and signed
March 15, 2016.

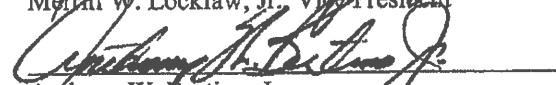
ATTEST:

WORCESTER COUNTY COMMISSIONERS

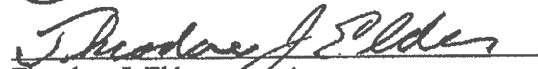

Harold L. Higgins
Chief Administrative Officer

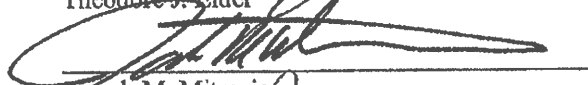

Madison J. Bunting, Jr., President

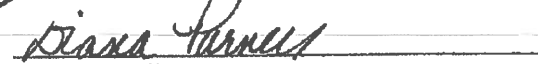

Merrill W. Lockfaw, Jr., Vice President


Anthony W. Bertino, Jr.


James C. Church


Theodore J. Elder


Joseph M. Mitrecic


Diana Purnell

ZONING RECLASSIFICATION RESOLUTION NO. 16-01

A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO SECTION ZS 1-113 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, CHANGING THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND SHOWN ON TAX MAP 21 AS PARCEL 72 FROM A-1 AGRICULTURAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT.

WHEREAS, pursuant to Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, The Estate of Mildred L. Parsons, Margaret P. Bunting, Personal Representative, applicant, and Hugh Cropper, IV, applicant's attorney, filed a petition for the rezoning of approximately 11.5 acres of land shown on Tax Map 21 as Parcel 72, located on the easterly side of MD Route 589 to the north of Gum Point Road, requesting a change in zoning classification thereof from A-1 Agricultural District to C-2 General Commercial District; and

WHEREAS, the Worcester County Planning Commission gave said petition a favorable recommendation during its review on December 3, 2015; and

WHEREAS, subsequent to a public hearing held on March 1, 2016, following due notice and all procedures as required by Sections ZS 1-113 and 1-114 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners made findings of fact and found that there has been a substantial change in the character of the neighborhood of the petitioned area and also made findings of fact relative to the other criteria as required by law;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County that the land petitioned by The Estate of Mildred L. Parsons, Margaret P. Bunting, Personal Representative, applicant, and Hugh Cropper, IV, applicant's attorney, and shown on Tax Map 21 as Parcel 72, is hereby reclassified from A-1 Agricultural District to C-2 General Commercial District.

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be nunc pro tunc, March 1, 2016.

EXECUTED this 15th day of March, 2016.

ATTEST:


Harold L. Higgins
Chief Administrative Officer

WORCESTER COUNTY COMMISSIONERS


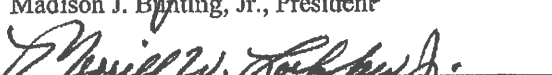

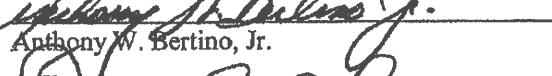
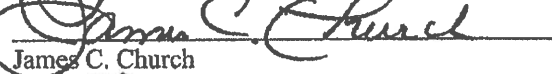



Madison J. Bunting, Jr., President

Merrill W. Lockfaw, Jr., Vice President

Anthony W. Bertino, Jr.

James C. Church

Theodore J. Elder

Joseph M. Mitrecic

Diana Purnell

Exhibit 5

RESOLUTION NO. 19 - 2**SECTIONAL REZONING OF MARYLAND ROUTE 589 (RACETRACK ROAD) AREA
NORTH OF U.S. ROUTE 50 (OCEAN GATEWAY)**

A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO SECTION ZS 1-113 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, ADOPTING A COMPREHENSIVE (SECTIONAL) REZONING OF CERTAIN PARCELS OF LAND SHOWN ON TAX MAP 21 FROM E-1 ESTATE DISTRICT AND A-1 AGRICULTURAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT.

WHEREAS, on November 3, 2009, by Resolution No. 09-24, the County Commissioners of Worcester County, Maryland adopted comprehensive rezoning maps for Worcester County, Maryland referenced as the "Official Zoning Maps of Worcester County, Maryland Numbers 1 - 102"; and

WHEREAS, Section ZS 1-113(c)(6) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, provides for comprehensive (sectional) reclassification map amendments; and

WHEREAS, the County Commissioners of Worcester County, Maryland found it desirable and necessary to conduct a comprehensive (sectional) reclassification map amendment of Worcester County on those properties zoned E-1 Estate District and A-1 Agricultural District that are located to the north of Grays Corner Road, on the easterly and westerly sides of McAllister Road, northerly and southerly sides of Griffin Road, and the westerly side of MD Route 589 (Racetrack Road) to ensure that the zoning maps for Worcester County are compatible with the 2006 Comprehensive Plan for Worcester County; and

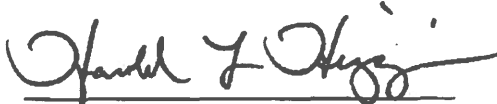
WHEREAS, the County Commissioners of Worcester County, Maryland have complied with all requirements for said comprehensive (sectional) reclassification map amendment, including the holding of a public hearing on December 18, 2018 to hear public comment on the potential comprehensive (sectional) map amendment.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the land shown on Tax Map 21 as Parcels 32, 71, 83, 84, 87, 88, 94, 97, 110, 111, 114, 219, 265, 276, and those portions of Parcels 79 and 151 which were zoned E-1 Estate District or A-1 Agricultural District are hereby reclassified to C-2 General Commercial District.

AND, BE IT FURTHER RESOLVED that the effective date of this Resolution shall be nunc pro tunc, December 18, 2018.

PASSED AND ADOPTED this 8th day of January, 2019.


ATTEST:

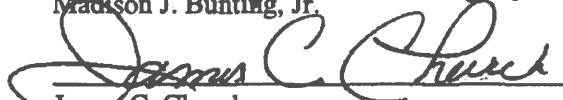

Harold L. Higgins
Chief Administrative Officer


COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND



Diana Purnell, President

Absent
Joseph M. Mitrecic, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.


James C. Church

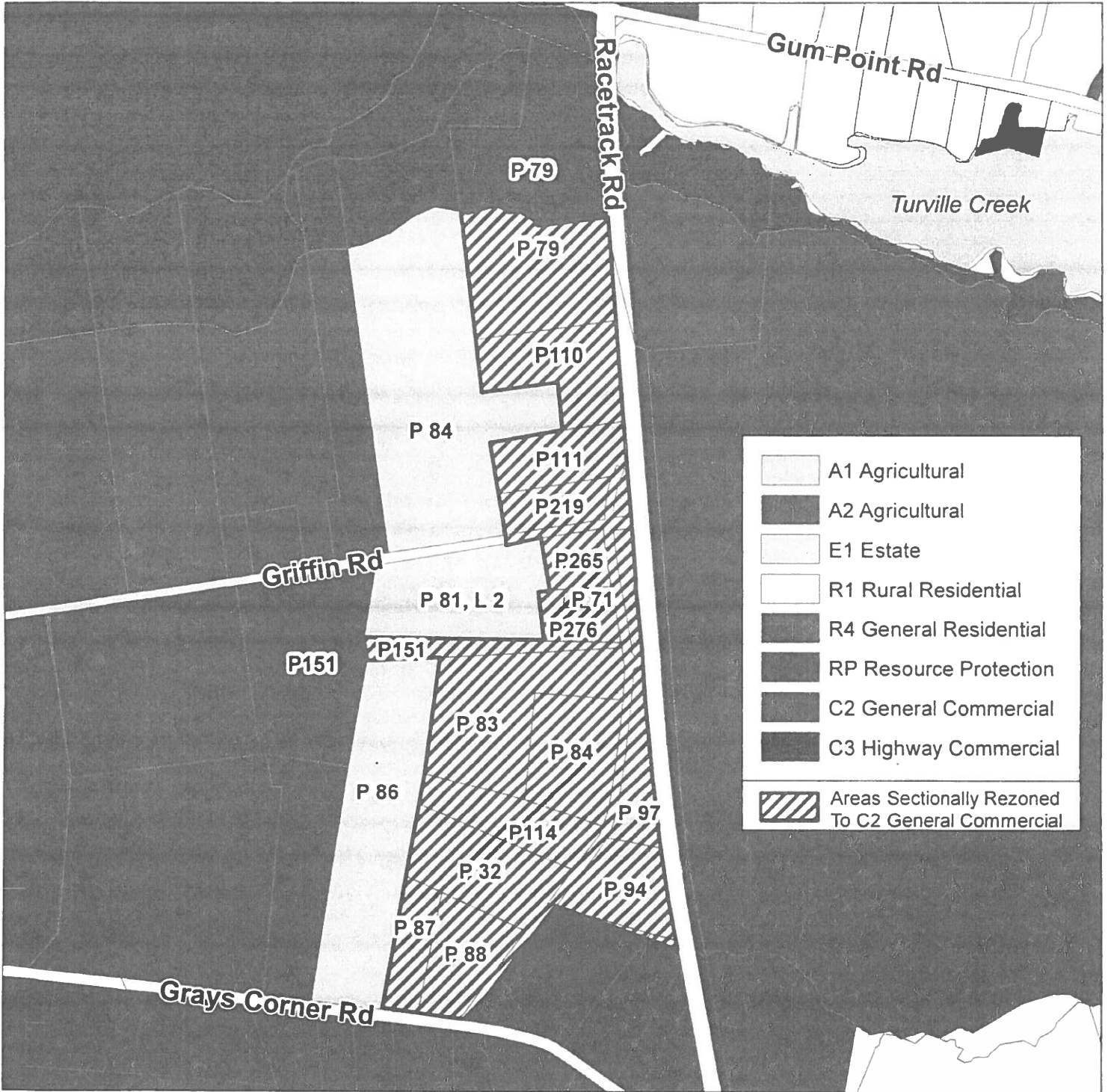

Theodore J. Elder


Joshua C. Nordstrom



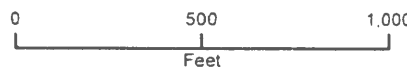
SECTIONAL REZONING MD ROUTE 589 / RACETRACK ROAD SOUTH

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division

Prepared: December 2018
Source: 2009 Official Zoning Map



Drawn By: KLH Reviewed By: PHW

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

IN THE MATTER OF *
THE REZONING APPLICATION OF * REZONING CASE NO. 403
NICHOLS-NEFF PROPERTIES, LLC *

FINDINGS OF FACT

Subsequent to a public hearing held on July 19, 2016 and after a review of the entire record, all pertinent plans and all testimony, the Worcester County Commissioners hereby adopt the findings of the Worcester County Planning Commission and also make the following additional findings of fact as the County Commissioners' complete findings of fact pursuant to the provisions of Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland.

Regarding the specifics of Rezoning Case No. 403: This case seeks to rezone approximately 95.08 acres of land (hereinafter referred to as the petitioned area) located on the northwesterly side of Beauchamp Road to the northeast of the junction with MD Route 589 from E-1 Estate District to R-1 Rural Residential District. The petitioned area is shown as Parcels 127 and 259 on Tax Map 15.

Applicant's testimony before the County Commissioners: Mark Spencer Cropper, attorney representing the applicant, began his presentation by stating that both the Development Review and Permitting staff and the Planning Commission had recommended a R-1 Rural Residential District zoning classification for the petitioned area during the comprehensive rezoning process in 2007. Furthermore, he asserted that the existing E-1 Estate District zoning classification on the petitioned area is inconsistent with the Comprehensive Plan. Mr. Cropper introduced those persons he would be calling as witnesses relative to the rezoning application, including Christopher P. McCabe, environmental consultant and owner of Coastal Compliance Solutions, LLC; Betty H. Tustin, P. E., PTOE, traffic engineer with the Traffic Group; Ronnie B. Carpenter, P. E., civil engineer and principal with Carpenter Engineering, LLC; and Charles Nichols, managing member and general partner in ownership of Nichols-Neff Properties LLC. Mr. McCabe's resume was submitted as Applicant's Exhibit No. 1 and he explained his education, work background and current employment. Upon questioning by Mr. Cropper, Mr. McCabe stated that he had been qualified in court as an expert witness in his field. Mrs. Tustin also explained her education, employment and qualifications as an expert witness and her resume was submitted as Applicant's Exhibit No. 2. Mr. Carpenter stated that he was qualified as an expert witness in engineering and land planning and his resume was presented as Applicant's Exhibit No. 3. Mr. Nichols presented a letter into the record, which was submitted as Applicant's Exhibit No. 4, which sought the County Commissioners' support of the proposed rezoning. He explained that his family has owned several properties adjacent to and near to the petitioned area for many years and purchased the petitioned area in 2014. He stated that his family lives on the parcel known as the Mapleton farm which has been in the family since 1888. The family is in the process of placing the Mapleton farm and other adjacent properties in a donated Maryland Environmental Trust Easement, thus abandoning a previously proposed 123 lot subdivision on those lands. Mr. Nichols stated that the family's intention to take the petitioned area, in

a distressed state, and make a positive change by developing it in a reasonable and responsible manner that is an enhancement to the community.

Mr. Cropper called Mr. McCabe to testify and submitted Applicant's Exhibit No. 5, an aerial photograph of the petitioned area and surrounding vicinity. Mr. McCabe pointed out the petitioned area, outlined in blue on the photograph, noting that it consists of two properties used jointly for many years as the Pine Shores Golf Course. Applicant's Exhibit No. 6, a general rendering of the petitioned area's potential development as a subdivision under its current E-1 Estate District zoning, was submitted. Mr. McCabe explained that the proposed subdivision showed a total of 31 lots of approximately 80,500 square feet each and that the total number of lots actually feasible could possibly be more or less than 31. Applicant's Exhibit No. 7, a zoning map showing the petitioned area (outlined in blue) and the surrounding area, was then submitted by Mr. Cropper. Mr. McCabe stated that as shown on this exhibit the petitioned area is zoned E-1 Estate District while almost all of the other properties along the same side of Beauchamp Road are zoned R-1 Rural Residential District while those on the opposite side of the roadway, within Ocean Pines, are zoned R-2 Suburban Residential District. He pointed out the Mapleton Farm, Holland Farm, and the ETC property that are owned by the Nichols family and being placed within a conservation easement. Mr. Cropper then introduced Applicant's Exhibit No. 8, the Comprehensive Plan's Land Use Map. Upon questioning by Mr. Cropper, Mr. McCabe explained that the petitioned area, comprised of two separate parcels, is within two different land use categories according to this map. Parcel 127, the more easterly of the two parcels, is within the Existing Developed Area Land Use Category while Parcel 259, the more westerly, is within the Agricultural Land Use Category. In fact, Parcel 259 is the only parcel along Beauchamp Road that is not within the Existing Developed Area Land Use Category.

Mr. Cropper stated that he was basing the request for a rezoning of the petitioned area from E-1 Estate District to R-1 Rural Residential District solely on the basis of a mistake in the existing zoning of the petitioned area. Upon questioning by Mr. Cropper, Mr. McCabe explained that he believes there is a mistake in the petitioned area's existing E-1 Estate District zoning because the County's Comprehensive Plan calls for the elimination of that zoning district. He furthermore noted that the petitioned area is within two different land use categories according to the Comprehensive Plan, yet the two parcels have been used jointly as if one parcel for a golf course for many, many years. He noted that virtually all of the properties to the south of Windmill Creek with the exception of the petitioned area are zoned residentially. Mr. Cropper submitted Applicant's Exhibit No. 9, a rendering of how the property could conceivably be developed under the requested R-1 Rural Residential District zoning. Mr. McCabe stated that the maximum number of lots feasible is 85 and that a subdivision on the petitioned area at this type of density is much more consistent with the development of the surrounding properties than would be a large lot development that would be permitted under the existing E-1 Estate District zoning. Applicant's Exhibit No. 10 was introduced by Mr. Cropper. It was a map from the County's Water and Sewerage Plan and Mr. McCabe pointed out that the petitioned area is within the S-6/W-6 categories. Noting that this means there is no water or sewer service planned for the site, Mr. McCabe testified that the applicants will have to apply for a Water and Sewerage Plan amendment and gain approval of same in order to connect to the Ocean Pines water and wastewater facilities.

Mr. Cropper called Mrs. Tustin to testify and entered the Traffic Impact Analysis prepared by her as the Applicant's Exhibit No. 11. Mrs. Tustin discussed the potential traffic impacts of residential development under the proposed R-1 Rural Residential District as compared to the existing E-1 Estate District. She stated that traffic arising from a R-1 Rural Residential District development on the petitioned area can definitely be accommodated on Beauchamp Road and at the intersection with MD Route 589 as currently existing. She said that the anticipated development will not necessitate any need for improvements to either road or to the intersection and that very insignificant additional traffic would result from a residential development under the requested zoning classification as compared to the existing zoning classification. Mrs. Tustin stated that it would amount to approximately 11 more trips per day.

Mr. Cropper once again called Mr. McCabe to testify and introduced as Applicant's Exhibit No. 12 the Planning Commission's Work Session Minutes dated November 13, 2008. Mr. McCabe noted that these minutes pertain to the Planning Commission's discussions during the comprehensive rezoning process and read a highlighted excerpt into the record which pertained to the E-1 Estate District, its utilization on lands already zoned that way, that there would be no additional lands zoned as such, and that much of the (at that time) currently zoned E-1 Estate District land may become residentially zoned. This excerpt stated that the Planning Commission was torn with whether to eliminate the E-1 Estate District altogether as the Comprehensive Plan calls for or to follow the phase-out as recommended by the draft Zoning Code and that the Planning Commission Attorney Sonny Bloxom advised the Planning Commission that the phase-out of the zoning district will start with the comprehensive rezoning. Mr. McCabe testified that these comments indicate that there was strong consideration in 2008 on the part of the Planning Commission regarding the elimination of the E-1 Estate District. The County Commissioners' Minutes from their November 3, 2009 minutes were introduced by Mr. Cropper as Applicant's Exhibit No. 13. Mr. McCabe read highlighted excerpts into the record indicating that (former) Commissioner Busick asked the Commissioners to reconsider retaining the existing E-1 Estate District zoning of properties located along McAllister Road, north of US Route 50 and west of MD Route 589. The excerpt indicated that Ed Tudor, Director of Development Review and Permitting, responded that staff recommended R-1 Rural Residential District zoning in order to eliminate the E-1 Estate District zoning as proposed by the Comprehensive Plan but that the County Commissioners subsequently, upon a motion by Commissioner Busick, voted unanimously not to accept staff's recommendation to zone the property R-1 Rural Residential District and instead retain the existing E-1 Estate District and A-1 Agricultural District zoning on all properties along McAllister Road. Mr. Cropper introduced the County Commissioners' Minutes dated October 20, 2009 as Applicant's Exhibit No. 14. Mr. McCabe again read highlighted excerpts, in this case pertaining to multiple parcels along MD Route 611 and South Point Road which had originally been proposed to be given R-1 Rural Residential District and E-1 Estate District designations by the comprehensive rezoning but were instead proposed to be E-1 Estate District. The minutes indicated that upon questioning by (former) Commissioner Cowger, Mr. Tudor responded that the Comprehensive Plan called for the elimination of the E-1 Estate District and that it would be accomplished during the next planning cycle and that Mr. Tudor explained that the residents were concerned that in the future the golf course could be converted to housing if the property were zoned R-1 Rural Residential District. Mr. Cropper introduced Pages 20 and 26 of the County's Comprehensive Plan as Applicant's Exhibit No. 15. Mr. McCabe read highlighted

excerpts into the record which stated that the Estate Land Use Category and the associated zoning district should be eliminated because it has consumed excessive amounts of land per housing units, taken working farms out of production, and been overtaken by the requirements of the Atlantic Coastal Bays Critical Area program. Additionally, the highlighted excerpts stated that extensive large lot development leads to sprawl and its negative impacts, that the previous Comprehensive Plan's Estate category created an oversupply of such residential lands, that many Estate designated lands were located in environmentally sensitive areas and the Coastal Bays Critical Area, and that some Estate areas were changed to Agriculture or incorporated into a growth area. Mr. Cropper stated that the owners of large neighboring properties had been contacted relative to the proposed rezoning of the petitioned area from E-1 Estate District to R-1 Rural Residential District. A letter from M. Blair Snyder in support of the proposed rezoning was submitted as Applicant's Exhibit No. 16. A letter from Barry Skolnick, also in support of the rezoning, was introduced as Applicant's Exhibit No. 17. A letter from Joe Sinclair, Fire Chief of the Showell Volunteer Fire Department, supporting the requested rezoning was introduced as Applicant's Exhibit No. 18.

Mr. Cropper questioned Mr. McCabe as to whether there has been a change in the population of the area. Mr. McCabe stated that he concurred with the Planning Commission's finding that there has been very little change. As it pertained to the availability of public facilities, Mr. McCabe again concurred with the Planning Commission that the developers of the petitioned area would have to obtain a Water and Sewerage Plan amendment to connect to the Ocean Pines water and wastewater facilities and that other public facilities are adequate. He maintained that the proposed rezoning is compatible with existing development, noting the extensive residential development within the area, and with environmental conditions. Mr. McCabe asserted that the requested R-1 Rural Residential District zoning classification is consistent with the Comprehensive Plan and that it would be inconsistent with the Comprehensive Plan to retain the existing E-1 Estate District zoning classification. Mr. Cropper then closed his presentation.

The County Commissioners' findings regarding the definition of the neighborhood:
The County Commissioners find that because Mr. Cropper was basing his argument for rezoning solely upon a claim of mistake in existing zoning, a definition of the neighborhood was not applicable.

The County Commissioners' findings regarding population change in the area: The Planning Commission concluded that there has been very little, if any, change to the population of the neighborhood since the comprehensive rezoning of 2009. The County Commissioners find that this is an accurate assessment.

The County Commissioners' findings regarding availability of public facilities:
Based upon the Planning Commission's findings, the County Commissioners find that as it pertains to wastewater disposal and the provision of potable water, Robert J. Mitchell, Director of the Department of Environmental Programs, indicated in his response memo attached to the Planning Commission's findings of fact and recommendation that the petitioned area has a designation of Sewer Service Category S-6 (*no planned service*). The property did carry a designation of S-3 (*six to ten year time frame*) in the original deliberations concerning the Greater Ocean Pines Sanitary Planning Area but it was removed according to the findings of the Planning Commission that the proposed

amendment would be consistent with the Comprehensive Plan if the proposed S-3 areas were deleted from the amendment. This was done according to Worcester County Commissioners' Resolution 05-09, dated April 5, 2005, and approved by the Maryland Department of the Environment on June 29, 2005. He noted that this was done prior to the adoption of the 2006 Comprehensive Plan. Mr. Mitchell stated that his department's well and septic records for the property file indicate a prior capacity of 4,2000 gallons per day from three separate systems for onsite sewage for the former golf course, which has been closed for some time. Mr. Mitchell also stated that the properties are shown in the Source Water Assessment Report for Ocean Pines as falling within the Zone #2 area for Well #4 of the Ocean Pines Sanitary Area Water Supply. One of the planning measures is to have the wellhead protection area properties sewered. This is especially important as the Ocean Pines water supply in this area is sourced from an unconfined aquifer. This property also falls within the St. Martins River/Ocean Pines Water Management Strategy Area. As a property located entirely within this area, it would be in the public interest to convert users of the unconfined water table to the public water system. This would help mitigate stress on the unconfined Pleistocene (Columbia) aquifer serving the area and supplying the public water supply wells in north Ocean Pines. Mr. Mitchell further stated that prior to being able to apply for public sanitary capacity, the owner would need to amend the Master Water and Sewerage Plan to include the subject property in the sewer and water planning areas for the Ocean Pines Sanitary Area. He asserted that there is an inconsistent land use, agriculture, which is incompatible with the provision of public services. In the processing of amendments for the Ocean Downs Racetrack and the Crabs-to-Go commercial properties, his office encountered difficulties in proposing the provision of public services to properties designated agriculture in the Comprehensive Plan. They were only overcome with the retirement of a large amount of septic capacity in the Critical Area and provision of infrastructure to facilitate connections of even more septic capacity from that proposed sanitary area addition that had a singular and peculiar use in our jurisdiction. The other was an existing set of small commercial properties carrying the distinction of being the only properties not carrying over between the prior and existing Comprehensive Plans for the US Route 50 corridor between Berlin and Ocean City. Mr. Mitchell stated that any future amendments including this subject property will force state agencies to recall the unique nature of these two prior amendment applications in their comments. The land use designation in the current Comprehensive Plan has to be addressed in any future amendment to the Master Water and Sewerage Plan through either an amendment to the Comprehensive Plan itself or some other means. That should be considered by the applicants should they be successful in this endeavor. He maintained that to garner state approval of an amendment to bring public sewer to this property to serve compact residential uses, the agricultural land use designation in the Comprehensive Plan will need to be amended. Mr. Mitchell stated that ultimate development capacity for the property would be dependent on securing a rezoning and forging an acceptable nutrient offset for the connection to the Ocean Pines Sanitary Area. The owner could facilitate connection of properties in the *approved* Greater Ocean Pines Amendment for a nutrient offset. He continued that this could be a combination of factors - retiring existing septic capacity (do have on the subject property), facilitating construction of sewer mains past properties in the approved sanitary area or facilitating connection of properties in the approved sanitary area. These steps are a negotiated process but need to be taken to provide a nutrient offset to allow additional connections not anticipated in the Greater Ocean Pines Amendment to be realized. He stated that it was done this way for the Ocean Downs and Crabs-to-Go

amendment approvals. Mr. McCabe testified on behalf of the applicants that they recognize that they can only develop the petitioned area if the property receives public sewer and water utilities from Ocean Pines and that any issues regarding such connections must be resolved. Based upon the Planning Commission's findings, the County Commissioners determined that fire and ambulance service will be available from the Showell Volunteer Fire Department, located approximately five minutes away. Joe Sinclair, Fire Chief, responded by letter dated May 4, 2016 and entered into the record as Applicant's Exhibit No. 18 that the SVFD encourages any growth in its response area and felt strongly that it had adequate coverage for any development. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately fifteen minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. As noted in the Planning Commission's findings, no comments were received from the Maryland State Police Barracks or the Worcester County Sheriff's Office. The petitioned area is within the area served by the following schools: Showell Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. Joe Price, Facilities Planner for the Worcester County Board of Education (WCBOE), by memo included in the staff report attached to the Planning Commission's findings stated that this rezoning may involve an impact (increased enrollment) to the four north county schools. In consideration of their review, the County Commissioners find that there will be no negative impacts to public facilities and services resulting from the proposed rezoning provided that the property owner obtains adequate public water and sewer service from the water and wastewater facilities at Ocean Pines for any proposed use on the petitioned area.

The County Commissioners' findings regarding present and future transportation patterns: Based upon the Planning Commission's findings of fact and recommendation, the County Commissioners find that the petitioned area fronts on Beauchamp Road which is County-owned and -maintained. This roadway terminates in a dead end and provides access to MD Route 589. The Comprehensive Plan identifies Beauchamp Road as a two lane County Road/Minor Collector Highway. It states that this collector provides primary access to uses along its west side and secondary access to the Ocean Pines truck route and that options for correcting drainage problems in the vicinity should be determined and corrective action taken. MD Route 589 is classified in the Comprehensive Plan as a Two Lane Secondary Highway/Major Collector Highway. Relative to this roadway, the Comprehensive Plan states that development in the corridor should be limited until capacity increases, scenic and transportation corridor planning conducted, the roadway should be dualized after the US Route 113 project is completed, and US Route 113 traffic should continue to be deflected to MD Route 90 rather than MD Route 589. As indicated in the Planning Commission's findings, Frank J. Adkins, Worcester County Roads Superintendent, responded that he had no comments relative to this rezoning application. Additionally, these findings indicate that Donnie L. Drewer, District Engineer, for State Highway Administration District 1, stated in his response memo attached to the Planning Commission's findings that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration, that if development of the property is proposed in the future SHA may require a Traffic Impact Study to determine potential impacts to the surrounding State roadway network, that future development may also require an access permit to be issued from SHA, and that with the exception of these comments, SHA has no objection to a rezoning determination by Worcester County. The County Commissioners

find that Mrs. Tustin testified that her traffic analysis of the potential traffic arising from development of the site in accordance with the R-1 Rural Residential District classification indicated that such traffic can definitely be accommodated on Beauchamp Road and at the intersection with MD Route 589 as currently existing. She said that the anticipated development will not necessitate any need for improvements to either road or to the intersection and that very insignificant additional traffic would result from a residential development under the requested zoning classification as compared to the existing zoning classification, approximately 11 more trips per day. Based upon their review, the County Commissioners find that there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area.

The County Commissioners' findings regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: Based upon the Planning Commission's findings and the testimony of the applicant's representative, the County Commissioners find that the petitioned area is the site of an abandoned golf course and conclude that the vicinity surrounding the petitioned area is primarily residential in character. The St. John Neumann Catholic Church, the Most Blessed Sacrament School, and the Showell Elementary School are to the southwest and west of the petitioned area while those properties to the north, across Windmill Creek, are agricultural in nature. The properties to the east along the northerly side of Beauchamp Road are residential, including the River Run and St. Martins by the Bay planned unit developments, the Douglynne Farms subdivision, and the White Horse Park campground. The area on the southerly side of Beauchamp Road is within the Ocean Pines subdivision and is developed with single-family houses at a moderate density. The County Commissioners note that Mr. McCabe testified before the Planning Commission that any proposed residential project on the petitioned area will have to comply with stormwater management, sediment/erosion control, and Forest Conservation regulations, thus contributing to a reduction in the TMDL levels. Additionally, any potential development will have to connect to public sewer and water service and the existing on-site septic disposal systems removed, also leading to reduced TMDLs. Based upon their review, the County Commissioners find that the proposed rezoning of the petitioned area from E-1 Estate District to R-1 Rural Residential District is compatible with existing and proposed development and existing environmental conditions in the area.

The County Commissioners' findings regarding compatibility with the County's Comprehensive Plan: Based upon the Planning Commission's findings and the testimony of the applicant's representatives, the County Commissioners find that according to the 2006 Comprehensive Plan and associated land use map, Parcel 259 of the petitioned area lies within the Agricultural Land Use Category while Parcel 127 of the petitioned area is within the Existing Developed Area Land Use Category. With regard to the Agricultural Land Use Category, the Comprehensive Plan states that the importance of agriculture to the county cannot be overstated, its significance is economic, cultural, environmental, and aesthetic, that agriculture is simply the bedrock of the county's way of life, and that the county must do all it can do to preserve farming as a viable industry. The Comprehensive Plan also states that this category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted and that large contiguous

areas of productive farms and forest shall be maintained for agricultural uses and residential and other conflicting land uses, although permitted, are discouraged. The County Commissioners find that with regard to the Existing Developed Area category, the Comprehensive Plan states this category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained, that recognizing existing development and neighborhood character is the purpose of this designation, and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The Comprehensive Plan also states that surrounding areas have been mapped with one of the other land use designations as appropriate and should not be considered for rezonings by virtue of their proximity to an EDA, that the EDAs are anticipated to remain as mapped at least until the next plan review period, and that this will provide for orderly infill development within EDAs and new community-scale growth in the growth areas. The Plan also states that, not designated as growth areas, these areas should be limited to infill development and that density, height, bulk and site design standards should also be consistent with the EDA's existing character. Furthermore, the County Commissioners find that the Planning Commission noted that certain pertinent objectives were also cited in the Land Use chapter of the Comprehensive Plan and state that the character of the County's existing population centers should be maintained, that new development should be located in or near existing population centers and within planned growth centers, and that existing population centers should be infilled without overwhelming their existing character. As did the Planning Commission and as testified to by the applicant's witness, the County Commissioners find that the Comprehensive Plan calls for the elimination of both the Estate Land Use Category and the E-1 Estate District zoning classification. Additionally, the County Commissioners concur with the Planning Commission's conclusion that the petitioned area should not have been divided between two different land use categories by the Comprehensive Plan, particularly since the two parcels were used jointly for many years as a golf course. The County Commissioners also agree with the Planning Commission's determination that Windmill Creek would have been the more appropriate boundary between the Agricultural and Existing Developed Area Land Use Categories. Based upon their review the County Commissioners find that the proposed rezoning of the petitioned area from E-1 Estate District to R-1 Rural Residential District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

The County Commissioners' findings regarding the recommendation of the Planning Commission: The County Commissioners find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from E-1 Estate District to R-1 Rural Residential District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission and adopt its findings.

Decision of the County Commissioners: As a result of the testimony and evidence presented before the County Commissioners and the findings as set forth above, the County Commissioners find that there is a mistake in the existing zoning of the petitioned area. As detailed in the Planning Commission's findings and the testimony of the applicant's representatives, the County Commissioners find that the existing Comprehensive Plan calls for the deletion of its Estate Land Use Category and the associated E-1 Estate District zoning classification. The Comprehensive Plan states that,

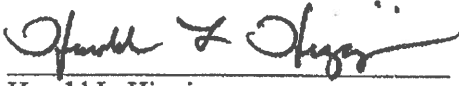
designed as a transition zone between urban/suburban development and the rural landscape, this category has consumed excessive amounts of land per housing unit, taking working farms out of production, been overtaken by the requirements of the Atlantic Coastal Bays Critical Area Program, and failed to achieve truly clustered open space development. The Comprehensive Plan furthermore states that large lot zoning is incompatible with the Plan's approach to new growth. The County Commissioners find that relative to land consumption, the Comprehensive Plan states that extensive large lot development leads to sprawl and its negative impacts and the previous Comprehensive Plan's Estate category created an oversupply of such residential lands. The County Commissioners note that the both the testimony of the applicant's representatives and the Planning Commission's findings indicate that during the redrafting of the Zoning and Subdivision Control Article and the zoning maps in 2008 and 2009, the staff and Planning Commission had recommended the elimination of the E-1 Estate District or, at a minimum, its severe restriction due to its deleterious effects. The County Commissioners note that according to the Planning Commission's findings, the staff and Planning Commission had initially recommended during the comprehensive rezoning that the petitioned area be given a residential zoning classification like the nearby properties along Beauchamp Road. However, because of misinformation and misunderstanding of the reasoning for the elimination of the E-1 Estate District and the resulting public concerns about potential conversion of properties to subdivisions in some other areas, the County Commissioners chose not to abandon the E-1 Estate District zoning and in fact retained it on most properties. The County Commissioners find that the petitioned area, comprised of two parcels, is within the Agricultural Land Use Category (Parcel 259) and the Existing Developed Area Land Use Category (Parcel 127). The County Commissioners find that with regard to the Existing Developed Area category, the Comprehensive Plan states this category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The Comprehensive Plan also states that, not designated as growth areas, these areas should be limited to infill development and that density, height, bulk and site design standards should also be consistent with the EDA's existing character. The County Commissioners concur with the Planning Commission's conclusion that having been utilized as a single property developed with a golf course for many years, the two parcels should have been placed within the same land use category by the Comprehensive Plan. Furthermore, the Planning Commission found that the Existing Developed Area Land Use Category is the more appropriate of the two, given that the remainder of the properties along Beauchamp Road are within that category, and that Windmill Creek represents a natural physical boundary between the petitioned area and should have served as the boundary for the Estate Land Use Category instead of Parcel 259 being included in that category. The County Commissioners concur with these conclusions. The County Commissioners find that the petitioned area should not be within the Estate Land Use Category nor should it be zoned E-1 Estate District. The County Commissioners conclude that the requested R-1 Rural Residential District is consistent with the existing development character along Beauchamp Road and is therefore a more appropriate zoning classification for the petitioned area. Based upon their review and in consideration of their findings, the County Commissioners conclude that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and hereby approve

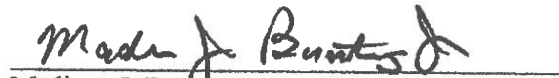
Rezoning Case No. 403 and thus rezone the petitioned area, shown on Tax Map 15 as Parcel Nos. 127 and 259, from E-1 Estate District to R-1 Rural Residential District.

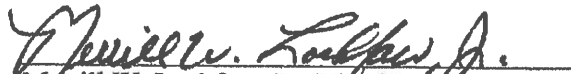
Adopted as of July 19, 2016. Reduced to writing and signed August 4, 2016.

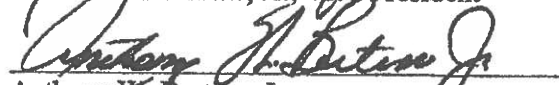
ATTEST:

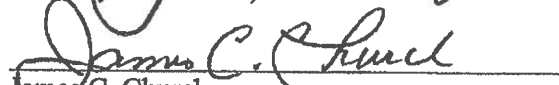
WORCESTER COUNTY COMMISSIONERS

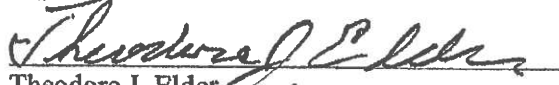

Harold L. Higgins
Chief Administrative Officer

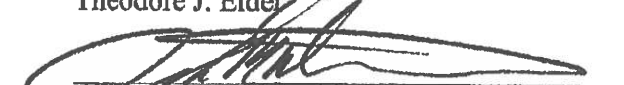

Madison J. Bunting, Jr., President



Merrill W. Lockfaw, Jr., Vice President


Anthony W. Bertino, Jr.


James C. Church


Theodore J. Elder


Joseph M. Mitrecic


Diana Purnell

ZONING RECLASSIFICATION RESOLUTION NO. 16-05

A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO SECTION ZS 1-113 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, CHANGING THE ZONING CLASSIFICATION OF CERTAIN PARCELS OF LAND SHOWN ON TAX MAP 15 AS PARCELS 127 AND 259 FROM E-1 ESTATE DISTRICT TO R-1 RURAL RESIDENTIAL DISTRICT.

WHEREAS, pursuant to Section ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, Nichols-Neff Properties, LLC, applicant, and Mark S. Cropper, applicant's attorney, filed a petition for the rezoning of approximately 95.08 acres of land shown on Tax Map 15 as Parcels 127 and 259, located on the northwesterly side of Beauchamp Road to the northeast of the junction with MD Route 589, requesting a change in zoning classification thereof from E-1 Estate District to R-1 Rural Residential District; and

WHEREAS, the Worcester County Planning Commission gave the said petition a favorable recommendation during its review on May 5, 2016; and

WHEREAS, subsequent to a public hearing held on July 19, 2016, following due notice and all procedures as required by Sections ZS 1-113 and 1-114 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners made findings of fact and found that there is a mistake in the existing zoning of the petitioned area and also made findings of fact relative to the other criteria as required by law;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland, that the land petitioned by Nichols-Neff Properties, LLC, applicant, and Mark S. Cropper, applicant's attorney, and shown on Tax Map 15 as Parcels 127 and 259 is hereby reclassified from E-1 Estate District to R-1 Rural Residential District.

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be nunc pro tunc, July 19, 2016.

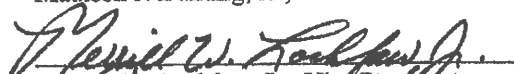
EXECUTED this 16th day of August, 2016.


ATTEST:

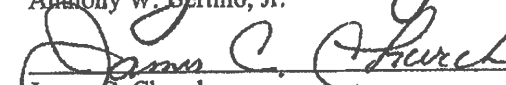

Harold L. Higgins
Chief Administrative Officer


COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND



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Theodore J. Elder


Joseph M. Mitreic



Diana Purnell

Exhibit 7

From: Aws Ezzat <AEzzat@mdot.maryland.gov>
Sent: Wednesday, June 21, 2023 8:07 AM
To: April Mariner <amariner@co.worcester.md.us>
Cc: Jeffrey Fritts <JFritts@mdot.maryland.gov>
Subject: Re: Rezoning Case #443

April,

After a review of Rezoning Case #443, MDOT SHA has no objection to the rezoning as proposed. If this parcel is proposed to be developed in the future, the proposed development will require review and approval from District 1 Access Management and need to obtain permitting, as necessary.

As reflected in our aforementioned comments, MDOT SHA has no objections to the proposed rezoning as determined by Worcester County. I would highly appreciate if you can copy/inform me in the future for any rezoning submissions.

Thank you,



Aws Ezzat, P.E.
Regional Engineer, Access Management
District 1
660 West Road
Salisbury, MD 21801
AEzzat@mdot.maryland.gov
(410) 677-4048 (office)

Exhibit 8A

Worcester County, MD
Thursday, October 5, 2023

Subtitle ZS1:II. Primary District Regulations

§ ZS 1-201. A-1 Agricultural District.

- (a) Purpose and intent. This district is intended to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare. This district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or nonagricultural commercialization.
- (b) Permitted principal uses and structures. The following uses and structures shall be permitted in the A-1 District:
- (1) Agriculture, including feeding lots, dairy barns, stables, agricultural lagoons, hog houses, and noncommercial grain dryers. No lot requirements shall apply for field, vegetable and nursery crops and grazing pastures. For other activities and principal structures, minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet. See § ZS 1-305(r) hereof.
[Amended 4-25-2017 by Bill No. 17-3]
 - (2) Poultry operations subject to the provisions of § ZS 1-349 hereof.
[Amended 4-25-2017 by Bill No. 17-3^[1]]
[1] *Editor's Note: This bill also redesignated former Subsection (b)(2) through (17) as Subsection (b)(3) through (18).*
 - (3) Aquaculture. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (4) Roadside stands offering for sale fresh agricultural products, fresh seafood and processed dairy products from locally raised livestock, operated by the property owner or tenant of the premises upon which such stand is located. Processed agricultural and seafood products may also be sold, provided such sales are incidental to the sales of fresh products. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-325 and 1-322 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (5) Single-family dwellings. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.
 - (6) Manufactured homes in accordance with § ZS 1-314(a) hereof. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-

five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.

- (7) Minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
 - (8) Rural cluster subdivisions in accordance with the provisions of § ZS 1-308 hereof.
 - (9) Divisions of land for agricultural purposes in accordance with the provisions of § ZS 1-311(b) (4).
 - (10) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply for buildings only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
 - (11) Private noncommercial cabins, tents, recreational vehicles or manufactured or mobile homes for seasonal and not permanent or year-round occupancy. Minimum lot requirements shall be: lot area, five acres; lot area per cabin, tent, recreational vehicle or manufactured or mobile home, five acres, limited to not more than five such units; lot width, four hundred feet; front yard setback, one hundred feet [see § ZS 1-305(b) hereof]; each side yard setback, one hundred feet; and rear yard setback, one hundred feet. Such structures need not be located on a lot which abuts upon a road but are subject to Department of the Environment approval.
 - (12) Fishing, trapping, hunting, hunting blinds and wildlife observation structures. No lot requirements shall apply.
 - (13) Landing strips in accordance with the provisions of § ZS 1-345(a), Subsection (2) of the definition of "airfield," hereof.
 - (14) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (15) Monopoles and freestanding towers up to one hundred fifty feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (16) Small and medium wind energy conversion systems up to a maximum of one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (17) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
 - (18) Large solar energy systems in accordance with the provisions of § ZS 1-344(d)(2) hereof.
[Added 3-15-2011 by Bill No. 11-2]
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the A-1 District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Commercial grain dryers, feed mills, grain, fertilizer, feed, seed, implement and other agricultural storage and repair and sales facilities. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof. Facilities for the bulk handling of grain, fertilizer and other materials shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
 - (2) Agricultural processing plants, storage, and wholesale or retail sale of locally grown vegetables and field crops. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, one hundred feet; each side yard, one hundred feet; and rear yard setback, one hundred feet.

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- (3) Livestock purchase and sales yards. Minimum lot requirements shall be: lot area, ten acres; lot width, five hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Furthermore, all buildings and yards designed for the concentrated containment of animals shall be located at least two hundred feet from any perimeter property line or public road right-of-way.
- (4) Commercial repair of seafood harvesting and agricultural equipment (not including general highway vehicles). Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; provided that all work and storage areas are enclosed within a building or screened from public view.
- (5) Landing, storage and processing facilities for seafood, including sales of the seafood landed or processed on site. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (6) Aquaculture processing facilities, including freezing, packing, canning, processing, storage and shipping facilities and wholesale and retail sales. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof
- (7) Roadside stands and garden centers offering for sale fresh agricultural products, fresh seafood, nursery stock and plants but not including gardening supplies and equipment, lawn ornaments, and similar items. Minimum lot requirements shall be: lot area, three acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-322 and 1-325 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
- (8) Sawmills and the manufacturing or processing of wood products. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, one hundred feet; each side yard, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. No logs, lumber or by-products shall be stored in any required yard setback, and all power-driven machinery shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
- (9) Agritourism facility. On a farm, as defined herein, the use of not more than thirty percent of the gross acreage of a lot or parcel, for agritourism uses and structures as defined herein. Minimum lot requirements for the agritourism uses and structures shall be: lot area, ten acres; lot width, two hundred feet; front yard setback, fifty feet; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-322, ZS 1-323 and ZS 1-325 hereof. Festivals may be permitted up to four times per year. For purposes of this section, a "festival" is an event conducted at an agritourism facility for up to three consecutive days for the purpose of promoting products grown on the farm or farm-related education or recreation. All amplified outdoor entertainment or background music shall only be permitted between 1:00 p.m. and 10:00 p.m. Overnight events are prohibited.

[Amended 8-17-2021 by Bill No. 21-7 ^[2]]

[2] *Editor's Note: This bill also repealed former Subsection (c)(10), Wineries as a part of a producing vineyard, as amended 7-19-2016 by Bill No. 16-4 and 2-21-2017 by Bill No. 16-6, and renumbered former Subsection (c)(11) through (34) as Subsection (c)(10) through (33), respectively.*

- (10) Farm labor camps for temporary occupancy. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, two hundred feet; each side yard setback, two hundred feet; and rear yard setback, two hundred feet. Furthermore, such camps shall be limited to no more than fifteen units with a maximum capacity of six persons per unit, provided that all state and County health regulations shall be met.

- (11) Manufactured homes for nonresidential use. Use of a manufactured home for other than residential purposes shall be limited to uses permitted in the A-1 District and shall meet the lot requirements specified for such use, subject to the provisions of § ZS 1-314 hereof. See § ZS 1-305(r) hereof.
- (12) Firehouses, governmental offices and other public buildings, structures and uses of an administrative or public-service type. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (13) Assisted living facilities, provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (14) Day-care centers. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (15) Surface mining in accordance with the provisions of § ZS 1-330 hereof.
- (16) Commercial riding and boarding stables for three or more animals. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. Furthermore, stables shall be located at least two hundred feet from any perimeter property line or public road right-of-way, and there shall be one acre of lot area for each animal stabled.
- (17) Conversion of existing vacant or inactive structures previously utilized for commercial, industrial or agricultural processing purposes into uses consistent with the intent of the A-1 District and its permitted principal uses and with the general character of the surrounding area. Minimum lot requirements shall be as determined and approved by the Board of Zoning Appeals. Conversion of existing structures shall be established only with Health Department approval and shall be subject to the provisions of § ZS 1-325 hereof.
- (18) Churches, temples and mosques. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-305(r) hereof.
- (19) Cemeteries, including family burial grounds, chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and no side or rear yard setbacks required unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
- (20) Gun clubs, archery ranges and shooting ranges. Minimum lot requirements shall be: lot area, one hundred acres; lot width, one thousand feet; front yard setback, three hundred feet; each side yard setback, three hundred feet; and rear yard setback, three hundred feet; and subject to the provisions of § ZS 1-325 hereof.
- (21) Public and private noncommercial cultural, social and recreational areas and centers, including parks and playgrounds but not including community centers, fraternal lodges, country clubs, swimming pools, summer camps, and racetracks. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.

- (22) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
- (23) Wastewater and water treatment facilities in accordance with the provisions of § ZS 1-328 hereof.
- (24) Sewage sludge disposal site areas subject to the provisions of § ZS 1-328 hereof.
- (25) Solid waste disposal sites in accordance with the provisions of § ZS 1-329 hereof.
- (26) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
- (27) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (28) Monopoles and freestanding towers over one hundred fifty feet in height and guyed towers, subject to the provisions of § ZS 1-343 hereof.
- (29) Small and medium wind energy conversion systems over one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
- (30) Commercial kennels. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way.
 [Added 6-19-2012 by Bill No. 12-3;^[3] amended 6-15-2021 by Bill No. 21-4]
 [3] *Editor's Note: This bill also redesignated former § ZS 1-201(c)(31) as § ZS 1-201(c)(32).*
- (31) Noncommercial scientific research stations for the collection of atmospheric, astronomic, weather or biological data for research purposes by academic, non-profit or governmental entities. Minimum lot requirements for structures only shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet. Notwithstanding the provisions of § ZS 1-305(n) the maximum height of any equipment or structure shall be fifty feet. Furthermore, all radar or microwave equipment for data collection or antennas for data transmission shall be separated by not less than five hundred feet from the nearest existing or permitted residential structure on an adjacent parcel.
 [Added 12-16-2014 by Bill No. 14-12^[4]]
 [4] *Editor's Note: This bill also renumbered former Subsection (c)(32) as Subsection (c)(33).*
- (32) On a farm as defined herein, the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events, including, but not limited to, wedding receptions, family reunions, birthday and anniversary celebrations, children's parties, corporate and employee appreciation parties, and the like. All such uses must be clearly accessory and subordinate to the principal agricultural structure or use of the property. All building, fire, health, zoning, and environmental code requirements for such a use or facility shall apply to the same extent as if the structure or use of land was not located on a farm. Minimum lot requirements for the principal agricultural structure or use of land shall be: lot area, twenty-five acres; lot width, two hundred feet; front yard setback, one hundred feet;

each side yard setback, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. The site of the commercial event itself and all associated use areas shall be located not less than five hundred feet from any residential structure on an adjacent property or public road and no variance to this requirement is permitted notwithstanding the provisions of § ZS 1-116(c)(4). Any amplified music associated with such a use must end by 11:00 p.m.

[Added 2-21-2017 by Bill No. 16-7^[5]]

[5] *Editor's Note: This bill also redesignated former Subsection (c)(33) as Subsection (c)(34).*

(33) Food waste composting facilities in accordance with § ZS 1-329.

[Added 10-18-2022 by Bill No. 22-18^[6]]

[6] *Editor's Note: This bill also redesignated former Subsection (c)(33) as Subsection (c)(34).*

(34) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the A-1 District.

(d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the A-1 District:

- (1) On a farm, as herein defined, a second single-family dwelling for the farm owner, farm tenant or member of his immediate family or for a person primarily engaged in the operation of the farm, provided that the dwelling is located such that, if it were subdivided from the main parcel, it could meet all of the requirements for a single-family dwelling in the A-1 District.
- (2) Noncommercial private residential parking garages and areas, noncommercial buildings for farm animals, swimming pools and other customary residential outbuildings and structures for the use of residents. Buildings for farm animals shall be at least fifty feet from any perimeter property line or public road right-of-way.
- (3) Customary incidental home occupations, subject to the provisions of § ZS 1-339 hereof.
- (4) The keeping of not more than two roomers or boarders.
- (5) Roadside stands not to exceed a maximum of one hundred fifty square feet in size and offering for sale fresh agricultural products, operated by the property owner or tenant of the premises upon which such stand is located. Such stands shall be located so as not to create a traffic hazard, shall be completely removed at the end of the fresh product season and shall be subject to the provisions of § ZS 1-305(h)(2)A hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
- (6) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
- (7) Private waterfront structures, subject to the provisions of § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
- (8) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
- (9) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.
- (10) On a farm, as defined herein, not more than two manufactured homes for the farm owner, tenant or member of his immediate family or for persons primarily engaged in the operation of the farm, provided that such manufactured homes are located in the farm building group, no closer to any public road right-of-way than the principal building, no closer than the required front yard setback and not less than one hundred feet from any side or rear lot line. Such manufactured homes shall be located only with the Environmental Programs Division approval, subject to the provisions of § ZS 1-314(a) hereof. A manufactured home in the farm building

group shall be located within two hundred feet of the main farm building or accessory farm structure.

(11) Yard sales, subject to the provisions of § ZS 1-341 hereof.

(12) Noncommercial production of biofuels on a farm as a use incidental to the farm operation.

(e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roof principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.

(1) The Board of Zoning Appeals may permit as a special exception an increase in the maximum height, but not number of stories, of a residential accessory structure to no more than thirty-five feet if, in the view of the Board, such increase will serve to reduce an environmental impact and no neighborhood adverse effects or safety hazards will be created. Notwithstanding the provisions of §§ ZS 1-116(c)(4) and ZS 1-305(h)(2), any residential accessory structure exceeding twenty-five feet in height shall comply with the setbacks for the principal use or structure.

[Added 1-5-2021 by Bill No. 21-1]

(f) Other regulations. The uses and structures permitted in the A-1 District shall be subject to the applicable regulations contained in Subtitle ZS1:I, General Provisions, and Subtitle ZS1:III, Supplementary Districts and District Regulations, of this Title.

Exhibit 8B

Worcester County, MD
Thursday, October 5, 2023

Subtitle ZS1:II. Primary District Regulations

§ ZS 1-202. A-2 Agricultural District.

- (a) Purpose and intent. This district is intended to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. The A-2 District may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only where adjacent to existing municipalities. Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.
- (b) Permitted principal uses and structures. The following uses and structures shall be permitted in the A-2 District:
- (1) Agriculture, including feeding lots, dairy barns, stables, agricultural lagoons, hog houses, and noncommercial grain dryers. No lot requirements shall apply for field, vegetable and nursery crops and grazing pastures. For other activities and principal structures, minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet. See § ZS 1-305(r) hereof.
[Amended 4-25-2017 by Bill No. 17-3]
 - (2) Poultry operations subject to the provisions of § ZS 1-349 hereof.
[Added 4-25-2017 by Bill No. 17-3^[1]
[1] *Editor's Note: This bill also redesignated former Subsection (b)(2) through (18) as Subsection (b)(3) through (19).*
 - (3) Aquaculture. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (4) Roadside stands offering for sale fresh agricultural products, fresh seafood and processed dairy products from locally raised livestock, operated by the property owner or tenant of the premises upon which such stand is located. Processed agricultural and seafood products may also be sold, provided such sales are incidental to the sales of fresh products. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-322 and 1-325 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (5) Single-family dwellings. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.
 - (6) Manufactured homes in accordance with § ZS 1-314(a) hereof. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.

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- (7) Minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
 - (8) Rural cluster subdivisions in accordance with the provisions of § ZS 1-308 hereof.
 - (9) Consolidated development rights subdivisions in accordance with the provisions of § ZS 1-309 hereof.
 - (10) Divisions of land for agricultural purposes in accordance with the provisions of § ZS 1-311(b) (4).
 - (11) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply for buildings only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
 - (12) Private noncommercial cabins, tents, recreational vehicles or manufactured or mobile homes for seasonal and not permanent or year-round occupancy. Minimum lot requirements shall be: lot area, five acres; lot area per cabin, tent, recreational vehicle or manufactured or mobile home, five acres, limited to not more than five such units; lot width, four hundred feet; front yard setback, one hundred feet [see § ZS 1-305(b) hereof]; each side yard setback, one hundred feet; and rear yard setback, one hundred feet. Such structures need not be located on a lot which abuts upon a road but are subject to Environmental Programs Division approval.
 - (13) Fishing, trapping, hunting, hunting blinds and wildlife observation structures. No lot requirements shall apply.
 - (14) Landing strips in accordance with the provisions of § ZS 1-345(a), Subsection (2) of the definition of "airfield," hereof.
 - (15) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (16) Monopoles and freestanding towers up to one hundred fifty feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (17) Small and medium wind energy conversion systems up to a maximum of one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (18) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
 - (19) Large solar energy systems in accordance with the provisions of § ZS 1-344(d)(2) hereof.
[Added 3-15-2011 by Bill No. 11-2]
 - (20) Casino Entertainment District, subject to the provisions of § ZS 1-352 hereof.
[Added 10-20-2020 by Bill No. 20-7]
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the A-2 District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Commercial grain dryers, feed mills, grain, fertilizer, feed, seed, implement and other agricultural storage and repair and sales facilities. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof. Facilities for the bulk handling of grain, fertilizer and other materials shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
 - (2) Agricultural processing plants, storage, and wholesale or retail sale of locally grown vegetables and field crops. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred

feet; front yard setback, one hundred feet; each side yard, one hundred feet; and rear yard setback, one hundred feet.

- (3) Livestock purchase and sales yards. Minimum lot requirements shall be: lot area, ten acres; lot width, five hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Furthermore, all buildings and yards designed for the concentrated containment of animals shall be located at least two hundred feet from any perimeter property line or public road right-of-way.
- (4) Commercial repair of seafood harvesting and agricultural equipment (not including general highway vehicles). Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; provided that all work and storage areas are enclosed within a building or screened from public view.
- (5) Landing, storage and processing facilities for seafood, including sales of the seafood landed or processed on site. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (6) Aquaculture processing facilities, including freezing, packing, canning, processing, storage and shipping facilities and wholesale and retail sales. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (7) Roadside stands and garden centers offering for sale fresh agricultural products, fresh seafood, nursery stock, plants, gardening supplies and equipment, lawn ornaments, and similar items. Minimum lot requirements shall be: lot area, three acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-322 and 1-325 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
- (8) Sawmills and the manufacturing or processing of wood products. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, one hundred feet; each side yard, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. No logs, lumber or by-products shall be stored in any required yard setback, and all power-driven machinery shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
- (9) Agritourism facility. On a farm, as defined herein, the use of not more than thirty percent of the gross acreage of a lot or parcel, for agritourism uses and structures as defined herein. Minimum lot requirements for the agritourism uses and structures shall be: lot area, ten acres; lot width, two hundred feet; front yard setback, fifty feet; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-322, ZS 1-323 and ZS 1-325 hereof. Festivals may be permitted up to four times per year. For purposes of this section, a "festival" is an event conducted at an agritourism facility for up to three consecutive days for the purpose of promoting products grown on the farm or farm-related education or recreation. All amplified outdoor entertainment or background music shall only be permitted between 1:00 p.m. and 10:00 p.m. Overnight events are prohibited.

[Amended 8-17-2021 by Bill No. 21-7 ^[2]]

[2] *Editor's Note: This bill also repealed former Subsection (c)(10), Wineries as a part of a producing vineyard, as amended 7-19-2016 by Bill No. 16-4 and 2-21-2017 by Bill No. 16-6, and renumbered former Subsection (c)(11) through (44) as Subsection (c)(10) through (43), respectively.*

- (10) Farm labor camps for temporary occupancy. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, two hundred feet; each side yard

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setback, two hundred feet; and rear yard setback, two hundred feet. Furthermore, such camps shall be limited to no more than fifteen units with a maximum capacity of six persons per unit, provided that all state and County health regulations shall be met.

- (11) Marine yards for the construction and major repair of watercraft, including marine railways, general marine activities and incidental retail sales of parts and accessories. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (12) Storage yards and buildings for storage of watercraft and recreational vehicles. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (13) Structures and storage yards for contractors' shops, equipment and material storage yards, such as electrician, carpenter, plumber, HVAC, sheet metal, sign painting, printing, upholstery, furniture painting or interior decorating, merchandise fabrication and repair, but not including any retail sales. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet, and subject to the provisions of § ZS 1-325 hereof. In addition, such structures and storage yards shall be screened on all sides in accordance with the provisions of § ZS 1-322 hereof.
- (14) Veterinary clinics and commercial kennels. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way. [Amended 6-15-2021 by Bill No. 21-4]
- (15) Fairgrounds and racetracks (but not including noncommercial racetracks). Minimum lot requirements shall be: lot area, one hundred acres; lot width, one thousand feet; front yard setback, two hundred feet; each side yard setback, two hundred feet; and rear yard setback, two hundred feet.
- (16) Golf courses, including golf driving ranges but not including miniature golf courses, in accordance with the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
- (17) Golf teaching facilities, which may include golf driving ranges, golf holes, clubhouses and incidental retail sales. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (18) Rental campgrounds, membership campgrounds and cooperative campgrounds in accordance with the provisions of §§ ZS 1-318, ZS 1-322 and ZS 1-325 hereof.
- (19) Manufactured homes for nonresidential use. Use of a manufactured home for other than residential purposes shall be limited to uses permitted in the A-2 District and shall meet the lot requirements specified for such use, subject to the provisions of § ZS 1-314 hereof. See § ZS 1-305(r) hereof.
- (20) Firehouses, governmental offices and other public buildings, structures and uses of an administrative or public-service type. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.

- (21) Schools. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (22) Hospitals for inpatient and outpatient medical treatment. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (23) Assisted living facilities, provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (24) Day-care centers. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (25) ^[3] Bed-and-breakfast establishments, subject to the provisions of § ZS 1-340 hereof.
- ^[3] *Editor's Note: Former Subsection (c)(26), Conversion of an existing historic or architecturally significant dwelling into an inn of a type compatible with the character of the neighborhood but not for use as a nightclub, tavern or roadhouse, was repealed 10-15-2019 by Bill No. 19-3. Bill No. 19-3 also redesignated former Subsection (c)(28) through (46) as Subsection (c)(26) through (44), respectively.*
- (26) ^[4] Surface mining in accordance with the provisions of § ZS 1-330 hereof.
- ^[4] *Editor's Note: Former Subsection (c)(27), Country inns for transient overnight guests, was repealed 10-15-2019 by Bill No. 19-3. Bill No. 19-3 also redesignated former Subsection (c)(28) through (46) as Subsection (c)(26) through (44), respectively.*
- (27) Commercial riding and boarding stables for three or more animals. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. Furthermore, stables shall be located at least two hundred feet from any perimeter property line or public road right-of-way, and there shall be one acre of lot area for each animal stabled.
- (28) Conversion of existing vacant or inactive structures previously utilized for commercial, industrial or agricultural processing purposes into uses consistent with the intent of the A-2 District and its permitted principal uses and with the general character of the surrounding area. Minimum lot requirements shall be as determined and approved by the Board of Zoning Appeals. Conversion of existing structures shall be established only with Health Department approval and shall be subject to the provisions of § ZS 1-325 hereof.
- (29) Churches, temples and mosques. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (30) Cemeteries, including family burial grounds, chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and no side or rear yard setbacks required unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
- (31) Public and private noncommercial cultural, social and recreational areas and centers, including parks, playgrounds, beaches, community centers, fraternal lodges, country clubs, swimming pools, summer camps, and racetracks. Minimum lot requirements shall be: lot area, forty

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thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof. All outdoor swimming pools, including adjacent deck and patio areas, locker areas, summer camp lodgings, and racetracks shall be at least two hundred feet from any perimeter property line and public road rights-of-way.

- (32) Public and private (commercial and noncommercial) marinas, including fueling, boat launching and recovery, dry storage of seaworthy boats in operable condition and light maintenance facilities for hull, deck and interior repairs and painting. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (33) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
- (34) Wastewater and water treatment facilities, in accordance with the provisions of § ZS 1-328 hereof.
- (35) Sewage sludge disposal site areas subject to the provisions of § ZS 1-328 hereof.
- (36) Solid waste disposal sites in accordance with the provisions of § ZS 1-329 hereof.
- (37) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
- (38) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (39) Monopoles and freestanding towers over one hundred fifty feet in height and guyed towers, subject to the provisions of § ZS 1-343 hereof.
- (40) Small and medium wind energy conversion systems over one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
- (41) Noncommercial scientific research stations for the collection of atmospheric, astronomic, weather or biological data for research purposes by academic, non-profit or governmental entities. Minimum lot requirements for structures only shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet. Notwithstanding the provisions of § ZS 1-305(n) the maximum height of any equipment or structure shall be fifty feet. Furthermore, all radar or microwave equipment for data collection or antennas for data transmission shall be separated by not less than five hundred feet from the nearest existing or permitted residential structure on an adjacent parcel.
[Added 12-16-2014 by Bill No. 14-12]
- (42) On a farm as defined herein, the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events, including, but not limited to, wedding receptions, family reunions, birthday and anniversary celebrations, children's parties, corporate and employee appreciation parties, and the like. All such uses must be clearly accessory and subordinate to the principal agricultural structure or use of the

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property. All building, fire, health, zoning, and environmental code requirements for such a use or facility shall apply to the same extent as if the structure or use of land was not located on a farm. Minimum lot requirements for the principal agricultural structure or use of land shall be: lot area, twenty-five acres; lot width, two hundred feet; front yard setback, one hundred feet; each side yard setback, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. The site of the commercial event itself and all associated use areas shall be located not less than five hundred feet from any residential structure on an adjacent property or public road and no variance to this requirement is permitted notwithstanding the provisions of § ZS 116(c)(4). Any amplified music associated with such a use must end by 11:00 p.m.

[Added 2-21-2017 by Bill No. 16-7]

(43) Food waste composting facilities in accordance with § ZS 1-329.

[Added 10-18-2022 by Bill No. 22-18^[5]]

[5] *Editor's Note: This bill also redesignated former Subsection (c)(43) as Subsection (c)(44).*

(44) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the A-2 District.

(d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the A-2 District:

(1) On a farm, as herein defined, a second single-family dwelling for the farm owner, farm tenant or member of his immediate family or for a person primarily engaged in the operation of the farm, provided that the dwelling is located such that, if it were subdivided from the main parcel, it could meet all of the requirements for a single-family dwelling in the A-2 District.

(2) Noncommercial private residential parking garages and areas, noncommercial buildings for farm animals, swimming pools and other customary residential outbuildings and structures for the use of residents. Buildings for farm animals shall be at least fifty feet from any perimeter property line or public road right-of-way.

(3) Customary incidental home occupations, subject to the provisions of § ZS 1-339 hereof.

(4) The keeping of not more than two roomers or boarders.

(5) Roadside stands not to exceed a maximum of one hundred fifty square feet in size and offering for sale fresh agricultural products, operated by the property owner or tenant of the premises upon which such stand is located. Such stands shall be located so as not to create a traffic hazard, shall be completely removed at the end of the fresh product season and shall be subject to the provisions of § ZS 1-305(h)(2)A hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.

(6) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.

(7) Private waterfront structures, subject to the provisions of § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.

(8) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.

(9) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.

(10) On a farm, as defined herein, not more than two manufactured homes for the farm owner, tenant or member of his immediate family or for persons primarily engaged in the operation of the farm, provided that such manufactured homes are located in the farm building group, no closer to any public road right-of-way than the principal building, no closer than the required front yard setback and not less than one hundred feet from any side or rear lot line. Such manufactured homes shall be located only with the Environmental Programs Division approval,

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subject to the provisions of § ZS 1-314(a) hereof. A manufactured home in the farm building group shall be located within two hundred feet of the main farm building or accessory farm structure.

(11) Yard sales, subject to the provisions of § ZS 1-341 hereof.

(12) At the site of a fairground or racetrack as specified in Subsection (c)(16) hereof, on-site housing for owners or employees may be provided. The total amount cannot exceed one single-family residential unit and bunkhouses with a maximum of twenty-five beds with shared kitchen, bathroom and living facilities to be located in not more than five buildings. All bunkhouses must be located not more than two hundred feet from the main buildings associated with the fairground or racetrack. The one single-family residential unit may exceed the limitation of two hundred feet in separation.

(13) Noncommercial production of biofuels on a farm as a use incidental to the farm operation.

(e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roof principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.

(1) The Board of Zoning Appeals may permit as a special exception an increase in the maximum height, but not number of stories, of a residential accessory structure to no more than thirty-five feet if, in the view of the Board, such increase will serve to reduce an environmental impact and no neighborhood adverse effects or safety hazards will be created. Notwithstanding the provisions of §§ ZS 1-116(c)(4) and ZS 1-305(h)(2), any residential accessory structure exceeding twenty-five feet in height shall comply with the setbacks for the principal use or structure.

[Added 1-5-2021 by Bill No. 21-1]

(f) Other regulations. The uses and structures permitted in the A-2 District shall be subject to the applicable regulations contained in Subtitle ZS1:I, General Provisions, and Subtitle ZS1:III, Supplementary Districts and District Regulations, of this Title.



Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2008.
Source: Worcester County Commissioners.
Updated: Resolution No. 25-1, Effective 1/21/09, Case No. 422

A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	Y1	R4	CM	C3	

Tax Map 2

Official Zoning Map

Map prepared by Worcester County Department of Development Review and Permitting, November 3, 2008.
Source: Worcester County Commissioners.
Updated: Resolution No. 19-2, Effective 5/6/12, 3/16/16 and 1/8/19, respectively.
and Worcester County Commissioners, 1/24/12, 10/21/14 and 1/8/19, respectively.

A1	RP	R2	I1	C1	V1
A2	E1	R3	I2	C2	MUN
CA	Y1	R4	CM	C3	

Tax Map 21

STAFF REPORT

REZONING CASE NO. 443

PROPERTY OWNER: William and Linda Ayres
2710 Cortland PL, NW
Washington, DC 20008

ATTORNEY: Hugh Cropper, IV
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 16, Parcels 21 & 53, Tax District 03

SIZE: The petitioned area is approximately 27.57 acres in size.

LOCATION: The petitioned area is located on the east side of Maryland 589 (Racetrack RD) directly across from the north entrance to Ocean Pines (Ocean Parkway).

CURRENT USE OF PETITIONED AREA: The current use of the petitioned location is farmland and forested area.

CURRENT ZONING CLASSIFICATION: A-1 Agricultural District.

As defined in the Zoning Code, the intent of this district is to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. The Code also states, in part, that this district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or nonagricultural commercialization.

REQUESTED ZONING CLASSIFICATION: 25.25 Acres as A-2 Agricultural District and 2.0 acres as C-2 General Commercial District.

A-2 Agricultural District.

As defined in the Zoning Code, the intent of this district is to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. In addition, this district may also be used for limited residential development through consolidated development rights and as a place marker for future annexations only were adjacent to existing municipalities.

C-2 General Commercial District.

As defined in the Zoning Code, the intent of this district is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. The Code also states, in part, that site layout and design features within this district shall be compatible with the community and the County's character.

APPLICANT'S BASIS FOR REZONING: The application indicates that a substantial changes in the character of the neighborhood since the November 3, 2009, Comprehensive Rezoning.

ZONING HISTORY: At the time zoning was first established in 1964, the petitioned area was given a A-1 Agricultural District classification, and the A-1 zoning has been retained in comprehensive rezonings held in 1978, 1992 and 2009. This property was subject to a previous rezoning application (Case No. 421) which requested a reclassification for the entire property to C-2 General Commercial District. That application was withdrawn following the Planning Commission's review and unfavorable recommendation. A copy of the minutes from that meeting are attached.

SURROUNDING ZONING: Adjoining properties to the south and west are zoned A-1 Agricultural District. Two adjacent properties to the east are zoned C-2 General Commercial District and currently have a convenience store, bank, and medical building on them. Directly across MD 589 (Racetrack Rd) is R-2 Suburban Residential District and C-1 Neighborhood Commercial District.

COMPREHENSIVE PLAN:

The County's Comprehensive Plan was adopted by the County Commissioners on March 7, 2006, and is intended to be a general guide for future development in the County. Whether a proposed rezoning is compatible with the recommendations of the Comprehensive Plan is one of the criteria that is considered in all rezoning requests, as listed in § ZS 1-113(c)(3) and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and the associated land use map, the petitioned area lies within the Agriculture Land Use Category. With regard to the Agriculture Land Use Category, the Comprehensive Plan states the following:

“The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county's way of life. Agriculture faces challenges from international commodity prices, local development pressure, and the aging farm population to name a few. The county must do all it can to preserve farming as a viable industry.” (Page 18)

Pertinent objectives cited in Chapter 2 – Land Use state the following:

2. Continue the dominance of agriculture and forestry uses throughout the county’s less developed regions.
3. Maintain the character of the county’s existing population centers.
8. Regulate development to minimize consumption of land, while continuing the county’s rural and coastal character.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
17. Discourage highway strip development to maintain roadway capacity, safety, and character.
19. Limit rural development to uses compatible with agriculture and forestry.

(Pages 12 & 13)

Areas surrounding Existing Developed Areas (EDA) shouldn’t be rezoned simply because of their proximity to the EDA in this case Ocean Pines.(i.e. Ocean Pines). The EDAs are anticipated to remain the same until the next plan review period.

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Chapter 3 Natural Resources

Prime farmland is a limited resource and is important for meeting short and long term food needs. Non-prime farmland is no less important for maintaining the Counties “critical mass” of working farms. (Page 49).

Chapter 4 Economy

Objectives: Agriculture and Forestry

3. Reduce farm area fragmentation through agricultural zoning permitting only minor subdivisions (five or less lots), the state’s agricultural preservation program, the Rural Legacy program and explore the use of a transfer of development rights and other preservation mechanisms
6. Review permitted land use in agricultural zones to ensure compatibility with agriculture as a quasi-industrial use. Adjust requirements to prevent inappropriate uses from developing in agricultural areas.

(Pages 59, 60)

WATER AND WASTEWATER: According to the attached response memo from Mr. Mitchell, the property is not currently connected to public sewer and/or water at this time. The subject property has a designation of a Sewer and Water Service Category of S-6/W-6 (No planned service) in the Master Water and Sewerage Plan, no comments were received from the County’s Public Works Department.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

- EmA - Elkton silt loam (1.3% of site), severe limitations to on-site wastewater disposal
- FadA - Fallsington sandy loams (3.7% of site), severe limitations to on-site wastewater disposal
- HmA- Hammonton loamy sand (16.8% of site), severe limitations to on-site wastewater disposal
- KeA - Kentuck silt loam (16% of site), severe limitations to on-site wastewater disposal
- NnA - Nassawango fine sandy loam (0.6% of site) severe limitations to on-site wastewater disposal
- NnB - Nassawango fine sandy loam (43.3% of site), severe limitations to on-site wastewater disposal
- WddA - Woodstown sandy loam (18.2% of site), severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Ocean Pines Volunteer Fire Company approximately four minutes from the subject property. Service is also available from the Showell Volunteer Fire Company approximately also four minutes away. No comments were received from the fire companies with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately nine minutes away, and the Worcester County Sheriff’s Office in Snow Hill, approximately twenty-six minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff’s Office.

ROADWAYS AND TRANSPORTATION: The petitioned area has frontage on MD Route 589 (Racetrack Road), a State-owned and maintained road. It is considered a two-lane secondary highway. This location is also directly across from the MD589 Ocean Parkway Intersection.

In Chapter 7 – Transportation, the 2006 Comprehensive Plan states that “Worcester’s roadways experience morning and evening commute peaks; however, they are dwarfed by summer resort traffic. . . . Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611 and MD 90.” (Page 79)

“Of special note is the fact that the MD 589 corridor has experienced significant development and has reached an unsatisfactory level of service. . . . [A]nd congestion has become a daily occurrence regardless of season. For this reason, MD 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain until road capacity is suitably improved.” (Page 80)

Chapter 7 also includes a section on MD 589 and identifies it as a Two Lane Secondary Highway/Major Collector Highway and contains the following recommendations (Page 85):

- Limit development in the corridor until capacity increases.
- Conduct scenic and transportation corridor planning.
- Dualize after the US 113 project is completed.
- Continue to deflect US 113 traffic to MD 90 rather than MD 589.
- Introduce interparcel connectors and service roads where feasible.

In this same chapter, under the heading General Recommendations – Roadways, it states the following (page 87):

1. Acceptable Levels of Service—It is this plan’s policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
3. Traffic studies--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.
4. Impacted Roads--Roads that regularly have LOS D or below during weekly peaks are considered “impacted.” Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
5. Impacted Intersections--Upgrade intersections that have fallen below a LOS C, for example, the intersection of US 13 and MD 756 Old Snow Hill Road, intersection of MD 589 and US 50.

The Maryland Department of Transportation State Highway Administration (MDOT SHA) has no objection to the request. They note in their comments that any future development proposal will require review and approval from District 1 Access Management and any permitting as needed. As this parcel is not located on a county owned and maintained road, no comments were received from the County Roads Division of the Department of Public Works.

SCHOOLS: The petitioned area is within Zone 1 of the Worcester County Public School Zones and is served by the following schools: Showell Elementary, Berlin Intermediate, and Stephen Decatur Middle and High Schools. No comments were received from the Worcester County Board of Education (WCBOE).

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: Mr. Mitchell also notes in his memorandum that the petitioned is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law. The parcel included in the proposed rezoning has not previously been reviewed in conjunction with the Forest Conservation Law. The first portion of this rezoning would be a change from A-1 (Agricultural District) to A-2 (Agricultural District) and the afforestation/reforestation thresholds will not change if/when the property is further developed. The second portion of this request would be a change from A-1 (Agricultural District) to C-2 (General Commercial District). The afforestation and conservation threshold would be reduced for this request. A change from 20 percent to 15

percent and the reforestation threshold will change from 50 percent to 15 percent. No comments were received from the State Critical Area Commission relative to this request.

FLOOD ZONE: The FIRM map (24047C0045H, effective July 16, 2015) indicates that this property is located outside of the floodplain in Zone X (Area of Minimal Flood Hazard).

PRIORITY FUNDING AREAS: The petitioned area is not within a designated Priority Funding Area (PFA). The closest PFA is Ocean Pines, directly on the other side of MD 589.

INCORPORATED TOWNS: This property is within 5.5 miles of the incorporated town of Berlin.

ADDITIONAL COMMENTS RECEIVED: N/A

!!IMPORTANT!!

THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:

1. What is the applicant’s definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
2. Does the Planning Commission concur with the applicant’s definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
3. Relating to population change.
4. Relating to availability of public facilities.
5. Relating to present and future transportation patterns.
6. Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State’s impaired waters list or having an established total maximum daily load requirement.
7. Relating to compatibility with the Comprehensive Plan.
8. Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?

Worcester County Commissioners
Worcester County Government Center
One W. Market Street, Room 1103
Snow Hill, Maryland 21863

PLEASE TYPE
OR PRINT IN
INK

APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. CASE 443

Date Received by Office of County Commissioners: 5/25/23

Date Received by Development, Review and Permitting: _____

Date Reviewed by Planning Commission: _____

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. _____ Governmental Agency
- B. _____ Property Owner
- C. _____ Contract Purchaser
- D. _____ Option Holder
- E. _____ Leasee
- F. XXX Attorney for B (Insert A, B, C, D, or E)
- G. _____ Agent of _____ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 16
- B. Parcel Number(s): 21 and 53
- C. Lot Number(s), if applicable: _____
- D. Tax District Number: 03

III. Physical Description of Property

- A. Located on Race Track Road
- B. Consisting of a total of 27.57 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

-
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): A-1 Agricultural District
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 27.57
- C. Requested zoning classification(s): A-2 Agricultural District
(25.57 acres) and C-2, General Commercial District (2.0 acres)
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 27.57

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:


This rezoning is based upon a substantial change in the character of the neighborhood, see attached.

VI. Filing Information and Required Signatures

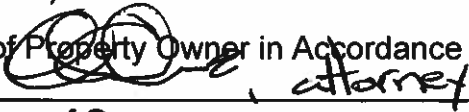
- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature: 
 Printed Name of Applicant: Hugh Cropper, IV, Attorney for Property Owners
 Mailing Address: 9927 Stephen Decatur Hwy., F-12, Ocean City, MD 21842
 Phone Number: 410-213-2681
 E-Mail: hcropper@bbcmlaw.com
 Date: May 14, 2023

C. Signature of Property Owner in Accordance with VI.A. above

Signature: 
 Printed Name of Owner: William Ayres and Linda Ayres
 Mailing Address: 2710 Cortland Pl, NW, Washington, DC 20008
 Phone Number: 212-586-1903
 E-Mail: ayreswilliam@netscape.net; lindaayres.2710@gmail.com
 Date: May 14, 2023

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

A. Applications shall only be accepted from January 1st to January

31st, May 1st to May 31st, and September 1st to September 30th of any calendar year.

- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be

more desirable in terms of the objectives of the Comprehensive Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

REASONS FOR REQUESTED ZONING CHANGE

William Ayres and Linda Ayres, by their attorney, Hugh Cropper IV, respectfully submit the following in support of their Rezoning Application:

This Rezoning Application is based upon substantial changes in the character of the neighborhood since the November 3, 2009 Comprehensive Rezoning. The property is currently zoned A-1, Agricultural District. This is a request to rezone approximately 2 acres of the property to C-2, General Commercial District, being that portion of the property abutting the existing C-2 Zone, which is currently improved by a convenience store. This is a request to rezone the remainder of the property, slightly over 25 acres, to A-2, Agricultural District.

A copy of the March 7, 2006 Land Use Plan, which accompanies the Worcester County Comprehensive Plan, is attached (Exhibit 1). The Land Use Plan is a broad brush approach, or guide, to future zoning. In the actual Plan which the undersigned obtained from the County Commissioners' Office back in 2006, it appears that a portion of the property, being part of the 2 acres proposed to commercial zoning, is actually in the Commercial Center in the Land Use Plan. Again, given the scale of the actual Land Use Plan, it is difficult to tell. At a minimum, it abuts the Commercial Center.

The remainder of the property is designated Agriculture and, as such, the proposed rezoning to A-2, Agricultural District, is consistent with the Land Use Map, and the Worcester County Comprehensive Plan.

This property was the subject of a previous rezoning application, which

requested a reclassification of the entire property to C-2, General Commercial District. That application was withdrawn.

Circumstances with respect to this specific property have changed since that application; namely, the current tenant farmer has refused to plant the property because: (1) due to its location, it is inaccessible to combines and tractors; (2) the soils are poor, and do not support good production; and (3) it is in an area remote from large tracts of farmland, and it is not economically feasible to take large farm equipment to this property.

The neighborhood is defined as the commercial corridor along Maryland Route 589, as shown on the attached diagrams (Exhibits 2 and 3). The property is shown on the Zoning Map, which was an attachment to the January 2019 proposed rezoning (Exhibit 4).

Among other substantial changes to the character of the neighborhood, are the following:

1. Coastal Venture Properties, LLC has obtained special exceptions and other unplanned for approvals in connection with its medical office complex on Worcester County Tax Map 16, Parcel 24, directly across Maryland Route 589 from the subject property. The substantial construction can be seen on the aerial photograph which is attached as an exhibit to this summary (Exhibit 5). In fact, the property has become a large multi-disciplinary medical complex operated by Tidal Health in connection with the Tidal Health Hospital in Salisbury. This major expansion, in and of itself, would represent a substantial change in the character of the neighborhood, and it is literally across Maryland

Route 589 from the subject property.

2. Upgrades to the Ocean Downs Casino represents a substantial change in the character of the neighborhood. Perhaps more importantly, Worcester County amended its Comprehensive Water and Sewerage Plan to permit a force main under Turville Creek to a pump station at the Ocean Downs Casino. This allowed the Ocean Downs Casino to purchase additional EDU's, thereby authorizing the expansion (all of which was unplanned for). The pump station was designed to accept additional effluent, and Crabs to Go is in the process of running a force main along Maryland Route 589 and connecting to this pump station.

3. On March 15, 2016, the Worcester County Commissioners rezoned 11.5 acres for the Estate of Mildred Parsons, Margaret Bunting, Personal Representative, in Case Number 398.

4. On September 4, 2012, the Worcester County Commissioners rezoned 30.9 acres in Rezoning Case No. 392. This rezoning was appealed to the Circuit Court, and subsequently appealed to the Court of Special Appeals, which upheld the decision of the Worcester County Commissioners (Exhibit 6). The Protestants filed a Petition for Writ of Certiorari, which was denied by the Court of Appeals (effectively confirming the rezoning). The aforementioned two rezonings were based on substantial changes in the character of the neighborhood since the last Comprehensive Rezoning, November 3, 2009.

5. The Worcester County Commissioners recently amended the Worcester County Comprehensive Water and Sewerage Plan to include

Worcester County Tax Map 21, Parcels 66A and 66B, for connection to the Greater Ocean Pines Sanitary Service Area. A force main will be designed and installed along Maryland Route 589.

6. The sectional rezoning at Maryland Route 589 (Racetrack Road) represents a substantial change in the character of the neighborhood.

7. There have been other expansions/connections to the Greater Ocean Pines Sanitary Service Area. There have been other changes in the neighborhood, some of which are outlined in the Silver Fox Court of Special Appeals Opinion, a copy of which is attached hereto (Exhibit 6).

Although the property is designated Agricultural in the Worcester County Land Use Plan, it does abut Commercial Center. It is directly across from the North Gate of Ocean Pines. It is adjacent to commercially zoned property to the south. It is part of a predominantly commercial neighborhood. Taken as a whole, the Comprehensive Plan is a broad brush approach to guide future development.

Having found a substantial change in the character of the neighborhood, the proposed rezoning is more desirable with respect to the objectives of the Comprehensive Plan. For the majority of the property, the proposed A-2, Agricultural District, will allow for quasi-commercial uses, such as farmers markets, which will be an asset to the neighborhood, and consistent with the Comprehensive Plan.

The applicants respectfully request that the application be granted.

Respectfully submitted,



Hugh Cropper IV
Attorney for Property Owners
William Ayres and Linda L. Ayres

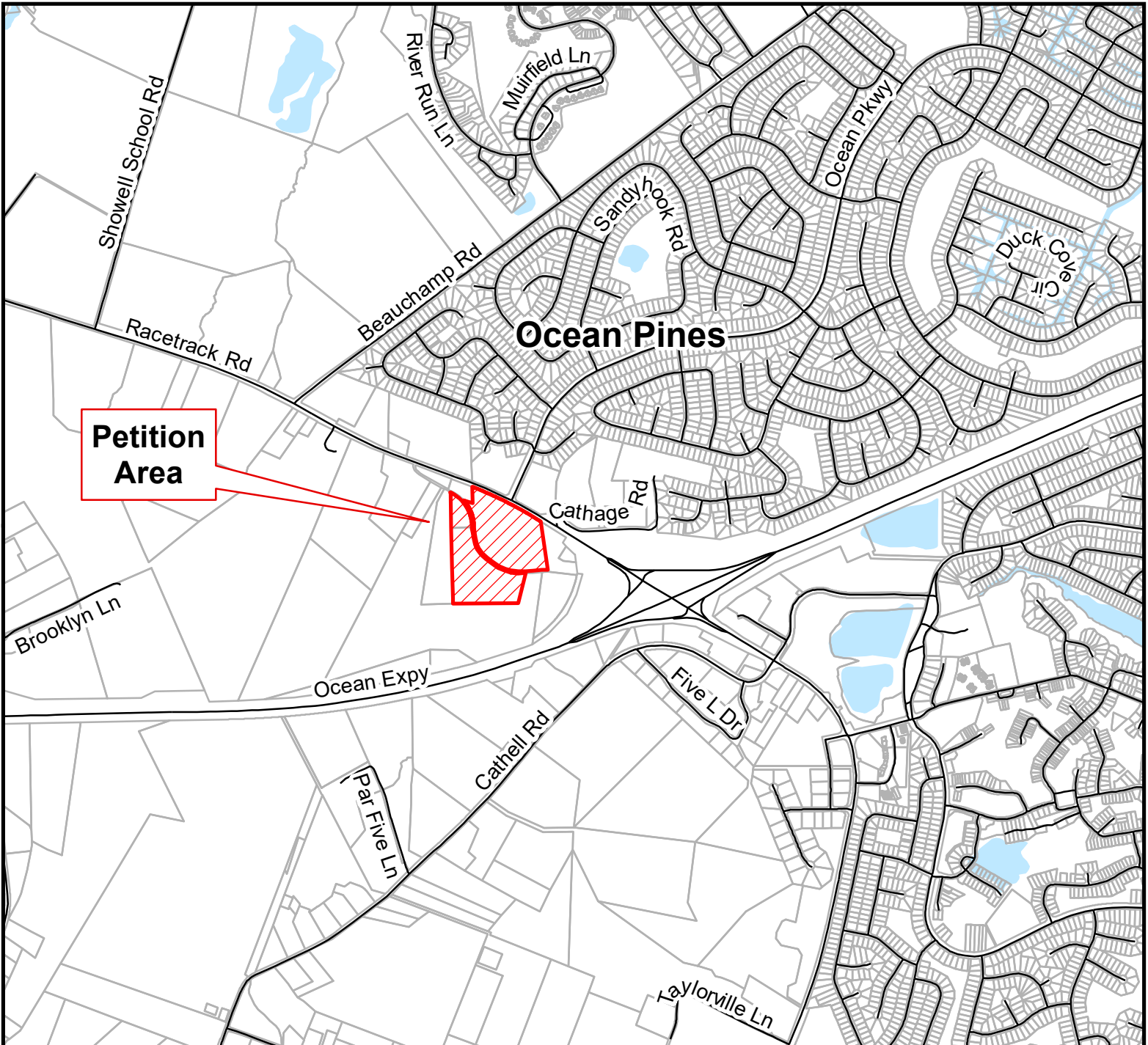
WORCESTER COUNTY, MARYLAND



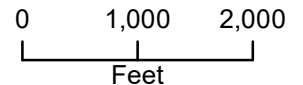
REZONING CASE NO. 443
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial
Tax Map: 16, Parcel 21 and 53



LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



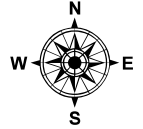
Source: GIS Data Layers
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 443
A-1 Agricultural to A-2 Agricultural & C-2 General Commercial
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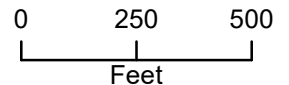


AERIAL IMAGERY



Petition Area

DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



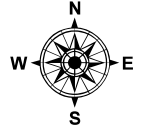
Source: 2022 Aerial Imagery
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

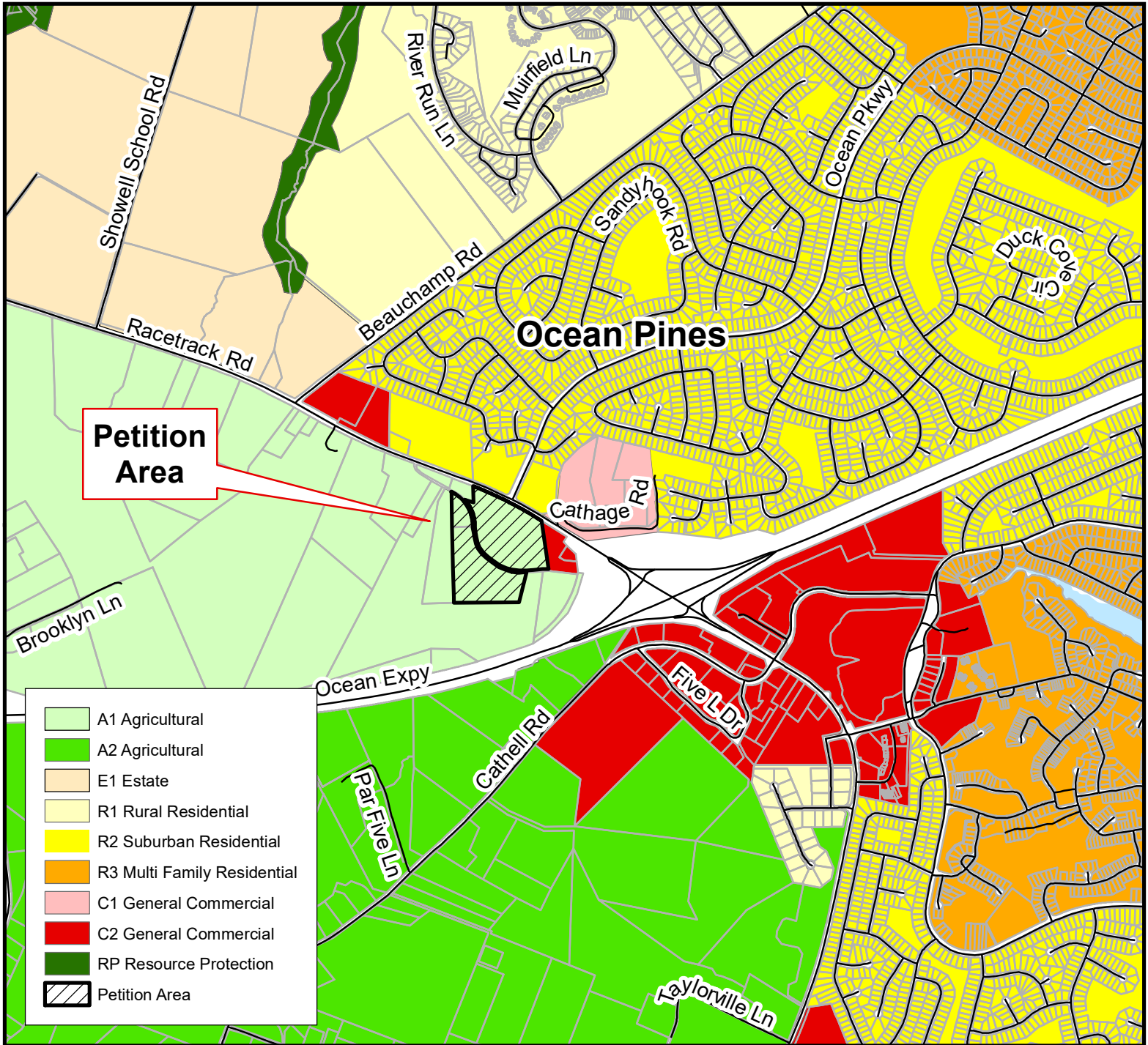
WORCESTER COUNTY, MARYLAND



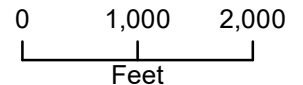
REZONING CASE NO. 443
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ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



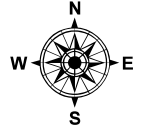
Source: 2009 Official Zoning Map
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

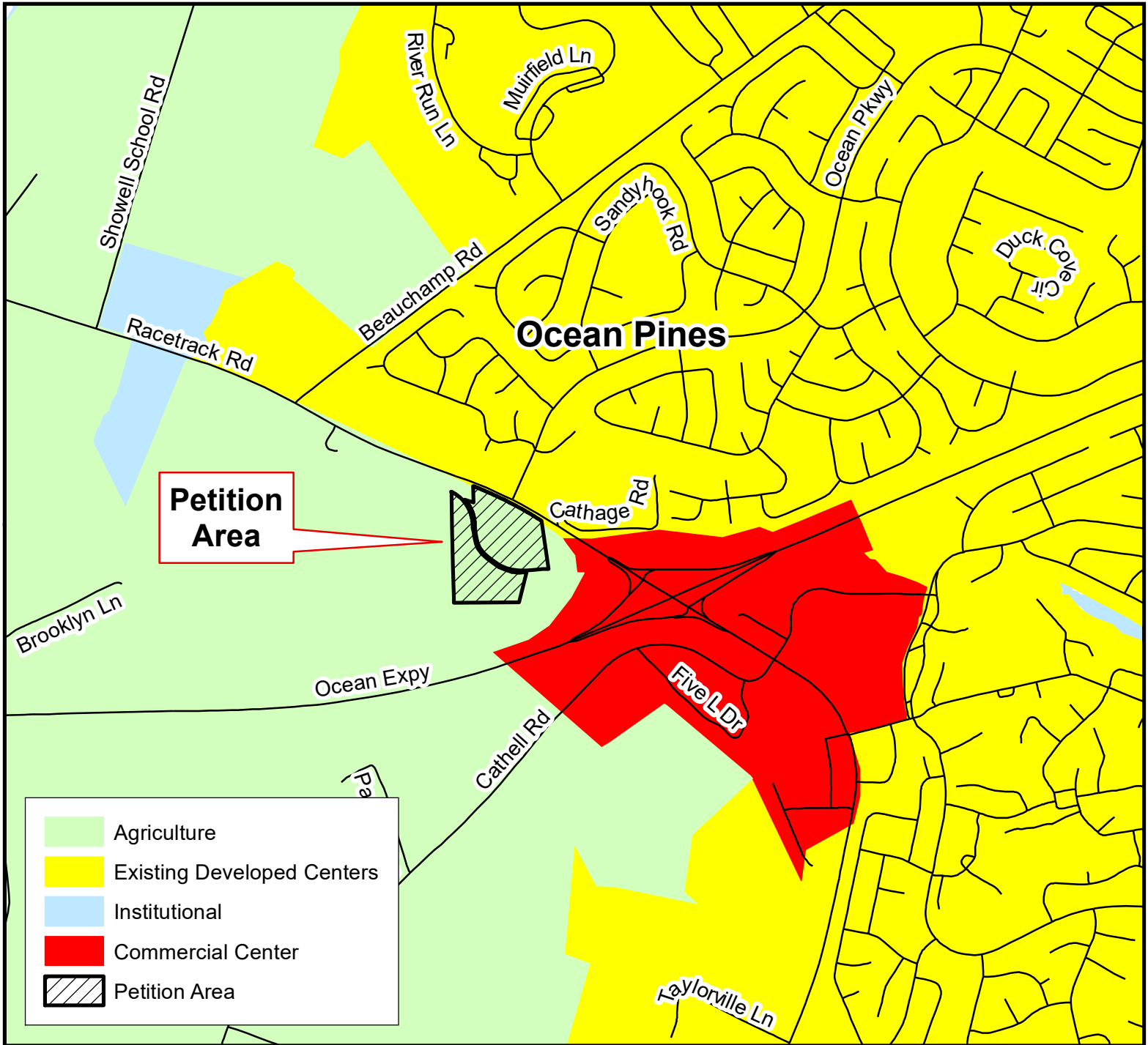
WORCESTER COUNTY, MARYLAND



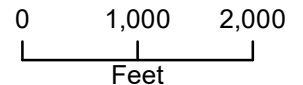
REZONING CASE NO. 443
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LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: 2006 Official Land Use Map
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

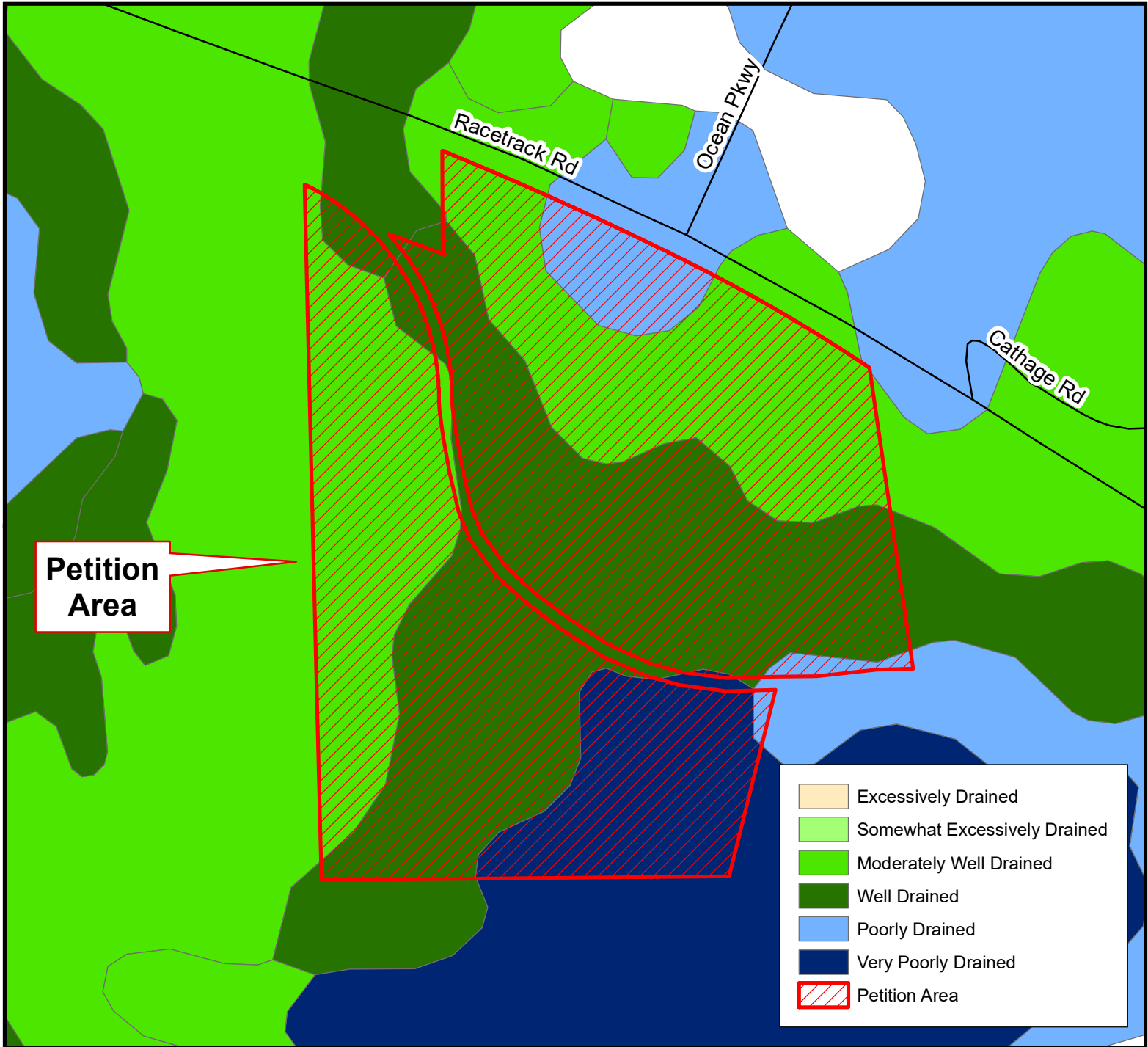
WORCESTER COUNTY, MARYLAND



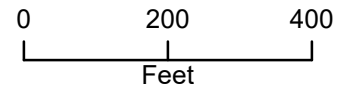
REZONING CASE NO. 443
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SOIL SURVEY MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: 2007 Soil Survey
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

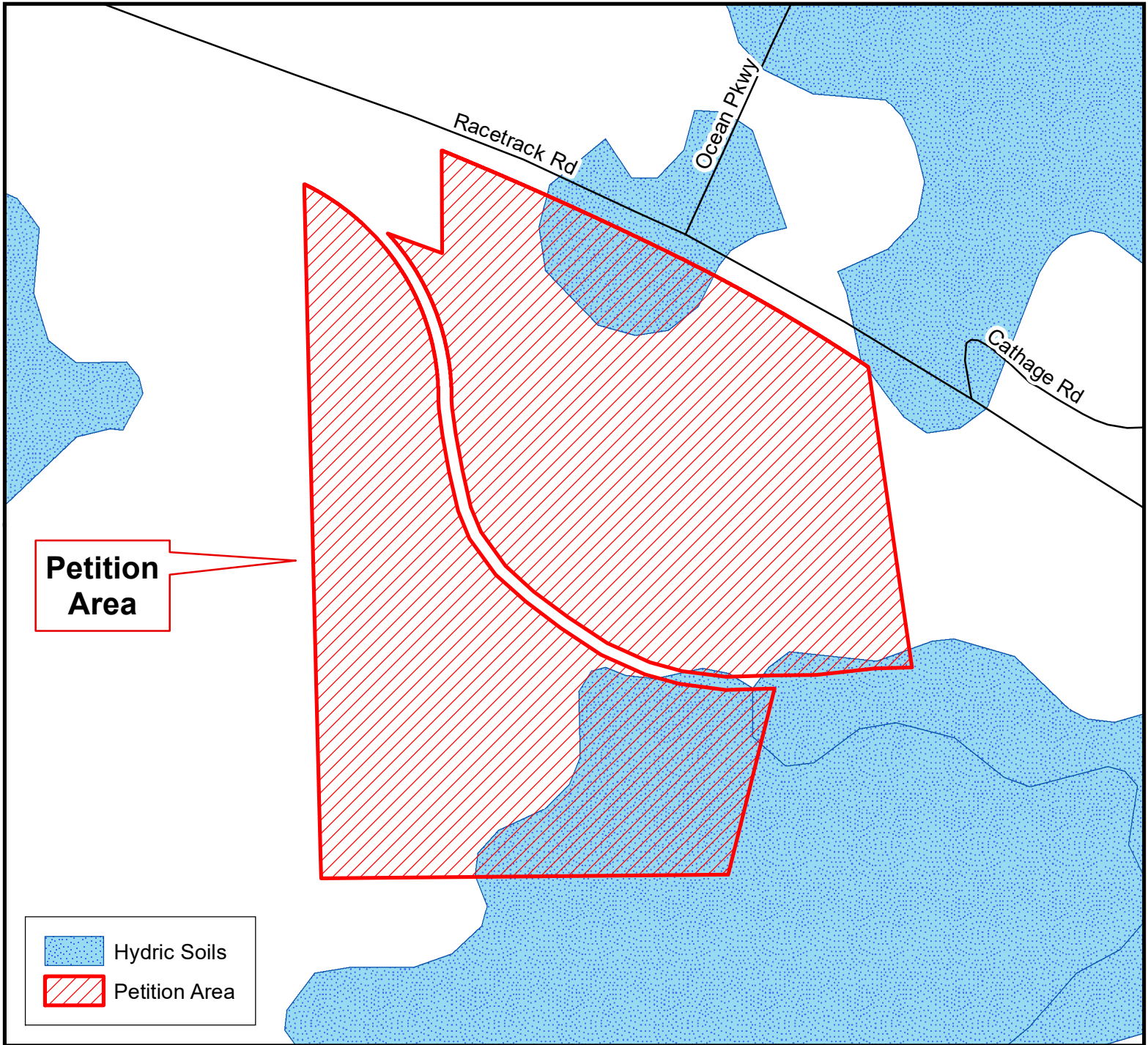
WORCESTER COUNTY, MARYLAND



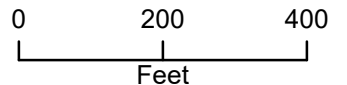
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HYDRIC SOILS MAP



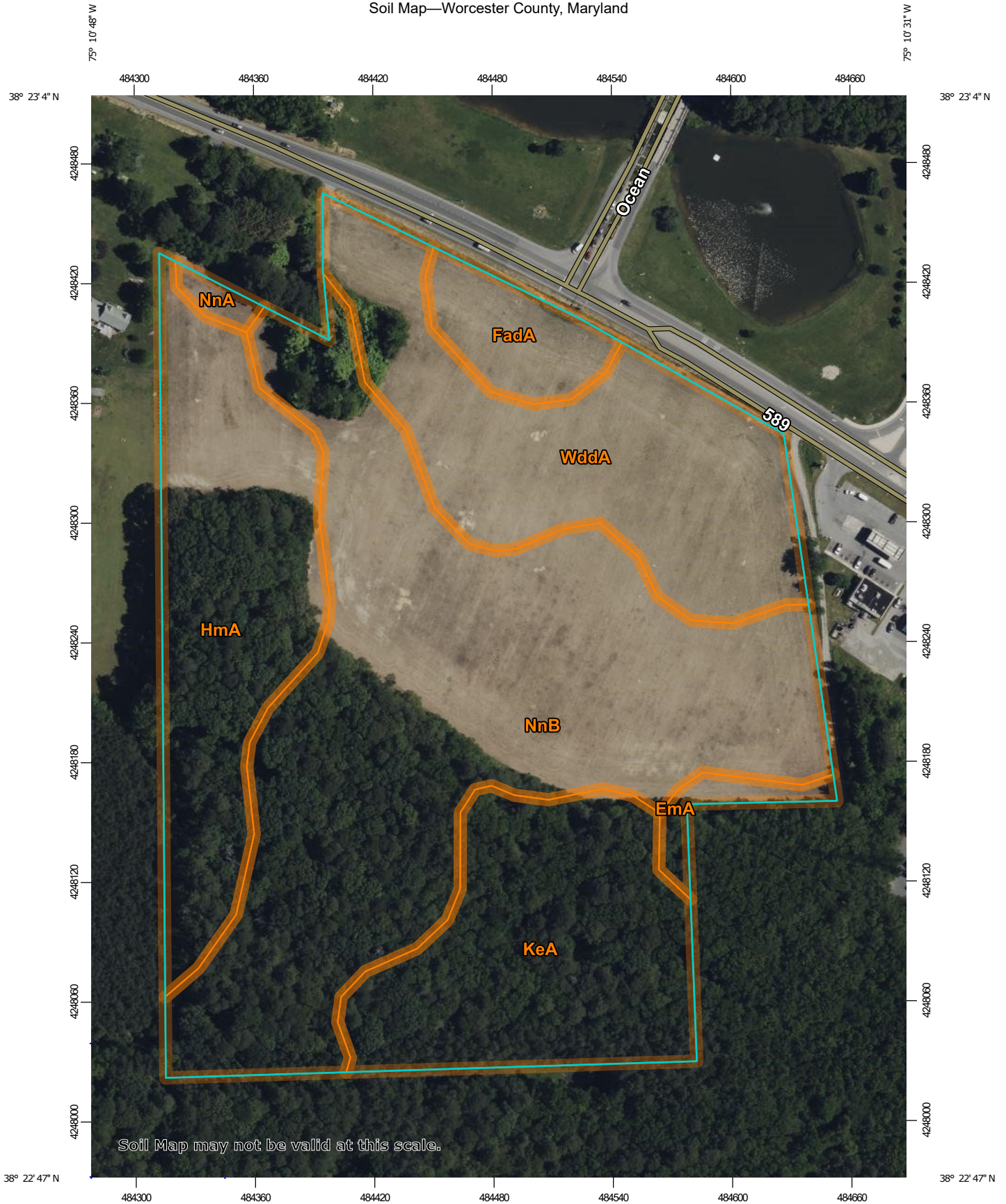
DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared June 2023



Source: 2007 Soil Survey
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

Soil Map—Worcester County, Maryland



Soil Map may not be valid at this scale.

Map Scale: 1:2,640 if printed on A portrait (8.5" x 11") sheet.




Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84





MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Worcester County, Maryland
 Survey Area Data: Version 20, Sep 14, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 30, 2022—Jul 4, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EmA	Elkton silt loam, 0 to 2 percent slopes	0.4	1.3%
FadA	Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area	1.1	3.7%
HmA	Hammonton loamy sand, 0 to 2 percent slopes	4.8	16.8%
KeA	Kentuck silt loam	4.6	16.0%
NnA	Nassawango fine sandy loam, 0 to 2 percent slopes	0.2	0.6%
NnB	Nassawango fine sandy loam, 2 to 5 percent slopes	12.5	43.3%
WddA	Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	5.2	18.2%
Totals for Area of Interest		28.7	100.0%



Worcester County Department of Environmental Programs

Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863

Tel: (410) 632-1220 | Fax: (410) 632-2012

Memorandum

To: Matt Laick, Deputy Director, DDRP

From: Robert J. Mitchell
Director, Environmental Programs

Subject: **EP Staff Comments on Rezoning Case No. 443**
Worcester County Tax Map 16, Parcels 21 & 53
Reclassify approximately 25.57 Acres of A-1 Agricultural District to A-2 Agricultural District
and Reclassify 2 acres A-1 Agricultural District to C-2 General Commercial District

Date: 7/21/23

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section §ZS 1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The applicant is contending that there has been a change in the character of the neighborhood. The Code requires that the Commissioners find that the proposed “change in zoning” would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. This property has an Agricultural land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*), as do properties to the west and south. This district is reserved for farming, forestry, and related industries with minimal residential and other compatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this district. The surrounding zoning and land uses for the most part have corresponded with their land use designations in the *Comprehensive Plan*.
2. The existing property is not connected to public sewer and/or water at this time. The subject property has a designation for a Sewer Service Planning Category of S-6/W-6 (No planned service) in the *Master Water and Sewerage Plan*. Our well and septic records indicate a septic tank served the existing building for the property until the system was demolished and abandoned. To get an amendment approved for water & sewer planning area classification changes that permit connection to public systems, the underlying agricultural land use designation for the properties would need to change to be consistent with the *Comprehensive Plan*.
3. We would note the Comprehensive Plan’s Chapter 7 Transportation notes on MD Route 589, referenced on Page 80: “Of special note is the fact that the MD 589 corridor has experienced significant development and has reached an unsatisfactory level-of-service. During the period from 1990 to 2003, traffic increased by 112 percent and congestion has become a daily occurrence, regardless of season. For this reason, MD 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain

until road capacity is suitably improved.” The applicant should be prepared to address how this rezoning, if approved, would not negatively affect local traffic congestion.

4. This proposed rezoning is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law. The parcel included in the proposed rezoning has not previously been reviewed in conjunction with the Forest Conservation Law. The first portion of this rezoning would be a change from A-1 (Agricultural District) to A-2 (Agricultural District) and the afforestation/reforestation thresholds will not change if/when the property is further developed. The second portion of this request would be a change from A-1 (Agricultural District) to C-2 (General Commercial District). The afforestation and conservation threshold would be reduced for this request. A change from 20 percent to 15 percent and the reforestation threshold will change from 50 percent to 15 percent.
5. The applicant submits that the character of the neighborhood has changed to an extent that justifies this amendatory action to change the zoning designation. The example properties the applicant submits that justify a change in the character of the neighborhood had underlying land use designations of either commercial center or existing developed.

If you have any questions on these comments, please do not hesitate to contact me.

From: Aws Ezzat <AEzzat@mdot.maryland.gov>
Sent: Wednesday, June 21, 2023 8:07 AM
To: April Mariner <amariner@co.worcester.md.us>
Cc: Jeffrey Fritts <JFritts@mdot.maryland.gov>
Subject: Re: Rezoning Case #443

April,

After a review of Rezoning Case #443, MDOT SHA has no objection to the rezoning as proposed. If this parcel is proposed to be developed in the future, the proposed development will require review and approval from District 1 Access Management and need to obtain permitting, as necessary.

As reflected in our aforementioned comments, MDOT SHA has no objections to the proposed rezoning as determined by Worcester County. I would highly appreciate if you can copy/inform me in the future for any rezoning submissions.

Thank you,



Aws Ezzat, P.E.
Regional Engineer, Access Management
District 1
660 West Road
Salisbury, MD 21801
AEzzat@mdot.maryland.gov
(410) 677-4048 (office)

have to consider. Ms. Smith asked if the people on the fixed income could afford the additional metering cost if individual meters were required. A resident stated that they pay the same tax rate as anyone else in the County. Another resident said they had more issues with short term rentals, not year-round occupancy.

Mrs. Wimbrow said that rather than amend or retrofit the campground subdivision regulations, perhaps consideration should be given to another type of residential planned community that lent itself to more affordable housing with the use of reduced lot requirements and smaller residential units.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Mr. Knerr, and carried unanimously to postpone a recommendation on this matter and present further discussion at an upcoming meeting.

VII. Map Amendment

As the next item of business, the Planning Commission reviewed Rezoning Case No. 421, requesting a change from A-1 Agricultural District to C-2 General Commercial District, associated with Tax Map 16, Parcels 21 and 53, southerly side of MD Route 589 across from the Ocean Pines North Gate. Present for the review were Hugh Cropper, IV, Esquire, Greg Wilkins, surveyor, Chris McCabe, environmental consultant, and Tim Metzner, Davis, Bowen and Friedel. Mr. Cropper stated that this request consisted of two parcels, but that he is reconsidering keeping the forest in the rear as A-1 Agricultural District as it could serve as the Forest Conservation Area for any development project. He said that he is arguing for a change in the character of the neighborhood. The first change is the roundabout proposed by the State Highway Administration (SHA) at the north gate of Ocean Pines. It would give a suitable commercial entrance directly onto this property almost dead center as designed. Mr. Cropper said that the Ayres family was contacted by SHA, and SHA requested that they donate approximately one acre of land. If donated, they would construct a commercial entrance at no cost to the property owner. Mr. Cropper identified the proposed roundabout and entrance as Applicant's Exhibit No. 1. Mr. Cropper said that Mr. Gillis (owner of the Ocean Pines Medical project on the opposite side of Racetrack Road from the subject properties) is considering contributing to the expenses of the project. The roundabout has gone through concept phase with SHA, and is now in the design phase. Mr. Cropper stated that he was not sure where this project stands with respect to the timing of physical construction of the road improvements.

Mr. Cropper and Mr. Wilkens defined the neighborhood as far south as the Casino at Ocean Downs north to the intersection of the MD Route 113 and MD Route 589 interchange as shown on the exhibit included in the packet. Mr. Cropper provided the Findings of Fact from the MD Route 589 sectional rezoning case across from the casino, as well as all of the other rezoning cases that were approved since 2009 along Racetrack Road that constitute changes in neighborhood (Applicant's Exhibit No. 2). Other examples of changes include the casino itself, expansion of sewer service from Ocean Pines to the Crabs to Go property, as well as the special exception approvals and subsequent development of Mr. Gillis' medical office project. While not

in the defined neighborhood, Mr. Cropper referenced the Nichols Neff properties on Beauchamp Road that were recently rezoned from E-1 Estate District to R-1 Rural Residential District. While Mr. Cropper said that the subject properties were in the Agricultural Land Use category according to the Land Use Plan in the Comprehensive Plan, he believes that it might be possible to connect to public facilities since the same was recently granted for the Nichols Neff project.

With respect to population change, he noted that there has been very little residential development, with the exception of the Nichols Neff project (anticipated 90 single-family residential lots). Relating to transportation patterns, Mr. Cropper referred again to the exhibit illustrating the roundabout. Relating to compatibility with existing and proposed development, Mr. Cropper stated that this property abuts commercial uses, and the remaining road frontage is of Ocean Pines subdivision along MD Route 589. He stated that there were no significant environmental conditions on the property with the exception of a low spot by the driveway that leads to the tower. The properties are not located in the Critical Area.

Relating to the Comprehensive Plan, Mr. Cropper stated that a commercial use is more consistent with the terms of the Comprehensive Plan. He said that this property is not suitable for agriculture once the roundabout is constructed, especially with quantity of land remaining or the difficulty for access by farm equipment. Residential uses would not be desirable, as headlights and noise would impact any resident. Mr. Cropper even asserted that there may be a need for additional medical offices in the area.

Mr. Cropper then introduced Chris McCabe, an environmental consultant. Mr. McCabe agreed with Mr. Wilkins' definition of the neighborhood. Mr. McCabe discussed the proposed Nichols Neff project, which would result in an increase in the population in the surrounding neighborhood. As a consultant for Frontier Town and Fort Whaley, Mr. Cropper noted that the County Commissioners have downzoned commercially zoned lands to agricultural zoning, with a net reduction of 64 acres. Even if you deduct all of those lands recently rezoned to commercial, there is still a net loss. Mr. Cropper noted that since the Comprehensive Plan, Zoning Code and Zoning Maps were prepared, the County has experienced a building boom, then a bust, and a slight resurgence.

Regarding the rear parcel, since it is fully wooded, while Mr. Cropper doesn't want to amend the application, he would be fine if the Planning Commission were to only give a favorable recommendation for the rezoning on the front portion, and not the back portion. Submitted as Applicant's Exhibit No. 3 were newspaper articles on the roundabout. Mr. McCabe stated that from an environmental perspective, there are no adverse impacts by rezoning the subject properties commercial except for potential impacts to the currently farmed non-tidal wetlands. Mr. McCabe agreed that it would be extremely challenging to access property with farm equipment if the roundabout were to be constructed. With respect to the potential for a residential development, this property is not well suited. Therefore, commercial is better, and would represent a continuation of the commercial migration north.

Mr. Cropper then introduced Tim Metzner with Davis, Bowen and Fridel. Mr. Metzner handles water and wastewater engineering, and he assisted in the design of the pump station at Frontier Town campground. Mr. Metzner confirmed that in order to connect to public sewer, the developer would have to get approvals for a Sanitary Service Area expansion and a Water and Sewerage Plan Amendment. Mr. Metzner submitted as Applicant's Exhibit No. 4 an aerial photograph illustrating the location of the existing water and sewer lines in the vicinity of the subject properties. Mr. Metzner noted that the sewer force main is currently located on the opposite side of MD Route 589 at the northerly property line and that the water line is stubbed to the north end of Ocean Parkway. Mr. Metzner agreed that both lines were feasible to tie into to supply this project. Mr. Cropper noted that they have drafted an application for both, but have not yet filed it pending the rezoning request. Mr. Cropper stated that even if they don't get a Water and Sewerage Plan Amendment approved, they may be able to find space for an on-site septic system and reserve area because the soils are well drained.

In summary, Mr. Cropper stated that the request to rezoning the front 10 acres is reasonable, and he is willing to give up the rear forested area to leave as agricultural zoning.

The Planning Commission then discussed each one of the findings to determine whether they had a consensus. They were as follows:

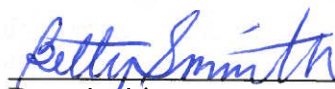
1. With respect to the definition of the neighborhood, Mr. Knerr disagreed with the applicant's definition. He described it as a much smaller section, extending from MD Route 90 north along MD Route 589 to Beauchamp Road, which consists of a much more of a rural area. The Planning Commission agreed by consensus with this revised definition.
2. With respect to the Planning Commission's concurrence with the definition of the neighborhood, they modified the neighborhood as described in Item 1 above.
3. Relating to population change (which Mrs. Wimbrow noted refers to much more than just residential changes), the Planning Commission finds that there has been a change, namely an increase in commercial uses and activities.
4. Relating to the availability of public facilities, the Planning Commission finds that this property is within the W-6/S-6 area with limited chances for public facilities. Mr. Mitchell stated that he did not find compatibility with the Comprehensive Plan since it is mapped within the Agricultural Land Use category on the Land Use Plan. Mr. Cropper stated again that they could always seek on-site septic.
5. Relating to present and future transportation patterns, the Planning Commission finds that the roundabout is still proposed, and it is not a guaranteed road improvement. Mr. Barbierri said that until such time as it is a certainty, this requested amendment is speculative, and that it may be a premature rezoning application. While Mr. Cropper could potentially request something more definitive from SHA, it still isn't guaranteed.
6. Relating to compatibility with existing and proposed development, and environmental conditions in the area, the Planning Commission finds that it is compatible with the surrounding commercial uses such as the Shore Stop gas station and the Ocean Pines Medical facility.

7. Relating to compatibility with the Comprehensive Plan, the Planning Commission finds that the commercial center category is close to, if not partially on the subject property. Even with the revised definition of the neighborhood, Mr. Cropper stated that there is a lot of commercial uses within the defined area. Mrs. Wimbrow said that land use categories as defined by the Land Use Map and the actual zoning districts as defined by the Zoning Maps are confused on a regular basis. She stated that the land use categories are not site specific, and need to be thought of as broad brush, more fluid.
8. Relative to the consideration of whether there has been a substantial change in the character of the neighborhood since the last Comprehensive Rezoning, the Planning Commission determined that there has been a change.
9. Relative to whether the change would be more desirable in terms of the Comprehensive Plan, the Planning Commission found that it would be more desirable – but only if the roundabout is installed.

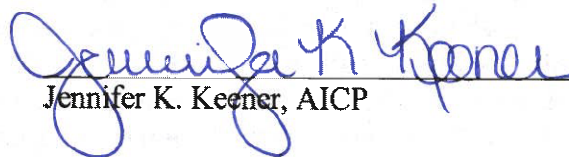
Mr. Clayville said that during his tenure on this board, Pennington Commons was supposed to be the final big development on MD Route 589 until road improvements were made. He also said that he would have liked to see the Ocean Pines Association comment on this proposal. Mrs. Wimbrow reminded the Planning Commission that a request for comment on the rezoning was sent to the Ocean Pines Association but no response was received. Mr. Clayville doesn't think that it is time to rezone this parcel and that the Planning Commission needs to save some area for future development. Mr. Tudor referenced Page 80 of Comprehensive Plan, which states that there shall be no additional development/ intensification on MD Route 589 without road improvements.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Clayville and carried unanimously to find the map amendment inconsistent with the Comprehensive Plan and forward provide an unfavorable recommendation to the Worcester County Commissioners based on the findings as previously outlined.

VIII. Adjourn – The Planning Commission adjourned at 3:33 P.M.

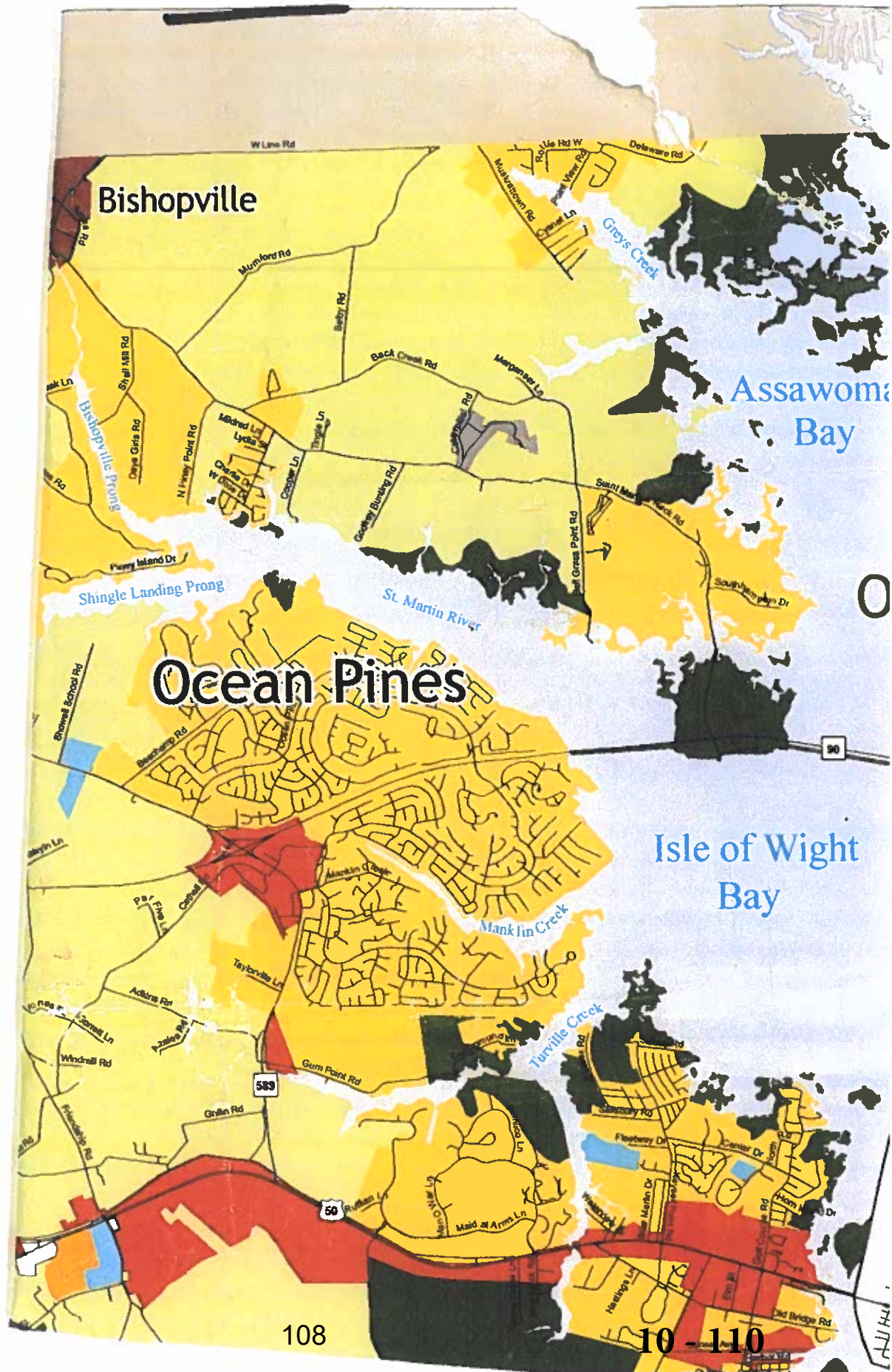


Betty Smith, Secretary



Jennifer K. Keener, AICP

Exhibit 1



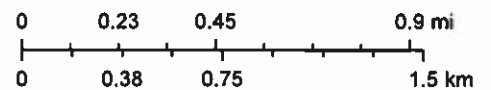
Commercial Corridor along RTE 589, from RTE 50 to Beauchamp Road



1/30/2019 10:12:42 AM

Exhibit 2

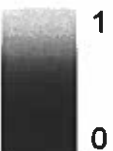
1:28,351



State Boundary Mask

High Resolution Imagery 2016-2017

Tax Map Image



Red: Band_1

Green: Band_2

Blue: Band_3

MD iMAP, MDP, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community, MD iMAP, DoIT, MD iMAP, ESRI

Commercial Corridor along RTE 589, from RTE 50 to Beauchamp Road

ITEM 10



1/30/2019 10:24:02 AM

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State Boundary Mask
Tax Map Image

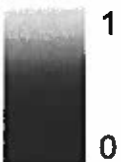
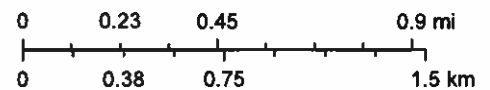


Exhibit 3



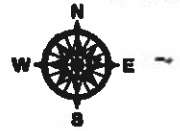
MD iMAP, MDP. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community, MD iMAP, ESRI

Exhibit A

ITEM 10

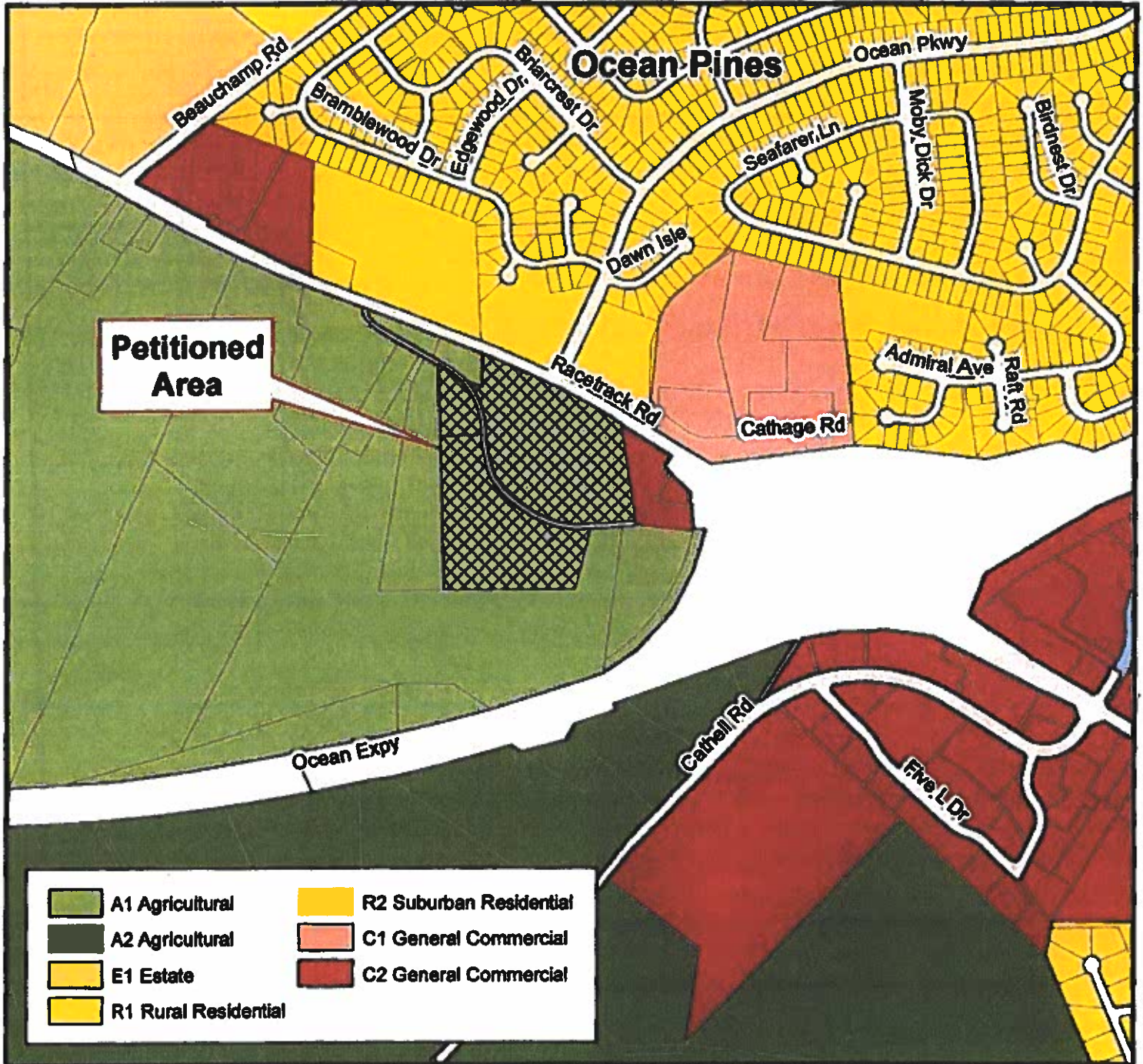


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 421
A-1 Agricultural District to C-2 General Commercial District
Tax Map: 16, Parcel 21 and 53

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared January 2019



Source: 2006 Zoning District Map (current)

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: PHW



Untitled Map
Write a description for your map.

Legend
Sewer
Water

Exhibit 6

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0144

September Term, 2013

SILVER FOX, LLC, ET AL.

v.

WALTER M. STANSELL, JR., ET AL.

Meredith,
Zarnoch,
Eyler, James R.
(Retired, Specially Assigned),

JJ.

Opinion by Zarnoch, J.

Filed: July 22, 2014

In this zoning case, appellants Silver Fox, LLC and Burbage/Melson, Inc. (collectively, "Silver Fox") petitioned the Worcester County Commissioners ("County Commissioners") to rezone/reclassify Silver Fox's property from A-1 Agricultural District to C-2 General Commercial District under the Worcester County Zoning Code. The County Commissioners granted this petition. Appellees in this case are nearby property owners ("the Residents")¹ who protested the rezoning/reclassification and petitioned the Circuit Court for Worcester County for judicial review. The circuit court reversed the decision of the County Commissioners. We now reverse the judgment of the circuit court, leaving intact the County Commissioners' decision to grant the rezoning.

FACTS AND LEGAL PROCEEDINGS

Silver Fox owns the property at issue in this case, which consists of two parcels totaling about thirty-one acres ("the Property"). The Property is located in Worcester County, on the east side of Maryland Route 589 ("Rt. 589"), also known as Race Track Road, and on the south side of Manklin Creek Road. The Property is adjacent to the southwesterly side of the Ocean Pines subdivision, and contiguous to the westerly side of R-1 Single-Family Residential District zoned land, which is currently undeveloped. Turville Creek separates the Ocean Pines neighborhood and the Property from the Ocean Downs Racetrack and what is now called the Casino at Ocean Downs ("the Casino").

¹As identified in Silver Fox's brief, the appellees are Walter and Pamela Stansell, Jeanne R. Lynch, Carol J. Chauer, and Paul R. Bredehorst.

The Property currently consists of cropland and woodland, with a seasonally-operated produce stand. It has been zoned A-1 Agricultural District since 1965, and is the only A-1 Agricultural District property south of Route 90, though some property is zoned as an A-2 Agricultural District on the opposite side of Rt. 589.

In 2006, the Worcester County Comprehensive Land Use Plan ("Comprehensive Plan") designated the Property as a combination of "Existing Developed Area" and "Commercial Center." The Comprehensive Plan stated that its policy would be to limit development of the Rt. 589 corridor until road capacity improved.

In September 2009, the Video Lottery Facility Location Commission awarded a slots license to the owner of the Ocean Downs Racetrack, land zoned A-2 Agricultural. The Casino is about 2,000 feet south of the Property, on the same side of Rt. 589. On November 3, 2009, Worcester County adopted a Comprehensive Rezoning Plan ("2009 Rezoning Plan"), which found an adequate supply of commercial zoning in the area and discouraged additional development along Rt. 589 until the roadway improved.

Since the 2009 Rezoning Plan, the 35,000 square foot Casino has been constructed on the site, along with a 10,000 square foot clubhouse. The Casino presently has 800 video lottery terminals, though the Maryland General Assembly has approved a total of 2,500 video lottery terminals for this location.² Rt. 589 now has more traffic signals and turn lanes.

²The Casino did not open until January of 2011, some fourteen months after adoption of the Rezoning Plan. Although advertised as a "casino" (perhaps with an eye toward
(continued...)

Additionally, the owners of the Casino received “site plan approval” for the construction of a movie theater and bowling alley, which have not yet been constructed.

Also, since the 2009 Rezoning Plan, an adjacent seventy-acre property (“the Steen Property”) received approval from Worcester County to reclassify from a Resource Conservation Area, which permitted one dwelling unit per twenty acres, to a Limited Development Area, which would allow a total of sixty residential units on the Steen Property. The Steen Property shares at least “a few hundred feet” of common property line with the Property.

On May 28, 2010, Silver Fox submitted a petition to Worcester County to rezone the Property, requesting a change from A-1 Agricultural District to C-2 General Commercial District. It set forth two grounds for rezoning in its petition: a substantial change in the character of the neighborhood since the 2009 Rezoning Plan, and a mistake in the existing zoning classification. On April 12, 2012, the Worcester County Planning Commission (“Planning Commission”) held a public hearing on the application. Silver Fox presented evidence, including a witness from Atlantic General Hospital, who testified that the Property is an ideal site for a medical campus facility. Ocean Pines residents stated that traffic congestion is a serious health and safety issue. On May 3, the Planning Commission held a

²(...continued)

expansion), the facility at that time was more appropriately characterized as a “racino,” *i.e.*, a slots parlor at a racetrack. See http://en.wikipedia.org/wiki/Ocean_Downs (last visited July 10, 2014).

work session to discuss the character of the neighborhood, and then forwarded its Findings of Fact and Recommendation to the Worcester County Commissioners ("County Commissioners").

On August 7, the County Commissioners held an advertised public hearing.³ Silver Fox presented testimony from three professional engineers, including a traffic engineer, a land planner, and a surveyor. On September 4, the County Commissioners granted the rezoning request. They adopted the Planning Commission's Findings of Fact and Recommendation. The County Commissioners concluded that the neighborhood had substantially changed since the 2009 Rezoning Plan, based on the opening of the Casino,⁴

³Commissioner Church was asked to recuse himself because of an affiliation with the Atlantic General Hospital and with Mr. Burbage, a principal of Silver Fox. The County Attorney determined that this was not a conflict of interest.

⁴The Commission granted the rezoning request some two weeks after the Governor signed legislation that would result in a significant expansion of gambling at Ocean Downs and the other casino sites. *See* Chapter 1, *Laws of 2012*, (2d Spec. Sess.). Although the legislation could not take effect until a November, 2012 referendum, among other things, it authorized a licensee: 1) to offer table games; 2) to operate 24 hours per day; and 3) to offer live entertainment.

The legislation contemplated that Ocean Downs would generate additional revenue from table games, *see* Revised Fiscal & Policy Note on SB 1 (2012 2d Spec. Sess.), dated September 19, 2012, and provided for an increase in revenues for Ocean Downs as long as it spent a percentage of the proceeds on capital improvements to the facility. *Id.* Not surprisingly, as a result of these changes in the law, Ocean Downs, in September, 2013 announced a 50,000 square foot expansion to include table games and a new restaurant. *See* http://en.wikipedia.org/wiki/Ocean_Downs (last visited July 10, 2014). When this expansion takes place, Ocean Downs will no longer be a racino, but will be a genuine casino.

the approval for the movie theater and bowling alley, and the anticipated subdivision on the Steen Property.

On October 4, the Residents filed a petition for judicial review of the County Commissioners' decision. Silver Fox filed a cross-petition for the County Commissioners' failure to find there had been a mistake in the 2009 Rezoning Plan. On March 18, 2013, the circuit court held a hearing on the petition. The court denied Silver Fox's motion challenging the Residents' standing, and held that no mistake occurred in the 2009 Rezoning Plan, and that Silver Fox had not demonstrated a substantial change since that date. Judge Beck explained his denial of the rezoning:

So the Commissioners rely primarily on three points for the change: the . . . casino gambling at the racecourse. On that point, the site location commission approved the one mile area in September of 2009 prior to this rezoning and I believe that what happened at the racecourse with regard to casino gambling was known to the Commissioners at the time that they adopted their comprehensive rezoning. The Steen property has always been R-1. Some changes were made with regard to the density, but also [known] to the Commissioners at the time that they granted comprehensive rezoning in November of 2009. The movie theater and the bowling alley are extensions of nonconforming use and certainly could be within the contemplation of the Commissioners at the time they granted the comprehensive rezoning. The Atlantic Hospital interest in perhaps someday putting a medical facility on the subject property was speculative or remote at best. I read somewhere that soils are suitable for this kind of development which clearly does not fall within the realm of substantial change.

So there's been a number of changes. The appellate courts are clear that mere changes are not enough, it must be a substantial change to affect the character of the neighborhood and even

cumulatively I can't find that that occurred in the facts that before the Court.

On April 12, the court issued a written order reversing the decision of the County Commissioners. On May 7, Silver Fox filed a notice of appeal. The issue of mistake was not raised in this appeal. Additional facts will be provided as necessary in our discussion of the issues.

QUESTION PRESENTED

Silver Fox presents the following question for our review:

Was the decision to rezone/reclassify the [Silver Fox's] Property from the A-1 Agricultural Zoning District to the C-2 General Commercial District, fairly debatable and supported by substantial evidence, considering the aggregate, cumulative changes in the neighborhood since the last rezoning?

We answer in the affirmative, and reverse the decision of the circuit court.

DISCUSSION

I. Standard of Review

When a decision of an administrative agency like the County Commissioners comes to us from the circuit court, we review the decision of the agency itself, not the decision of the circuit court. *Long Green Valley Ass'n v. Prigel Family Creamery*, 206 Md. App. 264, 273 (2012). We will review the agency's decision in the light most favorable to the agency because its decisions are prima facie correct, though we are "under no constraint to affirm an agency decision premised solely upon an erroneous conclusion of law." *Catonsville Nursing Home, Inc. v. Loveman*, 349 Md. 560, 569 (1998) (Citations omitted).

We “will not disturb an administrative decision on appeal if substantial evidence supports factual findings and no error of law exists.” *Long Green Valley Ass’n*, 206 Md. App. at 274. Substantial evidence means “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Catonsville Nursing Home, Inc.*, 349 Md. at 569. Thus, “[i]t is only where there is no room for reasonable debate, or where the record is devoid of supporting facts, that the court is justified in declaring the legislative action of the board arbitrary or discriminatory.” *Offutt v. Bd. of Zoning Appeals of Baltimore Cnty.*, 204 Md. 551, 562 (1954). We appraise and evaluate the agency’s fact finding, but do not make an independent decision on the evidence. *Catonsville Nursing Home, Inc.*, 349 Md. at 569.

II. Substantial Change in Character

Zoning authorities in Maryland, like the County Commissioners, “implement their plans and determinations regarding appropriate land use zoning categories” through original zoning, comprehensive rezoning, and piecemeal rezoning. *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 532 (2002). The zoning regulations and boundaries may be amended or repealed. Md. Rule 4-204(a). The zoning authority may grant a change in a zoning classification based on a finding that there was a substantial change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification. Md. Rule 4-204(b)(2). *See also Rylyns Enterprises, Inc.*, 372 Md. at 535-36.

To change the zoning of a property based on change of character in a neighborhood, the petitioner must establish:

(a) what area reasonably constitutes the neighborhood of the subject property, (b) the changes which have occurred in that neighborhood since the comprehensive rezoning and (c) that those changes resulted in a change in the character of the neighborhood.

Montgomery v. Board of Cnty. Comm'rs for Prince George's Cnty., 256 Md. 597, 602 (1970). The changes in the character of the neighborhood must be evaluated cumulatively, in order to determine "whether the aggregate changes in the character of the neighborhood since the last zoning were such as to make the question fairly debatable." *Bowman Grp. v. Moser*, 112 Md. App. 694, 700 (1996).

A. Definition of Neighborhood

The first step in determining a change in a neighborhood is to define the neighborhood. *Montgomery*, 256 Md. at 602. Silver Fox contends that the issue is not preserved. It argues that the circuit court rejected the Residents' argument that the County Commissioners' definition was incorrect, and the Residents did not file a cross-appeal. The Residents contend that because this Court evaluates the decision of the administrative agency and not the circuit court, the Residents were not required to file a cross-appeal on the issue of the neighborhood.

We agree with the Residents that they did not need to file a cross-appeal to preserve this issue. However, we find that the neighborhood was sufficiently defined by the County

Commissioners. The Planning Commission clearly considered the definition, shown by their alterations to the definition originally presented by Silver Fox. The Planning Commission excluded the commercial property on the south side of U.S. Route 50. At the public hearing, the County Commissioners heard testimony concerning the neighborhood from Steven Soule, an engineer, and from an Robert Hand, a lander planner. Hand explained that when he was asked to define the neighborhood as an expert witness, he included areas that were a five to ten minute drive from the population centers as described in the Comprehensive Plan. Based on this evidence, the County Commissioners accepted the definition of the Planning Commission. Judge Beck explained that "there was no mistake in the appropriateness of the neighborhood and I'm not going to put my judgment in place of the Commissioners on the appropriateness of the neighborhood. I think that is fairly debatable" On this point, we agree with the circuit court.

B. Changes in the Character of the Neighborhood

Silver Fox contends that the County Commissioners' determination concerning the changes in the neighborhood was based upon substantial evidence. It looks to the construction of the Casino, the approval of the bowling alley and movie theater, the authorization of a subdivision at the Steen Property, and other changes. We will address each factor in turn.

1. Casino

Silver Fox contends that the County Commissioners were correct to find that the addition of the Casino was a significant change in the character of the neighborhood. Silver Fox argues that the County Commissioners found a change due to the Casino's \$45,000,000 complex, adjacent 10,000 square foot clubhouse, and related road improvements like traffic signals and turning lanes. It points to evidence such as testimony from an engineer representing the Casino, and testimony from the County Attorney, John Bloxom, who described how the Casino went from a "simple venue that's open two or three months during the summer, evening time for racing, now to a casino that's open 24/7 with all of the traffic that comes and goes every day of the year, 24 hours a day." Silver Fox also argues that the slot machines were an unanticipated change after the 2009 Rezoning.

Residents contend that the County Commissioners knew prior to the 2009 Rezoning that the Casino had been approved. They argue that prior to the Casino, there was more than harness racing because the center was open for more than 320 days for off-track betting.

In our view, it is at least fairly debatable for the Commissioners to conclude that the opening and operation of the casino represented a substantial change in the neighborhood. What they knew at the time of the 2009 Rezoning was that a slots license had been issued to the owner of Ocean Downs. By 2012, racino interests were more than poised at the gate. A large and unique facility was in place and in operation. Moreover, by the time the Commissioners granted the rezoning request, the General Assembly had enacted legislation

that contemplated that Ocean Downs and the other sites would become genuine 24-hour casinos with table games and entertainment. It is hard to think of a more substantial change in a neighborhood.

2. Bowling Alley and Movie Theater

Silver Fox contends that the County Commissioners were correct to find a cumulative change in the character of the neighborhood because of the design waivers granted for the bowling alley and movie theater. It notes that the County Commissioners stated that the grant of the waivers was a discretionary decision after the 2009 Rezoning Plan. The Residents argue that the County Attorney said these would not constitute a change in the character of the neighborhood.

We find the County Commissioners were correct to find that the granting of the waivers for the bowling alley and movie theater was a substantial change. Zoning authorities are entitled to consider projects that are "reasonably probable of fruition in the foreseeable future." *Jobar Corp. v. Rodgers Forge Cnty. Ass'n*, 236 Md. 106, 112 (1964). It is fairly debatable that the granting of these waivers and the future projects were unforeseeable at the time of the 2009 Rezoning Plan and that they represented a substantial change for a neighborhood that previously offered only off-track betting and harness racing.

3. Steen Property Subdivision

Silver Fox contends that the County Commissioners also found a change in the character of the neighborhood since the 2009 Rezoning Plan due to the rezoning of the Steen

Property. It argues that the County Commissioners heard testimony that the development was not a planned change for the neighborhood.

The Residents contend that the Steen Property was classified as a Residential District in the 2009 Rezoning Plan, and though now it may develop at a greater density, there was no evidence that any actual development has occurred or would be a change from the plan.

A change in residential density can constitute a substantial change. *Bosley v. Hosp. for Consumptives of Md.*, 246 Md. 197, 204 (1967), and again the County Commissioners are entitled to consider probable future changes. *Jobar Corp.*, 236 Md. at 112. We find when considered cumulatively with the opening and operation of the Casino and the design waivers for the bowling alley and movie theater, the change in the zoning of Steen Property contributed to a fairly debatable change in the neighborhood.

In light of our conclusion that the Commissioners did not err in finding a substantial change in the neighborhood, we need not consider additional factors addressed by the parties.

III. Worcester County Zoning Ordinance Criteria

In addition to the issue of a substantial change in the character of the neighborhood, the parties disagree over the Commissioners' application of some of the other criteria specified in the County zoning laws. To change the zoning classification of a property, the Worcester County Code, Zoning and Subdivision Control Article ("ZS"), § 1-113(c)(3)(2009) requires the County Commissioners to make certain findings of fact. These findings shall include:

- (a) population change,
- (b) availability of public facilities,
- (c) present and future transportation patterns,
- (d) compatibility with existing and proposed development and existing environmental conditions for the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement,
- (e) the recommendation of the Planning Commission, and
- (f) compatibility with the County's Comprehensive Plan.

The County Commissioners are permitted to adopt the findings of the Planning Commission, *id.*, and they did so in this case, in addition to making findings of their own. For reasons set forth below, we find that the County Commissioners did make appropriate findings on the required factors.

A. Population Change

The Residents did not challenge that the County Commissioners made a sufficient finding on population change.

B. Availability of Public Facilities

The Residents have not contested the issue of whether the County Commissioners made an appropriate finding on the availability of public facilities.

C. Present and Future Transportation Patterns

Silver Fox contends that the County Commissioners made findings on traffic patterns when it stated that “with minor configuration changes at one intersection all the intersections in the defined neighborhood would operate at a minimum Level of Service “C” which is acceptable under the Comprehensive Plan and the State High Administration Guidelines.⁵

The Residents argue that the County Commissioners did not base their traffic findings on the evidence. They state that there was no testimony about a plan for road improvements or funding. They also contend that there was no evidence to support the County Commissioners’ assumption that the increased traffic would be mitigated by the potential jobs created by the rezoning. The Residents argue that the County Commissioners ignored findings from the Comprehensive Plan that Rt. 589 is impacted by traffic congestion.

A zoning board “is entitled to consider . . . proposed improvements to existing highways in determining the proper classification of property” if the improvements are reasonably probable to occur in the foreseeable future. *Cnty. Comm’rs of Howard Cnty. v. Merryman*, 222 Md. 314, 323 (1960). Here, the County Commissioners based their finding on testimony from Betty Tustin, a traffic engineer,⁶ which is sufficient evidence to consider

⁵Under the State Highway Administration guidelines, the Level of Service standard that should be achieved at State intersections is “D.” Intersections are graded from A through F, with A being the best and F being the worst. The grades take in to account vehicle length, traffic light cycle times, and queue times. See Maryland Dep’t of Transp, State Highway Access Manual, *Guidelines for Traffic Impact Reports/Studies, Appendix E*, <http://www.roads.maryland.gov/Index.aspx?PageId=461>.

⁶Tustin explained that to conduct traffic counts her firm will:

(continued...)

an issue "at least fairly debatable." *Montgomery*, 263 Md. at 6-7. We conclude that the County Commissioners made a sufficient finding on the issue of traffic patterns.

D. Compatibility with Development and Environmental Conditions

Silver Fox contends that the County Commissioners made sufficient findings of fact on the rezoning's compatibility with development and environmental conditions: that the Property is not within any environmentally critical areas; that the property was too small to be productively farmed and residential use was not desirable; and that the majority of the mixed uses within the neighborhood were commercial or residential in nature that were not compatible with agricultural uses.

The Residents contend that the County Commissioners' finding regarding the compatibility with development and environmental conditions was not supported by the evidence. They argue that the County Commissioners rezoned the Property in the A-1 Agricultural District within the last three years, making a change inappropriate.

⁶(...continued)

analyze what the worst case scenario would be. For example, we study the worst hour of the day, and then we actually take the worst 15 minutes within that hour and add a factor to our setting. So that we are assuming— we're adding the safety factor in, if you will, so to make sure that we are analyzing what the worst hour of the whole week, and in this case since we did summer, of the whole year would be. If we can provide for that traffic, then we can provide for traffic for the other 23 hours of the day.

We find that the County Commissioners made sufficient findings of fact on this issue. They cited evidence such as a staff report included in the Planning Commission's findings of fact,⁷ exhibits on the record, and their judgment that the present area consists of tilled cropland, a produce stand, and wooded areas.

E. Recommendation of the Planning Commission

The parties do not disagree on whether the County Commissioners made findings on the Planning Commission's recommendations. The Commissioners stated: "[We] find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission."

F. Compatibility with County's Comprehensive Plan

Silver Fox contends that the County Commissioners made findings on compatibility and desirability with the Comprehensive Plan: an environmental consultant testified that the soil was suitable for development; a land planner stated that the property is designated as "Existing Developed Area" on the land use plan, which encompasses many commercial uses,

⁷This staff report addresses the Chesapeake/Atlantic Coastal Bays Critical Areas by stating, "According to an email received from Roby Hurley, Natural Resources Planner for the Critical Area Commission, the petitioned area is not within either the Atlantic Coastal Bays Critical Area or the Chesapeake Bay Critical Area."

and that commercial zoning was more desirable; and the Property was unlikely to be utilized for viable and profitable agricultural purposes.

The Residents contend that the County Commissioners' finding disregards statements in the Comprehensive Plan about the development of Rt. 589. The Residents argue that purpose of C-2 zoning is to provide for more intense commercial development, which is contrary to the provisions of the Comprehensive Plan.

Generally, comprehensive plans are

advisory in nature and have no force of law absent statutes or local ordinances linking planning and zoning. Where the latter exist, however, they serve to elevate the status of comprehensive plans to the level of true regulatory device. In those instances where such a statute or ordinance exists, its effect is usually that of requiring that zoning or other land use decisions be consistent with a plan's recommendations regarding land use and density or intensity.

Rylins Enterprises, Inc., 372 Md. at 530-31. Here, the Worcester County Zoning Code does not require consistency. Instead, it requires the County Commissioners to consider the Comprehensive Plan by making findings on the issue of compatibility, and it directs the Commissioners to make a finding "that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan." ZS § 1-113(c)(3).

The County Commissioners' decision stated that they

recognize[d] that the Comprehensive Plan state[d] that development along the MD Rt. 589 corridor should be limited until capacity increased but note[d] that the traffic study provided by the applicant indicates that MD Rt. 589 will still operate at least a Level of Service C or greater, the threshold

called for by both the County's Comprehensive Plan and State Highway guidelines, if the petitioned area is rezoned and developed commercially.

They also noted that a portion of the Commercial Center Land Use Category already extends on to the Property. The County Commissioners explained that rezoning would lead to a more profitable use of the land and would likely create more jobs in the neighborhood. We conclude that the County Commissioners sufficiently considered the compatibility of the zoning change with the Comprehensive Plan.

Viewing the record as a whole, we believe the County Commissioners' findings were consistent with the requirements of ZS § 1-113(c)(3). We cannot say that the County Commissioners acted arbitrarily in granting Silver Fox's request to rezone the property.

For all of these reasons we reverse the judgment of the circuit court and uphold the decision of the County Commissioners.

**JUDGMENT OF THE CIRCUIT COURT
FOR WORCESTER COUNTY REVERSED.
COSTS TO BE PAID BY APPELLEES.**



Worcester County Administration
One West Market St. Room 1103 | Snow Hill MD 21863 | (410) 632-1194 | www.co.worcester.md.us

TO: The Salisbury Daily Times and The Ocean City Today Group
FROM: Candace Savage, Deputy Chief Administrative Officer
DATE: December 14, 2023
SUBJECT: Worcester County Public Hearing Notice

Please print the attached Public Hearing Notice in The Salisbury Daily Times and Ocean City Digest/Ocean City Today on December 14, 2023. Thank you.

NOTICE OF INTRODUCTION OF EMERGENCY BILL 23-08
WORCESTER COUNTY COMMISSIONERS

Take Notice that Emergency Bill 23-08 (County Government – County Commissioners) was introduced by Commissioners Bertino, Bunting, Abbott, Elder, Fiori, Mitrecic and Purnell on December 5, 2023.

A fair summary of the bill is as follows:

§ CG 2-102. (Repeals and replaces the section establishing revised County Commissioner districts in response to the shifting population as identified by the 2020 Census Survey in accordance with the following goals: strive for an optimal population of 7,515 persons in each of the seven (7) districts with the lowest population deviation among the districts in order to pass muster under the one person, one vote requirement; retain a majority minority district; maintain current County Commissioner District boundaries to the extent feasible; and respect the boundaries of new State Legislative Districts 38A and 38C to the extent feasible.)

Appendix II. (Repeals and replaces the County Commissioner District Maps).

A Public Hearing

will be held on Emergency Bill 23-08 at the Commissioners’ Meeting Room, Room 1101 – Government Center, One West Market Street, Snow Hill, Maryland on Tuesday, December 19, 2023 at 10:35 a.m.

This is only a fair summary of the bill. A full copy of the bill is posted on the Legislative Bulletin Board in the main hall of the Worcester County Government Center outside Room 1103 and is available for public inspection in Room 1103 of the Worcester County Government Center. In addition, a full copy of the bill is available on the County Website at www.co.worcester.md.us.

THE WORCESTER COUNTY COMMISSIONERS

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 23-08

 BY: Commissioners Bertino, Bunting, Abbott, Elder, Fiori, Mitrecic, and Purnell
 INTRODUCED: December 5, 2023

AN EMERGENCY BILL ENTITLED

AN ACT Concerning

County Government – County Commissioners

For the purpose of establishing revised County Commissioner districts in response to the shifting population as identified by the 2020 Census Survey in accordance with the following goals: strive for an optimal population of 7,515 persons in each of the seven (7) districts with the lowest population deviation among the districts in order to pass muster under the one person, one vote requirement; retain a majority minority district; maintain current County Commissioner District boundaries to the extent feasible; and respect the boundaries of new State Legislative Districts 38A and 38C to the extent feasible.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that § CG 2-102 be repealed and reenacted to read as follows:

§ CG 2-102. County Commissioner districts.

- (a) County Commissioner Districts. For the purpose of selecting persons eligible as County Commissioners, the County shall be considered as divided into seven County Commissioner districts. One of the County Commissioners shall be a resident of each of the seven County Commissioner districts so that the Board of County Commissioners shall be composed always of a representative from each of the seven County Commissioner districts. County Commissioner districts are hereby established as follows¹:

¹ [Note: The descriptions of the Commissioner districts may reference census block numbers. The census block numbers referenced herein were supplied to the Worcester County Department of Development, Review & Permitting, Technical Services Division, by the U.S. Census Bureau as a Geographical Information System (GIS) data layer file containing 2020 census data.]

- (1) Southern District. The Southern district shall be designated as County Commissioner District Number One and shall be described as follows: Beginning at the most northerly point of District One at the county line between Wicomico County and Worcester County, thence southeasterly 4.83 miles along the centerline of MD Route 12 - Snow Hill Road, thence southerly along Census Blocks 240479514002041, 240479514002042, and 240479512002022, thence southeasterly 4.83 miles along MD Route 12 - Snow Hill Road to the mid line of the Pocomoke River at the Snow Hill bridge, thence southwesterly 11.65 miles generally along the mid line of the Pocomoke River following Census Blocks 240479512002047, 240479512002049, 240479513001001, 240479512002047, 240479514002073, and 240479514002072 to Pilchard Creek, thence southeasterly along the centerline of Pilchard Creek to US Route 113 – Worcester

Highway, thence southwesterly 0.94 miles along the centerline of US 113 - Worcester Highway, thence southwesterly 0.68 miles along the centerline of Carter Road, thence westerly 0.32 miles along the centerline of MD 756 - Old Snow Hill Road, thence crossing US Route 13 – Ocean Highway to Linden Avenue, thence westerly 0.35 miles along the centerline of Linden Avenue, thence southwesterly 0.14 miles along the centerline of Third Street, thence southeasterly 0.05 miles along the centerline of MD Route 675 - Market Street, thence southwesterly 0.27 miles along the centerline of Fourth Street, thence southeasterly 0.07 miles along the centerline of Bonneville Avenue, thence northeasterly 0.05 miles along the centerline of Fifth Street, thence southeasterly 0.19 miles along the centerline of Young Street, thence northeasterly 0.15 miles along the centerline of Seventh Street, thence northwesterly 0.10 miles along the centerline of Walnut Street, thence northeasterly 0.10 miles along the centerline of Sixth Street, thence southeasterly 0.70 miles along the centerline of MD Route 675 - Market Street, thence northeasterly 0.08 miles along the centerline of Fourteenth Street, thence northwesterly 0.08 miles along the centerline of Dorchester Avenue, thence northeasterly 0.11 miles along the centerline of Somerset Avenue, thence southeasterly 0.08 miles along the centerline of Snow Hill Lane, thence northeasterly 0.02 miles along the centerline of Fourteenth Street, thence northeasterly-along Census Block 240479515002016, thence southeasterly 0.25 miles along the southbound lane of US 13 - Ocean Highway to the intersection of US Route 113 – Worcester Highway, thence northerly 0.05 miles along the centerline of US Route 113 - Worcester Highway, thence northerly-along Census Block 240479515002027, thence northerly 0.08 miles along the centerline of Bypass Road, thence northwesterly 0.18 miles along the centerline of Taylor Lane, thence northerly along the perimeter of Census Block 240479515002006, thence northerly 0.01 miles along the centerline of Bypass Road, thence southeasterly along Census Block 240479515002005, thence southwesterly 0.03 miles along the centerline of US Route 113 - Worcester Highway; thence southeasterly 0.02 miles through US Route 113 - Worcester Highway at the intersection with Newtown Park Road, thence northeasterly 0.24 miles along the centerline of US Route 113 - Worcester Highway, thence southeasterly 0.18 miles along the centerline of Groton Road, thence northerly along Census Blocks 240479514003024 and 240479514003020 (Adkins Farm Lane), thence easterly 0.18 miles along the centerline of Byrd Road, thence northerly along Census Blocks 240479514003015 and 240479514003011 (electric transmission line right-of-way) to the centerline of US Route 113 - Worcester Highway, thence northeasterly 10.0 miles along the centerline of US Route 113 - Worcester Highway, thence easterly 1.26 miles along the centerline of MD Route 365 - Public Landing Road, thence southerly along Census Blocks 240479512003013 (Harmony Lane) and 240479512003034 to MD Route 365 - Public Landing Road, thence westerly 0.30 miles along the centerline of MD Route 365 - Public Landing Road, thence northwesterly 0.27 miles along the centerline of Double Bridges Road, thence northeasterly 0.06 miles along the centerline of Scotland Road, thence northerly 0.73 miles along the centerline of Double Bridges Road, thence westerly along Census Block 240479512003001

(Campground Branch), thence northwesterly 0.22 miles along the centerline of Timmons Road, thence northeasterly 3.99 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence southeasterly along Census Block 240479512001052 to Basket Switch Road, thence southerly 1.29 miles along the centerline of Basket Switch Road, thence easterly along Census Blocks 240479512001060 (Waterworks Creek) and 240479512001063 to the Chincoteague Bay, thence southwesterly along Census Blocks 240479512001063, 240479512001077, 240479512001075, 240479512001079, 240479512003020, 240479512003019, 240479512003022, 240479512003019, 240479512003021, 240479512003019, 240479512003024, 240479512003038, 240479512003093, 240479512003094, 240479512003100, 240479512003101, 240479512003109, 240479512003103, 240479512003108, 240479514001054, 240479514001055 and 240479514001060 (generally following the westerly shoreline of the Chincoteague Bay) to the state line between Maryland and Virginia, including named and unnamed islands in the bay, thence westerly following the state line between Maryland and Virginia and the county line between Worcester County, Maryland and Accomack County, Virginia to the county line between Worcester County and Somerset County at the mid line of the Pocomoke River, thence northeasterly following the mid line of the Pocomoke River to Dividing Creek, thence northerly following the centerline of Dividing Creek to the point where the Worcester County, Wicomico County, and Somerset County lines intersect, thence easterly following the county line between Worcester County and Wicomico County to the centerline of MD Route 12 - Snow Hill Road at the aforementioned point of beginning.

- (2) Central District. The Central district shall be designated as County Commissioner District Number Two and shall be described as follows: Beginning at the most northerly point of District Two at the intersection of Ocean Gateway and Seahawk Road, thence southerly 0.61 miles along the westerly boundary of Seahawk Road, thence southeasterly 0.10 miles along Mary Road, thence northeasterly along Census Blocks 240479509001005, 240479509001075, 240479509001005 240479509001002 and 240479509001010 (old railroad right-of-way) to Holly Grove Road, thence southeasterly 1.06 miles along the centerline of Holly Grove Road, thence easterly 0.59 miles along the centerline of Sinepuxent Road, thence southerly 0.28 miles along the centerline of Antique Road, thence southwesterly 1.73 miles along the centerline of MD Route 611 - Stephen Decatur Highway, thence northwesterly 0.70 miles along the centerline of MD Route 376 - Assateague Road, thence northeasterly along Census Blocks 240479517001065 and 240479517001063 following the easterly shoreline of Ayer Creek to Sinepuxent Road, thence westerly 2.08 miles along the centerline of Sinepuxent Road, thence westerly 0.01 miles along the centerline of MD Route 376 - Assateague Road, thence southwesterly along Census Block 240479510002034 (Trappe Creek), thence southeasterly along Census Blocks 240479510003022, 240479509001023, 240479509001071, and 240479509001067 following the southeasterly shoreline of Trappe Creek and Ayer Creek to Newport Bay, thence southeasterly along Census Blocks 240479509001067, 240479512001066,

240479512001065, and 240479512001029 following the westerly shoreline of Newport Bay to Waterworks Creek, thence westerly 1.17 miles along Waterworks Creek, thence northerly 1.29 miles along the centerline of Basket Switch Road, thence westerly along Census Block 240479512001051, thence southwesterly 3.99 miles along Maryland and Delaware Railroad right-of-way, thence southeasterly 0.22 miles along the centerline of Timmons Road, thence easterly along Census Blocks 240479512003003 and 240479512003010 (Campground Branch), thence southerly 0.73 miles along the centerline of Double Bridges Road, thence southwesterly 0.06 miles along the centerline of Scotland Road, thence southeasterly 0.27 miles along the centerline of Double Bridges Road, thence easterly 0.30 miles along the centerline of MD Route 365 - Public Landing Road, thence southwesterly along Census Blocks 240479512003015 (Purnell Branch) and 240479512003014, thence westerly 1.26 miles along the centerline of MD Route 365 - Public Landing Road, thence southwesterly 10.0 miles along the centerline of US Route 113 - Worcester Highway, thence southerly along Census Blocks 240479514003012 (electric transmission line right-of-way), 240479514003016 (Pilchard Creek) and 240479514003017, thence westerly 0.18 miles along the centerline of Byrd Road, thence southerly along Census Block 240479514003019 (Adkins Farm Lane), thence northwesterly 0.18 miles along the centerline of Groton Road, thence southwesterly 0.24 miles along US Route 113 - Worcester Highway, thence northwesterly 0.02 miles through US Route 113 - Worcester Highway at the intersection with Newtown Park Road, thence northeasterly 0.03 miles along US Route 113 - Worcester Highway, thence northwesterly along Census Blocks 240479515002003, 240479515002002 and 240479515002007, thence southerly 0.08 miles along the centerline of Bypass Road, thence southerly along Census Block 240479515002007, thence southerly 0.05 miles along US Route 113 - Worcester Highway at the intersection with US Route 13 – Ocean Highway, thence northwesterly 0.25 miles along the southbound lane of US Route 13 - Ocean Highway, thence southwesterly along Census Block 240479515002009, thence southwesterly 0.02 miles along the centerline of Fourteenth Street, thence northwesterly 0.08 miles along the centerline of Snow Hill Lane, thence southwesterly 0.11 miles along the centerline of Somerset Avenue, thence southeasterly 0.08 miles along the centerline of Dorchester Avenue, thence southwesterly 0.08 miles along the centerline of Fourteenth Street, thence northwesterly 0.70 miles along the centerline of MD Route 675 - Market Street, thence southwesterly 0.10 miles along the centerline of Sixth Street, thence southeasterly 0.10 miles along the centerline of Walnut Street, thence southwesterly 0.15 miles along the centerline of Seventh Street, thence northwesterly 0.19 miles along the centerline of Young Street, thence southwesterly 0.05 miles along the centerline of Fifth Street, thence northwesterly 0.07 miles along the centerline of Bonneville Avenue, thence northeasterly 0.27 miles along the centerline of Fourth Street, thence northwesterly 0.05 miles along the centerline of MD Route 675 - Market Street, thence northeasterly 0.14 miles along the centerline of Third Street, thence easterly 0.39 miles along the centerline of Linden Avenue to US Route 13 – Ocean Highway, thence crossing US Route 13 – Ocean Highway to MD Route

756 – Old Snow Hill Road, thence easterly 0.32 miles along the centerline of MD Route 756 - Old Snow Hill Road, thence northeasterly 0.68 miles along the centerline of Carter Road to US Route 113 – Worcester Highway, thence northeasterly 0.94 miles along US Route 113 – Worcester Highway, thence northwesterly 0.21 miles along the centerline of Pilchard Creek in a northwesterly direction to the mid line of the Pocomoke River, thence northeasterly generally along the mid line of the Pocomoke River following Census Blocks 240479514003001, 240479514003000, 240479514001000, 240479512003059, 240479513001015, 240479512002048 and 40479513001000 to the Snow Hill bridge, thence southeasterly 0.01 miles along the centerline of MD Route 12 - Snow Hill Road, thence southeasterly 0.01 miles along the centerline of North Washington Street, thence southwesterly 0.14 miles along the centerline of River Street, thence southerly-along Census Block 240479513001002, thence westerly 0.01 miles along the centerline of Willow Street, thence southerly 0.07 miles along the centerline of North Church Street, thence southwesterly 0.06 miles along the centerline of Petitt Street, thence southeasterly 0.05 miles along the centerline of Water Street, thence southwesterly 0.11 miles along the centerline of Business Route 113 - West Market Street, thence southeasterly 0.13 miles along the centerline of North Morris Street, continuing 0.37 miles along the centerline of South Morris Street, thence northeasterly 0.14 miles along the centerline of Coulbourne Lane, thence southeasterly 0.28 miles along the centerline of MD Route 12 - South Church Street, thence northerly 0.30 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence northwesterly 0.40 miles along the centerline of South Washington Street, thence northeasterly 0.26 miles along the centerline of East Federal Street, thence easterly 0.17 miles along the centerline of MD Route 365 - South Bay Street, thence northeasterly 0.17 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence northeasterly 0.04 miles along the centerline of Holly Court, thence northeasterly 0.64 miles along the centerline of the Maryland and Delaware Railroad right-of-way to US Route 113 – Worcester Highway, thence northeasterly 6.04 miles along the centerline of US Route 113 - Worcester Highway, thence southerly along Census Block 240479512001042, thence northeasterly 0.05 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence northeasterly 7.83 miles along the centerline of US Route 113 - Worcester Highway, thence westerly 0.25 miles along the centerline of MD Route 376 - Bay Street, thence westerly 0.04 miles along the centerline of Pitts Street, thence northwesterly 0.12 miles along the centerline of Vine Street, thence running in a northerly direction along the perimeter of Census Block 240479510001022 to the intersection with Williams Street, thence northeasterly 0.34 miles along the centerline of Williams Street, thence easterly 0.27 miles along the centerline of Franklin Avenue, thence northerly 0.40 miles along the centerline of US Route 113 - Worcester Highway, thence northeasterly 0.98 miles along MD Route 346 - Old Ocean City Boulevard, thence easterly 0.31 miles along US Route 50 - Ocean Gateway to the aforementioned point of beginning.

- (3) Sinepuxent District. The Sinepuxent district shall be designated as County

Commissioner District Number Three and shall be described as follows: Beginning at the most northerly point of District Three at the MD Route 90 - Ocean Expressway bridge crossing the Assawoman Bay and Isle of Wight Bay, thence southeasterly 0.78 miles along MD Route 90 - Ocean Expressway, thence southerly along the corporate limit line of Ocean City in the Isle of Wight Bay to the Ocean City Inlet, thence in an easterly direction out the Ocean City Inlet so far as the sovereignty of the County Commissioners of Worcester extends, thence in a general southerly direction in the Atlantic Ocean to an easterly projection of the Maryland and Virginia State line and the Worcester County, Maryland and Accomack County, Virginia line, thence extending in a westerly direction to the westerly shoreline of the Chincoteague Bay, thence northerly along the westerly shoreline of the Chincoteague Bay, Newport Bay, and its meanderings including named and unnamed islands in the bay, thence northwesterly 0.16 miles along the centerline of Trappe Creek, thence northeasterly along Census Block 240479509001018 to MD Route 376 - Assateague Road, thence easterly 0.01 miles along the centerline of MD Route 376 - Assateague Road, thence northeasterly 2.08 miles along the centerline of Sinepuxent Road, thence southeasterly along Census Block 240479509001015 (Ayer Creek), thence southwestly along Ayer Creek following Census Block 240479517001064, thence southeasterly 0.70 miles along the centerline of MD Route 376 - Assateague Road, thence northeasterly 1.73 miles along the centerline of MD Route 611 - Stephen Decatur Highway, thence northerly 0.28 miles along the centerline of Antique Road, thence westerly 0.59 miles along the centerline of Sinepuxent Road, thence northwesterly 1.06 miles along the centerline of Holly Grove Road, thence westerly along Census Block 240479509001001 (former railroad right-of-way), thence northwesterly along the perimeter of Census Blocks 240479509001001 and 240479509001004 to Mary Road, thence northwesterly 0.10 miles along the centerline of Mary Road, thence northerly 0.63 miles along the centerline of Seahawk Road to the intersection of US Route 50 – Ocean Gateway, thence easterly 0.01 miles along US Route 50 - Ocean Gateway, thence northwesterly along Census Block 240479509002051, thence northwesterly 0.65 miles along the centerline of Griffin Road, thence northerly 0.32 miles along the centerline of MD Route 452 - Friendship Road, thence easterly along Taylorville Creek following Census Block 240479509002025 to MD Route 589 – Racetrack Road, thence easterly along the northerly shoreline of Turville Creek, thence northeasterly along the shoreline and extending into the Isle of Wight Bay following Census Blocks 240479504002000, 240479511013000 and 240479501001003 to MD Route 90 - Ocean Expressway at the aforementioned point of beginning.

- (4) Western District. The Western district shall be designated as County Commissioner District Number Four and shall be described as follows: Beginning at the most northerly point of District Four, at the state line between Maryland and Delaware, and the county line where Worcester County, Maryland, Wicomico County, Maryland and Sussex County, Delaware meet, thence easterly 5.87 miles to US Route 113 – Worcester Highway following the state line between Maryland

and Delaware and the county line of Worcester County, Maryland and Sussex County, Delaware, thence southerly 4.77 miles along the south bound lane of US Route 113 - Worcester Highway, thence crossing US Route 113 – Worcester Highway to the north bound lane, thence southeasterly along Census Block 240479508002048, thence southerly 1.33 miles along the north bound lane of US Route 113 - Worcester Highway, thence southeasterly 0.50 miles along the centerline of Carey Road, thence northeasterly 0.01 miles along the centerline of Worcester Highway, thence southeasterly 0.13 miles along centerline of Jones Road, thence easterly along Census Block 240479509002021, thence northeasterly 0.07 miles along the centerline of Cathell Road, thence easterly 0.14 miles along the centerline of Adkins Road, thence along Census Block 240479509002020 (Crippen Branch), thence southwesterly along Census Block 240479509002020 (Taylorville Creek) to MD Route 452 – Friendship Road, thence southerly 0.32 miles along the centerline of MD Route 452 - Friendship Road, thence easterly 0.65 miles along the centerline of Griffin Road, thence southwesterly 0.55 miles along the centerline of MD Route 707 - Grays Corner Road, thence southeasterly along Census Block 240479509002050 to US Route 50 – Ocean Gateway, thence westerly 0.01 miles along US Route 50 - Ocean Gateway, thence southerly along Census Block 240479510002000, thence westerly 0.31 miles along the south bound lane of US Route 50 - Ocean Gateway, thence westerly 0.98 miles along the centerline of MD Route 346 - Old Ocean City Boulevard, thence southerly 0.40 miles along the centerline of US Route 113 - Worcester Highway, thence westerly 0.27 miles along the centerline of Franklin Avenue, thence southwesterly 0.34 miles along the centerline of Williams Street, thence southerly along Census Block 240479510001030 to Vine Street, thence southeasterly 0.12 miles along the centerline of Vine Street, thence easterly 0.04 miles along the centerline of Pitts Street, thence easterly 0.25 miles along MD Route 376 - Bay Street, thence southwesterly 7.83 miles along the centerline of US Route 113 - Worcester Highway, thence southwesterly 0.05 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence northerly along Census Block 240479512001041, thence southwesterly 6.04 miles along the centerline of US Route 113 - Worcester Highway, thence southwesterly 0.63 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence southerly along Census Block 240479513002005, thence southwesterly 0.04 miles along the centerline of Holly Court, thence southwesterly 0.17 miles along the centerline of the Maryland and Delaware railroad right-of-way, thence westerly 0.17 miles along the centerline of MD Route 365 - South Bay Street, thence southwesterly 0.26 miles along the centerline of East Federal Street, thence southeasterly 0.40 miles along the centerline of South Washington Street, thence southerly 0.30 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence northwesterly 0.28 miles along the centerline of MD Route 12 - South Church Street, thence southwesterly 0.14 miles along the centerline of Coulbourne Lane, thence northwesterly 0.37 miles along the centerline of South Morris Street, thence northwesterly 0.13 miles along the centerline of North Morris Street, thence northeasterly 0.11 miles along the centerline of Business Route 113 - West Market Street, thence northwesterly 0.05 miles along the

centerline of Water Street, thence northeasterly 0.06 miles along the centerline of Pettitt Street, thence northerly 0.07 miles along the centerline of North Church Street, thence easterly 0.009 miles along the centerline of Willow Street, thence northerly along Census Block 240479513001005, thence northeasterly 0.14 miles along the centerline of River Street, thence northwesterly 0.01 miles along the centerline of North Washington Street, thence northwesterly 4.86 miles along the centerline of MD Route 12 - Snow Hill Road, thence westerly along Census Blocks 240479512002019 (Mount Olive Branch) and 240479512002020 (Nassawango Creek), thence northwesterly 4.83 miles along MD Route 12 - Snow Hill Road, thence easterly along the county line between Wicomico County and Worcester County, thence northerly along the county line between Wicomico County and Worcester County, thence easterly along the state line between Maryland and Delaware, and the county line where Worcester County, Maryland, Wicomico County, Maryland and Sussex County, Delaware meet, to the aforementioned point of beginning.

- (5) Ocean Pines District. The Ocean Pines district shall be designated as County Commissioner District Number Five and shall be described as follows: Beginning at the most northerly point of District Five at the intersection of Ocean Parkway and Windjammer Road, thence southeasterly 2.47 miles along the centerline of Ocean Parkway, thence southerly along Census Block 240479511021011 to Manklin Creek, thence easterly along Census Blocks 240479511013005, 240479511013002, 240479511013007 240479511013009, 240479511013010, and 240479511013011 (Manklin Creek), and thence southerly along Census Blocks 240479511011000, 240479511011002, and 240479511011013 following the shoreline of the Isle of Wight Bay and Herring Creek, thence westerly along Census Blocks 240479511011002 and 240479511012000, thence northerly 1.43 miles along the centerline of MD Route 589 - Racetrack Road, thence easterly along Census Block 240479506002010 (Beaverdam Branch), thence northerly along Census Block 240479506002000 to Rockside Road, thence northeasterly 0.06 miles along the centerline of Rockside Road, thence northeasterly 0.30 miles along the centerline of Admiral Avenue, thence westerly 0.18 miles along the centerline of Seafarer Lane, thence northerly 0.23 miles along the centerline of Moby Dick Drive, thence easterly 0.30 miles along the centerline of Ocean Parkway, thence easterly 0.24 miles along the centerline of Sandyhook Road, thence northeasterly 0.48 miles along the centerline of Windjammer Road, thence northwesterly 0.05 miles along the centerline of Newport Drive, thence northerly 0.09 miles along the centerline of White Cap Lane, thence easterly 0.07 miles along the centerline of Frigate Run, thence northeasterly 0.05 miles along the centerline of Windjammer Road to the aforementioned point of beginning.
- (6) Northern District. The Northern district shall be designated as County Commissioner District Number Six and shall be described as follows: Beginning at the most northeasterly point of District Six at the state line between Maryland and Delaware, and the county line of Worcester County, Maryland and Sussex County, Delaware, thence southerly 4.61 miles along the corporate limit line of

Ocean City, thence westerly 0.78 miles along the centerline of MD Route 90 - Ocean City Expressway, thence southwesterly along Census Blocks 240479508004080 (Isle of Wight Bay), 240479511022009 (Isle of Wight Bay), and 24047951102210 (Manklin Creek), thence along the unnamed man-made canal between Watertown Road and Wood Duck Drive, thence northerly along Census Block 240479511022002, thence northwesterly 2.47 miles along the centerline of Ocean Parkway, thence southwesterly 0.05 miles along the centerline of Windjammer Road, thence westerly 0.07 miles along the centerline of Frigate Run, thence southerly 0.09 miles along the centerline of White Cap Lane, thence southeasterly 0.05 miles along the centerline of Newport Drive, thence southwesterly 0.48 miles along the centerline of Windjammer Road, thence westerly 0.24 miles along the centerline of Sandyhook Road, thence westerly 0.30 miles along the centerline of Ocean Parkway, thence southerly 0.23 miles along the centerline of Moby Dick Drive, thence easterly 0.18 miles along the centerline of Seafarer Lane, thence southwesterly 0.30 miles along the centerline of Admiral Avenue, thence southwesterly 0.06 miles along the centerline of Rockside Road, thence southerly along Census Block 240479506002007, thence westerly along Census Block 240479506002007 (Beaverdam Branch), thence southerly 1.43 miles along the centerline of MD Route 589 - Racetrack Road, thence southeasterly along Census Blocks 240479511011015, 240479511011016, 240479511011008 and 240479511011009, thence northwesterly 0.2 miles along the northerly shoreline of Turville Creek, thence westerly along Census Block 240479509002015 (Taylorville Creek), thence northerly along Census Block 240479509002015 (Crippen Branch), thence westerly 0.14 miles along the centerline of Adkins Road, thence southwesterly 0.07 miles along the centerline of Cathell Road, thence westerly along Census Block 240479509002013 to Jones Road, thence northwesterly 0.13 miles along the centerline of Jones Road, thence southwesterly 0.01 miles along the centerline of Worcester Highway, thence northwesterly 0.50 miles along the centerline of Carey Road, thence northerly 1.33 miles along the north bound lane of US Route 113 - Worcester Highway, thence northwesterly along Census Block 240479509002005 crossing US Route 113 – Worcester Highway to the south bound lane, thence northerly 4.77 miles along US Route 113 - Worcester Highway, thence easterly 8.38 miles along the state line between Maryland and Delaware, and the county line of Worcester County, Maryland and Sussex County, Delaware to the aforementioned point of beginning.

- (7) Ocean City District. The Ocean City district shall be designated as County Commissioner District Number Seven and shall be described as follows: Beginning at the most northeasterly point in District Seven, thence southwesterly 10.49 miles along Census Blocks 240479900000001 (Atlantic Ocean) and 240479900000002 (Atlantic Ocean), thence westerly 3.55 miles along Census Blocks 240479900000002 (Ocean City Inlet), thence northerly along the Ocean City corporate limit line (Isle of Wight Bay and Assawoman Bay), thence easterly 5.0 miles along the state line between Maryland and Delaware, and the county line of Worcester County, Maryland and Sussex County, Delaware to the

aforementioned point of beginning.

- (b) County Commissioner district maps. The maps and census block tables attached hereto are made a part of this section and shall be included in the Code of Public Local Laws of Worcester County, Maryland as Appendix II. They shall be used as guides in interpreting district boundaries.
- (c) Conflicts between text and maps. The County Commissioner district boundary lines shall be interpreted by the Board of Election Supervisors in accordance with the text of the law using the maps and census block tables to aid in such interpretation. The boundary lines as described in the text shall govern in the event of any and all otherwise unresolvable inconsistencies. The Board of Election Supervisors in making interpretations shall be provided by the County Commissioners with such census data, paper and electronic, as may be reasonably necessary to determine all district boundary lines. In addition, aerial photographs, other maps and data may be used. Where roads, waterways and other features have varying names, the Board of Election Supervisors shall interpret this section in accordance with the best evidence and the legislative findings hereof.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND that the maps associated with Appendix II of the Code of Public Local Laws of Worcester County be repealed and replaced with the maps and census block tables attached hereto.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill, having been declared an Emergency Bill, shall take effect immediately upon its passage.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL:410.632.1200 / FAX: 410.632.3008

<http://www.co.worcester.md.us/departments/drp>

Introduced by: Commissioners
Bertino, Bunting, Abbott, Elder,
Fiori, Mitrecic, and Purnell

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

TO: Weston S. Young, Chief Administrative Officer
FROM: Jennifer K. Keener, AICP, Director
DATE: November 28, 2023
RE: Worcester County Redistricting – Emergency Bill

Attached please find the draft emergency legislative bill to amend the County Government Article establishing the revised County Commissioner districts. This bill and the associated maps were developed utilizing Draft Plan A as the basis after a four-week public comment period.

At this time, I am requesting that the item be scheduled for the County Commissioners consideration for introduction at the upcoming meeting, with an intended public hearing date of Tuesday, December 19, 2023.

As always, if you or the County Commissioners have any questions, I will be available to discuss this matter at your convenience.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 23-

 BY:
 INTRODUCED:

AN EMERGENCY BILL ENTITLED

AN ACT Concerning

County Government – County Commissioners

For the purpose of establishing revised County Commissioner districts in response to the shifting population as identified by the 2020 Census Survey in accordance with the following goals: strive for an optimal population of 7,515 persons in each of the seven (7) districts with the lowest population deviation among the districts in order to pass muster under the one person, one vote requirement; retain a majority minority district; maintain current County Commissioner District boundaries to the extent feasible; and respect the boundaries of new State Legislative Districts 38A and 38C to the extent feasible.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that § CG 2-102 be repealed and reenacted to read as follows:

§ CG 2-102. County Commissioner districts.

- (a) County Commissioner Districts. For the purpose of selecting persons eligible as County Commissioners, the County shall be considered as divided into seven County Commissioner districts. One of the County Commissioners shall be a resident of each of the seven County Commissioner districts so that the Board of County Commissioners shall be composed always of a representative from each of the seven County Commissioner districts. County Commissioner districts are hereby established as follows¹:

¹ [Note: The descriptions of the Commissioner districts may reference census block numbers. The census block numbers referenced herein were supplied to the Worcester County Department of Development, Review & Permitting, Technical Services Division, by the U.S. Census Bureau as a Geographical Information System (GIS) data layer file containing 2020 census data.]

- (1) Southern District. The Southern district shall be designated as County Commissioner District Number One and shall be described as follows: Beginning at the most northerly point of District One at the county line between Wicomico County and Worcester County, thence southeasterly 4.83 miles along the centerline of MD Route 12 - Snow Hill Road, thence southerly along Census Blocks 240479514002041, 240479514002042, and 240479512002022, thence southeasterly 4.83 miles along MD Route 12 - Snow Hill Road to the mid line of the Pocomoke River at the Snow Hill bridge, thence southwesterly 11.65 miles generally along the mid line of the Pocomoke River following Census Blocks 240479512002047, 240479512002049, 240479513001001, 240479512002047, 240479514002073, and 240479514002072 to Pilchard Creek, thence

southeasterly along the centerline of Pilchard Creek to US Route 113 – Worcester Highway, thence southwesterly 0.94 miles along the centerline of US 113 - Worcester Highway, thence southwesterly 0.68 miles along the centerline of Carter Road, thence westerly 0.32 miles along the centerline of MD 756 - Old Snow Hill Road, thence crossing US Route 13 – Ocean Highway to Linden Avenue, thence westerly 0.35 miles along the centerline of Linden Avenue, thence southwesterly 0.14 miles along the centerline of Third Street, thence southeasterly 0.05 miles along the centerline of MD Route 675 - Market Street, thence southwesterly 0.27 miles along the centerline of Fourth Street, thence southeasterly 0.07 miles along the centerline of Bonneville Avenue, thence northeasterly 0.05 miles along the centerline of Fifth Street, thence southeasterly 0.19 miles along the centerline of Young Street, thence northeasterly 0.15 miles along the centerline of Seventh Street, thence northwesterly 0.10 miles along the centerline of Walnut Street, thence northeasterly 0.10 miles along the centerline of Sixth Street, thence southeasterly 0.70 miles along the centerline of MD Route 675 - Market Street, thence northeasterly 0.08 miles along the centerline of Fourteenth Street, thence northwesterly 0.08 miles along the centerline of Dorchester Avenue, thence northeasterly 0.11 miles along the centerline of Somerset Avenue, thence southeasterly 0.08 miles along the centerline of Snow Hill Lane, thence northeasterly 0.02 miles along the centerline of Fourteenth Street, thence northeasterly-along Census Block 240479515002016, thence southeasterly 0.25 miles along the southbound lane of US 13 - Ocean Highway to the intersection of US Route 113 – Worcester Highway, thence northerly 0.05 miles along the centerline of US Route 113 - Worcester Highway, thence northerly-along Census Block 240479515002027, thence northerly 0.08 miles along the centerline of Bypass Road, thence northwesterly 0.18 miles along the centerline of Taylor Lane, thence northerly along the perimeter of Census Block 240479515002006, thence northerly 0.01 miles along the centerline of Bypass Road, thence southeasterly along Census Block 240479515002005, thence southwesterly 0.03 miles along the centerline of US Route 113 - Worcester Highway, thence southeasterly 0.02 miles through US Route 113 - Worcester Highway at the intersection with Newtown Park Road, thence northeasterly 0.24 miles along the centerline of US Route 113 - Worcester Highway, thence southeasterly 0.18 miles along the centerline of Groton Road, thence northerly along Census Blocks 240479514003024 and 240479514003020 (Adkins Farm Lane), thence easterly 0.18 miles along the centerline of Byrd Road, thence northerly along Census Blocks 240479514003015 and 240479514003011 (electric transmission line right-of-way) to the centerline of US Route 113 - Worcester Highway, thence northeasterly 10.0 miles along the centerline of US Route 113 - Worcester Highway, thence easterly 1.26 miles along the centerline of MD Route 365 - Public Landing Road, thence southerly along Census Blocks 240479512003013 (Harmony Lane) and 240479512003034 to MD Route 365 - Public Landing Road, thence westerly 0.30 miles along the centerline of MD Route 365 - Public Landing Road, thence northwesterly 0.27 miles along the centerline of Double Bridges Road, thence northeasterly 0.06 miles along the centerline of Scotland Road, thence northerly 0.73 miles along the centerline of

Double Bridges Road, thence westerly along Census Block 240479512003001 (Campground Branch), thence northwesterly 0.22 miles along the centerline of Timmons Road, thence northeasterly 3.99 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence southeasterly along Census Block 240479512001052 to Basket Switch Road, thence southerly 1.29 miles along the centerline of Basket Switch Road, thence easterly along Census Blocks 240479512001060 (Waterworks Creek) and 240479512001063 to the Chincoteague Bay, thence southwestly along Census Blocks 240479512001063, 240479512001077, 240479512001075, 240479512001079, 240479512003020, 240479512003019, 240479512003022, 240479512003019, 240479512003021, 240479512003019, 240479512003024, 240479512003038, 240479512003093, 240479512003094, 240479512003100, 240479512003101, 240479512003109, 240479512003103, 240479512003108, 240479514001054, 240479514001055 and 240479514001060 (generally following the westerly shoreline of the Chincoteague Bay) to the state line between Maryland and Virginia, including named and unnamed islands in the bay, thence westerly following the state line between Maryland and Virginia and the county line between Worcester County, Maryland and Accomack County, Virginia to the county line between Worcester County and Somerset County at the mid line of the Pocomoke River, thence northeasterly following the mid line of the Pocomoke River to Dividing Creek, thence northerly following the centerline of Dividing Creek to the point where the Worcester County, Wicomico County, and Somerset County lines intersect, thence easterly following the county line between Worcester County and Wicomico County to the centerline of MD Route 12 - Snow Hill Road at the aforementioned point of beginning.

- (2) Central District. The Central district shall be designated as County Commissioner District Number Two and shall be described as follows: Beginning at the most northerly point of District Two at the intersection of Ocean Gateway and Seahawk Road, thence southerly 0.61 miles along the westerly boundary of Seahawk Road, thence southeasterly 0.10 miles along Mary Road, thence northeasterly along Census Blocks 240479509001005, 240479509001075, 240479509001005 240479509001002 and 240479509001010 (old railroad right-of-way) to Holly Grove Road, thence southeasterly 1.06 miles along the centerline of Holly Grove Road, thence easterly 0.59 miles along the centerline of Sinepuxent Road, thence southerly 0.28 miles along the centerline of Antique Road, thence southwestly 1.73 miles along the centerline of MD Route 611 - Stephen Decatur Highway, thence northwesterly 0.70 miles along the centerline of MD Route 376 - Assateague Road, thence northeasterly along Census Blocks 240479517001065 and 240479517001063 following the easterly shoreline of Ayer Creek to Sinepuxent Road, thence westerly 2.08 miles along the centerline of Sinepuxent Road, thence westerly 0.01 miles along the centerline of MD Route 376 - Assateague Road, thence southwestly along Census Block 240479510002034 (Trappe Creek), thence southeasterly along Census Blocks 240479510003022, 240479509001023, 240479509001071, and 240479509001067 following the southeasterly shoreline of Trappe Creek and Ayer Creek to Newport Bay, thence

southeasterly along Census Blocks 240479509001067, 240479512001066, 240479512001065, and 240479512001029 following the westerly shoreline of Newport Bay to Waterworks Creek, thence westerly 1.17 miles along Waterworks Creek, thence northerly 1.29 miles along the centerline of Basket Switch Road, thence westerly along Census Block 240479512001051, thence southwesterly 3.99 miles along Maryland and Delaware Railroad right-of-way, thence southeasterly 0.22 miles along the centerline of Timmons Road, thence easterly along Census Blocks 240479512003003 and 240479512003010 (Campground Branch), thence southerly 0.73 miles along the centerline of Double Bridges Road, thence southwesterly 0.06 miles along the centerline of Scotland Road, thence southeasterly 0.27 miles along the centerline of Double Bridges Road, thence easterly 0.30 miles along the centerline of MD Route 365 - Public Landing Road, thence southwesterly along Census Blocks 240479512003015 (Purnell Branch) and 240479512003014, thence westerly 1.26 miles along the centerline of MD Route 365 - Public Landing Road, thence southwesterly 10.0 miles along the centerline of US Route 113 - Worcester Highway, thence southerly along Census Blocks 240479514003012 (electric transmission line right-of-way), 240479514003016 (Pilchard Creek) and 240479514003017, thence westerly 0.18 miles along the centerline of Byrd Road, thence southerly along Census Block 240479514003019 (Adkins Farm Lane), thence northwesterly 0.18 miles along the centerline of Groton Road, thence southwesterly 0.24 miles along US Route 113 - Worcester Highway, thence northwesterly 0.02 miles through US Route 113 - Worcester Highway at the intersection with Newtown Park Road, thence northeasterly 0.03 miles along US Route 113 - Worcester Highway, thence northwesterly along Census Blocks 240479515002003, 240479515002002 and 240479515002007, thence southerly 0.08 miles along the centerline of Bypass Road, thence southerly along Census Block 240479515002007, thence southerly 0.05 miles along US Route 113 - Worcester Highway at the intersection with US Route 13 – Ocean Highway, thence northwesterly 0.25 miles along the southbound lane of US Route 13 - Ocean Highway, thence southwesterly along Census Block 240479515002009, thence southwesterly 0.02 miles along the centerline of Fourteenth Street, thence northwesterly 0.08 miles along the centerline of Snow Hill Lane, thence southwesterly 0.11 miles along the centerline of Somerset Avenue, thence southeasterly 0.08 miles along the centerline of Dorchester Avenue, thence southwesterly 0.08 miles along the centerline of Fourteenth Street, thence northwesterly 0.70 miles along the centerline of MD Route 675 - Market Street, thence southwesterly 0.10 miles along the centerline of Sixth Street, thence southeasterly 0.10 miles along the centerline of Walnut Street, thence southwesterly 0.15 miles along the centerline of Seventh Street, thence northwesterly 0.19 miles along the centerline of Young Street, thence southwesterly 0.05 miles along the centerline of Fifth Street, thence northwesterly 0.07 miles along the centerline of Bonneville Avenue, thence northeasterly 0.27 miles along the centerline of Fourth Street, thence northwesterly 0.05 miles along the centerline of MD Route 675 - Market Street, thence northeasterly 0.14 miles along the centerline of Third Street, thence easterly 0.39 miles along the centerline of Linden Avenue to US Route 13 –

Ocean Highway, thence crossing US Route 13 – Ocean Highway to MD Route 756 – Old Snow Hill Road, thence easterly 0.32 miles along the centerline of MD Route 756 - Old Snow Hill Road, thence northeasterly 0.68 miles along the centerline of Carter Road to US Route 113 – Worcester Highway, thence northeasterly 0.94 miles along US Route 113 – Worcester Highway, thence northwesterly 0.21 miles along the centerline of Pilchard Creek in a northwesterly direction to the mid line of the Pocomoke River, thence northeasterly generally along the mid line of the Pocomoke River following Census Blocks 240479514003001, 240479514003000, 240479514001000, 240479512003059, 240479513001015, 240479512002048 and 40479513001000 to the Snow Hill bridge, thence southeasterly 0.01 miles along the centerline of MD Route 12 - Snow Hill Road, thence southeasterly 0.01 miles along the centerline of North Washington Street, thence southwesterly 0.14 miles along the centerline of River Street, thence southerly-along Census Block 240479513001002, thence westerly 0.01 miles along the centerline of Willow Street, thence southerly 0.07 miles along the centerline of North Church Street, thence southwesterly 0.06 miles along the centerline of Petitt Street, thence southeasterly 0.05 miles along the centerline of Water Street, thence southwesterly 0.11 miles along the centerline of Business Route 113 - West Market Street, thence southeasterly 0.13 miles along the centerline of North Morris Street, continuing 0.37 miles along the centerline of South Morris Street, thence northeasterly 0.14 miles along the centerline of Coulbourne Lane, thence southeasterly 0.28 miles along the centerline of MD Route 12 - South Church Street, thence northerly 0.30 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence northwesterly 0.40 miles along the centerline of South Washington Street, thence northeasterly 0.26 miles along the centerline of East Federal Street, thence easterly 0.17 miles along the centerline of MD Route 365 - South Bay Street, thence northeasterly 0.17 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence northeasterly 0.04 miles along the centerline of Holly Court, thence northeasterly 0.64 miles along the centerline of the Maryland and Delaware Railroad right-of-way to US Route 113 – Worcester Highway, thence northeasterly 6.04 miles along the centerline of US Route 113 - Worcester Highway, thence southerly along Census Block 240479512001042, thence northeasterly 0.05 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence northeasterly 7.83 miles along the centerline of US Route 113 - Worcester Highway, thence westerly 0.25 miles along the centerline of MD Route 376 - Bay Street, thence westerly 0.04 miles along the centerline of Pitts Street, thence northwesterly 0.12 miles along the centerline of Vine Street, thence running in a northerly direction along the perimeter of Census Block 240479510001022 to the intersection with Williams Street, thence northeasterly 0.34 miles along the centerline of Williams Street, thence easterly 0.27 miles along the centerline of Franklin Avenue, thence northerly 0.40 miles along the centerline of US Route 113 - Worcester Highway, thence northeasterly 0.98 miles along MD Route 346 - Old Ocean City Boulevard, thence easterly 0.31 miles along US Route 50 - Ocean Gateway to the aforementioned point of beginning.

- (3) Sinepuxent District. The Sinepuxent district shall be designated as County Commissioner District Number Three and shall be described as follows: Beginning at the most northerly point of District Three at the MD Route 90 - Ocean Expressway bridge crossing the Assawoman Bay and Isle of Wight Bay, thence southeasterly 0.78 miles along MD Route 90 - Ocean Expressway, thence southerly along the corporate limit line of Ocean City in the Isle of Wight Bay to the Ocean City Inlet, thence in an easterly direction out the Ocean City Inlet so far as the sovereignty of the County Commissioners of Worcester extends, thence in a general southerly direction in the Atlantic Ocean to an easterly projection of the Maryland and Virginia State line and the Worcester County, Maryland and Accomack County, Virginia line, thence extending in a westerly direction to the westerly shoreline of the Chincoteague Bay, thence northerly along the westerly shoreline of the Chincoteague Bay, Newport Bay, and its meanderings including named and unnamed islands in the bay, thence northwesterly 0.16 miles along the centerline of Trappe Creek, thence northeasterly along Census Block 240479509001018 to MD Route 376 - Assateague Road, thence easterly 0.01 miles along the centerline of MD Route 376 - Assateague Road, thence northeasterly 2.08 miles along the centerline of Sinepuxent Road, thence southeasterly along Census Block 240479509001015 (Ayer Creek), thence southwesterly along Ayer Creek following Census Block 240479517001064, thence southeasterly 0.70 miles along the centerline of MD Route 376 - Assateague Road, thence northeasterly 1.73 miles along the centerline of MD Route 611 - Stephen Decatur Highway, thence northerly 0.28 miles along the centerline of Antique Road, thence westerly 0.59 miles along the centerline of Sinepuxent Road, thence northwesterly 1.06 miles along the centerline of Holly Grove Road, thence westerly along Census Block 240479509001001 (former railroad right-of-way), thence northwesterly along the perimeter of Census Blocks 240479509001001 and 240479509001004 to Mary Road, thence northwesterly 0.10 miles along the centerline of Mary Road, thence northerly 0.63 miles along the centerline of Seahawk Road to the intersection of US Route 50 – Ocean Gateway, thence easterly 0.01 miles along US Route 50 - Ocean Gateway, thence northwesterly along Census Block 240479509002051, thence northwesterly 0.65 miles along the centerline of Griffin Road, thence northerly 0.32 miles along the centerline of MD Route 452 - Friendship Road, thence easterly along Taylorville Creek following Census Block 240479509002025 to MD Route 589 – Racetrack Road, thence easterly along the northerly shoreline of Turville Creek, thence northeasterly along the shoreline and extending into the Isle of Wight Bay following Census Blocks 240479504002000, 240479511013000 and 240479501001003 to MD Route 90 - Ocean Expressway at the aforementioned point of beginning.
- (4) Western District. The Western district shall be designated as County Commissioner District Number Four and shall be described as follows: Beginning at the most northerly point of District Four, at the state line between Maryland and Delaware, and the county line where Worcester County, Maryland, Wicomico County, Maryland and Sussex County, Delaware meet, thence easterly 5.87 miles

to US Route 113 – Worcester Highway following the state line between Maryland and Delaware and the county line of Worcester County, Maryland and Sussex County, Delaware, thence southerly 4.77 miles along the south bound lane of US Route 113 - Worcester Highway, thence crossing US Route 113 – Worcester Highway to the north bound lane, thence southeasterly along Census Block 240479508002048, thence southerly 1.33 miles along the north bound lane of US Route 113 - Worcester Highway, thence southeasterly 0.50 miles along the centerline of Carey Road, thence northeasterly 0.01 miles along the centerline of Worcester Highway, thence southeasterly 0.13 miles along centerline of Jones Road, thence easterly along Census Block 240479509002021, thence northeasterly 0.07 miles along the centerline of Cathell Road, thence easterly 0.14 miles along the centerline of Adkins Road, thence along Census Block 240479509002020 (Crippen Branch), thence southwesterly along Census Block 240479509002020 (Taylorville Creek) to MD Route 452 – Friendship Road, thence southerly 0.32 miles along the centerline of MD Route 452 - Friendship Road, thence easterly 0.65 miles along the centerline of Griffin Road, thence southwesterly 0.55 miles along the centerline of MD Route 707 - Grays Corner Road, thence southeasterly along Census Block 240479509002050 to US Route 50 – Ocean Gateway, thence westerly 0.01 miles along US Route 50 - Ocean Gateway, thence southerly along Census Block 240479510002000, thence westerly 0.31 miles along the south bound lane of US Route 50 - Ocean Gateway, thence westerly 0.98 miles along the centerline of MD Route 346 - Old Ocean City Boulevard, thence southerly 0.40 miles along the centerline of US Route 113 - Worcester Highway, thence westerly 0.27 miles along the centerline of Franklin Avenue, thence southwesterly 0.34 miles along the centerline of Williams Street, thence southerly along Census Block 240479510001030 to Vine Street, thence southeasterly 0.12 miles along the centerline of Vine Street, thence easterly 0.04 miles along the centerline of Pitts Street, thence easterly 0.25 miles along MD Route 376 - Bay Street, thence southwesterly 7.83 miles along the centerline of US Route 113 - Worcester Highway, thence southwesterly 0.05 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence northerly along Census Block 240479512001041, thence southwesterly 6.04 miles along the centerline of US Route 113 - Worcester Highway, thence southwesterly 0.63 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence southerly along Census Block 240479513002005, thence southwesterly 0.04 miles along the centerline of Holly Court, thence southwesterly 0.17 miles along the centerline of the Maryland and Delaware railroad right-of-way, thence westerly 0.17 miles along the centerline of MD Route 365 - South Bay Street, thence southwesterly 0.26 miles along the centerline of East Federal Street, thence southeasterly 0.40 miles along the centerline of South Washington Street, thence southerly 0.30 miles along the centerline of the Maryland and Delaware Railroad right-of-way, thence northwesterly 0.28 miles along the centerline of MD Route 12 - South Church Street, thence southwesterly 0.14 miles along the centerline of Coulbourne Lane, thence northwesterly 0.37 miles along the centerline of South Morris Street, thence northwesterly 0.13 miles along the centerline of North Morris Street, thence northeasterly 0.11 miles along the centerline of Business

Route 113 - West Market Street, thence northwesterly 0.05 miles along the centerline of Water Street, thence northeasterly 0.06 miles along the centerline of Pettitt Street, thence northerly 0.07 miles along the centerline of North Church Street, thence easterly 0.009 miles along the centerline of Willow Street, thence northerly along Census Block 240479513001005, thence northeasterly 0.14 miles along the centerline of River Street, thence northwesterly 0.01 miles along the centerline of North Washington Street, thence northwesterly 4.86 miles along the centerline of MD Route 12 - Snow Hill Road, thence westerly along Census Blocks 240479512002019 (Mount Olive Branch) and 240479512002020 (Nassawango Creek), thence northwesterly 4.83 miles along MD Route 12 - Snow Hill Road, thence easterly along the county line between Wicomico County and Worcester County, thence northerly along the county line between Wicomico County and Worcester County, thence easterly along the state line between Maryland and Delaware, and the county line where Worcester County, Maryland, Wicomico County, Maryland and Sussex County, Delaware meet, to the aforementioned point of beginning.

- (5) Ocean Pines District. The Ocean Pines district shall be designated as County Commissioner District Number Five and shall be described as follows: Beginning at the most northerly point of District Five at the intersection of Ocean Parkway and Windjammer Road, thence southeasterly 2.47 miles along the centerline of Ocean Parkway, thence southerly along Census Block 240479511021011 to Manklin Creek, thence easterly along Census Blocks 240479511013005, 240479511013002, 240479511013007 240479511013009, 240479511013010, and 240479511013011 (Manklin Creek), and thence southerly along Census Blocks 240479511011000, 240479511011002, and 240479511011013 following the shoreline of the Isle of Wight Bay and Herring Creek, thence westerly along Census Blocks 240479511011002 and 240479511012000, thence northerly 1.43 miles along the centerline of MD Route 589 - Racetrack Road, thence easterly along Census Block 240479506002010 (Beaverdam Branch), thence northerly along Census Block 240479506002000 to Rockside Road, thence northeasterly 0.06 miles along the centerline of Rockside Road, thence northeasterly 0.30 miles along the centerline of Admiral Avenue, thence westerly 0.18 miles along the centerline of Seafarer Lane, thence northerly 0.23 miles along the centerline of Moby Dick Drive, thence easterly 0.30 miles along the centerline of Ocean Parkway, thence easterly 0.24 miles along the centerline of Sandyhook Road, thence northeasterly 0.48 miles along the centerline of Windjammer Road, thence northwesterly 0.05 miles along the centerline of Newport Drive, thence northerly 0.09 miles along the centerline of White Cap Lane, thence easterly 0.07 miles along the centerline of Frigate Run, thence northeasterly 0.05 miles along the centerline of Windjammer Road to the aforementioned point of beginning.
- (6) Northern District. The Northern district shall be designated as County Commissioner District Number Six and shall be described as follows: Beginning at the most northeasterly point of District Six at the state line between Maryland and Delaware, and the county line of Worcester County, Maryland and Sussex

County, Delaware, thence southerly 4.61 miles along the corporate limit line of Ocean City, thence westerly 0.78 miles along the centerline of MD Route 90 - Ocean City Expressway, thence southwesterly along Census Blocks 240479508004080 (Isle of Wight Bay), 240479511022009 (Isle of Wight Bay), and 24047951102210 (Manklin Creek), thence along the unnamed man-made canal between Watertown Road and Wood Duck Drive, thence northerly along Census Block 240479511022002, thence northwesterly 2.47 miles along the centerline of Ocean Parkway, thence southwesterly 0.05 miles along the centerline of Windjammer Road, thence westerly 0.07 miles along the centerline of Frigate Run, thence southerly 0.09 miles along the centerline of White Cap Lane, thence southeasterly 0.05 miles along the centerline of Newport Drive, thence southwesterly 0.48 miles along the centerline of Windjammer Road, thence westerly 0.24 miles along the centerline of Sandyhook Road, thence westerly 0.30 miles along the centerline of Ocean Parkway, thence southerly 0.23 miles along the centerline of Moby Dick Drive, thence easterly 0.18 miles along the centerline of Seafarer Lane, thence southwesterly 0.30 miles along the centerline of Admiral Avenue, thence southwesterly 0.06 miles along the centerline of Rockside Road, thence southerly along Census Block 240479506002007, thence westerly along Census Block 240479506002007 (Beaverdam Branch), thence southerly 1.43 miles along the centerline of MD Route 589 - Racetrack Road, thence southeasterly along Census Blocks 240479511011015, 240479511011016, 240479511011008 and 240479511011009, thence northwesterly 0.2 miles along the northerly shoreline of Turville Creek, thence westerly along Census Block 240479509002015 (Taylorville Creek), thence northerly along Census Block 240479509002015 (Crippen Branch), thence westerly 0.14 miles along the centerline of Adkins Road, thence southwesterly 0.07 miles along the centerline of Cathell Road, thence westerly along Census Block 240479509002013 to Jones Road, thence northwesterly 0.13 miles along the centerline of Jones Road, thence southwesterly 0.01 miles along the centerline of Worcester Highway, thence northwesterly 0.50 miles along the centerline of Carey Road, thence northerly 1.33 miles along the north bound lane of US Route 113 - Worcester Highway, thence northwesterly along Census Block 240479509002005 crossing US Route 113 – Worcester Highway to the south bound lane, thence northerly 4.77 miles along US Route 113 - Worcester Highway, thence easterly 8.38 miles along the state line between Maryland and Delaware, and the county line of Worcester County, Maryland and Sussex County, Delaware to the aforementioned point of beginning.

- (7) Ocean City District. The Ocean City district shall be designated as County Commissioner District Number Seven and shall be described as follows: Beginning at the most northeasterly point in District Seven, thence southwesterly 10.49 miles along Census Blocks 240479900000001 (Atlantic Ocean) and 240479900000002 (Atlantic Ocean), thence westerly 3.55 miles along Census Blocks 240479900000002 (Ocean City Inlet), thence northerly along the Ocean City corporate limit line (Isle of Wight Bay and Assawoman Bay), thence easterly 5.0 miles along the state line between Maryland and Delaware, and the county

line of Worcester County, Maryland and Sussex County, Delaware to the aforementioned point of beginning.

- (b) County Commissioner district maps. The maps and census block tables attached hereto are made a part of this section and shall be included in the Code of Public Local Laws of Worcester County, Maryland as Appendix II. They shall be used as guides in interpreting district boundaries.
- (c) Conflicts between text and maps. The County Commissioner district boundary lines shall be interpreted by the Board of Election Supervisors in accordance with the text of the law using the maps and census block tables to aid in such interpretation. The boundary lines as described in the text shall govern in the event of any and all otherwise unresolvable inconsistencies. The Board of Election Supervisors in making interpretations shall be provided by the County Commissioners with such census data, paper and electronic, as may be reasonably necessary to determine all district boundary lines. In addition, aerial photographs, other maps and data may be used. Where roads, waterways and other features have varying names, the Board of Election Supervisors shall interpret this section in accordance with the best evidence and the legislative findings hereof.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND that the maps associated with Appendix II of the Code of Public Local Laws of Worcester County be repealed and replaced with the maps and census block tables attached hereto.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill, having been declared an Emergency Bill, shall take effect immediately upon its passage.

APPENDIX II
COUNTY COMMISSIONER DISTRICT MAPS
AND CENSUS BLOCK TABLES

Election Districts

Southern District (District 1)

Central District (District 2)

Sinepuxent District (District 3)

Western District (District 4)

Ocean Pines District (District 5)

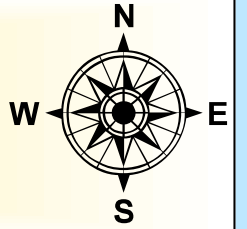
Northern District (District 6)

Ocean City District (District 7)



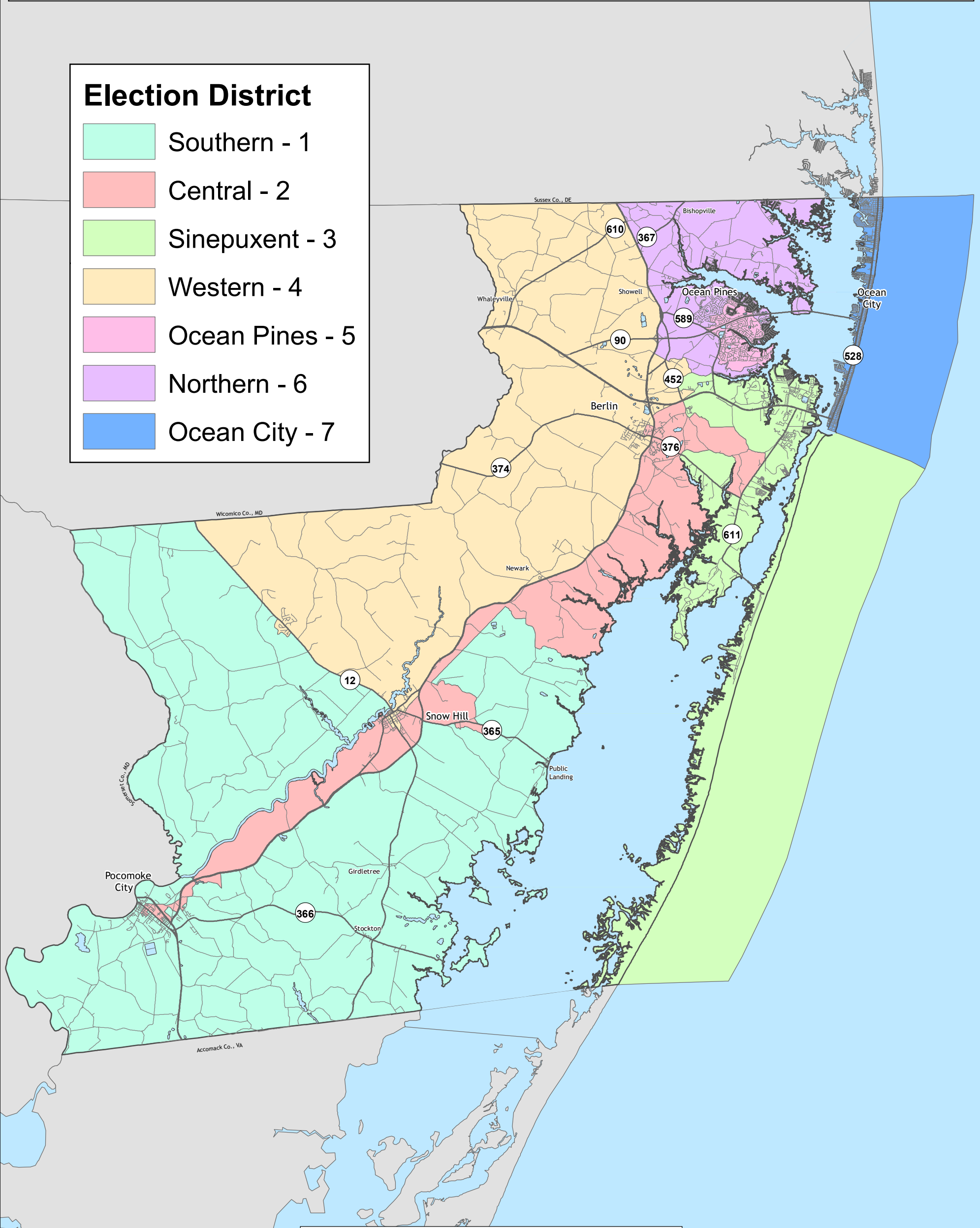
COMMISSIONER ELECTION DISTRICTS

December 19, 2023

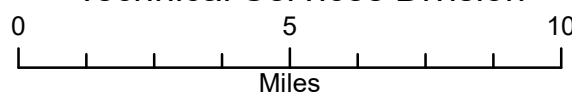


Election District

- Southern - 1
- Central - 2
- Sinepuxent - 3
- Western - 4
- Ocean Pines - 5
- Northern - 6
- Ocean City - 7



DEPARTMENT OF DEVELOPMENT
 REVIEW & PERMITTING
 Technical Services Division

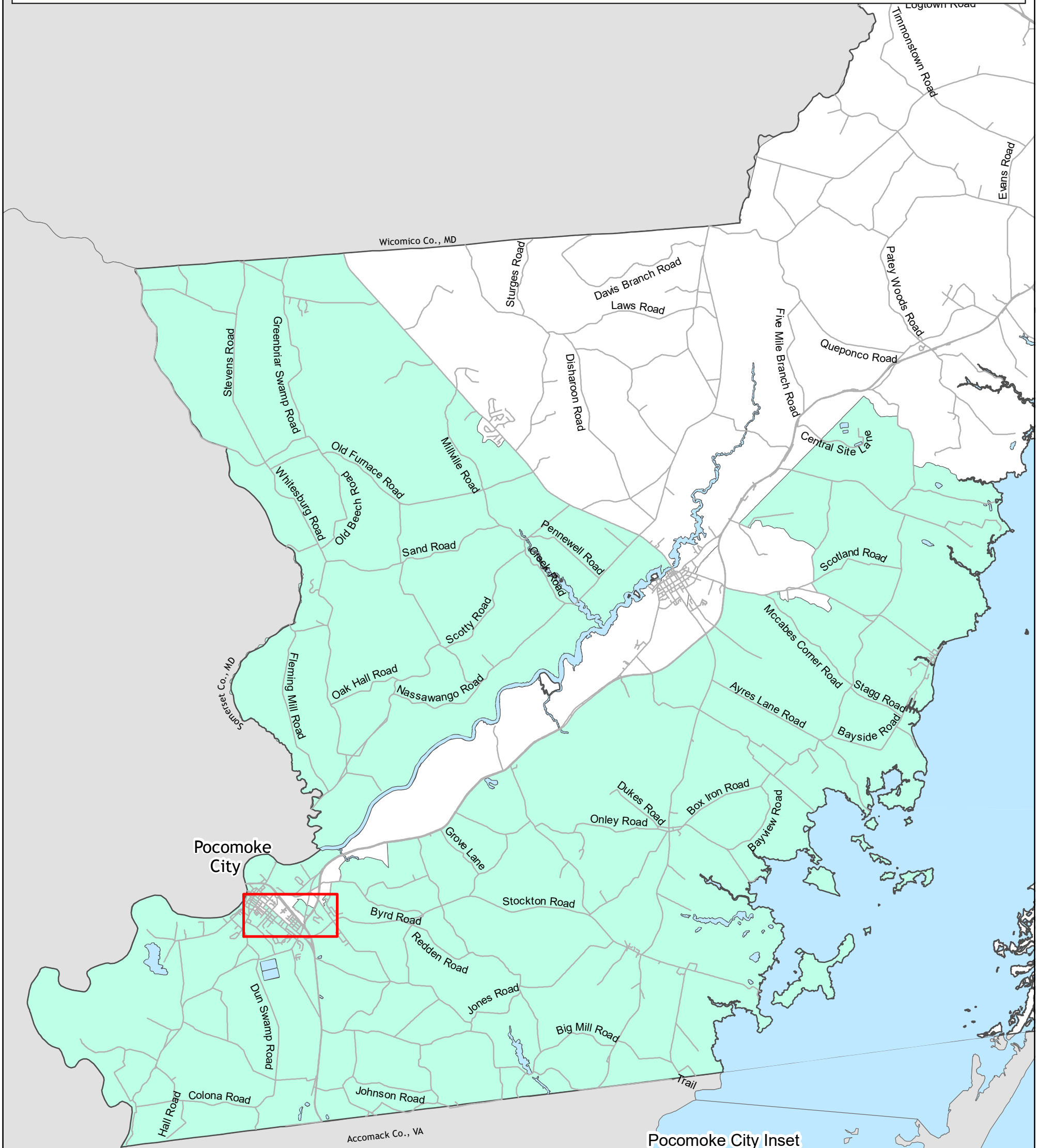
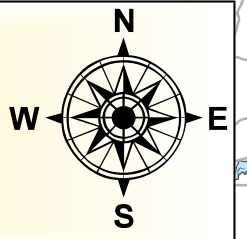


Source: US Census Bureau - 2020 Census Survey &
 State of Maryland 2020 Adjusted Population

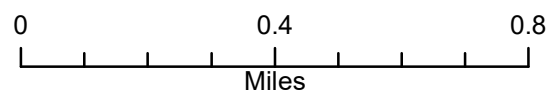


COMMISSIONER ELECTION DISTRICTS SOUTHERN DISTRICT No.1

December 19, 2023



DEPARTMENT OF DEVELOPMENT
REVIEW & PERMITTING
Technical Services Division



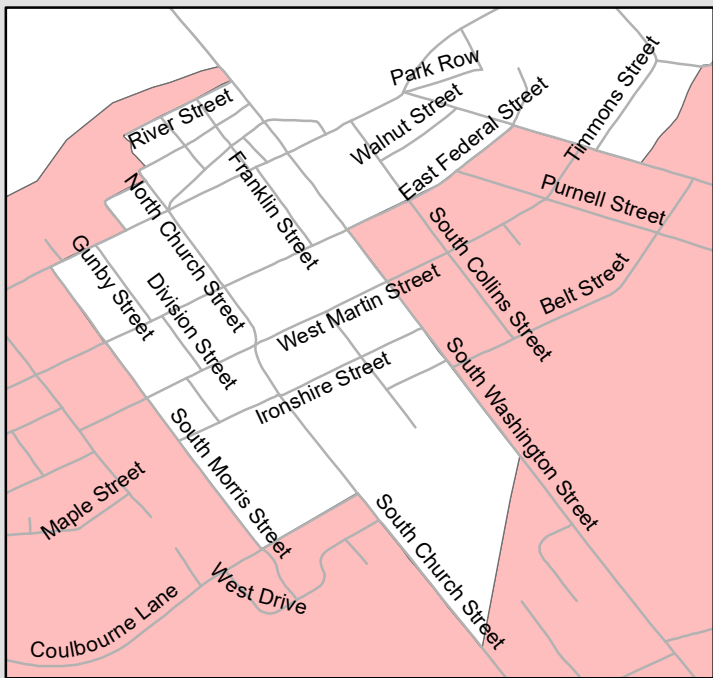
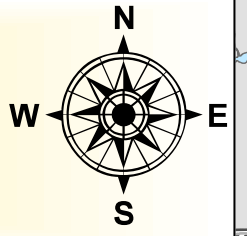
Source: US Census Bureau - 2020 Census Survey & State of Maryland 2020 Adjusted Population

Commissioner Election District - Southern No. 1 - Census Blocks				
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240479515005002	240479515005013	240479515005024	240479515005035	240479515006008
240479515005003	240479515005014	240479515005025	240479515005036	240479515006009
240479515005004	240479515005015	240479515005026	240479515005037	240479515006010
240479515005005	240479515005016	240479515005027	240479515005038	240479515006011
240479515005006	240479515005017	240479515005028	240479515005039	240479515006012
240479515005007	240479515005018	240479515005029	240479515005040	240479515006013
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240479515005009	240479515005020	240479515005031	240479515006005	240479515006015
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240479515005011	240479515005022	240479515005033		

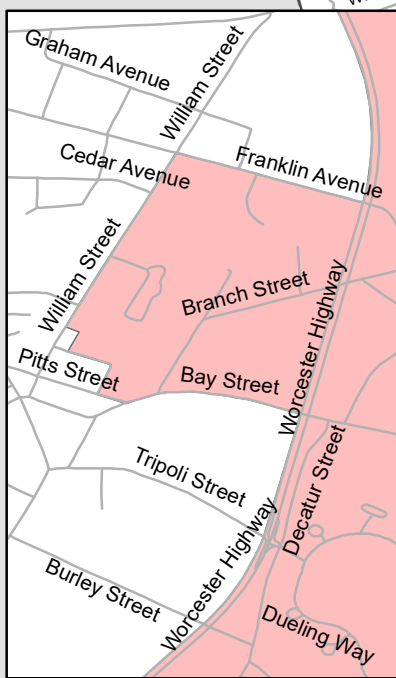


COMMISSIONER ELECTION DISTRICTS CENTRAL DISTRICT No.2

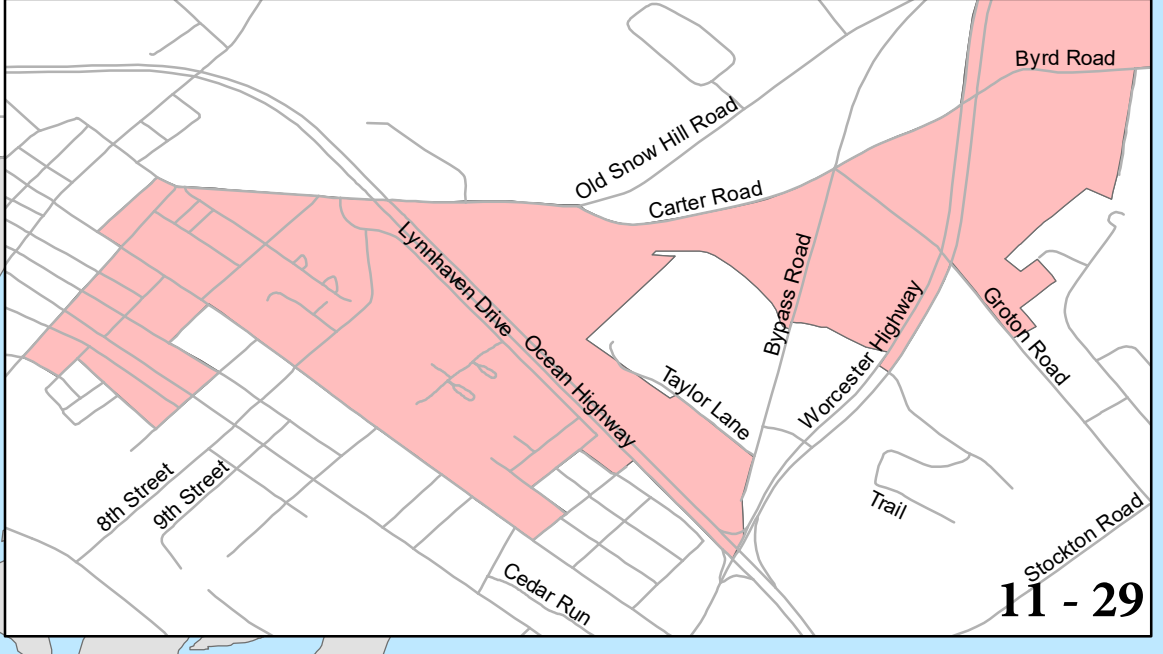
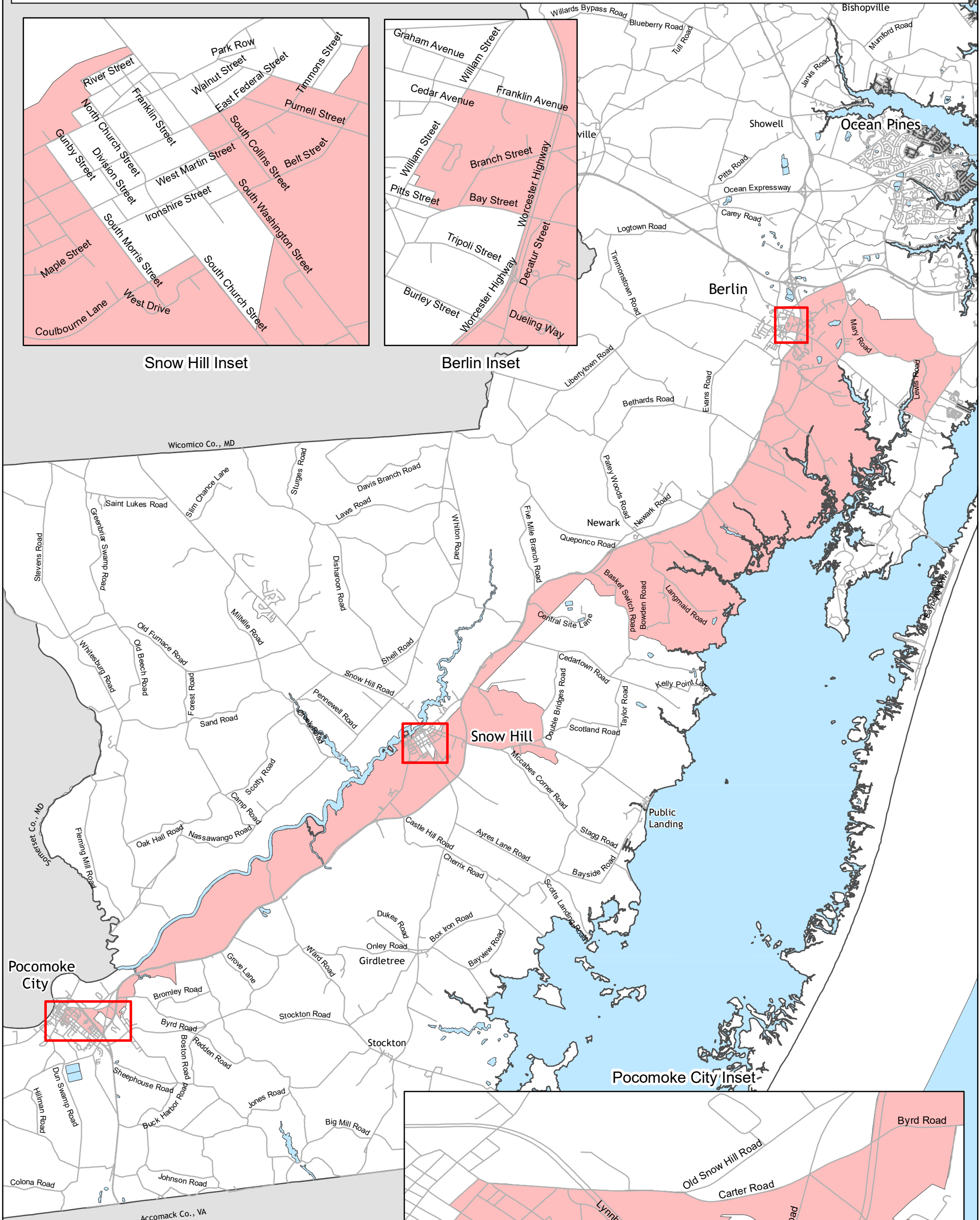
December 19, 2023



Snow Hill Inset

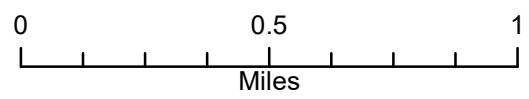


Berlin Inset



Pocomoke City Inset

DEPARTMENT OF DEVELOPMENT
REVIEW & PERMITTING
Technical Services Division



Source: US Census Bureau - 2020 Census Survey & State of Maryland 2020 Adjusted Population

ITEM 11

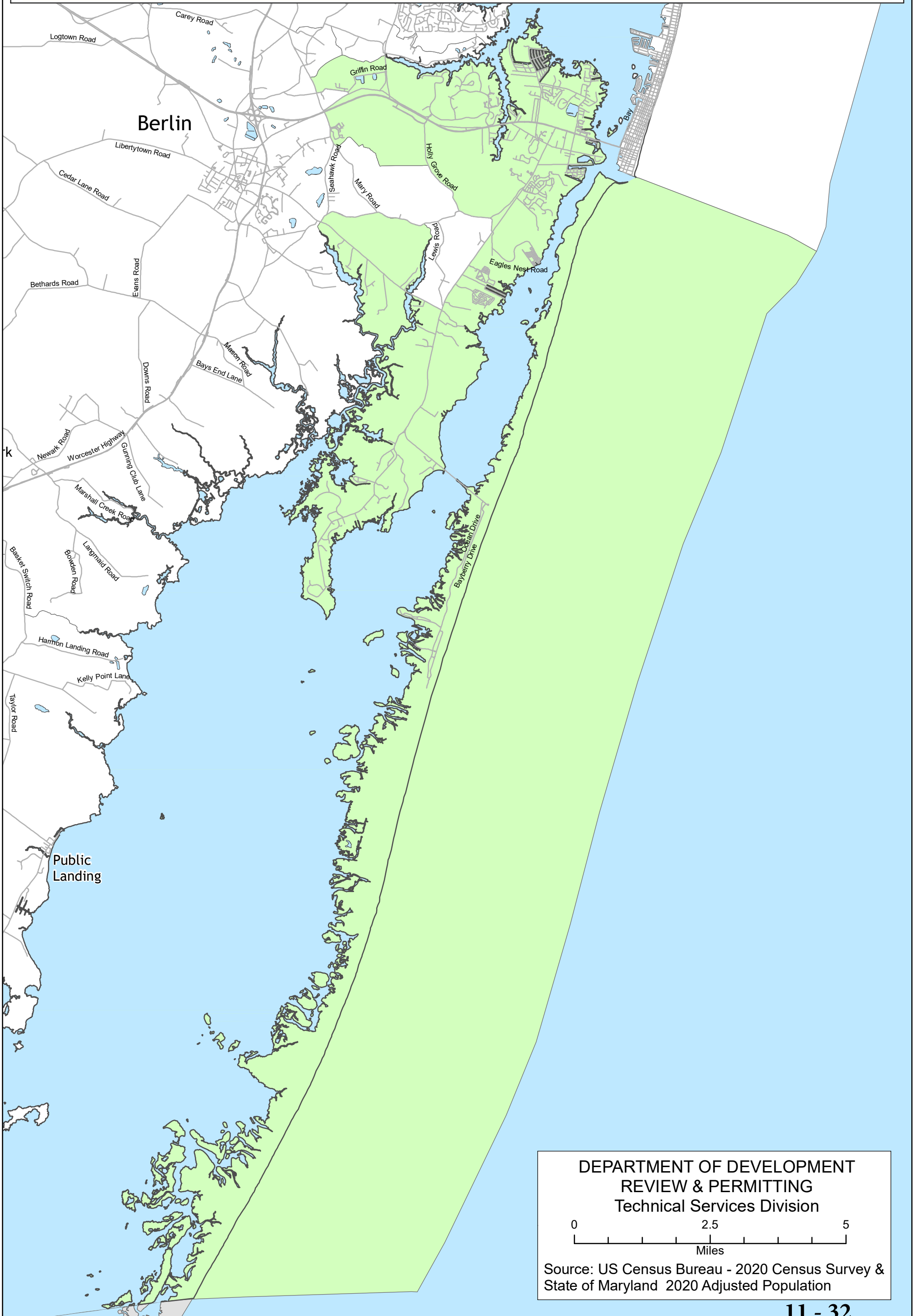
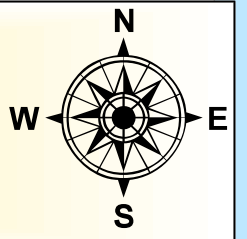
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COMMISSIONER ELECTION DISTRICTS SINEPUXENT DISTRICT No.3

December 19, 2023



DEPARTMENT OF DEVELOPMENT
REVIEW & PERMITTING
Technical Services Division

0 2.5 5
Miles

Source: US Census Bureau - 2020 Census Survey &
State of Maryland 2020 Adjusted Population

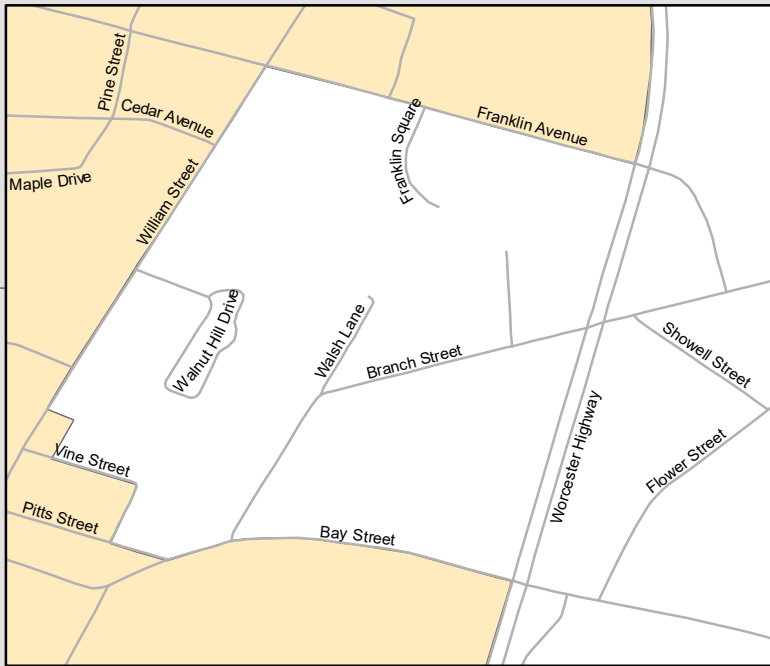
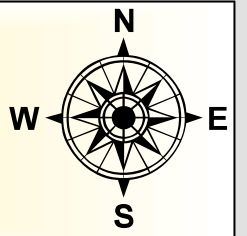
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Commissioner Election District - Sinepuxent No. 3 - Census Blocks				
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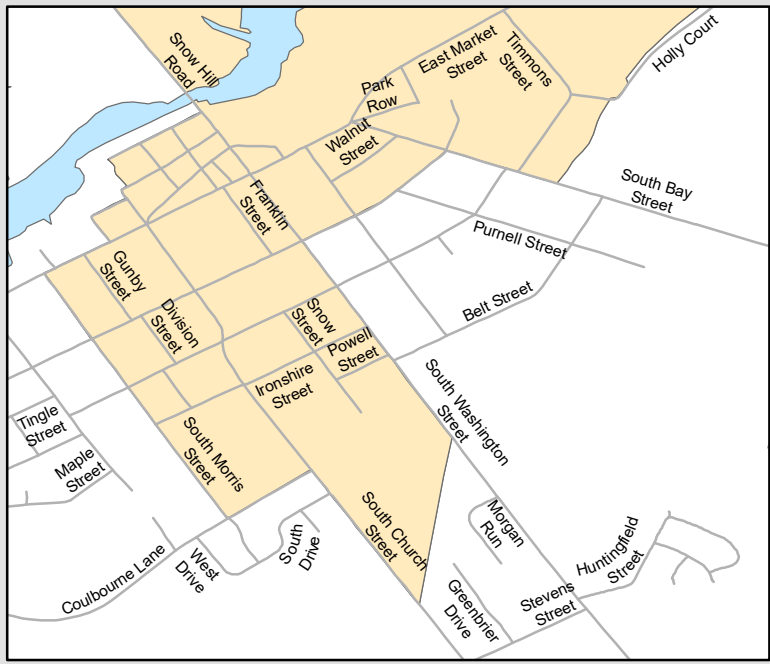


COMMISSIONER ELECTION DISTRICTS WESTERN DISTRICT NO.4

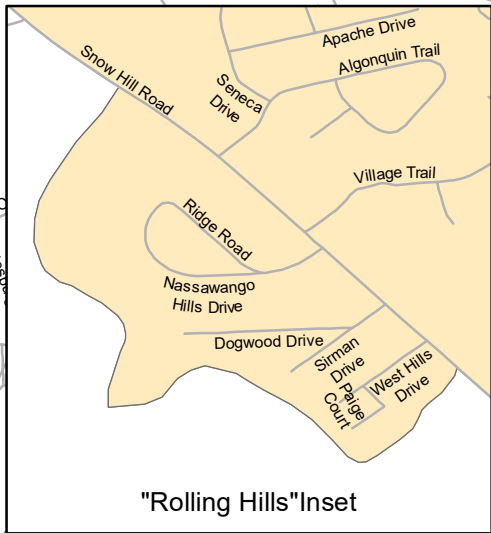
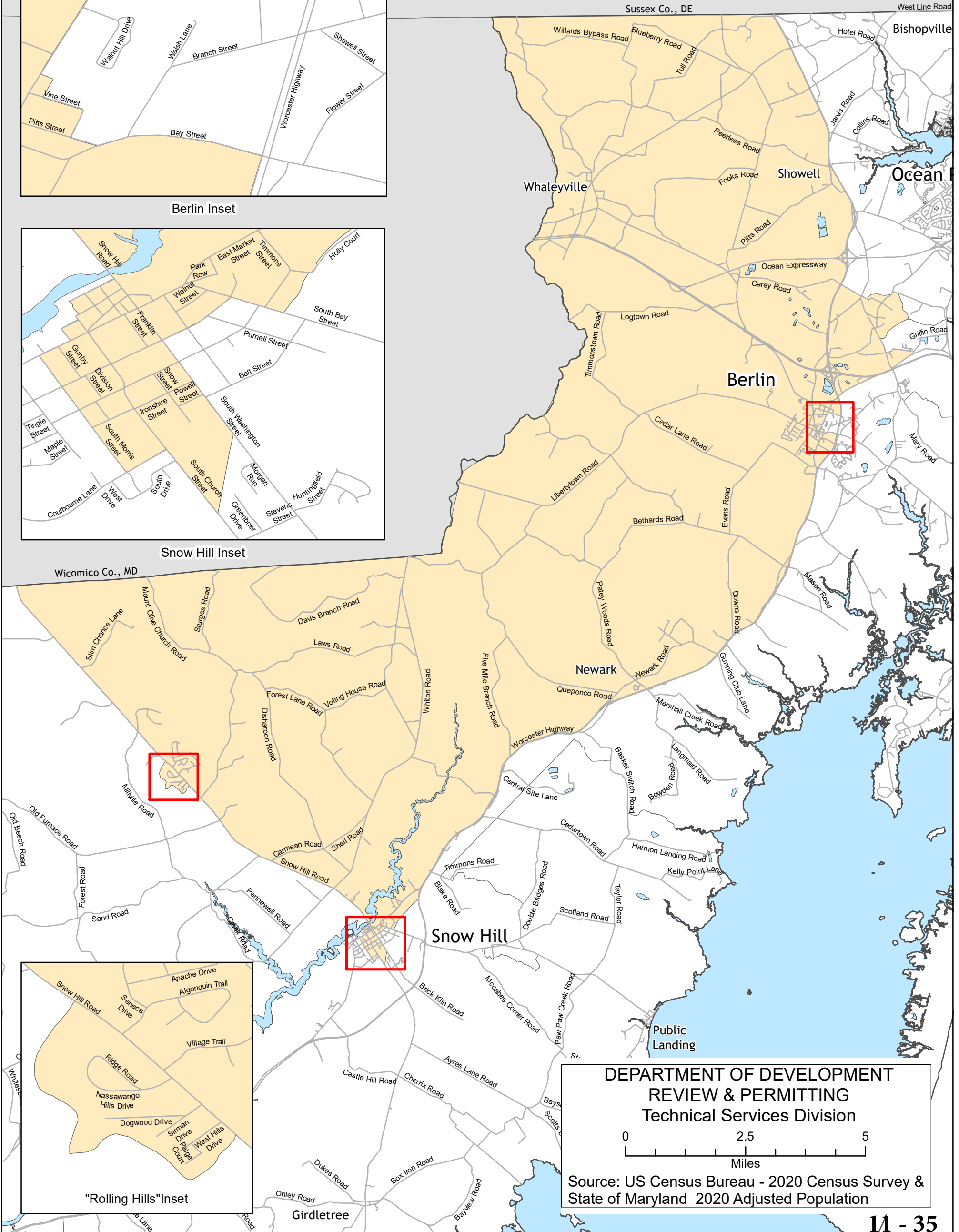
December 19, 2023



Berlin Inset



Snow Hill Inset



"Rolling Hills" Inset

**DEPARTMENT OF DEVELOPMENT
REVIEW & PERMITTING
Technical Services Division**

0 2.5 5
Miles

Source: US Census Bureau - 2020 Census Survey &
State of Maryland 2020 Adjusted Population

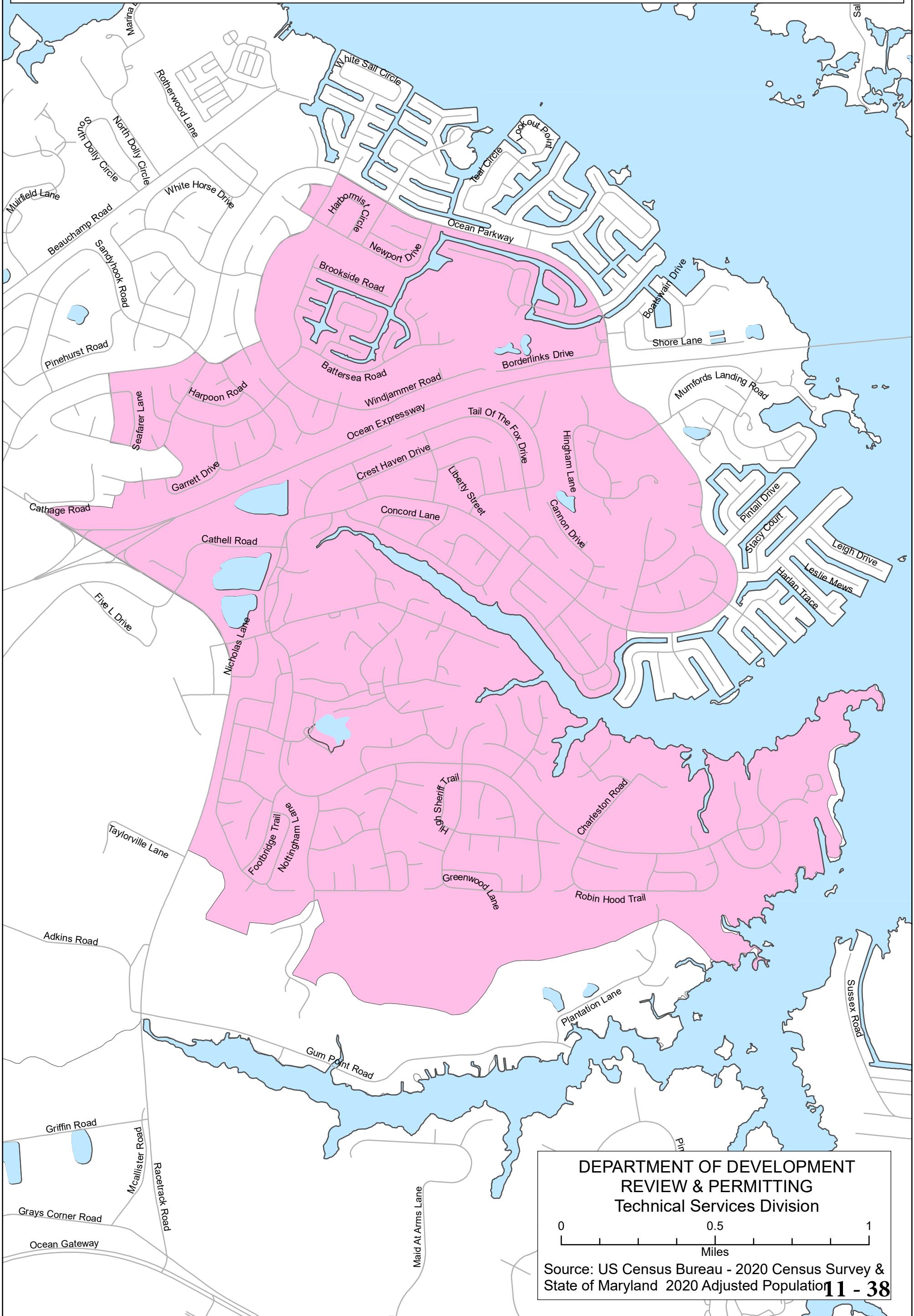
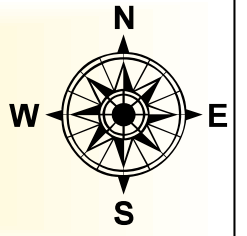
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Commissioner Election District - Western No. 4 - Census Blocks				
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COMMISSIONER ELECTION DISTRICTS OCEAN PINES DISTRICT NO. 5

December 19, 2023



DEPARTMENT OF DEVELOPMENT
REVIEW & PERMITTING
Technical Services Division

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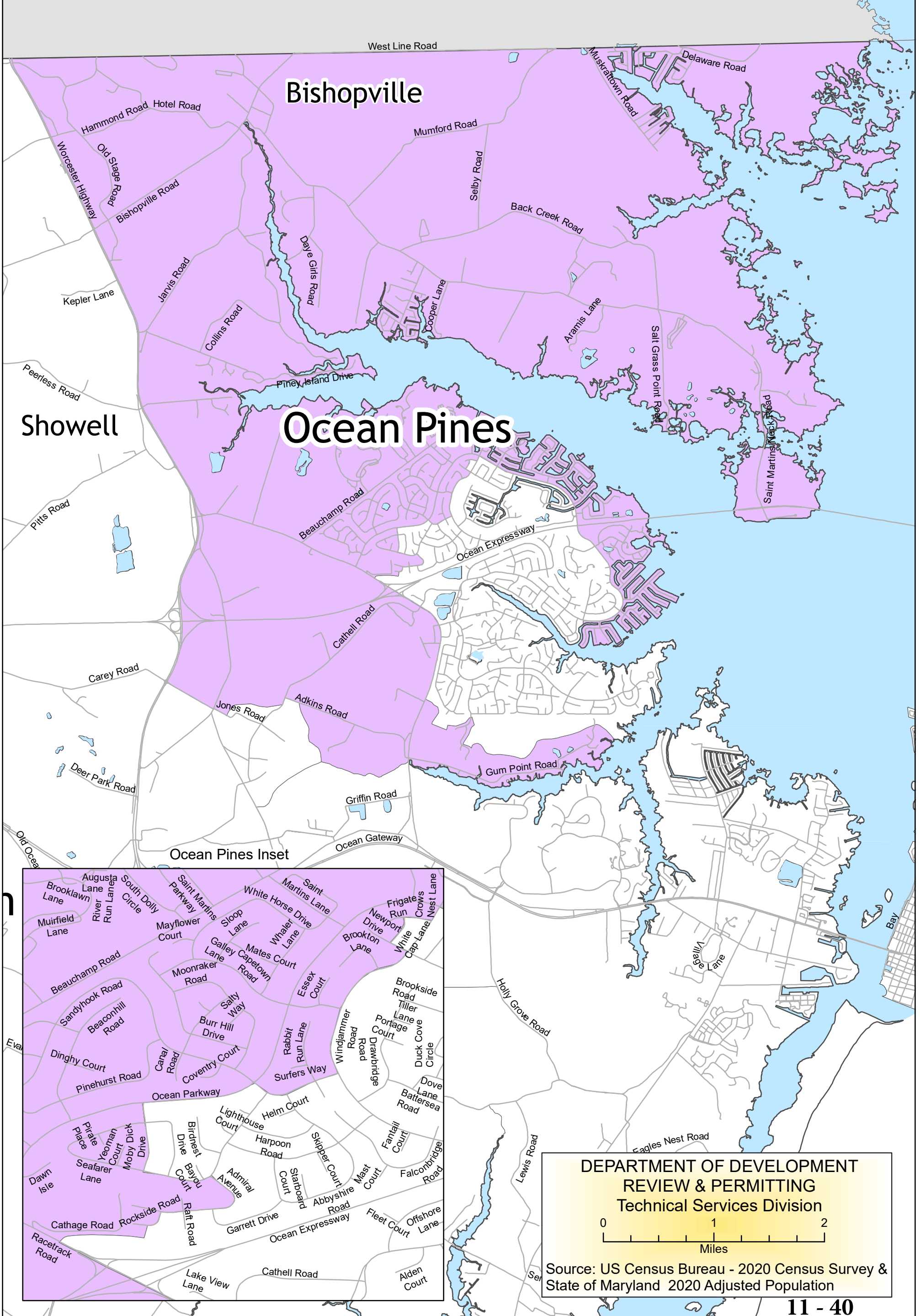
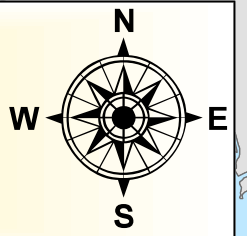
Source: US Census Bureau - 2020 Census Survey &
State of Maryland 2020 Adjusted Population

Commissioner Election District - Ocean Pines No. 5 - Census Blocks				
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COMMISSIONER ELECTION DISTRICTS NORTHERN DISTRICT No.6

December 19, 2023



DEPARTMENT OF DEVELOPMENT
REVIEW & PERMITTING
Technical Services Division

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Source: US Census Bureau - 2020 Census Survey &
State of Maryland 2020 Adjusted Population

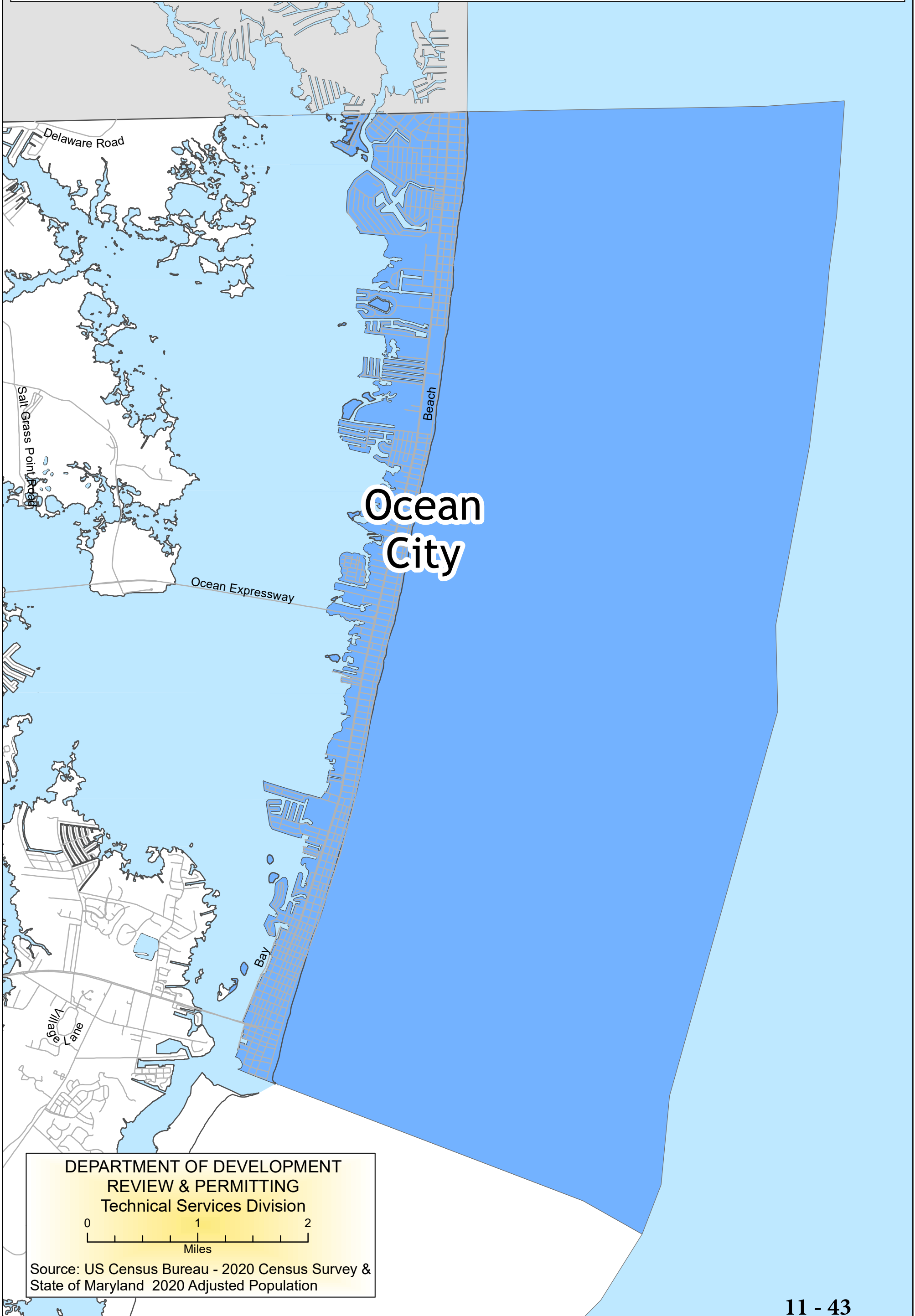
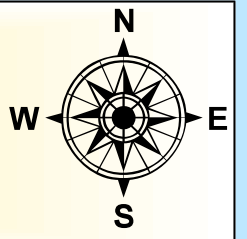
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Commissioner Election District - Northern No.6 - Census Blocks				
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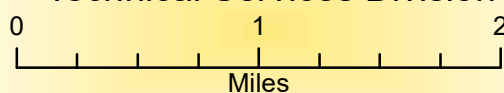
COMMISSIONER ELECTION DISTRICTS OCEAN CITY DISTRICT No.7

December 19, 2023



Ocean City

DEPARTMENT OF DEVELOPMENT
REVIEW & PERMITTING
Technical Services Division



Source: US Census Bureau - 2020 Census Survey &
State of Maryland 2020 Adjusted Population

Commissioner Election District - Ocean City No.7 - Census Blocks				
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Commissioner Election District - Ocean City No.7 - Census Blocks				
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