

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>

July 2, 2024

- | | |
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| | 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 WWW Maintenance Worker and Building Housing & Zoning Inspector, and other personnel matters, 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 June 18, 2024 | |
| 10:02 - Proclamations (1) | 1 |
| 10:05 - Consent Agenda
(Letter of Support Beach to Bay Indian Trail, Request to Contract Building Automation Systems Upgrades, Recommendation to Award Berlin Homeowner Convenience Center Bulkhead Design, Recommendation to Award Health Department Medical Assistance Transportation, Request to Contract Northern Worcester Athletic Complex Scoreboard, Request to Purchase Cyber Security Software, Ocean City Market Place Easement, No Objection Request Atlantic Tackle Dredging) | 2-9 |
| 10:06 - Chief Administrative Officer: Administrative Matters
(Snipe Sign Removal Pilot Program, Worcester County Fair Update, Pocomoke Library Lease and Design Fees, Naming of a Private Lane Autumn Grove, Commission on Aging Over Expenditure, Property Transfer Request, Salisbury Regional Airport Grant Request, Board Appointments) | 10-17 |
| 10:30 - Public Hearing – Bill 24-05 Critical Area | 18 |
| 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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Minutes of the County Commissioners of Worcester County, Maryland

June 18, 2024

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

Following a motion by Commissioner Elder, seconded by Commissioner Bunting, with Commissioner Mitrecic absent, 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, Warden Tim Mulligan, Assistant Warden Shytina Drummond, Human Resources Director Stacey Norton, and Human Resources Deputy Director Pat Walls. Topics discussed and actions taken included the following: hiring Alexander Bjork as a correctional officer trainee within the County Jail and Sierra Council as the database administrator/programmer within Information Technology; promoting Matthew Tribeck from landfill operator II to landfill crew leader; considering the acquisition of real property for a public purpose; receiving legal advice from counsel; and performing administrative functions, including discussing potential board appointments and County Jail operations.

Following a motion by Commissioner Bunting, seconded by Commissioner Abbott, the commissioners unanimously voted to adjourn their closed session at 10:04 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 Davida Washington of Development Review and Permitting 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 June 4, 2024 meeting as presented.

Upon a motion by Commissioner Abbott, the commissioners unanimously approved by consent agenda item numbers 1 and 3-10 as follows: entering a memorandum of understanding with the Health Department, which will provide naloxone to the Jail to be provided to at-risk inmates upon their release; bid specifications for preventive maintenance services for County generators and dredging services within the West Ocean City commercial harbor; awarding the best proposal for the Needs Assessment for Children, Youth, and Families program in Worcester

County to BEACON of Salisbury University; allocating the remaining \$38,810 of the \$150,000 American Rescue Act Plan funding for the Berlin Fire Company to purchase equipment for the company’s new engine and rescue; an application for a 2024 Patrick Leahy Bullet Proof Vest Partnership grant of \$7,650 to reimburse the Sheriff’s Office for 50% of initial costs to purchase bullet proof vests and/or replacement vests; a \$700,000 in-kind County match for the annual grant to the Maryland Coastal Bays Program from the Environmental Protection Agency’s National Estuary Program; updates to the Fair Housing and Equal Opportunity Plan, Section 3 Plan, and Minority Business Plan, which include no changes (these plans are required of the County as a recipient of Community Development Block Grant funding); and the FY25 BOE Transmittal Schedule.

The commissioners met with Public Works Director Dallas Baker and Procurement Officer Nicholas Rice to discuss the purpose and benefits of developing a Strategic Highway Safety Plan for Worcester County roads. In response to questions by Commissioner Bunting, Mr. Baker confirmed that developing the plan, which increases the County’s eligibility for certain public funds, would likely be a one-time cost, with annual plan updates moving forward. He stated that the plan will be designed to collect data, which will help them identify crash areas in the County and improve roadway safety. In response to questions by Commissioner Bunting, Mr. Baker stated that the absence of a plan made the County ineligible for federal funds to refurbish the Hotel Road Bridge ahead of State funding for bridges, which is only available to the County every five to six years.

Upon a motion by Commissioner Elder, the commissioners unanimously approved bid specifications for transportation engineering services to assist the County with developing the proposed Strategic Highway Safety Plan.

The commissioners met with Superintendent of Schools Louis H. Taylor and Chief Financial Officer Vince Tolbert to review the revised FY25 Annual Budget Certification for Worcester County Public Schools. In response to questions from Commissioner Bertino regarding staffing reductions, Mr. Taylor stated that the Board of Education (BOE) eliminated six occupied contractual positions through the central office and six additional positions through attrition.

Upon a motion by Commissioner Abbott, the commissioners unanimously authorized Commissioner President Bertino to sign the revised FY25 BOE Annual Budget Certification.

Upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 24-8 adopting the FY25 Solid Waste Enterprise Budget.

Upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 24-9 adopting the FY25 Sanitary Service Area Budgets, Assessments, and Charges.

The commissioners met with Health Officer Becky Jones to discuss sending a letter requesting the State to review and adjust the Local Share Match Requirement for Core Funding for the Health Department. Ms. Jones stated that core dollars to the Health Department increased, and this triggered an increase in the County’s core match from \$5 million in FY24 to \$11 million

in FY25. However, the State still has not defined the metrics or formula that determines the percentage for the County match. She advised that a State work group has been convened to look at the core dollars and provide their findings sometime this October. Commissioner Bertino clarified that there is no equation, formula, or other information that substantiates the increased County match. Ms. Jones agreed, noting the only information that County staff and local health officials could find regarding the local share was in a 1996 State PowerPoint, but nothing in COMAR binds the County to this match (percentage). She noted that Worcester County's match is 73%, the second highest rate in the State. However, she confirmed that COMAR does require the County to pay a match.

In response to questions by Commissioner Bunting, Ms. Jones confirmed that these increased funds will only come back to the Health Department if they can spend it, which currently they cannot. She stated that right now the Health Department cannot spend any core dollars on behavioral health, the department's largest area of need. Instead, they pursue separate grant funds to help offset those costs. She stated that the Health Department is the largest provider of behavioral health services in the County, and they are advocating for the ability to use core dollars to fund these services.

Following some discussion and upon a motion by Commissioner Fiori, the commissioners unanimously authorized Commissioner President Bertino to sign a letter requesting the State adjust the Local Share Match Requirement for FY25.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Bunting, the commissioners unanimously approved a Shared Sanitary Facility Agreement and adopted Resolution No. 24-10 establishing a shared sanitary facility for the All Seasons RV & Boat Storage, LLC for an onsite sewage system to serve a condominium with one building that will include contractor shops on a property located at 13222 Handy Lane in Bishopville and more specifically identified on Tax Map 9, as Parcel 301.

Pursuant to the recommendation of Mr. Mitchell and upon a motion by Commissioner Bunting, the commissioners unanimously adopted Resolution No. 24-11 establishing fees for applications processed by the Department of Development Review and Permitting (DRP) and the Department of Environmental Programs.

The commissioners conducted a public hearing to receive comments on Bill 24-03 (Zoning – Farm-based Slaughterhouses in the A-1 Agricultural District), which was introduced by Commissioners Abbott, Bertino, Bunting, Elder, Fiori, and Purnell on May 7, 2024. This bill would allow as a special exception use a structure no larger than 600 square feet in gross floor area for the slaughtering and processing of livestock, provided it is on a farm where the livestock is raised or maintained in the A-1 Agricultural District. DRP Director Jennifer Keener reviewed the bill, which received a favorable recommendation from the Planning Commission, with an amendment to include additional provisions for the Board of Zoning Appeals to require additional buffers and setbacks to protect the public from hazard based upon individual applications.

Commissioner Bertino opened the floor for public comment.

Mark Cropper, attorney for the applicant, Bob Ewell, advised that this bill would allow his client to construct a facility to slaughter his own cattle on his own farm located on Cropper

Island Road where he has been raising livestock for over 30 years. He stated that this new use would save Mr. Ewell roughly \$34,000 in costs to transport and slaughter cattle in another state before those same cattle are returned to him for custom butchering and sale at his roadside stand on U.S. Rt. 113, just north of Cropper Island Road. He reviewed plans for the facility, noting that all waste would be contained on the site and transported for disposal elsewhere, making the facility very low impact. He noted that the setbacks would ensure that the facility could not be seen or heard by the neighbors. Mr. Cropper then recommended the public hearing also include allowing slaughterhouses in both the A-1 and A-2 Agricultural Districts, and he explained that there is a separate application to rezone this section of Mr. Ewell's property as A-2. Commissioner Bertino stated that the purpose of the hearing today is only to consider whether to approve allowing slaughterhouses in the A-1 Zone. Ms. Keener stated that the Planning Commission reviewed Mr. Cropper's requested modification to include A-2 and chose not to include it in their recommendation. County Attorney Roscoe Leslie advised that the commissioners should only consider the application before them today to allow farm-based slaughterhouses in the A-1 district, as this was the information published for the public. He pointed out that there may be people who would have attended the hearing today if they had known about any considerations for A-2 zoning.

Demetrios Kaouris, attorney for Cropper Island Road residents who oppose the application, stated that this bill as drafted, with setbacks of 400 feet, is not sufficient to protect adjacent residents from unintended consequences from allowing slaughterhouses in the A-1 zone. Furthermore, he noted that this bill would open the door to allow anyone to construct a slaughterhouse in the A-1 zone, which could open a floodgate of requests for special exceptions. He pointed out that the slaughter of livestock requires heavy uses of water and sewer to treat, and the waste has the potential to heavily pollute area waters. Mr. Mitchell addressed waste treatment requirements. Mr. Kaouris then expressed concern that nothing in the statutes identify what it means for livestock to be maintained on a farm. Specifically, he addressed concerns that the ambiguity in the term "maintain" could make it possible for cattle to be transported to a farm in an A-1 district for a day, a week, or a month and then be slaughtered at a facility on that farm, thus opening the door for livestock raised elsewhere to be transported to a facility for the sole purpose of slaughter. He concluded that such uses are already permitted in the industrial zone, and he urged the commissioners to decline this text amendment. In response to a question by Commissioner Bertino, Ms. Keener stated that there is no outright definition within State language for the term "maintained." In response to a question by Commissioner Elder, Mr. Ewell stated that he could slaughter up to one cow per day in the proposed facility.

Pete Bottinelli of Cropper Island Road opposed Bill 24-03, noting concern that it could pollute, not protect, natural resources. In response to concerns raised by Mr. Bottinelli, Mr. Mitchell stated that no waste would be discharged on the property. Rather, it would be contained in holding tanks and be transported elsewhere for disposal.

Charles "Jerry" Gunzelman of Croppers Island Road stated that this location, with 60 homes and more undeveloped lots, seems like the worst place in the world to have a slaughterhouse. He stated that it should be in an industrial place and urged the commissioners to oppose Bill 24-03.

Linda Michelle Sardelis of Cropper Island Road stated that the addition of a slaughterhouse in the neighborhood where people have invested in their homes would adversely impact them and others throughout the county. She implored the commissioners to research and

understand the long-term ramifications of allowing such a use in the A-1 zone. She stated that, if the commissioners do adopt the bill, they should make it clear and concise to assure that it includes no room for ambiguity.

Assateague Coast Keeper Taylor Swanson pointed out that the County has historically recognized that slaughterhouses are only appropriate in industrial zoning where water and sewer infrastructure is in place to handle this type of intense use. He pointed out that there are A-1 zones in every district in Worcester County, with the exception of the Town of Ocean City, and he noted that all adjacent counties limit slaughterhouses to industrial zones. He concluded by pointing out that there are a lot of unanswered questions and urged the commissioners to oppose Bill 24-03.

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

In response to a question by Commissioner Fiori, Mr. Leslie stated that the commissioners can amend text amendments at the hearing; however, considering the addition of slaughterhouses in the A-2 zone would be a large material change to make without advertising the public that the commissioners may consider such a change. Commissioner Fiori noted that Worcester County is largely agricultural, and this request to slaughter animals that he raises for sale at a small roadside stand supports agricultural uses. In response to a question by Commissioner Elder, Ms. Keener stated that there are currently only seven A-2 properties that could meet the 140-acre size requirement for a slaughterhouse if the County adopted legislation allowing said use in that zoning district.

Following some discussion and upon a motion by Commissioner Fiori, the commissioners unanimously adopted Bill 24-03 as presented.

The commissioners conducted a public hearing on Bill 24-04 (Zoning – Private, noncommercial storage buildings in the A-1 Agricultural District), which was introduced by Commissioners Abbott, Fiori, Mitrecic, and Purnell on May 7, 2024. This bill would allow private, noncommercial storage buildings on properties zoned A-1 without a principal residence by special exception. Ms. Keener reviewed the legislation, which received a favorable recommendation from the Planning Commission.

Commissioner Bertino opened the floor to receive public comment.

Jeff Mahan, of 11039 Worcester Highway, stated that he owns a 30-acre property zoned A-1 in Berlin where he and his partners built a facility to house classic cars, ATVs, minibikes, and other similar items in a pole barn. In response to questions by Commissioner Bunting, Ms. Keener advised that the County received a nuisance complaint about the storage of non-agricultural equipment on the property. Staff investigated the complaint and determined that the building does not have a Certificate of Occupancy and its use is for non-agricultural storage. She stated that there could be other buildings being used for non-agricultural uses; however, any investigations of such uses are strictly complaint driven. It was noted that the selected contractor misled the property owners into believing that they could permit the structure as an agricultural pole building and use it for personal storage. Furthermore, the contractor cut corners on the construction of the building, and it was only after seeking assistance from a new contractor that the owners learned that they needed to have a principal structure on the property to use the pole building for personal storage. Commissioner Fiori questioned how personal use of a pole building is anymore invasive than farm equipment, and he stated that he did not oppose allowing such uses as a special exception.

There being no further public comment, Commissioner Bertino closed the public hearing. A motion by Commissioner Fiori to adopt the proposed legislation failed for lack of a second.

Pursuant to the request of Recreation and Parks Director Kelly Rados and upon a motion by Commissioner Elder, the commissioners unanimously approved the FY25 Program Open Space Annual Program for Recreation and Parks.

The commissioners answered questions from the press.

Following a motion by Commissioner Bunting, seconded by Commissioner Abbott, with Commissioner Mitrecic absent, the commissioners unanimously voted to meet in closed session at 11:57 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, Jail Warden Tim Mulligan, Assistant Warden Shytina Drummond, Human Resources Director Stacey Norton, and Human Resources Deputy Director Pat Walls. Topics discussed and actions taken included discussing Jail operations.

Following a motion by Commissioner Bunting, seconded by Commissioner Elder, the commissioners unanimously voted to adjourn their closed session at 12:38 p.m. and agreed to meet again on July 2, 2024.

TEL: 410-632-1194
FAX: 410-632-3131
WEB: www.co.worcester.md.us



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
DEPUTY CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

COMMISSIONERS
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

PROCLAMATION

WHEREAS, during National Park and Recreation Month, we recognize the profound impact of Worcester County Recreation and Parks (WCRP) on our communities. The extensive programs offered at county parks and playgrounds and through the Worcester County Recreation Center in Snow Hill are designed to promote healthy lifestyles for those of all ages and fitness levels; and

WHEREAS, from July 1, 2023 – June 30, 2024 alone, 57,812 visitors took part in activities hosted at the recreation center. During that same timeframe, WCRP hosted more than 165 youth and adult fitness programs at locations across the county that ranged from summer camps to soccer, flag football, and basketball clinics to high school track meets to adult recreation programs.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby proclaim July as **Park and Recreation Month** and recognize July 19 as **Park and Recreation Professionals Day** and encourage residents to take advantage of the wealth of recreation opportunities that exist in Worcester County.

Executed under the Seal of the County of Worcester, State of Maryland, this 2nd day of July, in the Year of Our Lord Two Thousand and Twenty-Four.



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



Worcester County Administration

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

TO: Worcester County Commissioners
FROM: Tourism and Economic Development Director Melanie Pursel and Public Information Officer Kim Moses
DATE: June 25, 2024
RE: Letter of support for RMC grant to revitalize Beach to Bay Indian Trail

Beach to Bay Heritage Area Executive Director Lisa Challenger is requesting a letter of support from the Worcester County Commissioners to include with an application being submitted to the Rural Maryland Council for a Maryland Agricultural Education and Rural Development Assistance Fund (MAERDAF) Program grant of \$18,400. If awarded, funds will be used to redevelop the self-guided Beach to Bay Indian Trail, which runs from the Atlantic Ocean to the Chesapeake Bay, with stops at museums and parks in Worcester and Somerset Counties. Revitalization efforts will make it possible for residents and visitors today to recreate the pathways and migration patterns of Native Americans from the beach to the bay.

The draft letter supporting the grant request is attached for Commissioner President Bertino to sign.

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

June 24, 2024

Executive Director Charlotte Davis
Rural Maryland Council
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Dear Ms. Davis:

On behalf of the Worcester County Commissioners, I would like to express our enthusiastic endorsement of the application from the Beach to Bay Heritage Area to the Rural Maryland Council for a Maryland Agricultural Education and Rural Development Assistance Fund (MAERDAF) Program grant of \$18,400. These funds will be used to redevelop the Beach to Bay Indian Trail. This self-guided driving trail from the Atlantic Ocean to the Chesapeake Bay, with stops at museums and parks in two counties, makes it possible for residents and visitors today to recreate the pathways and migration patterns of Native Americans from the beach to the bay.

The Beach to Bay Indian Trail, a vital part of our cultural heritage, was named a National Recreation Trail in 1993 by the U.S. Department of the Interior. The interpretive signs and printed materials in existence today were created more than 30 years ago without input from the local indigenous peoples. However, Beach to Bay Heritage Area plans include revitalizing the trail in coordination with the Pocomoke Indian Nation and developing a companion brochure that reflects the upgrades and improvements to the trail. This revitalized trail will attract more tourists from the eastern seaboard into the interior of Worcester and Somerset Counties, allowing them to learn more about the Native Americans that call the Lower Eastern Shore home.

We thank you for your favorable consideration in awarding grant funds to support efforts to revitalize the historic Beach to Bay Indian Trail.

Sincerely,

Anthony W. Bertino, Jr.
President

TEL: 410-632-5623
 FAX: 410-632-1753
 WEB: co.worcester.md.us



Worcester County
 DEPARTMENT OF PUBLIC WORKS
 6113 TIMMONS ROAD
 SNOW HILL, MD 21863

DALLAS BAKER JR., P.E.
 DIRECTOR

CHRISTOPHER CLASING, P.E.
 DEPUTY DIRECTOR

MEMORANDUM

TO: Weston Young P.E., Chief Administrative Officer
 Candace Savage, CGFM, Deputy Chief Administrative Officer
FROM: Dallas Baker Jr., P.E., Director *Dallas Baker Jr*
DATE: June 14, 2024
SUBJECT: County Building Automation Systems Upgrades

Public Works is requesting Commissioner approval to proceed with Building Automation System (BAS) upgrades to various locations throughout the County, using Modern Controls Inc. for work totaling \$229,280.00. The location list and cost per location is as follows with individual proposals attached:

- 1) Library Annex Building (Bank Street) - \$37,725.00
- 2) Dental Clinic - \$20,265.00
- 3) Emergency Services (Belt Street)- \$29,074.00
- 4) Commission on Aging (Ocean City Senior Center) - \$29,281.00
- 5) Fire Training Center - \$50,485.00
- 6) Animal Control - \$31,085.00
- 7) Berlin Roads Building - \$31,365.00

The facilities listed have stand-alone systems with extremely limited controls and no remote oversight or monitoring. Remote monitoring can provide energy savings due to standardizing setpoints, occupancy schedules, and oversight of occupant controls for each system. Money is available in Assigned Fund Balance account "Building HVAC & BAS Upgrades (various buildings)" to fund locations 1 -6. Location 7 can be funded using Assigned Fund Balance account "North End Public Works Building". These funds are available in the FY 24 Assigned Fund Balance accounts specified and we are requesting those funds be held and carried forward into FY 25 as the work will take several months to complete, including time to receive long lead items.

In addition, we are requesting to award the work directly to Modern Controls Inc. as they were selected in 2018 to be the County's preferred building automation upgrades vendor. Modern Controls has upgraded systems at the States Attorney, Recreation Center, Snow Hill, Ocean City, Ocean Pines and Berlin's Libraries, Snow Hill and Berlin Health Department and most areas of the Government Center, and Courthouse. This upgrade was to incorporate these systems in a single user interface with remote access to enable select system changes while off-site. They have provided exemplary service and installations along with reliable support thus far.

Please let me know if there are any questions.

Attachments: Modern Controls Proposals

cc: Kim Reynolds
Nick Rice
Chris Clasing
Michael Hutchinson

Worcester County Public Works Library Annex & Office Extension BAS Install



TO: Michael Hutchinson
Worcester County Public Works

RE: Jesse Hunter
Modern Controls Inc.

PROPOSAL # 24-1141

6.7.2024

PROPOSAL # 24-1141

June 7, 2024



To: **Michael Hutchinson, Maintenance Superintendent
Worcester County Department of Public Works
6113 Timmons Rd, Snow Hill, MD 21863**

Re: **Worcester County Public Works BAS Controls**

We are pleased to provide a proposal for the building automation system associated with the Library Annex Building. Our scope of work is as follows:

SCOPE OF WORK

Jace Controller (Qty:) 1

- Furnish and install new front end controller in (1) new enclosure with peripheral devices, which shall tie into the Facilities Ethernet LAN.
- Furnish and install the latest version of the Johnson Controls Tridium Jace 80 software on the existing workstation.
- Develop a database with control sequences consistent with the existing strategies for the building.
- Provide local DDC system programming including alarming, configurations, and system commissioning.
- All Schedules, Trends and Alarm points to be included based on customer preferences.
- Provide 5 years of Software Maintenance.

JCI PC Series Controller (Qty:) 2

- Install (2) PC Series Controller for the field devices
- Install all necessary field control devices for (1) boiler, (2) pumps, & (2) split systems including conduit & wire.

PRICING

Quoted Price \$37,725.00

CLARIFICATIONS

- ▶ Proposal does NOT include after hours or weekend labor.
- ▶ High Voltage wiring to the new BAS control panel is not included in this proposal.

Please feel free to call if you have any questions or concerns regarding this proposal.

Sincerely,

Jesse Hunter

Jesse Hunter
Account Manager
ModernControls, Inc.
Cell Phone: (443) 856-3331
Office Phone: (302) 325-6800
Email: jhunter@moderncontrols.com

I accept the above contract:

Authorized Signature Date

Worcester County Public Works Dental Center BAS Install



TO: Michael Hutchinson
Worcester County Public Works

RE: Jesse Hunter
Modern Controls Inc.

PROPOSAL # 24-1147

6.7.2024

PROPOSAL # 24-1147

June 7, 2024



To: **Michael Hutchinson, Maintenance Superintendent
Worcester County Department of Public Works
6113 Timmons Rd, Snow Hill, MD 21863**

Re: **Worcester County Public Works BAS Controls**

We are pleased to provide a proposal for the building automation system associated with the Dental Center Building. Our scope of work is as follows:

SCOPE OF WORK

Jace Controller (Qty:) 1

- Furnish and install new front end controller in (1) new enclosure with peripheral devices, which shall tie into the Facilities Ethernet LAN.
- Furnish and install the latest version of the Johnson Controls Tridium Jace 80 software on the existing workstation.
- Develop a database with control sequences consistent with the existing strategies for the building.
- Provide local DDC system programming including alarming, configurations, and system commissioning.
- All Schedules, Trends and Alarm points to be included based on customer preferences.
- Provide 5 years of Software Maintenance.

JCI PC Series Controller (Qty:) 1

- Install (1) PC Series Controller for the field devices
- Install all necessary field control devices for (2) rooftop package units, (1) dehumidifier, including conduit & wire.

PRICING

Quoted Price\$20,265.00

CLARIFICATIONS

- ▶ Proposal does NOT include after hours or weekend labor.
- ▶ High Voltage wiring to the new BAS control panel is not included in this proposal.

Please feel free to call if you have any questions or concerns regarding this proposal.

Sincerely,

Jesse Hunter

Jesse Hunter
Account Manager
ModernControls, Inc.
Cell Phone: (443) 856-3331
Office Phone: (302) 325-6800
Email: jhunter@moderncontrols.com

I accept the above contract:

Authorized Signature Date

Worcester County Public Works Emergency Services BAS Install



TO: Michael Hutchinson
Worcester County Public Works

RE: Jesse Hunter
Modern Controls Inc.

PROPOSAL # 24-1145

6.7.2024

PROPOSAL # 24-1145

June 7, 2024



To: **Michael Hutchinson, Maintenance Superintendent
Worcester County Department of Public Works
6113 Timmons Rd, Snow Hill, MD 21863**

Re: **Worcester County Public Works BAS Controls**

We are pleased to provide a proposal for the building automation system associated with the Emergency Services Building. Our scope of work is as follows:

SCOPE OF WORK

Jace Controller (Qty:) 1

- Furnish and install new front end controller in (1) new enclosure with peripheral devices, which shall tie into the Facilities Ethernet LAN.
- Furnish and install the latest version of the Johnson Controls Tridium Jace 80 software on the existing workstation.
- Develop a database with control sequences consistent with the existing strategies for the building.
- Provide local DDC system programming including alarming, configurations, and system commissioning.
- All Schedules, Trends and Alarm points to be included based on customer preferences.
- Provide 5 years of Software Maintenance.

JCI PC Series Controller (Qty:) 1

- Install (1) PC Series Controller for the field devices
- Install all necessary field control devices for (2) split systems, including conduit & wire.

PRICING

Quoted Price \$29,074.00

CLARIFICATIONS

- ▶ Proposal does NOT include after hours or weekend labor.
- ▶ High Voltage wiring to the new BAS control panel is not included in this proposal.

Please feel free to call if you have any questions or concerns regarding this proposal.

Sincerely,

Jesse Hunter

Jesse Hunter
Account Manager
ModernControls, Inc.
Cell Phone: (443) 856-3331
Office Phone: (302) 325-6800
Email: jhunter@moderncontrols.com

I accept the above contract:

Authorized Signature Date

Worcester County Public Works Commission on Aging BAS Install



TO: Michael Hutchinson
Worcester County Public Works

RE: Jesse Hunter
Modern Controls Inc.

PROPOSAL # 24-1144

6.7.2024

PROPOSAL # 24-1144

June 7, 2024



To: **Michael Hutchinson, Maintenance Superintendent
Worcester County Department of Public Works
6113 Timmons Rd, Snow Hill, MD 21863**

Re: **Worcester County Public Works BAS Controls**

We are pleased to provide a proposal for the building automation system associated with the Commission on Aging Building. Our scope of work is as follows:

SCOPE OF WORK

Jace Controller (Qty:) 1

- Furnish and install new front end controller in (1) new enclosure with peripheral devices, which shall tie into the Facilities Ethernet LAN.
- Furnish and install the latest version of the Johnson Controls Tridium Jace 80 software on the existing workstation.
- Develop a database with control sequences consistent with the existing strategies for the building.
- Provide local DDC system programming including alarming, configurations, and system commissioning.
- All Schedules, Trends and Alarm points to be included based on customer preferences.
- Provide 5 years of Software Maintenance.

JCI PC Series Controller (Qty:) 1

- Install (1) PC Series Controller for the field devices
- Install all necessary field control devices for (1) boiler, (2) pumps, & (2) split systems, including conduit & wire.

PRICING

Quoted Price\$29,281.00

CLARIFICATIONS

- ▶ Proposal does NOT include after hours or weekend labor.
- ▶ High Voltage wiring to the new BAS control panel is not included in this proposal.

Please feel free to call if you have any questions or concerns regarding this proposal.

Sincerely,

Jesse Hunter

Jesse Hunter
Account Manager
ModernControls, Inc.
Cell Phone: (443) 856-3331
Office Phone: (302) 325-6800
Email: jhunter@moderncontrols.com

I accept the above contract:

Authorized Signature Date

Worcester County Public Works Fire Training BAS Install



TO: Michael Hutchinson
Worcester County Public Works

RE: Jesse Hunter
Modern Controls Inc.

PROPOSAL # 24-1142

6.7.2024

PROPOSAL # 24-1142

June 7, 2024



To: **Michael Hutchinson, Maintenance Superintendent
Worcester County Department of Public Works
6113 Timmons Rd, Snow Hill, MD 21863**

Re: **Worcester County Public Works BAS Controls**

We are pleased to provide a proposal for the building automation system associated with the Fire Training Building. Our scope of work is as follows:

SCOPE OF WORK

Jace Controller (Qty:) 1

- Furnish and install new front end controller in (1) new enclosure with peripheral devices, which shall tie into the Facilities Ethernet LAN.
- Furnish and install the latest version of the Johnson Controls Tridium Jace 80 software on the existing workstation.
- Develop a database with control sequences consistent with the existing strategies for the building.
- Provide local DDC system programming including alarming, configurations, and system commissioning.
- All Schedules, Trends and Alarm points to be included based on customer preferences.
- Provide 5 years of Software Maintenance.

Daikin Control Board (Qty:) 1

- Install (1) Procon Board to integrate the Daikin system.

JCI PC Series Controller (Qty:) 1

- Install (1) PC Series Controller for the field devices
- Install all necessary field control devices for (2) split systems, (1) ERV, & (2) unit heaters, including conduit & wire.

PRICING

Quoted Price\$50,485.00.00

CLARIFICATIONS

- ▶ Proposal does NOT include after hours or weekend labor.
- ▶ High Voltage wiring to the new BAS control panel is not included in this proposal.

Please feel free to call if you have any questions or concerns regarding this proposal.

Sincerely,

Jesse Hunter

Jesse Hunter
Account Manager
ModernControls, Inc.
Cell Phone: (443) 856-3331
Office Phone: (302) 325-6800
Email: jhunter@moderncontrols.com

I accept the above contract:

Authorized Signature Date

Worcester County Public Works Animal Control BAS Install



TO: Michael Hutchinson
Worcester County Public Works

RE: Jesse Hunter
Modern Controls Inc.

PROPOSAL # 24-1140

6.7.2024

PROPOSAL # 24-1140

June 7, 2024



To: **Michael Hutchinson, Maintenance Superintendent
Worcester County Department of Public Works
6113 Timmons Rd, Snow Hill, MD 21863**

Re: **Worcester County Public Works BAS Controls**

We are pleased to provide a proposal for the building automation system associated with the Animal Control Building. Our scope of work is as follows:

SCOPE OF WORK

Jace Controller (Qty:) 1

- Furnish and install new front end controller in (1) new enclosure with peripheral devices, which shall tie into the Facilities Ethernet LAN.
- Furnish and install the latest version of the Johnson Controls Tridium Jace 80 software on the existing workstation.
- Develop a database with control sequences consistent with the existing strategies for the building.
- Provide local DDC system programming including alarming, configurations, and system commissioning.
- All Schedules, Trends and Alarm points to be included based on customer preferences.
- Provide 5 years of Software Maintenance.

JCI PC Series Controller (Qty:) 1

- Install (1) PC Series Controller for the field devices.
- Install all necessary field control devices for (2) split systems.
- Monitor Animal cooler temperature.

PRICING

Quoted Price\$31,085.00

CLARIFICATIONS

- ▶ Proposal does NOT include after hours or weekend labor.
- ▶ High Voltage wiring to the new BAS control panel is not included in this proposal.

Please feel free to call if you have any questions or concerns regarding this proposal.

Sincerely,

Jesse Hunter

Jesse Hunter
Account Manager
ModernControls, Inc.
Cell Phone: (443) 856-3331
Office Phone: (302) 325-6800
Email: jhunter@moderncontrols.com

I accept the above contract:

Authorized Signature Date

Worcester County Public Works Berlin Roads BAS Install



TO: Michael Hutchinson
Worcester County Public Works

RE: Jesse Hunter
Modern Controls Inc.

PROPOSAL # 24-1148

6.7.2024

PROPOSAL # 24-1148

June 7, 2024



To: **Michael Hutchinson, Maintenance Superintendent
Worcester County Department of Public Works
6113 Timmons Rd, Snow Hill, MD 21863**

Re: **Worcester County Public Works BAS Controls**

We are pleased to provide a proposal for the building automation system associated with the Berlin Roads Building. Our scope of work is as follows:

SCOPE OF WORK

Jace Controller (Qty:) 1

- Furnish and install new front end controller in (1) new enclosure with peripheral devices, which shall tie into the Facilities Ethernet LAN.
- Furnish and install the latest version of the Johnson Controls Tridium Jace 80 software on the existing workstation.
- Develop a database with control sequences consistent with the existing strategies for the building.
- Provide local DDC system programming including alarming, configurations, and system commissioning.
- All Schedules, Trends and Alarm points to be included based on customer preferences.
- Provide 5 years of Software Maintenance.

JCI PC Series Controller (Qty:) 1

- Install (1) PC Series Controller for the field devices
- Install all necessary field control devices for (2) split systems, including conduit & wire.

PRICING

Quoted Price\$31,365.00

CLARIFICATIONS

- ▶ Proposal does NOT include after hours or weekend labor.
- ▶ High Voltage wiring to the new BAS control panel is not included in this proposal.

Please feel free to call if you have any questions or concerns regarding this proposal.

Sincerely,

Jesse Hunter

Jesse Hunter
Account Manager
ModernControls, Inc.
Cell Phone: (443) 856-3331
Office Phone: (302) 325-6800
Email: jhunter@moderncontrols.com

I accept the above contract:

Authorized Signature Date



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: July 2, 2024
RE: Recommendation to Award – Berlin Homeowner Convenience Center Bulkhead Repair Design & Technical Services

Public Works is recommending the County award the Berlin Homeowner Convenience Center Bulkhead Repair Design & Technical Services to EA Engineering. Proposals were due and opened on Friday, May 31, 2024. Two proposals were received. I have attached the proposal tabulation and contract to this memo. An evaluation team consisting of three members reviewed each proposal individually prior to an overall group average being established. All three members of the committee agree that the highest scoring proposal, which was received from EA Engineering, represents the best value to Worcester County. The total contract award amount is \$36,130. Due to budget constraints, we are only awarding Items 1-4 on the Form of Proposal.

Tasks 1-4 include Pre-Design Phase Services, Design Phase Services, Permitting Phase Services, and Technical Bidding Phase Services. Task 5 pertains to Construction Phase Services.

Funding for this project is available in the Assigned Fund Balance account "Recycle HOCC Imp". These funds are available in the FY24 Assigned Fund Balance account specified and we are requesting those funds be held and carried forward into FY25 as the work will take several months to complete.

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

Table with 5 rows: Berlin Homeowner Convenience Center Bulkhead Repair; Friday, May 31, 2024 at 2:30pm; Request for Proposals Tabulation Sheet; Respondent's Name(s); EA Engineering; George, Miles & Buhr, LLC



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 July 2, 2024, between the County Commissioners of Worcester County, Maryland (“County”); and EA Engineering, Science, and Technology, Inc (“Successful Vendor”).

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

1. Successful Vendor will commence and complete Items 1, 2, 3 and 4 listed on the Form of Proposal for the BERLIN HOMEOWNER CONVENIENCE CENTER BULKHEAD REPAIR DESIGN & TECHNICAL SERVICES.
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 \$36,130 (thirty-six thousand one hundred thirty dollars and no cents). The contract amount reflects the costs listed on the Form of Proposal for Items 1, 2, 3 and 4.
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. Addendum 1 – Dated 5/28/24
 - 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:
EA Engineering, Science, and Technology,
Inc.

By:
Title:
Date:



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: July 2, 2024
 RE: Recommendation to Award – Health Department Medical Assistance Transportation

The Worcester County Health Department is recommending the County award the following vendors for Medical Assistance Transportation services. Taxi Taxi for Ambulatory, Wheelchair, and Out of Area services, Life Star Response of Maryland for Ambulance, Wheelchair and Out of Area Ambulance services, Essential Care, LLC for Ambulatory, Wheelchair and Out of Area Ambulatory services, and Eastern Transport, LLC for Out of Area Ambulatory and Wheelchair services.

Proposals were due and opened on Friday, May 24, 2024 at 2:30pm. Seven proposals were received. I have attached the proposal tabulation 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 with the recommended awardees above.

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

Worcester County Health Dept. Medical Assistance Transportation
Friday, May 24, 2024 at 2:30pm
Request for Proposals Tabulation Sheet
<u>Respondent's Name(s):</u>
Eastern Transport, LLC
LifeStar Response of Maryland
Ride4Health, LLC - R4H Medical Transportation
Essential Care, LLC
Taxi, Taxi
Forerunner Global, LLC
Trinity Transportation Service, LLC



Worcester County Government
One West Market Street | Room 1103 | Snow Hill MD 21863-1195
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MEMORANDUM

TO: Worcester County Commissioners
FROM: Nicholas W. Rice, Procurement Officer
DATE: July 2, 2024
RE: Request to Purchase – Northern Worcester Athletic Complex Scoreboard

Recreation and Parks is requesting to purchase and have installed a new scoreboard at the Northern Worcester Athletic Complex.

These services have been quoted by Daktronics, Inc. through their cooperative contract with Sourcewell. Local Parks and Playground Infrastructure (LPPI) funding has been approved for this project. LPPI grant funds is 100% reimbursable. The total cost for the scoreboard and installation is \$43,855. Please see the attached quote for additional information.

Sourcewell is a cooperative purchasing organization that competitively awards purchasing contracts on behalf of itself and its participating agencies. Sourcewell follows the competitive contracting law process to solicit, evaluate, and award cooperative purchasing contracts for goods and services.

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



Thank you for choosing Daktronics; we look forward to working with you on this project!

THE FOLLOWING ITEMS ARE NEEDED TO PROCESS YOUR ORDER

- > **Please verify that this equipment fulfills the needs of your project**
- > **Signed Order Agreement with Purchase Order number**

Online payment options using ACH or credit card* at daktronics.com/payonline.

**3% surcharge fee is added on credit card transactions*

Payment by check:

SENDING VIA USPS

Daktronics, Inc.
PO Box 737640
Dallas, TX 75373-7640

SENDING VIA UPS/FEDEX

Daktronics, Inc.
JPMorgan Chase (TX10029)
Attn: Daktronics, Inc. & 737640
14800 Frye Road, 2nd Floor
Ft Worth, TX 76155

- > **Validate and complete Project Site Information page, return with order**
Help ensure Daktronics shipping, invoicing, and service locations are accurate.
- > **Tax Status** – Taxes are not included in quote total; customer is responsible for paying all applicable taxes. If you are exempt, please provide tax exemption.
- > [Freight Unloading Guidelines](#) – Customer is responsible for receiving & unloading truck upon delivery. See Freight Description on Order Agreement for more details.

SUBMIT YOUR ORDER TO YOUR SALES TEAM

Nicole.AllenSiewert@daktronics.com

Joel.Thomas@daktronics.com

DAKTRONICS ORDER AGREEMENT # 830343-1-1

Northern Worcester Athletic Complex
 Jacob Stephens
 9906 Buckingham Lane
 Berlin, MD USA 21811
 Phone:
 Fax:
 Email: jstephens@co.worcester.md.us

23/May/2024
 Valid for: 90 days
 Terms: Net 30 days from shipment with
 Purchase Order
 Subject to Credit Review
 FCA: DESTINATION
 Delivery: Call for Production Time

Reference: Football Scoreboard - Sourcewell Contract #030223-DAK

Item No.	Model	Description	Qty	Price
1	FB-2018-A-PV-F	PanaView® Football Scoreboard; Scoreboard Color: Light Blue (13932) Semi-Gloss Finish; Caption Color: Black (7725-12) Cabinet Dimensions: 8' 0" H X 18' 0" W X 0' 8" D (Approx. Dimensions) Digit Type: PANAVIEW Digit Color: AMBER Max Power: 600 watts/display Weight: Unpackaged 575 lbs per display; Packaged 900 lbs per display	1	\$16,605.00
	Stripe; 0A-1407-0019 / 0103	Perimeter Border Stripe for FB-2018 Scoreboards; Color: Black (7725-12)	1	
	12VDC Trumpet Horn w/Power Supply	For Outdoor Scoreboards	1	
	15" PanaView Time Outs Left Option	For FB-2018 Scoreboards	1	
	AS-5010 Kit	All Sport® 5010 Control Console Kit	1	
	Outdoor Scoreboard Radio Communication (Transmitter)	Frequency of 2.4 GHz	1	
	Radio Receiver	Frequency of 2.4 GHz	1	
	DAK Score App with All Sport® MX-1 Mobile Scoring Kit with Outdoor Enclosure	DAK Score App with All Sport® MX-1 Mobile Scoring Kit and Gen VI Radio Transmitter. Includes Outdoor Enclosure	1	
	I-Beam Mounting Method (A)	For 2 I-Beams	2	
	Daktronics System Certified Structural Drawings <100	Engineered stamped drawings for footing and beams	1	
	System Startup	Final Commissioning of Equipment	1	
2	FREIGHT	Shipping to site via LTL (enclosed trailer). Usually unloads at a dock. Forklift or pallet jack may be required. Customer is responsible for receiving & unloading truck upon delivery.	1	\$1,090.00
3	Physical Installation	See attachment A.	1	\$26,160.00
Services				
4	G5C5-W	Five Year Warranty - Parts Coverage - G5G5	1	

Total Price Excluding Applicable Tax:

\$43,855.00

Please reference listed sales literature: DD1628383 for G5C5-W, DD2167274 for FB-2018-A-PV-F, DD3888368 for DAK Score App with All Sport® MX-1 Mobile Scoring Kit with Outdoor Enclosure, SL-03991 for AS-5010 Kit, SL-04370 for Outdoor Scoreboard Radio Communication (Transmitter), SL-04370 for Radio Receiver

Please reference listed shop drawings: DWG-03899921 for DAK Score App with All Sport® MX-1 Mobile Scoring Kit with Outdoor Enclosure

Exclusions:

- Power
- Signal Conduit
- Applicable Permits
- Electrical Switch Gear or Distribution Equipment
- Hoist
- Labor to Pull Signal Cable
- Taxes
- Front End Equipment

Unless expressly stated otherwise in this Order Agreement # 830343-1 Rev 1 or the attachments, if Daktronics performs installation of the Equipment, the price quoted does not include the following services pertaining to physical installations: digging of footings (including dirt removal), any materials fabrication, installation of steel cages, rebar, or bolt attachments, or pouring and finishing of concrete footings. Those service may be provided for an additional cost beyond the quoted price. Purchaser shall be fully responsible for any and all additional costs plus overhead in the event anything unexpected of any nature whatsoever is found while digging the footings including but are not limited to rock, water, utility lines, pipes or any other unforeseen circumstance. The Purchaser acknowledges and agrees that it is fully responsible for all site conditions.

Prices and charges are subject to change by Daktronics at any time before the final agreement between the parties is effective. Ship Date will be determined after customer purchase order is received or agreement is signed or otherwise effective, shop drawings are approved (if required) and down payment is received (if required).

Installation Responsibilities:

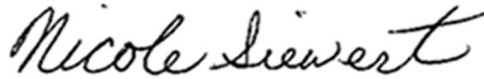
If applicable please reference Attachment A for Installation Responsibilities.

Ad/ID Copy Approval Process

Customer shall provide digital artwork for advertising and identification panels, conforming to [Daktronics' graphic file standards](#), at the time of order. Daktronics will create a proof of provided artwork and require approval of that proof three weeks prior to the initial anticipated ship date. Advertising and identification panels not approved in time, will be shipped without copy in Daktronics' standard finish.



Joel Thomas
 PHONE:
 FAX:
 EMAIL: Joel.Thomas@daktronics.com



Nicole Allen Siewert
 PHONE: 605-692-0200
 FAX:
 EMAIL: Nicole.AllenSiewert@daktronics.com

Terms And Conditions:

- The Terms and Conditions which apply to this order available on request.
- SL-02374 Standard Warranty and Limitation of Seller's Liability (www.daktronics.com/terms_conditions/SL-02374.pdf)
 - SL-02375 Standard Terms and Conditions of Sale (www.daktronics.com/terms_conditions/SL-02375.pdf)
 - SL-07862 Software License Agreement (www.daktronics.com/terms_conditions/SL-07862.pdf)
- Additional Links:
- Gold Scope of Services (www.daktronics.com/TermsConditions/SL-05659)

Acceptance:

The parties acknowledge and agree that the agreement (the "Agreement") is comprised of the terms and conditions contained within this order agreement and any attachments thereto, along with the documents at the website addresses above. Purchaser hereby agrees to purchase the equipment as defined in the Agreement. Purchaser acknowledges having had the opportunity and means to review the Agreement. The Agreement represents the entire agreement of the parties and supersede any previous understanding or agreement. The Undersigned has actual authority to execute this document and Daktronics is relying on such authority. Purchaser acknowledges and agrees to the above, as evidenced by its attestation below.

 Customer Signature

 Date

 Print Name

 Title

PROJECT SITE INFORMATION – REQUIRED TO PLACE YOUR ORDER

This document is for order processing purposes only and is not intended to be part of the Agreement

Daktronics Quote # _____

Purchase Order Information:

_____ PO#

_____ PO Date

Purchaser (Bill To) hereby confirms that the equipment is to be delivered to (Ship To) and may be installed by Purchases or Daktronics, as indicated elsewhere herein, at the address (Installation Location) indicated below unless otherwise specified.

<p>SHIP TO: (delivery location)</p> <p>Company: _____</p> <p>Contact: _____</p> <p>Street Address: _____</p> <p>City: _____</p> <p>State: _____ Zip: _____</p> <p>Telephone: _____</p> <p>Email: (for shipping notification) _____</p> <p>Additional Email: (for shipping notification) _____</p>	<p>INSTALLATION LOCATION: (end user) ID# _____</p> <p>Company: _____</p> <p>Contact: _____</p> <p>Street Address: _____</p> <p>City: _____</p> <p>State: _____ Zip: _____</p> <p>Telephone: _____</p> <p>Email: (for order acknowledgement) _____</p> <p>Training Contact & Email: (if applicable) _____</p>
--	---

BILL TO: (receive and pay invoices) ID# _____

Company: _____

Contact: _____

Street Address: _____

City: _____

State: _____ Zip: _____

Telephone: _____

Email: _____

*****LOGO & AD COPY APPROVAL*****
(if applicable)

Name: _____

Email: _____

****Logos, Graphics, or Sponsor Advertisements****

[Vector files](#) must be submitted with your order documents, not to exceed 1 week of order placement. If artwork is no received, the panels will be painted the same as your scoreboard or display and shipped blank.

DAKTRONICS QUOTE # 830343-1-1 MAIN ATTACHMENT A

CUSTOMER RESPONSIBILITIES

General

- 1) Secure necessary sign permits, as required.
- 2) Secure necessary construction permits, as required.
- 3) Provide soil investigation report at time of order.
- 4) Mark location of the new Equipment as delineated in the quote.
- 5) Locate private underground utilities.
- 6) All landscaping restoration, as required.
- 7) Provide all landscaping, track, sidewalk and path protection along with site restoration, and/or sprinkler system repair work.

Structures

- 1) Not applicable

Electrical & Data

- 1) Provide primary power feed five (5) feet off grade on structure in the form of transformer and electrical disconnect/distribution panel, as applicable, with over current protection per all applicable electrical codes and regulations.

Product/Equipment

- 1) Provide storage of all Equipment and control equipment in a safe, dry, and secure location until installation.
- 2) Required power outlets on clean dedicated circuit(s) for all control equipment.

DAKTRONICS RESPONSIBILITIES

General

- 1) Not applicable

Structures

- 1) Excavation of drilled pier foundation(s) including spoils removal. Placement and finishing of concrete for foundations.
- 2) Steel fabrication and erection of structural columns.
- 3) Paint new support structure provided in this quotation.

Electrical & Data

- 1) Provide secondary power conduits, power cable and power hook-up from five (5) feet off grade on structure to all Daktronics supplied load centers/termination panel at/within the Equipment.

Product/Equipment

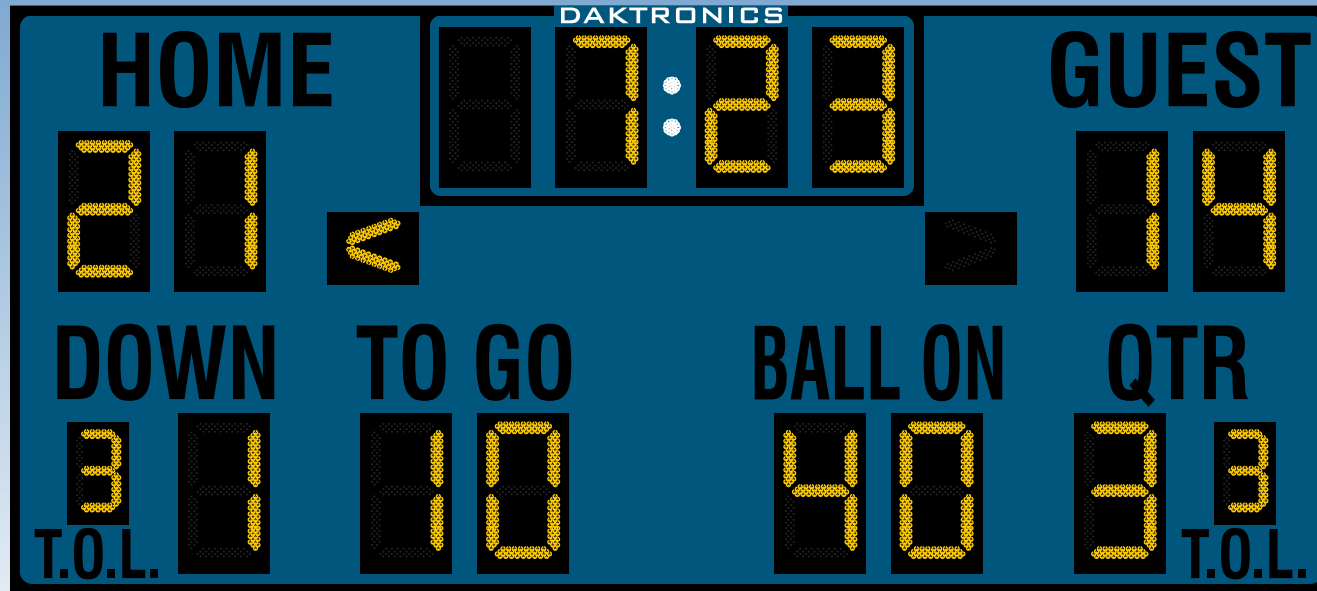
- 1) Accept, lift, unload, and inspect all Equipment and control equipment from carrier.
- 2) Lift and mount Equipment listed in this quotation.

QUALIFICATIONS/CLARIFICATIONS

- 1) **Access:** Daktronics requires unobstructed access to Equipment and control room installation site until display is 100%. Installation equipment (cranes, lifts, trucks, concrete trucks, etc.) are expected to have access directly to the scoreboard/structure location. No concrete pumping, concrete buggies, or crane picks over 10' distance from scoreboard structure are included.
- 2) **Foundations:** For this quotation Daktronics basis for foundation design is a class 4 soil with a minimum allowable lateral bearing pressure of 150 psf/ft per Chapter 18 of the International Building Code (IBC). The foundation excavation is based on the excavated area remaining open without collapsing to allow the placement of applicable reinforcement and/or structural columns and concrete. This quotation does not include casings, slurry, dewatering or any other soil stabilization. In the event rock, water, differing soil conditions other than class 4 soil per Chapter 18 of the International Building Code (IBC) or unforeseen conditions are encountered, the Customer will be responsible for any additional costs, plus overhead and profit of 20%.
- 3) **Electrical:** The maximum voltage is 120 volts line to neutral for all Equipment in this quotation.
- 4) **Existing Conduit:** Costs to repair or replace damaged or obstructed conduit have not been included in this quote.

DAKTRONICS QUOTE # 830343-1-1 MAIN ATTACHMENT A

- 5) **Project Scope:** Installation pricing may not comply with all bid specifications, divisions, or drawings. Installation pricing is based on the tasks identified above. Any change or addition to the tasks or descriptions may result in additional costs.
- 6) **Damages and Wages:** Liquidated damages, prevailing wages, certified payroll or union labor have not been included in the installation pricing.
- 7) **Exterior Equipment:** The bottom of the Equipment will be placed at an elevation of ten (10) feet above grade.
- 8) **Removals:** No cost has been included to remove any existing equipment/structure, if present.



- Scoreboard
FB-2018-A w/ TOLs
8' high x 18' wide

PRODUCTION READY ARTWORK NEEDED FOR:
None

06/14/2024 (Rev 0) Concept Northern Worcester Athletic Complex_MD Stadium FB-2018 (1)

NORTHERN WORCESTER ATHLETIC COMPLEX BERLIN, MD

THIS ARTWORK IS PROTECTED UNDER FEDERAL AND INTERNATIONAL COPYRIGHT LAW. EXPRESSED PERMISSION FROM DAKTRONICS INC. IS REQUIRED FOR REPRODUCTION. RENDERINGS ARE FOR THE EXCLUSIVE USE OF DAKTRONICS, DAKTRONICS CUSTOMERS, AND A CUSTOMER'S PARTNERS. RENDERINGS ARE CONCEPTUAL IN NATURE, AND ALTERATIONS MAY OCCUR DURING THE DESIGN AND INSTALLATION PROCESS. THEREFORE, THESE RENDERINGS DO NOT REPRESENT FABRICATION OR STRUCTURAL ENGINEER CERTIFIED OR STAMPED DOCUMENTS.

6-9
AK





DEPARTMENT OF
INFORMATION TECHNOLOGY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1003
SNOW HILL, MARYLAND 21863
TEL: 410.632.5610
www.co.worcester.md.us/departments/it

To: Weston Young, Chief Administrative Officer

From: Brian Jones, Director of IT

Re: Cyber Security Software Purchase

Date: June 25, 2024

We are requesting approval to purchase additional Cyber Security Software that will protect the county from outside penetration to our network. We have done other product demos and have found a company that checks all the boxes. Centripetal is a cybersecurity company that offers a range of products and services focused on protecting networks from malicious threats.

Purchasing Centripetal's offers the following solutions:

1. **Advanced Threat Protection:** Centripetal offers cutting-edge technologies to detect and block malicious traffic, including scans and connection attempts, before they can reach our network.
2. **Geolocation Filtering:** Their use of geolocation data helps to identify and block traffic originating from high-risk countries, reducing the likelihood of cyberattacks.
3. **Dark Web Protection:** By blocking scans, Centripetal helps to prevent our organization's IP addresses from being exposed on the dark web, minimizing the risk of exploitation by threat actors.
4. **Ease of Management:** Their solutions are monitored as a service, which means we benefit from continuous updates and proactive monitoring without the need for extensive in-house resources.
5. **Enhanced Security Posture:** Investing in Centripetal can strengthen your overall security posture, providing peace of mind that your network is well-protected against evolving cyber threats.

Overall, purchasing Centripetal's solutions could contribute significantly to bolstering our organization's cybersecurity defenses, reducing vulnerabilities, and safeguarding critical assets from potential cyber threats.

The above solution will have a yearly subscription cost of **\$37,978.60** per year. It will be paid from the **100.1090.020.6130.042**, Network Support and Maintenance fund.



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

To: County Commissioners

From: Roscoe R. Leslie

Date: June 20, 2024

RE: Utility Easement

Enclosed for approval and signature is a utility easement for the County's and a developer's benefit related to the installation of utility lines for an expansion of a hotel in West Ocean City. Public Works has also reviewed the easement documents and approves of its location and size.

WIDDOWSON AND DASHIELL, P.A.
ATTORNEYS AT LAW
PORT EXCHANGE BUILDING, SUITE A-SOUTH
312 WEST MAIN STREET
SALISBURY, MARYLAND 21801

DIRK W. WIDDOWSON

TELEPHONE (410) 546-0050
TELECOPIER (410) 548-9474

June 10, 2024

Roscoe R. Leslie, Esquire
Worcester County Attorney
One West Market St., Room 1103
Snow Hill, MD 21863

RE: Utility Easement/K.W. Ocean City, LLC

Dear Roscoe:

For your consideration, enclosed please find the original Utility Easement between Ocean City Market Place, LLC, ("Grantor"), and the County Commissioners of Worcester County, Maryland, and K.W. Ocean City, LLC, (collectively "Grantees").

It is my understanding from my client that the original Letter of Credit in lieu of a bond was mailed to the Department of Public Works, and a copy was emailed to Tony Fascelli.

Unless you have any questions, would you be so kind as to obtain the signature, witness and notary of the appropriate party on behalf of the County Commissioners of Worcester County, Maryland. Upon completion, please return the document to my office at your earliest convenience. I will undertake getting it recorded.

Thank you for your anticipated cooperation. Please don't hesitate to contact me should you have any questions.

Very truly yours,



Dirk W. Widdowson

DWW/swg

Enclosure

WORCESTER COUNTY DEPARTMENT OF PUBLIC WORKS

UTILITY EASEMENT

THIS UTILITY EASEMENT, made this 20th day of May, 2024, between Ocean City Market Place, LLC, a Maryland limited liability company, hereinafter referred to as Grantor; and the County Commissioners of Worcester County, Maryland (hereinafter referred to as "County"), and K.W. Ocean City, LLC, a Maryland limited liability company (hereinafter referred to as "K.W."), hereinafter collectively referred to as Grantees.

WHEREAS, Grantor is the owner of one parcel of land located in Worcester County, Maryland, described as being:

ALL that lot of land situated on the southeasterly side of Maryland Route 611 in the Tenth Tax District of Worcester County, Maryland, shown as Parcel 150 on Tax Map #27.

Beginning at a point on the southeasterly line of Maryland Route 611, at its point of intersection with the southerly line of a 20 foot wide right-of-way between this property being described and property of Peninsula Bank (Deed Reference R.H.O. 2002/35):

thence, by and with the southerly line of the said 20 foot wide right-of-way S66 Degrees 00'12"E, 398.86 feet to an iron pipe found on the westerly line of property of G.T.F., LLC (Deed Reference R.H.O. 2315/1);

thence, by and with the westerly line of property of G.T.F., LLC and the westerly lines of property of K.W. Ocean City, LLC (Deed Reference S.V.H. 3043/313), John L. McFadden, III (Deed Reference S.V.H. 2923/548), and David Muckel, et al., (Deed Reference R.H.O. 1816/556), S26 Degrees 41'41"W, 1023.37 feet to an iron pipe found at the northeast corner of the property of Do Moe, Inc. (Deed Reference S.V.H. 2693/582);

thence, by and with the northerly line of property of Do Moe, Inc. N58 Degrees 19'51"W 132.40 feet to a concrete monument found at the southeast corner of property of Mayor & City Council of Ocean City, (Deed Reference BB 20/309);

thence, by and with the said property of Mayor & City Council of Ocean City, the following (3) courses and distances:

1. N27 Degrees 41'49"E, 176.30 feet to an iron pipe found; and
2. N58 Degrees 20'22"W, 232.30 feet to an iron pipe found; and
3. S37 Degrees 56'38"W, 126.38 feet to a rebar found at the northeast corner of property of Windsor Resort, Inc. (Deed Reference F.W.H. 688/3);

thence, by and with the northerly line of said property of Windsor Resort, Inc. and other property of Windsor Resort, Inc. (Deed Reference W.C.L. 1392/374) N55 Degrees 05'56" W, 143.63 feet to a point on the southeasterly right-of-way of the aforesaid Maryland Route 611;

thence, by and with the southeasterly right-of-way lines of Maryland Route 611, the following (6) courses and distances:

1. N33 Degrees 39'25"E, 250.21 feet to a point; and
2. N36 Degrees 19'46"E, 300.11 feet to a point; and
3. N37 Degrees 39'52"E, 100.12 feet to a point; and
4. N29 Degrees 05'29"E, 100.50 feet to a point; and
5. N36 Degrees 31'13"E, 100.05 feet to a point; and
6. N34 Degrees 13'45"E, 59.16 feet to a point of beginning

Containing \pm 9.467 acres of land as surveyed and described by L.E. Bunting, Jr., Registered Maryland Property Line Surveyor #142, as shown on the plat entitled, "Location Survey of Lands of Food Lion, Inc." dated 8/30/01.

LESS, SAVE AND EXCEPT FROM ABOVE:

THAT certain right in and to a perpetual easement for drainage facilities, intended to be conveyed by a Grant of Easement and recorded among the Land Records of Worcester County, Maryland, to the State of Maryland to the use of the State Highway Administration of the Department of Transportation, containing 788 square feet of land, more or less, shown cross-hatched on that certain State Highway Administration Plat numbered 54921 duly recorded or intended to be recorded among the Land Records of Worcester County, Maryland (the "Plat") in order to lay out, open, establish, construct, extend, widen, straighten, grade and improve as a part of the State Roads System of Maryland, a highway and/or bridge, together with the appurtenances thereto belonging, under its Contract Number WO735B31 and known as US 50 @ MD 707, MD 611 and Golf Course Road and to thereafter use, maintain and/or further improve said highway and/or bridge, as a part of the Maryland State Roads System, and which Plat is incorporated herein by reference and to which reference is hereby made for a more particular description of the property hereby reserved.

TOGETHER WITH and reserving unto itself and intended to be conveyed by the aforesaid Grant of Easement to the State of Maryland to the use of the State Highway Administration of the Department of Transportation, the temporary right during the period of construction to use that certain area of land containing 2,875 square feet of land, more or less, shown hatched on the aforesaid Plat for the purpose of fine grading.

BEING all and the same property which, by Deed dated December 28, 2015, and recorded among the Land Records of the County of Worcester, State of Maryland, in S.R.B. Book 6694, Page 131, was granted and conveyed by Y & M Commercial Realty, LLC, a Maryland limited liability company, unto Ocean City Market Place, LLC, a Maryland limited liability company; and

WHEREAS, Co-Grantee County is the governing body of the Mystic Harbour Sanitary Service Area pursuant to the Public Works Article of the Code of Public Laws of Worcester County, Maryland, and has requested a Utility Easement as described herein; and

WHEREAS, Co-Grantee K.W. is the owner of the contiguous parcel of land of the Grantor described hereinabove.

WHEREAS, the parties have agreed upon a Utility Easement benefitting Grantees crossing the property of Grantor, hereinbefore referred to; and

NOW, THEREFORE, the Utility Easement, WITNESSETH:

In consideration of the sum of Zero Dollars (\$0.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor hereby grants and conveys unto Grantees a perpetual easement being twenty (20) feet in width and eight (8) feet, more or less, in length, over, across, under and through the property as more particularly shown on the drawing entitled, "Easement Exhibit on the Lands of Ocean City Marketplace LLC," prepared by McCrone and to be recorded among the Land Records of Worcester County, Maryland, simultaneously herewith for the purposes hereinafter stated:

1. To install, operate, maintain, add to, extend, relocate and remove sewer and water lines, laterals and mains and/or water lines and other facilities relating thereto, including all necessary accessories and appurtenances, together with the right to enter upon the property for the purpose of performing such installations, operations, maintenance, extensions, relocation or removal. The Grantees shall have the right to dig, grade, plow or otherwise disturb the soil upon the property for the purposes hereof and shall have all necessary rights in ingress, egress and regress over the property of the Grantor as required for the enjoyment of the rights granted herein.
2. Grantor agrees not to place any improvements, including trees or other foliage within five (5) feet of either side of the center line of this Utility Easement and shall not erect any structures or improvements which would in any way interfere with Grantees' enjoyment of its rights hereunder.

- 3. Grantor covenants that it is seized of and has the right to convey the foregoing Utility Easement and its rights and privileges and agrees that Grantees shall have quiet and peaceful possession, use and enjoyment of the aforesaid Utility Easement, rights and privileges and agrees that this Utility Easement shall be binding upon and inure to the benefit of the Grantor and Grantees and their respective heirs, personal representatives, administrators, successors and assigns.
- 4. The parties agree that the easement granted in this document be described as follows: Utility Easement for water and sewer lines and shall be located on the property referred to above.
- 5. Grantor covenants that there is no lienholder on said property. (If there is) the Lender needs to sign and subordinate its lien.

WITNESSETH, the hands and seals of the authorized representatives of the parties on the date first above written.

WITNESS:

GRANTOR

Ocean City Market Place, LLC

[Handwritten Signature]

By: *[Handwritten Signature]* MANAGING MEMBER (SEAL)

WITNESS:

GRANTEE

County Commissioners of
Worcester County, Maryland

By: _____ (SEAL)



WITNESS:

GRANTEE

K.W. Ocean City, LLC

Amanda Schifferer

By: *[Handwritten Signature]* (SEAL)

Thomas S. Kramedas
Managing Member and duly
authorized representative

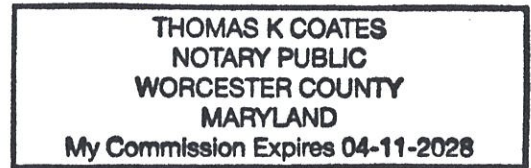
STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this 2nd day of May, 2024, before me, the subscriber, a Notary Public of the state and county aforesaid, personally appeared Mitchell M. Parker, known to me (or satisfactorily proven) to be the person whose name is subscribed herein and acknowledged himself/herself to be a member of Ocean City Market Place, LLC, and that he/she, as such member, being authorized to do so, executed the foregoing instrument for the purposes contained therein by signing the name of Ocean City Market Place, LLC, by himself/herself as a member.

AS WITNESS, my hand and Notarial Seal.

Thomas K Coates
Notary Public

My Commission Expires: _____



STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this _____ day of May, 2024, before me, the subscriber, a Notary Public of the state and county aforesaid, personally appeared _____, President of the County Commissioners of Worcester County, Maryland, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS, my hand and Notarial Seal.

Notary Public

My Commission Expires: _____



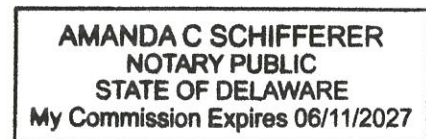
STATE OF MARYLAND, WORCESTER COUNTY, TO WIT:

I HEREBY CERTIFY that on this 13th day of May, 2024, before me, the subscriber, a Notary Public of the state and county aforesaid, personally appeared Thomas S. Kramedas, known to me (or satisfactorily proven) to be the person whose name is subscribed herein and acknowledged himself to be the Managing Member of K.W. Ocean City, LLC, and that he, as such Managing Member, being authorized to do so, executed the foregoing instrument for the purposes contained therein by signing the name of K.W. Ocean City, LLC, by himself as Managing Member.

AS WITNESS, my hand and Notarial Seal.

Amanda C Schifferer
Notary Public

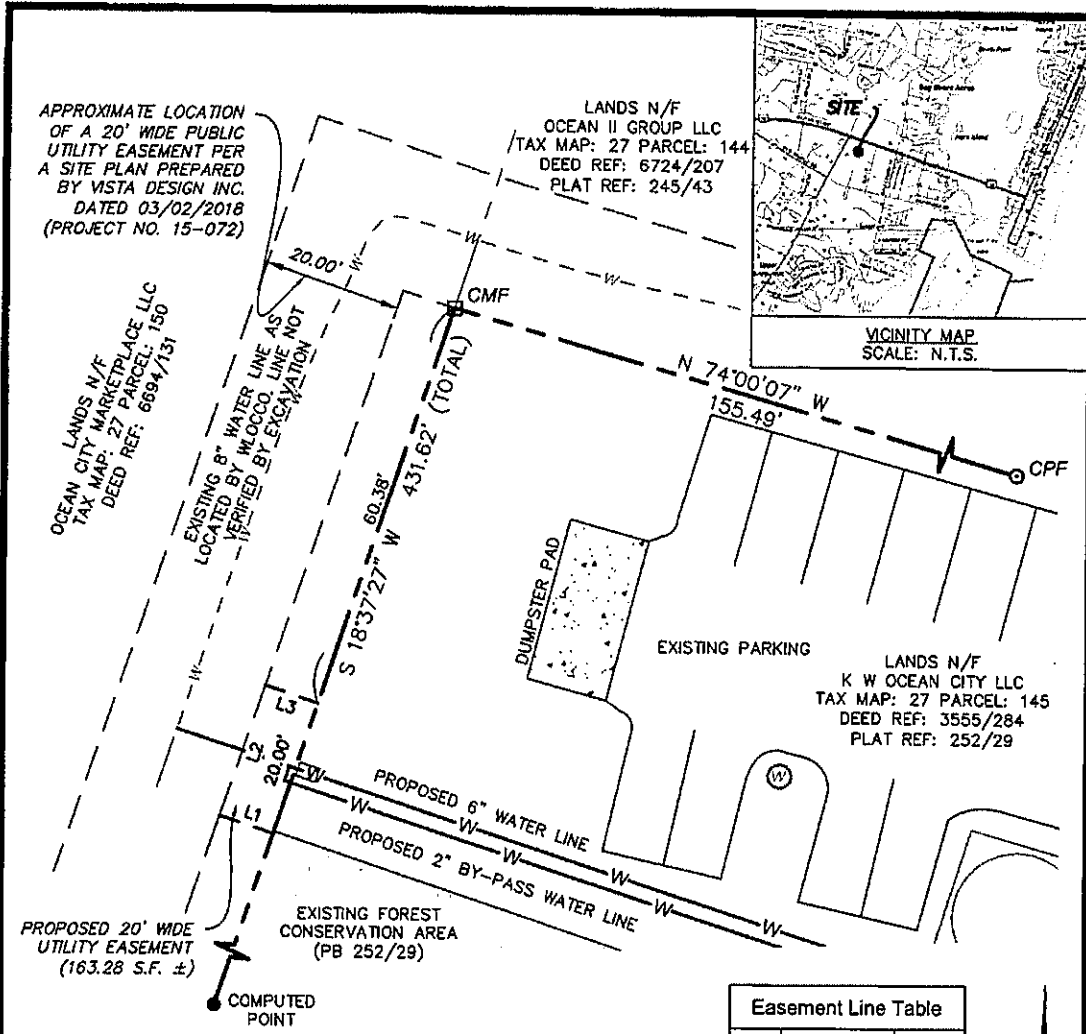
My Commission Expires: 06/11/2027



AFFIDAVIT

THIS IS TO CERTIFY that the foregoing document was prepared by Co-Grantee, K.W. Ocean City, LLC, or its attorney, licensed to practice in the State of Maryland.

Dirk W. Widdowson, Esquire



OWNER'S CERTIFICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT ALL PROPOSED MONUMENTS AND MARKERS SHOWN HEREON WILL BE SET AT THE LOCATION INDICATED. I ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

SIGNATURE *[Signature]* MANAGING MEMBER DATE 5/3/2024

Line	Bearing	Length
L1	N71° 47' 31"W	8.20' ±
L2	N18° 61' 01"E	20.00'
L3	S71° 47' 31"E	8.12' ±

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "STATE OF MARYLAND MINIMUM STANDARDS FOR BOUNDARY," CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF MARYLAND, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

[SEAL] REGISTRATION NO. 481
(DONALD EAST SUTTON)

EXPIRES : 1/12/2025
DATE: 5/21/2024

NOTES:

- OWNER: OCEAN CITY MARKETPLACE LLC
- TAX MAP: 27 PARCEL: 150
- DEED REF: 6694/131
- THIS PLAN WAS MADE WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHT-OF-WAY, OR MORE STRINGENT BUILDING RESTRICTIONS.
- THE EXISTING 20' WIDE PUBLIC UTILITY EASEMENT SHOWN HEREON IS APPROXIMATE AND BASED ON A PLAN PREPARED BY VISTA DESIGN INC.

LEGEND

- PROPERTY LINE
- - - EXISTING EASEMENT LINE
- - - PROPOSED EASEMENT LINE
- CMF
- ⊙ CPF
- CONCRETE MONUMENT FOUND
- CAPPED PIN FOUND



EASEMENT EXHIBIT
ON THE LANDS OF
OCEAN CITY MARKETPLACE LLC
TENTH TAX DISTRICT
OCEAN CITY, WORCESTER COUNTY, MARYLAND
Prepared For: K W OCEAN CITY LLC

MICRONE

- Engineering
- Environmental Sciences
- Construction Services
- Land Planning & Surveying

ANAPOLIS • CENTREVILLE • ELKTON • SALISBURY

118 PATTERSON HILLS ROAD, SUITE 1
SALISBURY, MD 21801
PHONE: 410-548-1492 FAX: 410-548-2603

DRAWN BY STG
SCALE 1"=20'
DATE 1/11/2024
JOB NO. D2150084
SHEET No. 1



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 "RM", is placed to the right of the "From:" line.

Subject: **Local Sponsor Statement of No Objection**
West Ocean City Harbor Dredging Project
Martha's Landing Resort, LLC/Atlantic Tackle

Date: 6/24/24

I have attached information regarding a project within the West Ocean City Commercial Harbor that requires Corps review. The project is a proposed dredging project within a private marine supply company (Atlantic Tackle) at the northern edge of the harbor bulkhead, east of the County boat ramp.

The purpose of a Section 408 review is to ensure that the Congressionally-authorized benefits of a USACE project are not undermined by an alteration made by others, and to ensure the alteration is not injurious to the public interest (e.g., flood risk management, coastal storm damage reduction, navigation). The U.S. Army Corps of Engineers (USACE), is required to review requests initiated by private, public, tribal, or other federal entities that propose to make alterations to, or temporarily or permanently occupy or use, any USACE federally authorized civil works project. The USACE will then make a determination as to whether the proposed action is injurious to the public interest or affects the ability of the project to meet its authorized purpose. Following the review, the USACE will make a 408 Determination as to whether the proposed alteration, occupation, or use of the federal project is approved or denied. These are supposed to be routine reviews and should be expedited. The private sector project needs a review and also needs the endorsement of no objection from the County.

We would respectfully request the County Commissioners authorize Weston Young to sign the attached Local Sponsor statement of no objection on the County's behalf for this adjacent commercial project. This project benefits us as they are contemplating dredging part of the West Ocean City Commercial Harbor and this work will coincide with the County's dredging of the adjacent harbor channel.

If you have any questions, please do not hesitate to contact me.

Attachments

cc: Dave Bradford
Brian Soper

DEPARTMENT OF THE ARMY
US Army Corps of Engineers
Baltimore District – Section 408 Request

INFORMATION REQUIRED TO PROCESS SECTION 408 REQUESTS

by private, public, tribal, or other federal entities to make alterations to, or temporarily or permanently occupy or use, any US Army Corps of Engineers federally authorized civil works projects pursuant to 33 USC 408

1. Purpose. The purpose of this document is to provide guidance for private, public, tribal, or other federal entities regarding the information the US Army Corps of Engineers (USACE) Baltimore District needs to complete a review pursuant to 33 USC 408 (Section 408). This review is necessary to obtain permission from the USACE Baltimore District for proposed alterations to any USACE federally authorized civil works project, referred to as a “USACE project” within this document.
2. Applicability. This guidance applies to alterations proposed within the lands and real property interests identified and acquired for the USACE project and to lands available for USACE projects under the navigational servitude. In the Baltimore District, USACE projects typically include: local protection projects consisting of levees, floodwalls, channel improvement, and interior drainage features; Federal navigation channels; and flood risk management projects consisting of earthen or concrete dams, outlet works, spillways, abutments, support facilities, and reservoir pool. Routine operations and maintenance activities specified in the O&M manual and performed by the non-federal sponsor or USACE do not require permission from USACE under Section 408.
3. References. Engineering Circular 1165-2-216, *Policy and Procedural Guidance for Processing Requests to Alter USACE Civil Works Projects pursuant to 33 USC 408*
4. Authority. The authority for the US Army Corps of Engineers to grant permission for temporary or permanent alterations to federally authorized civil works projects is contained in Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 USC 408, which states that “*the Secretary [of the Army] may, on the recommendation of the Chief of Engineers, grant permission for the alteration or permanent occupation or use of any [work built by the United States] when in the judgment of the Secretary such occupation or use will not be injurious to the public interest and will not impair the usefulness of such work.*” It is otherwise unlawful for any person or persons to take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct, or in any manner whatever impair the usefulness of any work built by the United States.
5. Exclusions. Per Engineering Circular 1165-2-216, the following activities do not require permission from USACE under Section 408:
 - a. Routine operations and maintenance activities specified in the O&M manual and performed by the non-federal sponsor or USACE
 - b. Activities contained in 36 CFR 327, including the implementation of an approved USACE Project Master Plan, Shoreline Management Plan, or Operational Management Plan



DEPARTMENT OF THE ARMY
 US Army Corps of Engineers
 Baltimore District – Section 408 Request

- 6. Requester: A request for Section 408 permission can originate from a non-federal sponsor or an independent requester. For USACE projects with a non-federal sponsor, the requester must either be the non-federal sponsor or have the endorsement of the non-federal sponsor prior to a written request being submitted to USACE.
- 7. Requester: The Requester must submit the information that follows for all requests to alter USACE projects within the Baltimore District. Requests must be in writing, signed, and submitted to the USACE Baltimore District Regulatory Point of Contact. Requests may be sent by regular mail or electronic mail for attachments under 10MB. Attachment A contains a comprehensive list of additional information that may be requested to facilitate the Section 408 review process. Attachment B provides an example of the local sponsor statement of no objection.

Points of Contact:

GOVERNMENT:

Name: Marion Gall
 Organization: USACE Baltimore District
 Title: Regulatory Point of Contact
 Address: 1631 South Atherton Street, Suite 101
State College, Pennsylvania 16801
 Phone: (814) 235-1761
 E-mail: marion.gall@usace.army.mil

REQUESTER:

Name: Brian Tinkler
 Organization: Marthas Landings Resort LLC
 Title: Manager
 Address: 11900 Tech Road, Silver Spring MD
 Phone: 410 430 3550
 E-mail: brian@ocsunsetmarina.com

LOCAL SPONSOR: (if not the Requester)

Name: WESTON YOUNG, P.E.
 Organization: COUNTY COMMISSIONERS OF WORCESTER COUNTY
 Title: CHIEF ADMINISTRATIVE OFFICER
 Address: One West Market Street, Room 1103, Snow Hill MD 21863
 Phone: 410-632-1194
 E-mail: _____



DEPARTMENT OF THE ARMY
US Army Corps of Engineers
Baltimore District – Section 408 Request

Project Description

USACE Project being altered, used or impacted: West Ocean City Harbor Channel
City and State: Ocean City Maryland
Stream, River or Water Body: West Ocean City Channel
Proposed Project Name: Atlantic Tackle Dredging
Latitude, Longitude: 38.3274, -75.1029

USACE Project Type

Local Protection Project** Navigation Flood Risk Management

****Have you obtained a Statement of No Objection from the Non-Federal Local Sponsor of the Local Protection Project? If no, please explain.**

Note: Requests will not accepted as complete without this statement. See Appendix A for an example.

Brief description of the proposed work and how the USACE project will be altered

Note: Indicate if the proposed alteration is to a previously-modified feature (e.g., re-aligning a pipe through the embankment that had been installed as a modification to the project).

To dredge a previously approved and permitted area in the West Ocean City Channel for access to an existing marina service store.

Description of project alternatives (if any) that avoid impacts to the USACE project

There are no alternatives, the dredging is to occur immediately adjacent to the proposed dredging project that the USACE is about to undertake. This proposed project has been previously permitted twice before in the exact footprint being requested here.

List of all real property interests

Note: Include maps clearly depicting both existing real estate rights and additional real estate required.

Noted on the attached plan sets. All dredging is located within water of the United States and Waters of the State of Maryland



DEPARTMENT OF THE ARMY
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Baltimore District – Section 408 Request

Approximate schedule for work (list activities by Month/Year)

Feb 2025 - Dredging to begin and be underway for approximately three weeks.

Describe operations and maintenance that will be required as a result of this alteration

Note: Requester is responsible for performing all operations and maintenance required as a result of the alteration, as well as for all associated costs. For local protection projects, the non-federal local sponsor is required to ensure that all required operations and maintenance associated with the alteration are adequately performed.

Annual matinenace dredging may occur as authrozied by the approved authorization

Documents included with the alteration request

Note: USACE may request additional information as part of the review process.

General Project: Report ____ Plans X Specs ____ Drawings X
Hydrology & Hydraulics: Report ____ Models ____
Geotechnical: Report ____ Drilling Plan ____
Other (describe): _____

- | <u>Questions:</u> | (Yes/No) |
|---|----------|
| 1. Will the proposed project require the use of federal property? | <u>X</u> |
| 2. Will the proposed project require the use of property owned by the non-federal sponsor? | ____ |
| 3. Have any Environmental Reports been completed for this Project? If yes list below. | ____ |
| 4. Are you required to pursue authorization pursuant to Sections 10/404/103? If yes, list date or anticipated date of application/pre-construction notification submittal. | <u>X</u> |
| 5. Is this proposed project identified as a priority project in an established in-place funding agreement? If yes, provide documentation of the funding agreement and point of contact. | ____ |
| 6. Are you seeking credit under Section 221 of the Flood Control Act of 1970 or other laws such as approval under Section 204 (f) of WRDA 1986? | ____ |

DEPARTMENT OF THE ARMY
US Army Corps of Engineers
Baltimore District – Section 408 Request

Signature Block

Request is hereby made for permission to alter the USACE project as described in this form and supporting documentation. I certify that the information provided in this request is complete and accurate to the best of my knowledge. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the requesting organization and/or non-federal local sponsor.

REQUESTER:

Brian Tinkler

Name

Marthas Landing Resort LLC

Organization

Manager

Title



Signature

6/17/2024

Date

LOCAL SPONSOR: (If not the requester, for local protection projects)

WESTON YOUNG, P.E.

Name

COUNTY COMMISSIONERS OF WORCESTER COUNTY

Organization

CHIEF ADMINISTRATIVE OFFICER

Title

Signature

Date

TO BE COMPLETED BY USACE

Date Received: _____

USACE Project Name: _____

Resource Manager or Local Sponsor: _____

Regulatory Permit Number: _____

**DEPARTMENT OF THE ARMY
US Army Corps of Engineers
Baltimore District – Section 408 Request**

8. USACE Review Criteria. USACE will review the alteration request for potential adverse impacts to the project based on the following criteria (as applicable):
- a. Reliability of the project to function as designed.
 - b. Local sponsor and/or USACE ability to adequately inspect the project during normal conditions.
 - c. Local sponsor and/or USACE ability to adequately inspect the project during potential or actual emergency conditions.
 - d. Local sponsor and/or Requester ability to adequately operate and maintain the project.
 - e. Local sponsor and/or Requester legal rights to enter and/or have contractors enter all properties affected, either through fee deed(s) or easement deed(s), which should be attached to application.
 - f. Local sponsor ability to conduct flood fighting operations and temporary repairs during an emergency.
 - g. Alteration impacts to the structural or geotechnical integrity of project components (including embankment, floodwall, or retaining wall strength; slope stability; stone protection; crest elevation; miscellaneous structures, etc.).
 - h. Alteration impacts on the hydraulic functioning of the project.
 - i. Alteration impacts to a floodplain or floodway (flood risk management projects only).
 - j. Alteration impacts on the interior drainage system or drainage facilities (i.e. outfalls, gate wells, storm sewer lines, pump stations, drainage ditches, etc.).
 - k. Alteration impacts on environmental aspects of the project, including compliance with National Environment Policy Act (NEPA) requirements.
 - l. Alteration impacts on safety aspects of the project.
 - m. Alteration impacts to the real estate easement requirements, including project access.
 - n. USACE Section 10/404 Regulatory permit requirements.
 - o. Impacts to the public and other stakeholders.
 - p. Other criteria as available.
9. USACE Review and Decision. Work or usage shall not begin until written approval from the USACE Baltimore District Commander, or his designee, is obtained. Upon completion of review of the request, the Baltimore District will send a letter from the District Commander, or his designee, either granting or denying the request for permission to alter the USACE project. If granted, the Requester's signature may be required on an Alteration Conditions Form to confirm acceptance of any special conditions required. If denied, reasons for not granting permission will be provided.

If applicable, an Emergency Action Plan (EAP) should also be provided as a prerequisite to approval. Requestor must provide information about emergency response in the event of a flood during construction. This should include at a minimum: notification tree, stockpiled materials, how flooding will be anticipated, and specific activities at each phase of construction to restore flood risk reduction.

USACE reserves the right to require construction inspections or meetings with the Local Sponsor, Requester, and other interested parties.



DEPARTMENT OF THE ARMY
US Army Corps of Engineers
Baltimore District – Section 408 Request

10. Special Conditions. The following are examples of special conditions, which may be included in the permission to alter, use, or impact a USACE project. Additional special conditions may be included depending on the nature of the work:
- a. Requester shall obtain all appropriate local, state, and Federal permits (or waivers from these permits) before performing the proposed alteration. USACE approval of the proposed alteration does not negate the need to obtain the aforementioned permits.
 - b. Requester must notify the USACE Baltimore District at least fifteen (15) days before work/usage is started and receive approval to proceed from the designated Baltimore District point of contact. Time may vary depending on project.
 - c. Requester shall provide copies of pertinent design, construction, and/or usage submittals/documents. Photographic documentation of the alteration work and the impacted project area may be requested to be taken before, during, and after construction.
 - d. Requester must develop a safety plan prior to commencing the alteration and ensure that all officers, agents, employees, or others who may be present on the premises at their invitation are thoroughly familiar with the plan and follow it.
 - e. The Requester may be required to perform an inspection of the USACE project with the Baltimore District prior to the Requester's use of the project to document existing conditions.
 - f. Alterations approved in this request shall be progressed in such a manner to avoid interference with the inspection, operation, and maintenance of the USACE project.
 - g. Requester must schedule a final inspection with the Baltimore District within fifteen (15) days after completion of the alteration. Time may vary depending on project.
 - h. Requester shall submit a copy of as-built drawings within 30 days of completion of work showing the new work as it relates to identifiable features of the USACE project.
 - i. Requester shall remove all structures constructed on or within the USACE project upon completion of usefulness of such structures, if they no longer serve the purposes originally intended, or upon expiration of the agreement with USACE Baltimore District. The Requester shall restore the USACE project to its original condition after removal of these structures. Permanent alterations approved by USACE are excluded from this requirement, however must be maintained in good condition.
 - j. Field work shall be coordinated with the designated USACE Baltimore District point of contact, to be determined prior to the start of work.



DEPARTMENT OF THE ARMY
US Army Corps of Engineers
Baltimore District – Section 408 Request

ATTACHMENT A
Section 408 Request Supplemental Information

The following list is designed to assist you in providing a complete review package when submitting a Section 408 request to the USACE Baltimore District. The intent is to provide a comprehensive list of information our technical staff may need to complete the review process. The list below is not all inclusive and may not apply to every situation; our technical staff may request additional documentation. Please provide the information in this list to the extent possible and submit with your request.

- A. General Documentation. Please provide at minimum the following items:
- 1) Project Location Map (8.5"x11") including:
 - a) Aerial image with proposed project features
 - b) City, county, and state
 - c) Latitude and longitude
 - d) Name of Stream, River or Body of Water
 - e) River mile (if applicable)
 - 2) Project Description. Please provide a detailed and complete project description, including all areas of disturbance to the USACE project. Include areas to be used for ingress, egress, or staging of materials or equipment. Fully describe construction techniques to be used on the USACE project alteration. Include quantities and types of materials used as fill or removed from the site. Accurately describe any ground disturbing activity that will occur and provide acreage or lineal area of impact. Include maps, pictures, and figures as necessary to fully explain the proposed work.
 - 3) Right-of-Way Maps from agency responsible for operating and maintaining the facility
 - 4) Pre-final project plans and specifications
 - 5) Project schedule
 - 6) Photographs of current conditions at the site
 - 7) Written Statement of No Objection by the Local Sponsor
- B. Real Estate
- 1) List of all real property interests required to support the proposed alteration, including those in federally managed lands and those owned by the Requester.
 - 2) Maps clearly depicting both existing real estate rights and the additional real estate required.
 - 3) GIS shapefiles of the full project extents.
 - 4) Deed or other real estate instruments
 - 5) Agreements between the United States of America and Proponent
 - 6) Office of the Assessor Property Information Report
 - 7) Assessor's Parcel Number (APN)
- C. Environmental Compliance
- 1) List of any State or Federal Threatened or Endangered Species
 - 2) List of any noise sensitive receptors and provide description of the receptor and its distance from the source
 - 3) List and describe all Hazardous Toxic and Radioactive waste (HTRW) present at the site

DEPARTMENT OF THE ARMY
US Army Corps of Engineers
Baltimore District – Section 408 Request

- 4) List all recreation amenities that would be impacted due to this alteration
- 5) List all public services that would be disrupted due to this alteration
- 6) Indicate whether public transportation will be impacted due to this alteration
- 7) Section 401 Certification
- 8) Air Quality Analysis
- 9) All cultural surveys conducted in the last five years
- 10) Tribal Contact List

D. Technical Analysis

- 1) Civil. Each submittal should clearly identify the existing condition of the dam and/or appurtenant structures to include plan, profile and design details of the proposed alteration in relation to the existing USACE project. Below are examples of information necessary to understand the existing and proposed conditions.
 - a) Alteration location (Vicinity map and specific alteration location)
 - b) Applicable datum
 - c) Real estate interests, existing and to be acquired, needed for the proposed alteration
 - d) Grading plans
 - e) Layout plan, profiles, and cross-sections of the proposed alteration
 - f) Previous inspection reports to assist in identifying existing deficiencies and their proximity to the proposed alteration
 - g) Sections and details
 - h) Temporary measures required during construction (bypasses, cofferdams, etc.)
- 2) Geotechnical. The following is a list of analyses or information that may be necessary to consider in evaluating geotechnical impacts if proposed alterations alter the dam embankment or penetrate the natural blanket or foundation.
 - a) Erosion control (changes in erosive forces on a slope)
 - b) Liquefaction susceptibility
 - c) Material usage/borrow/waste/transport/hauling
 - d) Placement of stockpiles, heavy equipment, or other surcharges
 - e) Results of subsurface investigation – boring logs, test pit logs, laboratory test results, etc.
 - f) Seepage analysis
 - g) Settlement analysis
 - h) Stability analysis
 - i) Vegetation
- 3) Structural. The following is a list of analysis or information that may be necessary to evaluate the impacts of proposed alterations to concrete, sheet-piling, or drainage structures.
 - a) Bridges and related abutments
 - b) Design analysis for retaining walls and excavation support system
 - c) Design of shallow or deep foundations, including bearing capacity and settlement analysis if the construction is located within the line of protection or right-of-way and creates potential seepage problems
 - d) Design recommendations for foundations on expansive soils

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US Army Corps of Engineers
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- e) Diaphragm walls
 - f) Gates or other operable features
 - g) Other structural components integral to the project
 - h) Pier penetrations of levee embankments
 - i) Stability analysis including sliding, overturning, bearing, flotation, uplift and any seismic load effects for any alteration to the channel walls and/or flood walls
 - j) Structural drainage control methods
 - k) Water stops and contraction/expansion joints
- 4) Hydrology and Hydraulics. The following factors may be considered when evaluating the hydrologic and hydraulic (H&H) impacts to a USACE project. Please provide an Executive Summary detailing how each of the below items is addressed and how your project impacts the USACE project. H&H models may be requested for review.
- a) Changes in inflow
 - b) Changes in velocity
 - c) Changes in water surface profiles and flow distribution
 - d) Consideration of impacts to energy dissipation measures; hydropower generation; sedimentation; or navigation
 - e) Scour Analysis
 - f) Sediment transport analysis
 - g) Upstream and downstream impacts of the proposed alterations
- 5) Operations, Maintenance and Flood Fighting. Alterations may change operation, maintenance or require special flood fighting procedures.
- a) Effects on existing maintenance access
 - b) Effects on maintenance practices
 - c) Flood contingency plan during construction, measures proposed to protect area under construction, monitoring of river level, river stage at which plan will be activated, materials and equipment to be used to activate plan, and personnel contact and telephone number to activate plan.
 - d) Flood fighting requirements and practices
 - e) Special inspection requirements
- 6) Potential Failure Mode Analysis. Depending on the proposed alteration, the requester may be required by the district to provide a potential failure mode analysis with the proposed alteration in place.
- 7) Review Plan. If the alteration will either 1) temporarily impair the purpose and function of the existing Federally-constructed project or 2) be a major repair, rehabilitation, relocation, replacement or modification of the existing Federally-constructed project, please provide the following:
- a) Independent External Peer Review (IEPR) Plan (Reference EC 1165-2-217)
 - b) Design Quality Control Plan

DEPARTMENT OF THE ARMY
US Army Corps of Engineers
Baltimore District – Section 408 Request

ATTACHMENT B
Local Sponsor Statement of No Objection

SUBJECT: Request to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408

TO: USACE Baltimore District Regulatory 408 POC

The County Commissioners of Worcester County (Sponsor) is the Non-Federal Local Sponsor to the U.S. Army Corps of Engineers Baltimore District for the Martha's Landing Resort, LLC/ATLANTIC TACKLE Local Protection Project (USACE Project).

The Sponsor is aware of the Section 408 Request by Martha's Landing Resort LLC/ ATLANTIC TACKLE to alter the USACE Project in order to complete the proposed Maintenance Dredging of the private Marina Basin.

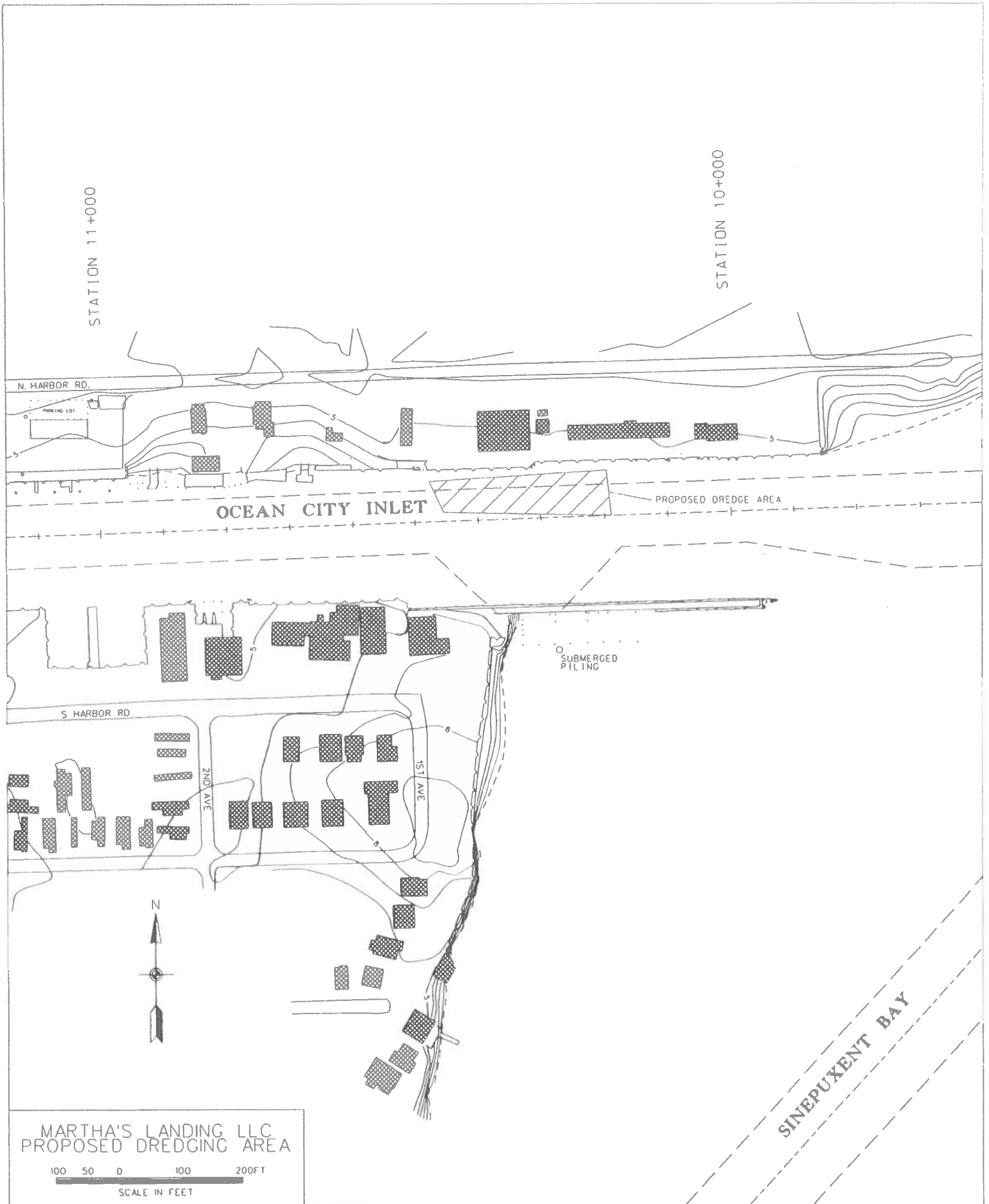
The Sponsor does not object to the Section 408 Request nor its review by the U.S. Army Corps of Engineers. The Sponsor acknowledges continued responsibility for the operation and maintenance of the USACE Project at no cost to the government and will hold and save the government free from all damages arising from the construction, operation, maintenance, repair, rehabilitation, and replacement of the project.

WESTON YOUNG, P.E.

Printed Name

Signed Name

Date



MARTHA'S LANDING LLC
PROPOSED DREDGING AREA

TEL: 410-632-5623
 FAX: 410-632-1753
 WEB: co.worcester.md.us



Worcester County
 DEPARTMENT OF PUBLIC WORKS
 6113 TIMMONS ROAD
 SNOW HILL, MD 21863

DALLAS BAKER JR., P.E.
 DIRECTOR

CHRISTOPHER CLASING, P.E.
 DEPUTY DIRECTOR

MEMORANDUM

TO: Weston Young P.E., Chief Administrative Officer
 Candace Savage, CGFM, Deputy Chief Administrative Officer
FROM: Dallas Baker Jr., P.E., Director *Dallas Baker Jr*
DATE: June 17, 2024
SUBJECT: Snipe Sign Removal – Pilot Program

Public Works is requesting Commissioner approval to begin a pilot program to assist the State in removing roadside snipe signs from within State Highway Administration (SHA) right-of-way (ROW). Snipe signs are off-premises signs that are tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects. Snipe signs are not permitted in SHA ROW and State law permits the Administration to delegate authority for sign removal to local jurisdictions (see attached). Public Works has received complaints regarding the numerous snipe signs along the roadside of US 50, US 113, MD 611, MD 589, MD 452, & MD 707. Public Works would obtain ROW drawings from SHA for the affected roads.

Prior to starting the program, a public advertising notice regarding the removal of signs in SHA ROW would be posted. After advertising, the first three months of the program would involve the removal and disposal of the signs. After the initial three months, a \$25 per sign fine would be charged for each sign removed. Photos and applicable citation forms would be used to document the sign removal. The signs would be removed by Public Works – Roads Division crews as they encounter the signs in their daily travels.

Please let me know if there are any questions.

Attachment

CC: Mark Crampton, SHA District 1 – District Engineer
 Roscoe Leslie, Worcester County Attorney
 Chris Clasing, Worcester County Public Works Deputy Director
 Kevin Lynch, Worcester County Public Works Roads Superintendent

West's Annotated Code of Maryland
Transportation
Title 8. Highways (Refs & Annos)
Subtitle 6. Construction and Maintenance (Refs & Annos)
Part I. General Provisions

MD Code, Transportation, § 8-605

§ 8-605. Placement of signs, signals, or markers along highways

Effective: October 1, 2020

[Currentness](#)

In general

(a) Along any State highway, the Administration may place signs, signals, or markers to inform the traveling public of directions, distances, danger, or other information.

Cost of installing or maintaining traffic signals

(b)(1) Except as provided in paragraph (2) of this subsection, the Administration shall assume the full cost of installing and maintaining traffic signals required at the intersection of a State highway with any municipal street or highway or at any other place along a State highway that is within the limits of any municipal corporation.

(2) This subsection does not apply where the traffic signal primarily will serve traffic generated by a private development, such as an apartment complex, shopping center, industrial plant, or drive-in theater.

Signs, signals, and markers along interstate highways

(c) Signs, signals, and markers placed along any interstate highway shall conform to all applicable federal standards.

Specific service signs

(d)(1) For the purpose of providing information to the driving public on the availability of gas, food, lodging, camping, or attractions, the Administration may place along State controlled access highways specific service signs, subject to the applicable federal standards.

(2)(i) The Administration shall adopt regulations governing specific service signs.

(ii) The regulations shall conform to all applicable federal standards, and shall govern the type, lighting, size, number, and location of specific service signs.

(iii) The Administration shall consult with:

1. The Maryland Travel Council prior to drafting regulations; and

2. The Department of Commerce and the appropriate local government officials concerning the placement of specific service signs under this subsection.

(3) The business or attraction identified in a specific service sign shall pay for the full administrative and operational cost of procurement, installation, and maintenance of the sign.

Removal, damage, or defacement of signs, signals, or markers prohibited

(e) Any person who removes, damages, or defaces any sign, signal, or marker placed under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

Commercial sign violations and penalties

(f)(1) Except for a sign placed or maintained by the Administration or with the authorization of the Administration, a person may not place or maintain a sign or direct, consent to, or approve the placement or maintenance of a sign, within a State highway right-of-way.

(2)(i) Without resort to legal proceedings, a sign placed or maintained in violation of this subsection may be removed and destroyed by the Administration, a law enforcement officer, or the government of the county or municipal corporation in which the sign was located.

(ii) The Administration or the government of the county or municipal corporation that removed or destroyed the sign may, if the sign is a commercial sign:

1. Collect the civil penalty provided for under paragraph (3) of this subsection from the person that placed or maintained the commercial sign; and

2. Seek an injunction against further violations of this subsection in a civil action in the District Court.

(3)(i) Except as provided in subparagraph (ii) of this paragraph, a person that places or maintains a commercial sign within the right-of-way of a State highway in violation of this subsection is subject to a civil penalty not exceeding \$25 per commercial sign placed or maintained, which, if not paid after being cited and assessed by the Administration, county, or municipal corporation, may be recovered in a civil action in the District Court by the Administration or by the county or municipal corporation in which the commercial sign was located.

(ii) A person that violates this subsection by affixing a commercial sign to a State highway sign, signal, or marker within the right-of-way of the State highway is subject to a civil penalty not exceeding \$100 per commercial sign affixed.

(iii) As to a county or a municipal corporation in which the commercial sign was located, the civil action in the District Court may be brought by the county attorney or, if the commercial sign was located in a municipal corporation, the municipal corporation attorney.

(iv) The Administration, a county, or a municipal corporation:

1. May enforce this subsection only by the issuance of a warning for the first 3 months after initiating a sign removal program; and

2. Shall enforce this subsection on a viewpoint and content neutral basis.

(4) For the purposes of enforcing this subsection, the presence of a sign within a State highway right-of-way shall be evidence that the sign was placed or maintained at the direction of, or with the consent and approval of, the person or the person's agent or representative in the State whose name, business, location, or product representation is displayed on the sign.

(5) The Administration, a county, or a municipal corporation shall retain any civil penalties that it collects under this subsection.

Credits

Added by Acts 1977, c. 13, § 2, eff. July 1, 1977. Amended by Acts 1984, c. 761; Acts 1985, c. 10, § 3; Acts 1985, c. 619; Acts 2000, c. 447, § 1, eff. Oct. 1, 2000; Acts 2011, c. 466, § 1, eff. Oct. 1, 2011; Acts 2011, c. 467, § 1, eff. Oct. 1, 2011; Acts 2015, c. 22, § 5; Acts 2017, c. 62, § 6; Acts 2020, c. 534, § 1, eff. Oct. 1, 2020.

Formerly Art. 89B, §§ 26, 71, 71B.

MD Code, Transportation, § 8-605, MD TRANS § 8-605

Current with all legislation from the 2023 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.



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: June 24, 2024

SUBJECT: Worcester County Fair Update

The Recreation & Parks Department is continuing to plan and finalize items for the 2024 Worcester County Fair.

The fair layout and schedule of events has been finalized including main stage entertainment, special attractions, livestock tent, Kid's Zone, and the Recreation Center. A ribbon cutting ceremony on Friday, August 9 at 4:30 p.m. will officially kick off the fair and Jimmy Charles will perform that evening from 6:00 – 8:00 p.m.

To date have 36 vendors registered with 40 or more expected once everything is finalized. We are working with 10-12 food vendors to get them approved for the Fair and are currently working on the alcohol vendors. All alcohol vendors will meet all State regulations and will therefore not need county permitting, as long as Commissioners would approve alcohol at John Walter Smith Park during the Worcester County Fair dates.

Other live entertainment scheduled for the weekend include The Permillia Project, The Fab 2, 3, 4, The Homeschool Dropouts and Folk Villians. The Kid's Zone will host inflatables, carnival games, and a catch and release fishing tank. All 4H Displays and Demonstrations will be held inside the Recreation Center and the Livestock tent will feature different shows and demos throughout the Fair. Other Attractions include a Car Show, Jeep Show, Cornhole Tournament, Pipeline eating contest, Drone demonstration and a Petting Zoo.

All information on the fair can be found on the new website WorcesterCountyFair.org and the Worcester County Fair Facebook page. Our Department has met and is working with other county departments including DRP, Sheriff's office, Fire Marshall and Emergency Services to ensure proper communication leading up to the event.

The Tourism Department has been busy finalizing Agricultural week (August 3 through August 11). This week will be full of various offerings by local event managers, towns, farms, and agricultural businesses throughout Worcester County. Once finalized and event flyer will be created, information will be posted on www.VisitMarylandCoast.org, and yard signs will be posted at participating businesses.

Our Department will continue to provide updates as we approach the fair date and are available to answer any questions you may have.

cc: Jacob Stephens, Parks Superintendent

THE WORCESTER COUNTY FAIR SCHEDULE ITEM 11

FRIDAY

August 9, 2024
Fair Opens at 4:30pm

Main Stage:

- Ribbon Cutting Ceremony: 4:30pm
- Cake Auction: 5:00pm
- Jimmy Charles Band: 6-8pm



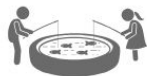
Livestock Tent:

- Dairy Cattle Show: 4:30pm
- Sheep Show: 5:30pm
- Rabbit Show: 6:30pm



Kids Zone:

- Inflatables: 5-9pm
- OP Rec Carnival games: 5pm-9pm
- First Bite Fish Tank: 5pm-9pm



Recreation Center:

- 4-H Display(s): 5-9pm



SATURDAY

August 10, 2024

Attractions:

- Wheels that Heal Car Show: 10am-2pm
- Drone Demonstration: 10:30am-11am & 2-2:30pm



Main Stage:

- Pipeline Eating Contest: 11am-11:30am
10am-Registration open to the first 10 contestants
- Cornhole Tournament: 11:30pm-2:30/3pm
- 4H Fashion Revue 3:30pm-4:30pm
- The Permillia Project: 5:30pm-7pm
- The Fab 2, 3, 4: 7:30pm-9pm

Livestock Tent

- Poultry Show: 10:30am
- Beef Cattle Show: 12:00pm
- Dairy Goat Show: 1:00pm
- Meat Goat Show: 2:30pm
- Swine Show: 5:00pm
- Swine Grooming & Training Demo: 6:30pm



Petting Zoo:

Petting Zoo: 12pm-6pm

Kids Zone:

- Inflatables: 10am-9pm
- OP Rec Carnival games: 10am-3pm
- First Bite Fish Tank: 10am-9pm
- Ray's Hair wraps: 10am-6pm

SATURDAY

August 10, 2024 (cont.)

Recreation Center:

- 4-H Display(s): 10am-7pm
- 4-H Robotics Demonstration: 11:00am
- Lynn Matava, UME Family & Consumer Science Agent "Shop Local, Eat Smart": 1:00pm
- Ginny Rosenkranz, UME Commercial Horticulture Master Gardener Agent "Choosing the right plants for Sun & Shade"- 3:00pm

SUNDAY

August 11, 2024

Attractions:

- Jeep Show: Registration: 10am-12pm Show: 12pm-3pm



Main Stage: Local Showcase

- The Homeschool Dropouts: 11:30am-1:00pm
- Folk Villains: 1:30-2:30pm
- Awards Presentation: 2:30pm

Livestock

- Horse Show: 10:00am -2:00pm
- Livestock viewing: 11:00am-2:00pm
- Livestock costume contest 11:00am



Kids Zone:

- Inflatables: 11am-3pm
- OP Rec Carnival games: 11am-3pm
- First Bite Fish Tank: 11am-3pm
- Kid's Relays and Competitions: 11am-2pm

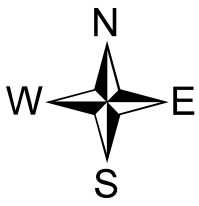


Recreation Center: **11 - 2**

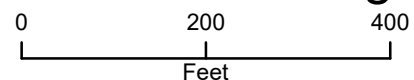
- 4-H Display(s): 11:00am-2pm
- Worcester County 4H Demos 12:30pm

**Entries may be removed: 3pm

COME & ENJOY THE COUNTY FAIR
AUGUST 9TH - 11TH



Recreation and Parks
6030 Public Landing Road



ITEM 11

MARYLAND'S COAST

Agriculture Week

JOIN US FOR FUN-FILLED EXPERIENCES ACROSS WORCESTER COUNTY, MARYLAND! EXPLORE LOCAL FARMS AND AGRICULTURE BUSINESSES, AND DISCOVER THE HEART OF OUR VIBRANT FARMING COMMUNITY. EVERYONE'S WELCOME! LEARN MORE AT WWW.VISITMARYLANDSCOAST.ORG OR ON FACEBOOK EVENT PAGES.

August 3 (Saturday)

Blessing of the Combines. Snow Hill 10am - 3pm

Visit the University of MD Extension's Open House for displays and activities.

Peach Festival. 208 N Main Street, Berlin 10am - 3pm

August 4 (Sunday)

Bay Bees Honey. 11244 Hall Road, Whaleyville 2:30-4:30pm

8 people maximum. RSVP in advance - beekeeping experience.

Chesapeake Bay Farms. 41111 Whitesburg Road, Pocomoke 2-4pm

Ice cream behind-the-scenes tour & free waffle cone with another purchase.

August 5 (Monday)

Baywater Landing. 3908 Bayside Road, Snow Hill 3-5pm

Scallop/bivalve lesson, paddle on the bay, & cheer during a crab race.

Peach Oak Farm. 10839 St. Martins Rd, Berlin 6pm

Hands on ruminants for kids - STEAM program for ages 8-12. Call to RSVP 443-397-2113.

August 6 (Tuesday)

Libelle Homestead. 8152 Libertytown Road, Berlin 2-4pm

20 vehicles maximum. Japanese kokedama demonstration.

August 7 (Wednesday)

Rusted Star Ranch. 8616 Cedar Lane Road, Berlin 4-7pm

Open house with kids' activities related to life on a horse farm.

August 8 (Thursday)

Marshall Creek Farm. 9048 Marshall Creek Road, Newark 3-6pm

Fiber processing workshop and signature cocktails. \$55pp.

Bennett Orchards. 31442 Peachtree Ln, Frankford, DE 19945 6:30pm

Yoga in the orchard. Practice Where You Peach - 75 tickets available.

August 9 (Friday)

Cross Farm. 9933 Pitts Road, Berlin 11am - 1pm

Heirloom tomato taste testing with **The Blacksmith Restaurant** and farm tour.



Support Local!

Saturdays 8am - 1pm	Ocean Pines Farmers & Artisans Market - White Horse Park
Sundays 9am - 1pm	Berlin Farmers Market* Pitts, Commerce and Main St.
Thursdays 12pm - 5pm	Snow Hill Farmers Market Green St. Parking Lot
Fridays Starts at 7am	Pocomoke Farmers Market 3 Market Street
Tuesdays, Thursdays, Saturdays & Sundays 8am - 12pm	Ocean City Farmers Market* Gold Coast Mall

*producer market only




See you at
the Fairs!

Great Pocomoke Fair
thegreatpocomokefair.org
 August 8-11
 2037 Broad Street, Pocomoke City

Worcester County Fair
worcestercountyfair.org
 August 9-11
 6022 Public Landing Rd
 Snow Hill

WORCESTER COUNTY
LIBRARY

To: Weston Young, Chief Administrative Officer
From: Jennifer Ranck, Library Director 
Date: June 25, 2024
Re: Pocomoke Library Project - Temporary Lease Request and IT/AV Design Service Fee

The Library is seeking Commissioner approval to move forward with a lease for temporary library space in the renovated Firehouse (5 5th Street, Pocomoke, MD). Enclosed is a copy of the lease agreement. Some modifications to the site are needed, including the addition of a small counter and sink. The library would begin moving to the temporary site in late August or early September.

Also related to the Pocomoke project, the Library is requesting approval for design services of the IT and AV systems. Enclosed is a proposal from Gipe Associates, Inc. The total cost will be \$23,625. Recently, the Library was notified that \$63,276 for the Berlin Branch project was never processed and we expect to receive those funds from the Maryland State Library Agency in 30-60 days. We ask that those funds be used towards the Pocomoke project, with a portion to be used for this request.

Thank you for your consideration. Please contact me with any questions.



Non-Binding Letter of Intent to Lease Real Estate

Owner: Broadband Holdings

Tenant: Worcester County Library

Property: 5 5th Stree Pocomoke MD 21851

5/19/2024

The following is a letter of intent for the above mentioned property. The basic nonbinding terms and conditions outline the conditions upon which the buyer would be interested in entering a contract;

Lease Date: 6/15/2024

Size of Space: 2,689 sq. ft. plus one of the front garage spaces

Lease Price:Total = \$3,063 plus NNN fees (Estimated = \$448 per month nnn) in addition \$7,500 paid towards the build out of the space (Can pay \$800 per month as alternative to \$7,500 up front payment)

Condition: Delivered in turn key condition with all mechanicals in operational condition.

Deposit: Tenant agrees to pay 2 months up front of the lease at lease signing, no security deposit will be due.

Build Out: Landlord will provide the following:

- small sink / counter and outlet for refrigerator (Tenant to provide refrigerator)
- baby changing table in at least one restroom
- New lighting in large area
- Brick room to be functional as an office.
- Add a small ramp for ADA access
- Paint interior walls

Tenant to Provide:

- Camera system

THIS LOI IS SUBMITTED SOLELY AS AN INDUCEMENT TO NEGOTIATE IN GOOD FAITH. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED AS CONSTITUTING A BINDING LEASE. AS WITH ANY LEGAL DOCUMENT, THE PARTIES ARE URGED TO SEEK LEGAL COUNSEL.

401 Fifth Street Retail Space

1677
920
92

2,689 Tenant A

NEW WORK LEGEND
 [Green Outline] NEW CONSTRUCTION
 [Grey Outline] EXISTING TO REMAIN

BECKER MORGAN
 ARCHITECTURE
 ENGINEERING
 INTERIORS

1000 Locust Street
 Suite 200
 Philadelphia, PA 19106
 (215) 625-7000
 www.beckermorgan.com

THE PROJECT HAS BEEN PREPARED BY THE BECKER MORGAN GROUP INC SOLELY FOR THE PROJECT PURSUANT TO A LIMITED SERVICE AGREEMENT FOR ARCHITECTURAL SERVICES AND SERVICES EXCLUDE RESPONSIBILITY FOR ARCHITECTURAL CONSTRUCTION AND PROFESSIONAL DESIGN, ENGINEERING, ETC. PROJECTS PERFORMANCE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY REQUIREMENTS. BECKER MORGAN GROUP INC DOES NOT WARRANT THE PERFORMANCE OF THE CONSTRUCTION FOR THE RESULTS OF THE WORK.

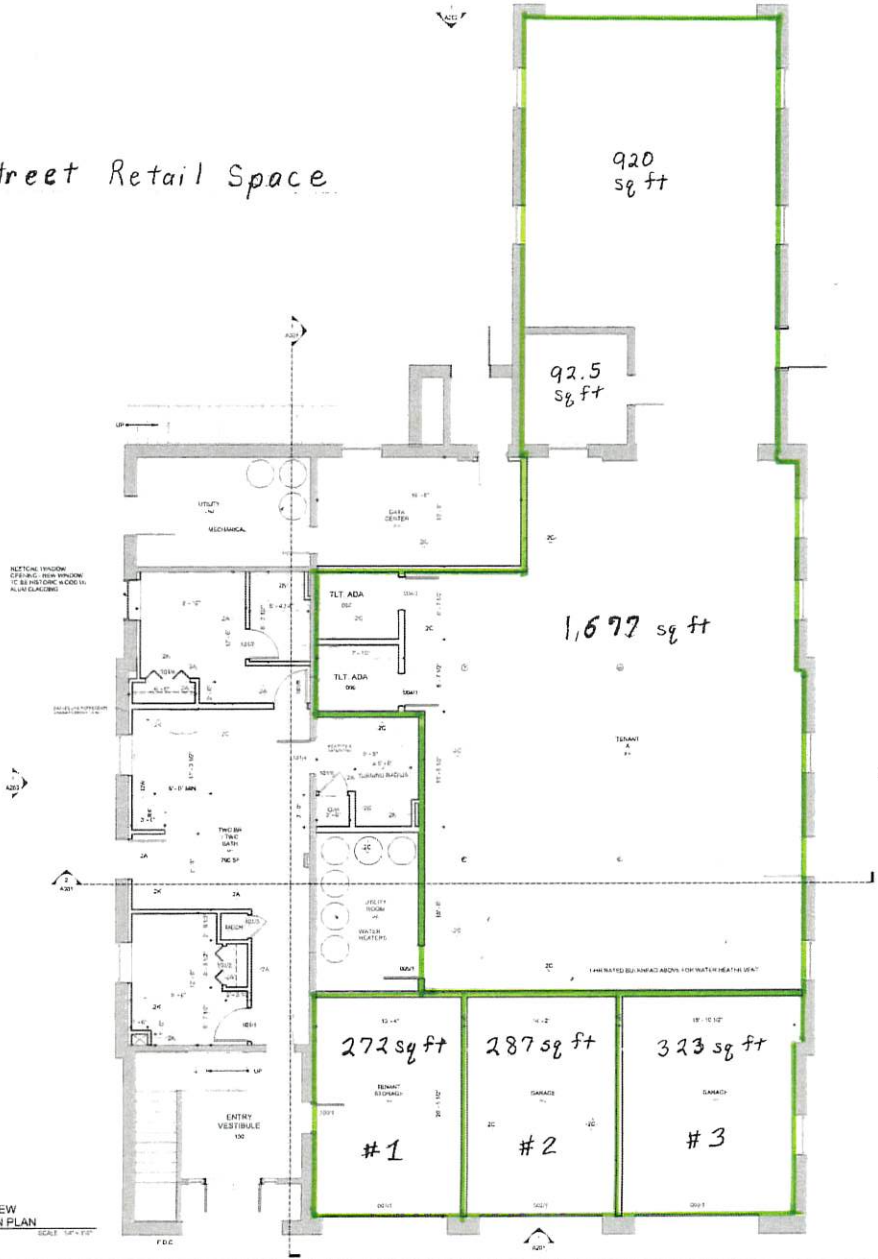
DAVIS STRATEGIC DEVELOPMENT, LLC
 24 3RD FLOOR, 3RD FLOOR
 SALISBURY, MARYLAND 21081
 410-334-4210

POCOMOKE APARTMENTS
 3 FIFTH STREET
 POCOMOKE CITY, MD 21081

ISSUED
 1/18/2021

FIRST FLOOR PLAN - NEW CONSTRUCTION

PROJECT NO: 202106.00
 DATE: 02/04/21
 SCALE: AS SHOWN
 DRAWN BY: CLB PRO/JSC/CLB
A101



1 **FIRST FLOOR NEW CONSTRUCTION PLAN**
 SCALE: 1/8" = 1'-0"

DOOR SCHEDULE - FIRST FLOOR

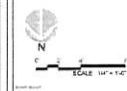
MARK	WIDTH	HEIGHT	THICK	MATERIAL	TYPE	GLAZ	FRAME	FIRE RATING	COMMENTS
GROUND FLOOR									
GD01	12'-0"	80'-0"	1-1/2"	SCWD	C	---	---	---	CUSTOM TO MATCH HISTORIC
GD02	12'-0"	80'-0"	1-1/2"	SCWD	C	---	---	---	CUSTOM TO MATCH HISTORIC
GD03	2'-0"	8'-0"	1-3/4"	MHI	A	---	---	---	CUSTOM TO MATCH HISTORIC
GD04	2'-0"	8'-0"	1-3/4"	MHI	A	---	---	---	CUSTOM TO MATCH HISTORIC
GD05	2'-0"	8'-0"	1-3/4"	MHI	A	---	---	---	MHI #1336A
GROUND FLOOR ELEVATED									
GE01	2'-0"	8'-0"	1-3/4"	MHI	A	---	---	---	MHI #1336A
GE02	2'-0"	8'-0"	1-3/4"	MHI	A	---	---	---	MHI #1336A
GE03	2'-0"	8'-0"	1-3/4"	MHI	A	---	---	---	MHI #1336A
GE04	2'-0"	8'-0"	1-3/4"	MHI	A	---	---	---	MHI #1336A
GE05	2'-0"	8'-0"	1-3/4"	SCWD	A	---	---	---	MHI #1336A
GE06	3'-0"	8'-0"	1-3/4"	SCWD	A	---	---	---	MHI #1336A
GE07	2'-0"	8'-0"	1-3/4"	SCWD	A	---	---	---	MHI #1336A
GE08	4'-0"	2'-4"	1"	SCWD	A	---	---	---	MHI #1336A

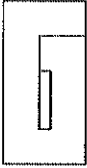
DOOR SCHEDULE LEGEND

NOTE: ALL NOT APPLICABLE (IF FACTORY FINISHED)

ALUM AL	ALUMINUM
CM	CLUTTERMILL
FG	FIRE PROTECTION/FIRE RESISTANCE RATED GLAZING
MW	MIDDLE WINDOW
GL	GLASS
JAM	JAMMED GLAZING
MPI	MATERIAL
SCWD	SLIDING WINDOW DOOR
ST	STAINLESS STEEL
STL	STEEL
TEMP	TEMPERATURE GLAZING

- DOOR SCHEDULE NOTES**
1. PROVIDE PRICE SCHEDULE AND SPECIFICATIONS TO ARCHITECT PRIOR TO ORDERING & INSTALLATION.
 2. FULL DESCRIPTION OF DOOR HANGING TEST TO BE OBTAINED.
 3. GLAZING TO BE TEMPORARILY REMOVED FROM WORK AREA AS REQUIRED FOR ACCESS.
 4. FRAME FINISHES TO BE MATCHED TO EXISTING WORK AREA TO BE INSTALLED TO BE MATCHED TO EXISTING WORK AREA.
 5. SEE SCHEDULE FOR FINISHES TO BE MATCHED TO EXISTING WORK AREA TO BE INSTALLED TO BE MATCHED TO EXISTING WORK AREA.





Gipe Associates, Inc.
CONSULTING ENGINEERS

WO. #: 22066A
Easton Office

June 18, 2024

Mr. Jeff Schoellkopf, AIA
The Design Group
970 Dump Road
Warren, VT 05674

Project: Worcester County Library – Pocomoke Branch
Reference: Additional Services Fee Proposal for IT and A/V Design Services

Dear Jeff:

We are pleased to submit our additional services fee proposal for the performance of IT and Audio/Video (A/V) system design services on the above referenced project. IT and A/V design services were excluded from the M/E/P engineering services outlined in our Proposal dated June 2, 2023. The scope of our work would include the following:

1. IT Facilities and Pathways: Design of telecom rooms, equipment racks, bonding and grounding systems for low voltage, and pathways to facilitate the distribution of all low voltage systems.
2. Data/Telephone Network Electronics: We will consider Owner-managed network equipment into the overall design, assuming a hierarchal star configuration. Space for Owner-provided equipment will be designed and coordinated, but equipment specifications will not be included, unless directly requested by the Owner. Similarly, telephone handsets and head-end equipment will be allowed for, but not specified without Owner direction.
3. Video Distribution System: Design of community antenna television (CATV) system with coaxial cable brought into the main telecom room and distributed throughout the building, in consultation with the design team and Owner. The coaxial distribution system will be capable of handling digital signals from local service providers as well as local sources.
4. Paging/Intercom System: Design will include paging/intercom head end unit, call switches/nodes, and speakers according to the Owner's standards and guidelines. The paging/intercom systems will be designed to integrate with the phone system as allowed by the manufacturer specific software.
5. Audio-Visual (A/V) Systems: Design of video presentation system for the input and display of multiple sources in the multipurpose room and any designated conference/group room, in accordance with current Owner standards.

Our fee for the supporting IT/A/V work as outlined above would be for the following lump sum amounts:

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

ITEM 12

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WO #:22066A - Worcester County Library – Pocomoke Branch

Additional Services Proposal – IT and AV Systems Design

June 18, 2024

<i>Task/Phase</i>	<i>Fee</i>
80% CD Level Design	Seven-thousand dollars (\$7,000.00)
100% CD Design (Bid Documents)	Four-thousand dollars (\$4,000.00)
Bidding Phase Services	Two-thousand five-hundred dollars (\$2,500.00)
Contract Administration Services	Nine-thousand dollars (\$9,000.00)
Total	Twenty-two thousand five-hundred (\$22,500.00)

In addition to our above fee, we would be reimbursed for direct out-of-pocket expenses plus 10%, for expenses such as travel, outside reproductions, overnight/messenger deliveries, include in-house printing per drawing at \$0.60 each for 18 x 24, \$1.20 each for 24 x 36, \$1.75 each for 30 x 42, plotting at \$5.00 per Plot, 8-1/2 x 11 copy-work at \$0.10 per copy, and 11 x 17 copy-work at \$0.15 per copy. We estimate our reimbursables would not exceed \$1,500.00. If we approach this estimated fee, we would advise you of any expected additional cost and obtain approval before proceeding.

If the basic services covered by this Agreement have not been completed within twenty-four (24) months of the date hereof, through no fault of the consultant for this part of the project, extension of the consultant services beyond that time shall be considered additional services and Gipe Associates, Inc. shall be compensated based on the hourly rates listed under extra services.

The following items are exclusions or clarifications of the scope of services. If it is determined that any of the following exclusions or clarifications are needed or desired, then the design of the same shall be treated as additional services and shall either be billed at a mutually agreed upon lump sum or on a flat hourly basis at the following billing rates which include personnel salaries, overhead and profit. In addition, we would be reimbursed for direct out-of-pocket expenses.

<i>Role</i>	<i>Rate</i>
MEP Principals	\$265.00/hour
IT Principals	\$205.00/hour
IT Project Manager/Designer	\$185.00/hour
MEP Project Managers	\$175.00/hour
MEP Project Engineers	\$125.00/hour
MEP Design Engineers	\$90.00/hour
Clerical	\$75.00/hour

- A. Alternates:
Alternate designs and bids are not included in the Engineer's basic scope of services.
- B. Audio/Video Systems:
Performance level audio-visual systems, acoustics analysis/design or consulting is not included in our scope of services.

- C. **Bi-Directional Antenna Systems:**
Bi-Directional/Distributed antenna systems (for either emergency radio and/or cellular telephone networks) design is not included in our scope of services.
- D. **BIM:**
Building Information Modeling (BIM) is not included in our scope of services.
- E. **Conformed Set:**
Gipe Associates Inc.'s basic fee does not include providing a conformed set of documents. A conformed set generally consists of an update of the bid set documents to include all addendums and/or value engineering items. Our fee proposal dated June 2, 2023 included an allowance for a conformed set of documents.
- F. **Contract Administration Services beyond the following limits:**
1. Up to two (2) reviews of each Shop Drawing, Product Data item.
 2. Up to one (1) inspection of the Work to determine whether such portions of the work are substantially complete in accordance with the requirements of the Contract Documents.
 3. Up to one (1) inspection of the Work to determine final completion.
- G. **Cost Estimating:**
Cost estimating is not included in Gipe Associates, Inc.'s scope of services or fee. Gipe Associates, Inc. will review cost estimates related to the portions of the work we design as developed by the Construction Manager.
- H. **Front End/Bidding Documents:**
The responsibility for overall project coordination, preparation of bidding requirements, preparation of General Conditions, Supplemental Conditions, bid forms, etc. and preparation of Division 01 shall be the responsibility of the Architect.
- I. **Future Additions:**
The Engineer's scope of services does not include the design of IT/AV system design for future additions unless otherwise agreed upon in writing.
- J. **Life Cycle Cost Analysis:**
Due to the size and scope of this project, Life Cycle Cost Analysis shall not be performed related to IT/AV system selection.
- K. **Phasing:**
The Engineer's scope of services includes the quantity of inspections. Should the project require phasing necessitating the need for multiple substantial completion and final completion inspections, the Owner shall compensate the Engineer hourly.

- L. Preparation of Operation and Maintenance Manuals:
The preparation of Operation and Maintenance Manuals is the responsibility of the Contractor and is not in our scope of services. However, we will review the Operation and Maintenance Manuals.
- M. Record Drawings:
The drawing of Record Drawings is included in Gipe Associates, Inc.'s scope of services and fee. Preparation of record drawings shall be based on Contractor's red-line markups. Upon completion of the construction, we shall compile for, and deliver to, the Owner a set of Record Drawings conforming to the construction records of the Contractor as provided to us. This set of documents shall consist of corrected plans showing the reported location of the Work. The information submitted by the Contractor and incorporated by us into the Record Drawings will be assumed to be reliable, and Gipe Associates will not be responsible for the accuracy of this information, nor the any errors or omissions which may appear in the Record Drawings as a result. We will deliver these drawings in AutoCAD (.dwg) format and PDF format via electronic file transfer and/or electronic media, e.g. USB flash drive.
- N. Substitutions:
The review of Contractor initiated and proposed substitutions during the Bidding Phase or Contract Administration Phase shall not be included in Engineer's basic services. Should the Owner request in writing that the Engineer review a proposed substitution, then the Engineer shall be compensated hourly in accordance with the rates as set forth. Engineer shall record time required by Engineer and Engineer's consultants in evaluating substitution proposed or submitted by Contractor. The Supplementary Conditions, if prepared by the Engineer, shall require the Contractor to reimburse Owner for Engineering and Engineer's consultants for evaluating such proposed substituted item.
- O. Tax/Utility Rebate Assistance:
Gipe Associates, Inc.'s basic fee does not include providing assistance in obtaining tax credits or utility rebates.
- P. Utility Locating:
Utility locating is not included in our scope of services. All underground utilities shall be located by the Civil Engineer. Utility locations shall be provided to Gipe Associates, Inc. in a timely manner.
- Q. Utility Service Applications:
We include design coordination with the utilities for IT services including coaxial, telephone, and optical fiber. We are not responsible for the utility's lack of response or delayed response to service requests or costs associated with any of their delays in responding in a timely fashion. Once the project goes to construction, it is the Contractor's responsibly, not Gipe Associates', to follow-up with the utility companies to coordinate the timely installation of said utilities.
- R. Value Engineering:
Value engineering and/or value management is not included in the Engineer's scope of services.

Fees would be due and payable monthly based on our invoices showing the percentage of work completed. Gipe Associates, Inc. reserves the right to stop work on this project if payment is not received within 45 days of billing. Payments not received within 45 days of invoice date would be subject to an additional charge of 1 ½ percent per month (18% per annum).

Additional site visits during the construction phase and punch-out/close-out would be performed on call and at the rate of \$500.00 per person per trip, plus reimbursable expenses.

The following services are not included in the above fees:

- Commissioning of equipment and systems.
- Destructive investigations and investigations of hidden conditions.
- Extensive on-site Contract Administration.
- Extensive survey and verification of as-built conditions.
- Investigations in hazardous areas or confined spaces.
- LEED Design and Analysis
- Life Cycle Cost Analysis
- Participation in Value Engineering.
- Preliminary studies, reports or feasibility analysis.
- Preparation of Operation and Maintenance Manuals.
- Reproduction of plans, specifications, or other contract documents for review or for bidding purposes unless covered under reimbursable expenses.
- Treatment of Hazardous Materials.
- Utility locating services.

This Agreement may be terminated by either party after giving thirty days written notice of the intent to terminate to the other party and by payment of the balance due to Gipe Associates, Inc. This balance will be arrived at by an estimate by Gipe Associates, Inc. of the percentage completion of the project at the time of termination plus any reimbursable expense due to termination.

If you are not a corporation and subsequent to the making of this Agreement you incorporate your business with or without the knowledge of Gipe Associates, Inc., you agree to be jointly and severally liable to Gipe Associates, Inc. for any indebtedness incurred by or transferred to such corporation. If you are a corporation or partnership and you are not a general partner, your signing this letter warrants that you are duly authorized to do so and you agree to be jointly and severally liable with the corporation or partnership for any indebtedness owing by them to Gipe Associates, Inc.

In the event that your account with Gipe Associates, Inc. becomes delinquent and past due, and Gipe Associates, Inc. engages the services of an attorney to collect the account, then, subject to the applicable law, you and any person jointly and severally liable with you, agree to reimburse to Gipe Associates, Inc. attorneys' fees in an amount equal to 20% of the amount due, whether or not litigation is commenced and court costs.

Ownership of plans, maps, drawings and all other documents, including original drawings, field notes and data are to remain the property of Gipe Associates, Inc. as instruments of service. Upon payment of all services billed, the Owner may at his expense obtain a set of reproducible record prints and drawings and

ITEM 12

Page 6 of 6

WO #:22066A - Worcester County Library – Pocomoke Branch

Additional Services Proposal – IT and AV Systems Design

June 18, 2024

copies of other documents in consideration of which the Owner will use them solely in connection with this project and no other project.

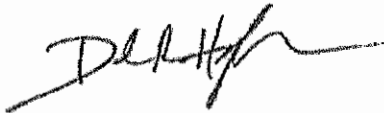
Neither this contract nor any rights or duties hereunder may be assigned or delegated to any other person or entity without the express written consent of Gipe Associates, Inc.

We appreciate the opportunity of submitting this proposal. If these terms are agreeable, please sign and return one copy for our files.

Very truly yours,

GIPE ASSOCIATES, INC.

THE DESIGN GROUP



David R. Hoffman, P.E., LEED AP
President

Accepted: _____

Date: _____

DRH/cdh



ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

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>

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

TO: Weston S. Young, Chief Administrative Officer
FROM: Matthew Laick, GISP, Deputy Director
DATE: June 24, 2024
RE: Proposed Private Lane Name – Autumn Grove Lane

We have received a request to name a private lane that serves four lots on the south side of Sinepuxent Road. All the lot owners, including the existing homeowner have agreed and submitted **Autumn Grove Lane** as their road name choice.

Our office will help mitigate the address change by working with the US Post Office as well as UPS and FedEx.

We are requesting your approval of the private road name so that we may assign the addresses to the properties along this lane. If approved, I have taken the liberty of drafting a resolution to reflect either name selection. An electronic copy will be sent to your office as well. As always, I will be available to discuss this matter with you and the County Commissioners at your convenience.

Attachment

cc:
Roscoe Leslie, County Attorney
Matt Owens, Director, Dept. of Emergency Services
Dallas Baker, Director, Dept. of Public Works
Kevin Lynch, County Roads Superintendent DPW
Kelly Henry, Technical Services Manager



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

TO: Jennifer K. Keener, Director
Matt Laick, Deputy Director
FROM: Kelly Henry, Technical Services Manager
DATE: June 18, 2024
RE: Naming of Private Lane – “Autumn Grove Estates”

“Autum Grove Estates” is a 4-lot subdivision with a shared driveway off Sinepuxent Road. In 2020 when the Department received the 1st building permit application for a lot in this subdivision there was a proactive approach by the Department to have the shared access easement, private lane, named at that time, not waiting until the receipt of the 3rd building permit application. Due to existing policy at that time, the private lane was not named. However, in 2023 the Public Safety Article 6-101(e) was amended to include “...or 3 or more buildable lots...”. Now the Department is in receipt of the 2nd building permit application.

The property owners were notified on June 13, 2024, relative to the naming of the private lane. The owners are suggesting the following name: **Autumn Grove Lane**. This name is not in conflict with nor a duplicate of an existing road name in the County, and therefore acceptable. If approved the County Roads Division will post a brown and white sign at the intersection of the private lane and Sinepuxent Road. The Department will assign street numbers based on the location of the driveways along the private lane.

Please note this action will change the mailing address for Lot 3. It will be the sole responsibility and cost of the property owner to change and post the new street number on the respective mailbox, dwelling, entryway and contact correspondents. The location of the mailboxes for this subdivision is a function of the local Post Office, not the County. This Department will forward the new addresses to United States Postal Service, State Department of Assessment and Taxation, Verizon, Comcast, Mediacom and submit edit requests to Google maps and Open Street Maps.

Attachments

Cc: Matt Owens, Emergency Services Department Director

6/13/24, 12:07 PM

Hammond_061324_PACKET - Google Docs

Come up with 3 names in rank order.

<http://www.co.worcester.md.us/departments/drp>

APPLICATION

CUSTOMER SERVICE DIVISION TECHNICAL SERVICES DIVISION
TECHNICAL SERVICES DIVISION

All must resemble _____ Lane

PRIVATE ROAD NAME

ADMINISTRATIVE DIVISION
ADMINISTRATIVE DIVISION CUSTOMER SERVICE DIVISION

Proposed Road Name:	AUTUMN GROVE LANE
---------------------	-------------------

Pursuant to Section PS 6-101(e) of the County Code a private lane serving 3 or more inhabitable structures, or buildable lots, is to be named by the County Commissioners.

We understand that address numbers must be posted and maintained at each individual driveway entrance off the private lane, so they are visible from the public road in both directions and on individual houses. We also understand that the existing mailing and physical address associated with this property will be changed to coincide with the new private lane name.

Autumn Gove Estates				
Lot	Owner	Signature	Email Address	Phone Number
1 & 2	Dennis Naughton		dennisnaughton5@gmail.com	410-251-4657
	Cynthia Naughton		"	410-251-8448
3	Mary Ochse		maryseato@yaho.com	410-251-8266
	William Ochse	 personal representative	"	"
4	Michelle Hammond		Diverdown36@gmail.com	410 251-6960
	Richard Hammond		Diverdown36@gmail.com	410 251-2655

Each property owner on the requested private lane must sign this form.

Please return this form to: Department of Development Review & Permitting - Kelly Henry, Technical Services Division Manager - khenry@co.worcester.md.us - Worcester Government Center - 1 West Market Street - Snow Hill, Maryland 21863 - 410-632-1200, extension 1130

We're going to hand-deliver this so it can be approved during the next Commissioner's Meeting on June 18th

Citizens and Government Working Together

Autumn Grove Estates—Plat Book 249 / 50—December 4, 2020

4 residential lots with a shared access easement

“Autumn Grove Estates”

Autumn Grove Lane

Sinepuxent Road

Lot 1

Lot 3

Lot 2

Lot 4



RESOLUTION NO. 24-__

RESOLUTION NAMING A PRIVATE LANE
OFF OF SOUTH POINT ROAD
IN BERLIN AS
AUTUMN GROVE LANE

WHEREAS, the Worcester County Commissioners have adopted an Inventory of Public Roads of Worcester County in accordance with § PW 1-202 of the Code of Public Local Laws of Worcester County, Maryland; and

WHEREAS, in accordance with the provisions of § PS 6-101(e) of the Code of Public Local Laws of Worcester County, Maryland, the Worcester County Commissioners are to name all private lanes which have three or more buildable lots or three or more inhabitable structures, including houses, mobile homes, businesses or other structures, selecting a name which is not the same or similar to another private lane or a public road listed in the Inventory of Public Roads of Worcester County, Maryland; and

WHEREAS, the County Commissioners have received a request to name a private lane off of Sinepuxent Road in Berlin which serves four residential lots; and

WHEREAS, **Autumn Grove Lane** is an appropriate name which is not the same or similar to another private lane name or public road name in the Inventory of Public Roads of Worcester County, Maryland.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The private lane known as **Autumn Grove Lane** located on the southerly side of Sinepuxent Road in Berlin in the Third Tax District of Worcester County, Maryland as shown on Worcester County Tax Map 26, serving Parcel 378, Lots 1A, 2A, 3A and 4A is hereby named **Autumn Grove Lane**, for which a sign will be erected by the Roads Division of the Worcester County Department of Public Works.

Section 2. Executed this _____ day of _____, 2024. This Resolution shall be effective immediately.

The Worcester Commission on Aging provides programs and services that support the quality of life, independence and health goals desired and needed by Worcester County's senior residents.

MEMO

TO: Worcester County Commissioners

RE: Over-expenditure Request

We are requesting funds in the amount of \$5,000 to cover the cost of the excessively high water bills for the facility at 400 Walnut St in Pocomoke City shared by the Health Department and the 50plus Center. The cost is due to a water main break under the building that was undetected until the April water bill was received. By then the water break had already significantly affected the May water bill. When the April water bill was received, County maintenance was immediately contacted and upon inspection they shut down the facility for repairs.

The water/sewage bills for April and May were \$3,352.98 and \$7,277.05 respectively. (Attached.) Pocomoke City reduced these to \$1,711.38 and \$3,678.13 respectively for a total of \$5,389.51. After reviewing our year-to-date budget expenditures, it was determined that there are no budgeted funds available for this surplus cost. The normal monthly cost for the water/sewage for this facility is less than \$100.00.

NOTE: For the Pocomoke facility, the Health Department is responsible for paying the electric bill and WorCOA is responsible for the water/sewage bill. This is the reason this request is coming from WorCOA.

With regards,



John Dorrough, Executive Director

Worcester Commission on Aging

POCOMOKE CITY

101 CLARKE AVENUE, POCOMOKE CITY, MD 21851

www.cityofpocomoke.com

(410) 957-2521

MAIL PAYMENTS TO:

ATTN: POCOMOKE CITY WATER DEPT, P.O BOX 29, POCOMOKE CITY, MD 21851

CODE	METER READING		USAGE	AMOUNT
	PREVIOUS	PRESENT		
WA	4,148,900	4,664,500	515,600	3,640.14
SW			515,600	3,631.91
BF				5.00

MAY 23 2024

Total Current Charges 7,277.05
 Past Due Amount 3,352.98
 Penalty 15.00

FOR EXPLANATION OF CODES SEE BACK TOTAL AMOUNT DUE 10,645.03

Bulk Collection June 12,2024 (4 Items max.)
 City Hall will be closed May 27,2024
 Mon 5/27 route will be picked up on Tues 5/28
 Tues 5/28 route will be picked up on Wed 5/29
PAST DUE AMOUNTS ARE DUE 5/29/2024

AMOUNT DUE	DUE DATE	AFTER DUE DATE PAY THIS AMOUNT
\$10,645.03	6/10/2024	\$10,660.03
ACCOUNT STATUS	BILL DATE	ACCOUNT NUMBER
Active	5/15/2024	5-1266-00

PLEASE RETURN THIS STUB WITH PAYMENT

RETURN SERVICE REQUESTED

BILL DATE	5/15/2024
ACCOUNT NUMBER	5-1266-00
DUE DATE	6/10/2024
SERVICE FROM	4/8/2024
SERVICE TO	5/8/2024
SERVICE LOCATION	400 WALNUT ST

PRESORTED
 FIRST CLASS MAIL
 US POSTAGE PAID
 POCOMOKE CITY MD 21851
 PERMIT 29

SERVICE FROM	4/8/2024
SERVICE TO	5/8/2024
SERVICE LOCATION	400 WALNUT ST



SENIOR CENTER
 C/O WORCESTER CO. COMM.
 P.O. BOX 159
 SNOW HILL, MD 21863

POCOMOKE CITY

101 CLARKE AVENUE, POCOMOKE CITY, MD 21851

www.cityofpocomoke.com

(410) 957-2521

MAIL PAYMENTS TO:

ATTN: POCOMOKE CITY WATER DEPT, P.O BOX 29, POCOMOKE CITY, MD 21851

CODE	METER READING		USAGE	AMOUNT
	PREVIOUS	PRESENT		
WA	3,911,800	4,148,900	237,100	1,673.93
SW			237,100	1,674.05
BF				5.00

APR 24 2024

Total Current Charges 3,352.98
 Past Due Amount 0.00
 Penalty 0.00

FOR EXPLANATION OF CODES SEE BACK TOTAL AMOUNT DUE 3,352.98

Bulk Collection May 8,2024 (4 Items Max.)
 City Hall Closed May 27,2024
 Holiday Garbage Collection
 May 27 on May 28 & May 28 on May 29
PAST DUE AMOUNTS ARE DUE 5/1/2024

AMOUNT DUE	DUE DATE	AFTER DUE DATE PAY THIS AMOUNT
\$3,352.98	5/10/2024	\$3,367.98
ACCOUNT STATUS	BILL DATE	ACCOUNT NUMBER
Active	4/15/2024	5-1266-00

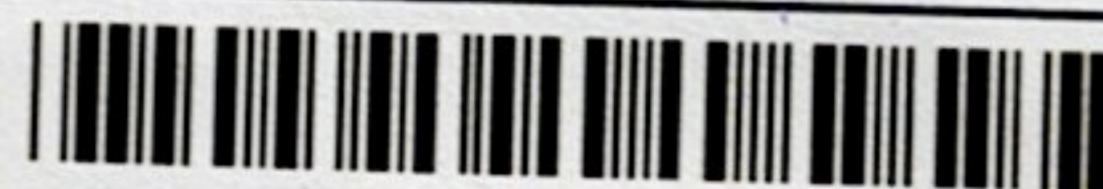
PLEASE RETURN THIS STUB WITH PAYMENT

RETURN SERVICE REQUESTED

BILL DATE	4/15/2024
ACCOUNT NUMBER	5-1266-00
DUE DATE	5/10/2024
SERVICE FROM	3/11/2024
SERVICE TO	4/8/2024
SERVICE LOCATION	400 WALNUT ST

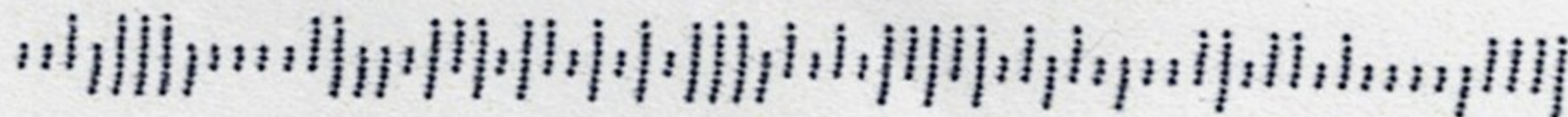
PRESORTED
 FIRST CLASS MAIL
 US POSTAGE PAID
 POCOMOKE CITY MD 21851
 PERMIT 29

SERVICE FROM	3/11/2024
SERVICE TO	4/8/2024
SERVICE LOCATION	400 WALNUT ST



SENIOR CENTER
 C/O WORCESTER CO. COMM.
 P.O. BOX 159
 SNOW HILL, MD 21863

2186330159 8002





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

To: County Commissioners

From: Roscoe R. Leslie

Date: June 21, 2024

RE: Property Transfer Request

The County has received a request from property owners to purchase a small portion of County property.

Mr. and Mrs. Holden own a single-family home whose lot borders on the northern side of a Public Works Roads facility near Pocomoke. While constructing a fence around the County's property, it came to the attention of Public Works that the Holdens' shed and some other personal property is encroaching onto County property.

The Holdens have offered \$2000 plus all necessary expenses to purchase a strip of property from the County to resolve the issue.

We've attached their offer, a survey, and a plat of the area. Public Works is satisfied that a 10-foot buffer from the County fence to the new property line would be sufficient to allow for mowing and maintenance of the fence.

If the Commissioners are interested in proceeding, we can initiate the formal process required by our code. If not, we will inform the property owners that their personal property must be removed from the County facility.

December 29, 2023

Roscoe R. Leslie
County Attorney for Worcester County, Maryland
Worcester County Government Center
One West Market St. Room 1103
Snow Hill, MD 21863

Mr. Roscoe R. Leslie, Worcester County Attorney:

This letter is in response to our letter of November 7, 2023, in regard to the purchase of a portion of the county's Groton Road Property.

Our proposal would be to purchase a small plot of land that sits behind our property at 2605 Pine Ridge Court and North of the Worcester County's Groton Road Property.

We had the plot of land formally measured by the surveyor which yielded to be 5529 square feet or .13 acre. We also consulted with C. D. Hall of CD Hall Realty for a fair market offer for the plot of land. Thus, we would like to offer \$2,000 for the purchase of the land.

The attached illustration shows the proposed area of land for purchase.

If our offer is accepted, we acknowledge we would be responsible for closing cost, and other associated fees.

We look forward to working with you to resolve this matter.

Sincerely,

Tony and Belaveate Holden

May 15, 2024

Roscoe R. Leslie
County Attorney for Worcester County, Maryland
Worcester County Government Center
One West Market St. Room 1103
Snow Hill, MD 21863

Mr. Roscoe R. Leslie, Worcester County Attorney:

This letter is a follow up in response to the request of our public works department of amendment to our original survey to purchase of a portion of the county's Groton Road Property.

Our original survey was 2 feet from the fence which yielded 5529 square feet and consideration of the new fence as the property line. Thus, the request of our public works department of 10 feet from the fence is 3481 square feet or 63% of the original survey.

If granted our original survey, we would like to purchase the length of the fence to purchase which is 764 square feet.

A second consideration is that we would like to propose to purchase 5 feet from the fence for a total of 1,740 square feet.

Please find included two surveys, one as requested and the other a described for consideration for the proposed area of land for purchase. We have maintained this area since 2010.

If our offer is accepted, we acknowledge we would be responsible for closing cost, and other associated fees.

We look forward to working with you to resolve this matter.

Sincerely,

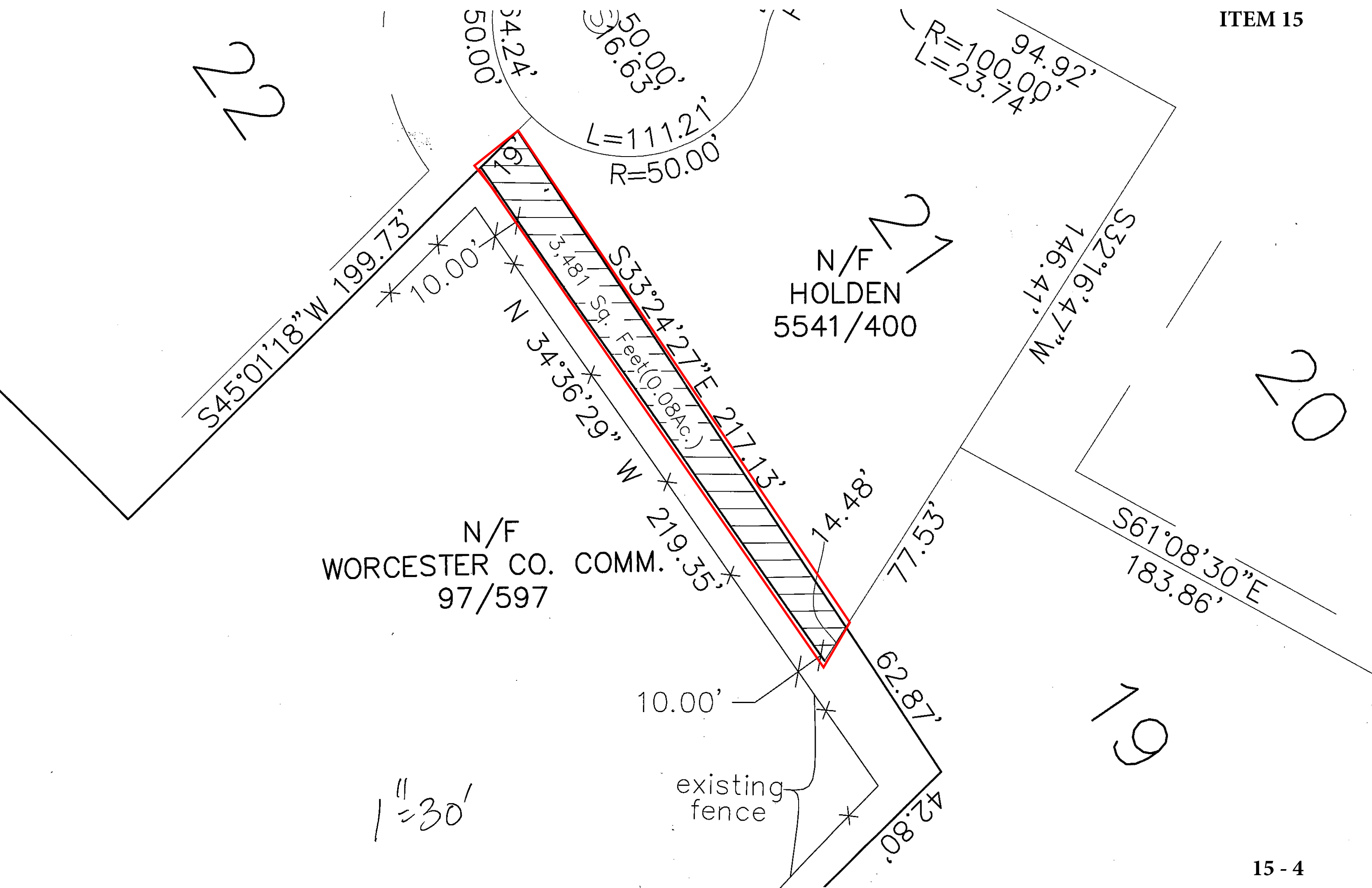
Tony and Belaveate Holden

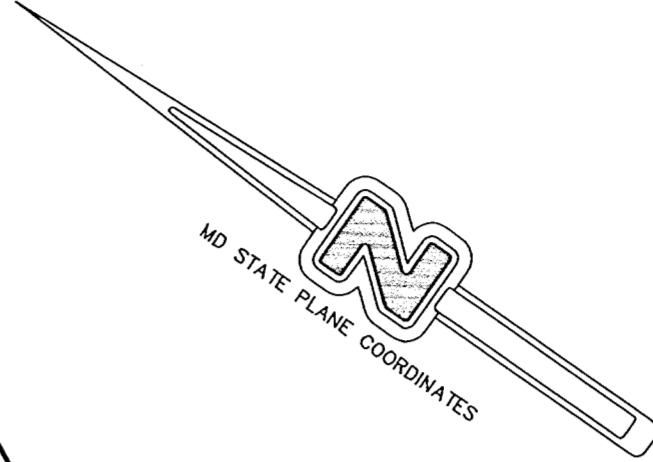
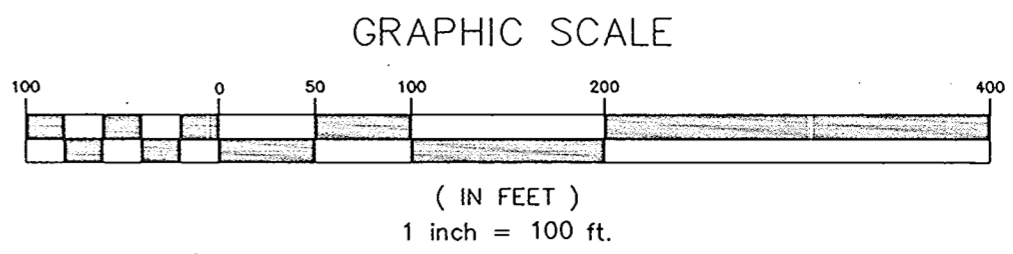
Tony M. Holden
Belaveate Holden

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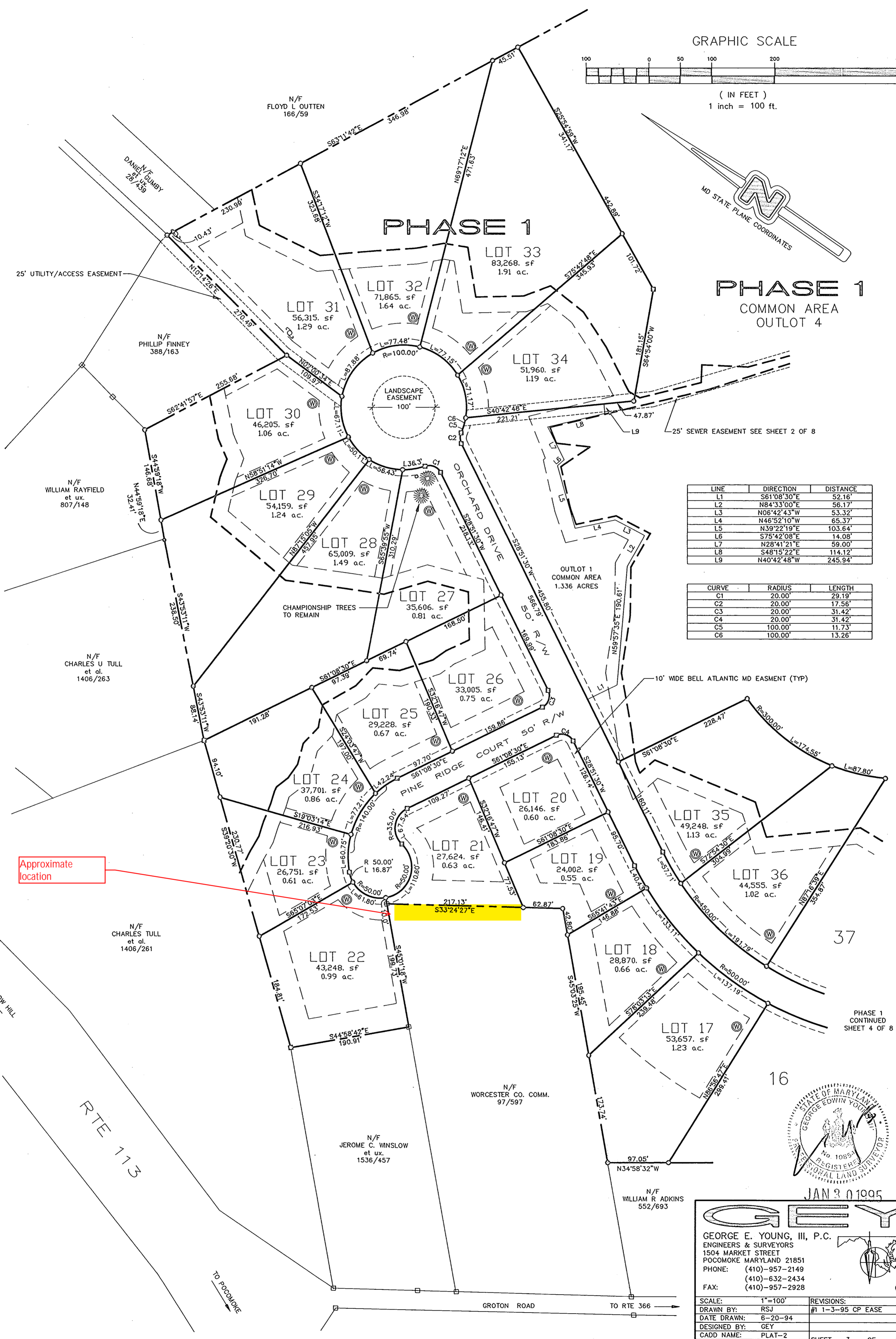




PHASE 1
COMMON AREA
OUTLOT 4

LINE	DIRECTION	DISTANCE
L1	S61°08'30"E	52.16'
L2	N84°33'00"E	56.17'
L3	N06°42'43"W	53.32'
L4	N46°52'10"W	65.37'
L5	N39°22'19"E	103.64'
L6	S75°42'08"E	14.08'
L7	N28°41'21"E	59.00'
L8	S48°15'22"E	114.12'
L9	N40°42'48"W	245.94'

CURVE	RADIUS	LENGTH
C1	20.00'	29.19'
C2	20.00'	17.56'
C3	20.00'	31.42'
C4	20.00'	31.42'
C5	100.00'	11.73'
C6	100.00'	13.26'



Approximate location



GEY

GEORGE E. YOUNG, III, P.C.
ENGINEERS & SURVEYORS
1504 MARKET STREET
POCOMOKE MARYLAND 21851
PHONE: (410)-957-2149
(410)-632-2434
FAX: (410)-957-2928

SCALE: 1"=100'
DRAWN BY: RSJ
DATE DRAWN: 6-20-94
DESIGNED BY: GEY
CADD NAME: PLAT-2
JOB #: 93180

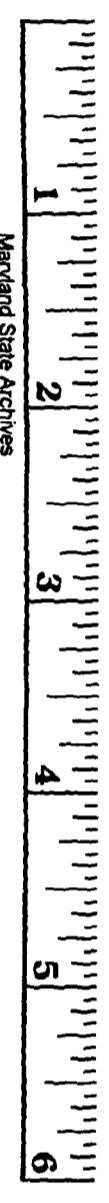
REVISIONS:
#1 1-3-95 CP EASE

JAN 30 1995

SHEET 3 OF 8

R.H.O. 1/1/50

WORCESTER COUNTY CIRCUIT COURT (Subdivision Plats, WO) Plat Book BHD 141, pp. 54-61, MSA_S1257_2906. Date available 1995/02/16. Printed 01/05/2024.





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: Weston S. Young, Chief Administrative Officer
DATE: June 27, 2024
RE: Salisbury Regional Airport – Air Service Development Grant Request

The Salisbury Regional Airport has interest in recruiting a low-fare, nonstop airline service to a major Florida location. Florida is the most popular destination among those who live within the airport’s catchment area, which includes Worcester County.

In an effort to attract a new airline service, the airport is considering various incentives, including the pursuit of a federal grant. We have received a request from the airport for the consideration of a pledged amount of local funding from Worcester County, and other community partners, to assist with their grant application.

A one-page overview provided by the airport is attached.



Small Community Air Service Development Program (SCASDP) Grant Proposal Local Matching Funds Information Sheet

Project Overview

The US Department of Transportation’s Small Community Air Service Development Program (SCASDP) provides grant funds to help small communities address air service deficiencies and issues with high airfares. The Salisbury Regional Airport intends to submit a SCASDP proposal to provide risk mitigation funds and marketing support to recruit low-fare, nonstop airline service to a major Florida destination.

The risk mitigation funds would cover losses, if any, during the early stages of the new service. In addition to SCASDP funds, the Airport would make an “in kind” contribution of fee waivers for up to two years. Incentives such as these are common in the airline industry and SCASDP allows communities to leverage local funds with government grant dollars to offer a total value incentive package that is attractive.

Airport staff recruited an airline interested in providing the service, subject to availability of the incentives, and will provide a letter of support for inclusion in Salisbury’s grant proposal.

SCASDP grants are awarded annually. The deadline to submit a proposal in FY2024 is July 25, 2024 and grant awards are expected to be announced in early to mid-October.

Community Matching Fund Commitment

The Airport will seek a SCASDP grant for \$800,000 and is obtaining commitments from community partners to provide a total of \$200,000 in a local matching fund component for inclusion in the grant proposal.

At this time, only commitments (“pledges”) are necessary. Actual funding of the local match will be necessary if the grant is awarded and an agreement is finalized with an airline to provide service.

Any unused matching funds would be returned at the end of the agreement with the airline.

When evaluating SCASDP grant proposals, USDOT considers the amount local matching funds as an indication of community support for its local airport and efforts to improve air service. **Simply put, the more local funds the greater the chance of a grant being awarded.**

Benefits to the Eastern Shore Community

The Airport believes the new service would benefit the community by providing low-fare service to one of its popular destinations, saving residents both the time and money of having to drive to Baltimore or other neighboring airports. The service would also create greater community awareness of Salisbury Regional Airport and its benefits (e.g., short drive, lower cost parking, short security lines) and even provide an opportunity for Florida residents to escape summer temperatures and visit Maryland’s Eastern Shore, particularly Ocean City.

Finally, if the new service proves successful, it could be the impetus for additional nonstop destinations from the new airline, American Airlines, or possibly other airlines. This is a great opportunity to begin building air service that better meets the needs of Eastern Shore residents and businesses.

For additional information, please contact:

Anthony Rudy
Airport Director
 Salisbury Regional Airport
 (410) 548-4827
arudy@wicomicocounty.org

TEL: 410-632-1194
 FAX: 410-632-3131
 WEB: www.co.worcester.md.us



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

June 24, 2024

To: Worcester County Commissioners
 From: Karen Hammer, Administrative Assistant V
 SUBJECT: Upcoming Board Appointments - Terms Beginning January 1, 2024

President Bertino – You have Three (3) positions open:

- George Solyak – Term Ending – Agricultural Reconciliation Bd.
- Maria C- Lawrence – Term Ending Dec. 2023 – Housing Review Board
- Judith Giffin – Resigned - Commission for Women

Commissioner Purnell – You have filled all your positions, Thank you!

Commissioner Bunting - You have filled all your positions, Thank you!

Commissioner Abbott – You have filled all your positions, Thank you!

Commissioner Mitrecic – You have One (1) position open:

- Bill Paul – Term Expiring Dec. 2023 – Building Code Appeals Board

Commissioner Elder - You have filled all your positions, Thank you!

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).

(1)-Drug and Alcohol Abuse Council – (1Deceased) (Dr. Cragway)

(2)-Local Development Council for the Ocean Downs Casino-

2- Previously Expired Terms - **Mark Wittmyer At-Large -Suggested Replacement. Expired Term** David Massey (At-Large-Business O.P.),

(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

(2 - Total): Commission for Women:

(2) Resigned -Elizabeth Rodier - (Fiori), Judith Giffin - (Bertino)

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)

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>At-Large Members</u>	<u>Years of Term(s)</u>
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 - deceased
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
Jim Freeman, Jr.	Knowledgeable on Substance Abuse Issues	04-11-15, 15-19-23-27
Mimi Dean	Substance Abuse Prevention Provider	*18-19-23-27
Michael Trader	Knowledgeable on Substance Abuse Issues	23-27

Ex-Officio Members

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

Advisory Members

* Appointed to a partial term for proper staggering, or to fill a vacant 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

**LOCAL DEVELOPMENT COUNCIL
FOR THE OCEAN DOWNS CASINO**

ITEM 17

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 ^c	At-Large	Business - Ocean Pines	09-13-17, 17-21
Bobbi Jones	Ocean Downs Casino	Ocean Downs Casino	23-indefinite
Mary Beth Carozza	Indefinite	Maryland Senator	14-indefinite
Wayne A. Hartman	Indefinite	Maryland Delegate	18-indefinite
Charles Otto	Indefinite	Maryland Delegate	14-indefinite
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 ^c	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 ^c	At-Large	Business - Berlin	*09-10-14-18-22-26
Roxane Rounds	Dist. 2 - Purnell	Resident - Berlin	*14-15-19-23-27
Michael Donnelly	Dist. 7 - Mitrecic	Resident - Ocean City	*16-19-23-27

Prior Members:

J. Lowell Stoltzfus^c (09-10)
 Mark Wittmyer^c (09-11)
 John Salm^c (09-12)
 Mike Pruitt^c (09-12)
 Norman H. Conway^c (09-14)
 Michael McDermott (10-14)
 Diana Purnell^c (09-14)
 Linda Dearing (11-15)
 Todd Ferrante^c (09-16)

Since 2009

Joe Cavilla (12-17)
 James N. Mathias, Jr.^c (09-18)
 Ron Taylor^c (09-14)
 James Rosenberg (09-19)
 Rod Murray^c (*09-19)
 Gary Weber (*19-21)

Charlie Dorman (12-19)
 Gee Williams (09-21)
 Bobbi Sample (17-23)

* = Appointed to fill an unexpired term/initial terms staggered
^c = Charter Member

**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: Coleen Colson, Chair and , Laura Morrison, Co-Chair
 Worcester County Commission for Women - P.O. Box 211, Snow Hill, MD 21863

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
<u>Elizabeth Rodier</u>	D-3, Fiori	Bishopville	18-21(Resigned)
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
<u>Judith Giffin</u>	D-5, Bertino	Ocean Pines	*22-23-26 Resigned
Jeannine Jerscheid	Public Safety – Sheriff’s Office		23-26
Kathleen Palmer	D-1, Abbott	Pocomoke City	23-26
Sharnell Tull	At-Large	Pocomoke	23 -26
Joan Scott	D-4, Elder	Newark	23-26
Susan Ostrowski	D-6, Bunting	Berlin	24-27

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



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

June 5, 2024

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 June 13, 2024 and June 20, 2024. Thank you.

NOTICE OF INTRODUCTION OF BILL 24-05
WORCESTER COUNTY COMMISSIONERS

Take Notice that Bill 24-05 (Natural Resources – Critical Area Law) was introduced by Commissioners Abbott, Bertino, Bunting, Elder, Fiori, Mitrecic, and Purnell on May 21, 2024.

A fair summary of the bill is as follows:

§NR 3-101: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations.

§NR 3-102: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations (i.e. provide definition for lot coverage which took the place of the term impervious surface).

§NR 3-103: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations.

§NR 3-104: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations.

§NR 3-105: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections.

§NR 3-106: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations, including updating adjacency regulations.

§NR 3-107: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations. Some language changes made to reflect new terminology (i.e. lot coverage verse impervious surface).

§NR 3-108: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections. Special Event Language added, as previously adopted locally by the County Commissioners on May 19, 2020 with passage of Bill # 20-3.

§NR 3-109: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations.

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§NR 3-110: Changes made to update current State regulations.

§NR 3-111: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations, including After the Fact variance requests and Administrative variances.

§NR 3-112: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations. **Updates growth allocation acreage based on comments from the Critical Area Commission.**

§NR 3-113: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections.

§NR 3-114: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations. Unauthorized clearing section originally from §NR 3-116(g) moved to this section.

§NR 3-115: This section was entirely placed within §NR 3-114, then the Lot Consolidation and Reconfiguration section (from COMAR) was added to the Worcester County Code; therefore, the language in this section is completely new and added to update to current State regulations.

§NR 3-116: Parts of this section were deleted because they are not in COMAR. Other parts of this section (g-Enforcement) were placed in §NR 3-114.

§NR 3-117: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations.

§NR 3-118: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations.

§NR 3-119: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections.

§NR 3-120: **Adds clarifying language for the usage of the DNR Wildlife and Heritage Service resource inventory based on comments from the Critical Area Commission.**

§NR 3-121: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections. Removed section on Bald Eagles as they are no longer considered an endangered species.

§NR 3-122: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections. Removed “wetlands” from section.

§NR 3-123: Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations.

§NR 3-124: Changes made to combine the Chesapeake and Atlantic Coastal Bays. **Adds language from the Critical Area model ordinance based on comments from the Critical Area Commission.**

§NR 3-125: No changes.

§NR 3-126: This is a completely new section, taken from COMAR/State regulations.

§NR 3-127: This section was renumbered from §NR 3-126. Changes made to combine the Chesapeake and Atlantic Coast Bays sections and to update current State regulations.

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§NR 3-127 (original code): This section was removed because Maryland Department of Environment oversees wetlands.

§NR 3-127: This section was renumbered from §NR 3-126. Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update to current State regulations.

§NR 3-128: This is a new section based on recent regulations passed by the Critical Area Commission on April 1, 2021.

A Public Hearing

will be held on Bill 24-xx at the Commissioners' Meeting Room, Room 1101 – Government Center, One West Market Street, Snow Hill, Maryland on **Tuesday, July 2, 2024 at 10:30 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, is available for public inspection in Room 1103 of the Worcester County Government Center. A full copy of the bill with an option to submit comments will also be available by a link provided on the County Website at www.co.worcester.md.us.

THE WORCESTER COUNTY COMMISSIONERS



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

Introduced by Commissioners
 Abbott, Bertino, Bunting, Elder,
 Fiori, Mitrecic, and Purnell

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: Critical Area Bill

Local Legislation Comprehensively Updating and Combining the Atlantic Coastal Bays and Chesapeake Bay Critical Area Ordinances

Date: 5/13/24

Attached you will find a copy of the above referenced bill that should complete the comprehensive update of our local Atlantic Coastal Bays and Chesapeake Bay Critical Area codes, which also involved the combination of the two programs into a single code. This legislation was prepared to update the code to reflect changes in state law since the ordinances were last comprehensively updated and reflect the state's model ordinance. The changes were also prepared to simplify the program for our citizens and contractors.

The attached memorandum from our Natural Resources Administrator, Brian Soper, includes the draft bill and details the reviews done by staff, the County Attorney, and the staff at the Critical Area Commission (CAC). This comprehensive update was complicated by additional language recommendations by CAC staff and the Commission's attorney. We would respectfully request that the Commissioners introduce this bill so we can move forward to garner final approval by the full Critical Area Commission. The bill will be posted on the county website with a contact provided to allow for comments on the proposed legislation. Staff will address any comments and summarize for the Commissioner's review before the proposed hearing.

We have attached this hard copy bill in addition to a digital copy shared with County Administration and our County Attorney. A draft ad is also enclosed. The bill's text has strike-and-replace for deletions and all additions of language are presented in caps. As stated previously, the bill simply codifies the combination of our existing programs and provides updates in accordance with state law changes that are already enforced by staff. It does not address or include any additional regulations over and above that which we already must apply, or have agreed to in prior local amendments to this code.

If you have any questions or need any additional information, please let us know. Members of my staff and I will be available to discuss this matter with you and the County Commissioners at your convenience.

Attachments:

1. NR Administrator's Memo
2. Draft Bill
3. Roadmap for additional changes

4. Roadmap for original changes
5. Draft ad for hearing

cc: Roscoe Leslie
David Bradford
Brian Soper
Katherine Munson

Worcester County Critical Area Code Update

Roadmap for Changes and Updates- 9/13/2021

Code Section	Summary of Code Amendment and Justification	Notes and Comments
NR 3-101 Intent; Purpose; Findings; Severability	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.	
NR 3-102 Definitions	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations (i.e. provide definition for lot coverage which took the place of the term impervious surface). Definition for "Special Events" added per text amendment.	
NR 3-103 Development in the Critical Area	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations	
NR 3-104 The Buffer	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.	
NR 3-105 Grandfathered Uses Structures and Density	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections.	
NR 3-106 Intensely Developed Areas	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.	
NR 3-107 Limited Development Areas	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations. Some language changes made to reflect new terminology (i.e. lot coverage vs impervious surface)	
NR 3-108 Resource Conservation Areas	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections. Special Event text amendment language added.	
NR 3-109 Implementation of the Critical Area Provisions	Changes made to combine the Chesapeake and Atlantic Coast Bays sections and to update current State regulations.	
NR 3-110 Amendment and	Changes made to update current State regulations.	

Worcester County Critical Area Code Update

Refinements		
NR 3-111 Variances	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations, including After the Fact variance requests, per COMAR	
NR 3-112 Growth Allocation	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.	
NR 3-113 Intrafamily Transfers	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections.	
NR 3-114 Administration and Enforcement	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations. Unauthorized clearing section originally from NR 3-116(g) moved to this section as it makes more sense to be placed within the enforcement section.	
NR 3-115 Cutting and Clearing of Trees/ Lot Consolidation and Reconfiguration	This section was entirely placed within NR 3-114, then Lot Consolidation and Reconfiguration section (from COMAR) was added to the Worcester County Code; therefore, the language in this section is completely new and added to update to current State regulations.	
NR 3-116 Forest and Woodland Protection	Parts of this section were deleted because they are not in COMAR. Other parts of this section (g-Enforcement) were placed in NR 3-114 as it makes more sense to be placed within the enforcement section.	
NR 3-117 Commercial Timber Harvesting	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.	
NR 3-118 Surface Mining	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.	
NR 3-119 Agriculture	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections.	
NR 3-120 Habitat Protection	No changes.	
NR 3-121 Threatened and Endangered Species and Species in Need of Conservation	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections. Removed section on Bald Eagles as they are no longer considered an endangered species.	
NR 3-122	Changes made to combine the Chesapeake and Atlantic Coastal Bays sections.	

Worcester County Critical Area Code Update

Plant and Wildlife Habitat Protection Plan	Removed “wetlands” from section because this is now under the jurisdiction of MDE.	
NR 3-123 Anadromous Fish Propagation Waters	Changes made to combine the Chesapeake and Atlantic Coastal Bays Sections and to update current State regulations.	
NR 3-124 Water Dependent Facilities	Changes made to combine the Chesapeake and Atlantic Coastal Bays.	
NR 3-125 Individual Private Piers and Docks	No changes.	
NR 3-126 Non-water Dependent Structures on Piers	This is a completely new section, taken from COMAR/State regulations.	
NR 3-127 Shore Erosion Protection Works	This section was renumbered from NR 3-126. Changes made to combine the Chesapeake and Atlantic Coastal Bays sections and to update current State regulations.	
NR 3-127 (old code section)	This section was removed because MDE now oversees all Non-Tidal Wetlands.	
NR 3-128 Renewable Energy Generating Systems	This is a new section based on recent regulations passed by the Critical Area Commission on April 1, 2021.	

Worcester County Critical Area Code Update

Roadmap for Changes and Updates- 4/10/2024

Code Section	Summary of Code Amendment and Justification	Notes and Comments
NR 3-112 Growth allocation	Updates remaining growth allocation acreage for the Chesapeake Bay Critical Area based on Critical Area Commission Staff comments.	Page 57
NR 3-120 Habitat Protection	Changes made to include language clarifying the use of the DNR Wildlife and Heritage Service resource inventory based on Critical Area Commission Staff comments.	Pages 77-78
NR 3-124 Water Dependent Facilities	Changes made to include language from the Model Ordinance based on Critical Area Commission Staff comments.	Pages 84-89
Section 2	Changes made to language on when the adopted ordinance takes effect based on Critical Area Commission Staff comments.	Page 95



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Robert Mitchell, Director

From: Brian Soper, Natural Resources Administrator *BS*

Subject: Comprehensive Update of the Atlantic Coastal Bays and Chesapeake Bay Critical Area Codes

Date: May 13, 2024

The Natural Resources Division has finished drafting the Comprehensive Update of the Worcester County Atlantic Coastal Bays and Chesapeake Bay Critical Area programs, which includes the combination of the two programs into a simplified code. This Comprehensive update has been reviewed by Worcester County Natural Resources, Worcester County Attorney, and the State Critical Area Commission. All changes made reflect what is currently enforced by the Department through the Code of Maryland Regulations (COMAR) and will reflect the Model Ordinance written by the State Critical Area Commission, with language adapted to blend with Worcester County's Code of Public Local Laws.

A public hearing was held by the County Commissioners on the Comprehensive update, however, the Critical Area Commission provided additional comments after the hearing and the bill died after of year. These comments have now been integrated into the current draft of the Comprehensive update and a roadmap is attached to help locate these changes.

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

Attachments: Proposed Critical Area Code Comprehensive Update
Roadmap 4/10/2024

cc: David Bradford, Deputy Director of Environmental Programs

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 24-05

BY: Commissioners Abbott, Bertino, Bunting, Elder, Fiori, Mitrecic, and Purnell
INTRODUCED: May 21, 2024

A BILL ENTITLED

AN ACT Concerning

Natural Resources - ~~Atlantic Coastal Bays~~ WORCESTER COUNTY Critical Area LAW

For the purpose of ~~repealing and reenacting~~ AMENDING the Worcester County CHESAPEAKE AND Atlantic Coastal Bays Critical Area Law to ~~amend this Resource Protection Program for~~ UPDATE AND COMBINE the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries to comply with State law.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND that Subtitle I - Coastal Bays Critical Area, of Title 3 - Land and Water Resources of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

Title 3

LAND AND WATER RESOURCES

SUBTITLE I

~~Atlantic Coastal Bays~~ **WORCESTER COUNTY Critical Area LAW**

§ NR 3-101. Intent; purpose; findings; severability.

(a) Intent. IN 1984, THE MARYLAND GENERAL ASSEMBLY PASSED THE CHESAPEAKE BAY CRITICAL AREA ACT IN RESPONSE TO GROWING CONCERN OVER THE DECLINE OF THE QUALITY AND PRODUCTIVITY OF THE WATERS OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES. In 2002 the Maryland General Assembly passed the Atlantic Coastal Bays Protection Act for the purpose of preserving, protecting, and improving the water quality and natural habitats of the Atlantic Coastal Bays and their tributaries. The Legislature has determined that the CHESAPEAKE AND Atlantic Coastal Bays require especially sensitive consideration with regard to development. It is the intent of the County Commissioners to establish a local Program to implement the requirements of the Act THESE ACTS.

(1) NOTWITHSTANDING ANY PROVISION IN THIS ORDINANCE, OR THE LACK OF A PROVISION IN THIS ORDINANCE, ALL OF THE REQUIREMENTS OF NATURAL RESOURCES ARTICLE 8-1801 THROUGH 8- 1817 AND COMAR TITLE 27 SHALL APPLY TO, AND BE APPLIED BY, THE COUNTY AS MINIMUM STANDARDS.

(2) IN THE CASE OF CONFLICTING PROVISIONS, THE STRONGER PROVISION APPLIES.

(b) Purpose. It is the purpose of the County Commissioners in enacting this Subtitle:

- (1) To establish a Resource Protection Program for the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries by fostering more sensitive development activity for certain shoreline areas so as to minimize damage to water quality and natural habitats;
- (2) To implement the Resource Protection Program; and
- (3) To authorize, ordain, and impose a critical area protection program to provide for reasonable restrictions, reasonably enforced on properties in the ~~Atlantic Coastal Bays~~ Critical Area.

(c) Findings. The County Commissioners find and declare that:

- (1) The CHESAPEAKE AND Atlantic Coastal Bays and their tributaries are natural resources of great significance to the County;
- (2) The shoreline and adjacent lands constitute a valuable, fragile, and sensitive part of this estuarine system, where human activity can have a particularly immediate and adverse impact on water quality and natural habitats;
- (3) The capacity of these shoreline and adjacent lands to withstand continuing demands without further degradation to water quality and natural habitats is limited;
- (4) Studies have documented that the quality and productivity of the waters of the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries have declined due to the cumulative effects of human activity that have caused increased levels of pollutants, nutrients, and toxins in the bay systems and declines in more protective land uses such as forestland and agricultural land in the watershed.
- (5) Those portions of the Atlantic Coastal Bays and their tributaries within Maryland are particularly stressed by the continuing population growth and development activity concentrated in the Ocean City, West Ocean City, Ocean Pines, St. Martins Neck, South Point, and Maryland Route 611 Corridor areas. THOSE PORTIONS OF THE CHESAPEAKE BAY AND THEIR TRIBUTARIES WITHIN MARYLAND ARE PARTICULARLY STRESSED BY THE CONTINUING POPULATION GROWTH AND DEVELOPMENT ACTIVITY CONCENTRATED IN THE SNOW HILL, BERLIN, AND POCOMOKE AREAS;
- (6) The quality of life for the citizens of Worcester County would be enhanced through the restoration of the quality and productivity of the waters of the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries;
- (7) The preservation of the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries is dependent, in part, on minimizing further adverse impacts to the water quality and natural habitats of the shoreline and adjacent lands;
- (8) The cumulative impact of current development practices is inimical to these purposes;
- (9) It is in the County's interest for the benefit of current and future generations to foster more sensitive development activity in a consistent and uniform manner along shoreline areas of the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries so as to minimize damage to water quality and natural habitats; and
- (10) It is the public policy of the County Commissioners of Worcester County that, where possible, a setback of one hundred feet from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands be provided on all lots and for all structures and other improvements created or erected after the effective

date of this Subtitle. To that end it is hereby declared that any private restriction or covenant heretofore or hereinafter enacted which has the effect of precluding, impeding or encumbering the ability of the owner of a lot to maximize a yard setback on the waterfront and/or wetlands side of a lot in order to achieve the setback of one hundred feet or as much thereof that may be reasonable is hereby declared void as against public policy, provided zoning minimums are met.

- (11) Because of the limited distance between the headwaters of the watershed of the CHESAPEAKE AND Atlantic Coastal Bays and the Bays themselves, upstream activities have a direct impact on the quality and function of the water bodies of the ~~Atlantic Coastal Bays~~ Critical Area. Therefore, additional protections of certain areas beyond the limits of the ~~Atlantic Coastal Bays~~ Critical Area are necessary.
- ~~(12) Existing State regulations do not require mitigation for impacts to nontidal wetlands and their associated buffers under all circumstances. Therefore, the County Commissioners find it advisable to provide for additional protection for impacts to nontidal wetlands and their buffers beyond the limits of the Atlantic Coastal Bays Critical Area but within the watershed of that Critical Area.~~
- (d) Goals. The goals of the ~~Atlantic Coastal Bays~~ Critical Area Law are to accomplish the following:
- (1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or runoff from surrounding lands;
 - (2) Conserve fish, wildlife, and plant habitat; and
 - (3) Establish land use policies for development in the ~~Atlantic Coastal Bays~~ Critical Area, which accommodate growth as well as address the environmental impacts that the number, movement, and activities of people may have on the area.
- (e) Citing. This Subtitle may be cited as the “Worcester County ~~Atlantic Coastal Bays~~ Critical Area Law.”
- (f) Territory affected. Within Worcester County, the ~~Atlantic Coastal Bays~~ Critical Area shall mean all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland, as from time to time amended. They include:
- (1) All waters of and lands under the CHESAPEAKE AND Atlantic coastal bays and their tributaries to the head of tide as indicated by ~~the more restrictive of either the State Wetlands Maps or the 1989 Maryland Department of Natural Resources wetland maps~~ and all state and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland, as from time to time amended, and including all land and water areas within one thousand feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland, as from time to time amended. The boundaries of the ~~Atlantic Coastal Bays~~ Critical Area and the limits of each of the land classification designations will be as shown on maps adopted by resolution of the County Commissioners after a duly advertised public hearing in accordance with the provisions of § ZS 1-114 of the Worcester County Zoning Ordinance and approved by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.
 - (2) Nontidal wetlands and their buffers beyond the limits established in subsection (f)(1) hereof only as provided for in § NR 3-127 of this Subtitle.

(g) REGULATED ACTIVITIES AND APPLICABILITY. ~~Applicability. Except as provided herein, the requirements of this Subtitle shall not apply to:~~ EXCEPT AS PROVIDED IN SUBSECTION (h) AND (i) THE PROVISIONS OF THIS ORDINANCE SHALL APPLY AS FOLLOWS:

- (1) THE DEPARTMENT SHALL REVIEW A PERMIT OR LICENSE FOR A DEVELOPMENT OR REDEVELOPMENT ACTIVITY IN THE CRITICAL AREA FOR COMPLIANCE WITH THIS SUBTITLE PRIOR TO ISSUANCE OF THAT PERMIT OR LICENSE.
- (2) DEVELOPMENT AND REDEVELOPMENT ACTIVITIES REVIEWED SHALL INCLUDE, BUT ARE NOT LIMITED TO, DEVELOPMENT OR REDEVELOPMENT, GRADING, SEDIMENT AND EROSION CONTROL, TIMBER HARVESTING, SHORELINE EROSION CONTROL, INSTALLATION OF A SEPTIC SYSTEM AND DRAIN FIELD, OPERATION OF A WASTE COLLECTION OR DISPOSAL FACILITY, OPERATION OF A COMMERCIAL OR PRIVATE MARINA OR OTHER WATER-RELATED COMMERCIAL OR INDUSTRIAL OPERATION (WHETHER PUBLIC OR PRIVATE), MINING (WHETHER SURFACE OR SUB- SURFACE) OR QUARRYING, FARMING OR OTHER AGRICULTURE-RELATED ACTIVITIES SHALL HAVE SUCH PERMITS OR LICENSES ISSUED BY THE DEPARTMENT.

(h) APPLICABILITY EXCEPTIONS. Except as provided herein, the requirements of this Subtitle shall not apply to THE FOLLOWING TYPES OF DEVELOPMENT IN THE ATLANTIC COASTAL BAYS:

- (1) The initial development of a planned unit development or residential planned community for which the following were issued prior to June 1, 2002 and which is subdivided into recorded and legally buildable lots:
 - A. A valid Step III approval in accordance with the provisions of the Zoning and Subdivision Control Article and at least three of the following State permits:
 - i. Groundwater or surface water discharge permit.
 - ii. Nontidal wetlands permit.
 - iii. Water quality certification permit.
 - iv. Water appropriation permit.
 - B. Any planned unit development as described in subsection (hg)(1)(A) above which includes an inland marina built after April 8, 2002 shall meet the following requirements, except for those dwelling units immediately adjacent to tidal waters of the inland marina:
 - i. At least eighty-five percent (85%) of the dwelling units in the planned unit development shall comply with the 100-foot Buffer requirements contained herein; and
 - ii. No dwelling unit may have a buffer of less than fifty feet from existing or proposed tidal waters, tidal wetlands or tributary streams.
- (2) A fairground or racetrack in an A-1 Agricultural District as defined by the Zoning and Subdivision Control Article which received special exception approval for that use prior to January 1, 2002 only for the purpose of making improvements consistent with said special exception.

ITEM 18

- (3) The initial development of a Young Men's Christian Association (YMCA) facility located on property identified on the Atlantic Coastal Bays Critical Area Maps adopted pursuant to § NR 3-103(b) hereof provided that prior to July 1, 2003:
- A. The property described in subsection (g)(3) above has been acquired by the YMCA; and
 - B. Three of the four following State permits has been issued to the YMCA:
 - i. Groundwater or surface water discharge permit.
 - ii. Nontidal wetlands permit.
 - iii. Water quality certification permit.
 - iv. Water appropriation permit.
- (i) Underlying zoning. This subtitle is supplemental and is applicable in addition to underlying zoning and land use provisions of this Code and other applicable land use laws and regulations. Where such provisions are in conflict with the provisions of this subtitle, the stricter provisions shall prevail, provided, however, that the minimum requirements of this subtitle must always be met even when a stricter standard is applicable.
- (j) Severability. Should any section or provision of this Subtitle be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Subtitle as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

§ NR 3-102. Definitions.

- (a) Applicability. The following words have the following meanings for the purposes of implementing the CHESAPEAKE AND Atlantic Coastal Bays Critical Area Law but shall not be applicable to other portions of the Code of Public Local Laws of Worcester County, Maryland:

ABATEMENT - THE ACT OF PUTTING AN END TO A LAND ALTERATION OR DEVELOPMENT ACTIVITY OR REDUCING THE DEGREE OR INTENSITY OF THE ALTERATION OR ACTIVITY.

ACCESSORY STRUCTURE - A STRUCTURE THAT IS DETACHED FROM THE PRINCIPAL STRUCTURE, LOCATED ON THE SAME LOT AND CUSTOMARILY TO A PRINCIPAL STRUCTURE.

ADDITION -CONSTRUCTION THAT INCREASES THE SIZE OF A STRUCTURE.

AFFORESTATION - The establishment of a tree crop on an area from which it has always or very long been absent or the planting of open areas which are not presently in forest cover.

AGRICULTURE - All methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

AGRICULTURAL EASEMENT - A non-possessory interest in land which restricts the conversion of use of the land, preventing non-agricultural uses.

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ANADROMOUS FISH - Fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.

ANADROMOUS FISH PROPAGATION WATERS - Those streams that are tributary to the CHESAPEAKE AND Atlantic Coastal Bays where the spawning of anadromous species (e.g., rockfish or striped bass, yellow perch, white perch, shad, and river herring) occurs or has occurred.

AQUACULTURE - (a) Farming or culturing of finfish, shellfish, other aquatic plants or animals or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments; (b) Activities include hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas; and (c) Cultivation methods include, but are not limited to, seed or larvae development and grow-out facilities, fish ponds, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing, and product storage facilities are not considered aquacultural practices.

AREAS WITH SPECIES IN NEED OF CONSERVATION - Those areas where these species, as designated by the Secretary of the Department of Natural Resources, are found or have historically been found and their surrounding habitats.

AREAS OF THREATENED AND ENDANGERED SPECIES - Those areas where these species, as designated by the Secretary of the Department of Natural Resources, are found or have historically been found and their surrounding habitats.

ATLANTIC COASTAL BAYS - Means and includes the Assawoman Bay, Isle of Wight Bay, Sinepuxent Bay, Newport Bay, Chincoteague Bay, associated smaller bays forming parts thereof and other bodies of water between Assateague Island and Ocean City on the east and the mainland on the west and including their tidal tributaries.

ATLANTIC COASTAL BAYS CRITICAL AREA - All waters of and lands under the Atlantic Coastal Bays and their tributaries to the head of tide as indicated on the State Wetlands Maps and all State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland, as from time to time amended, and including all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland, as from time to time amended.

BARREN LAND - Unmanaged land having sparse vegetation.

BAYSIDE MIXED USE DISTRICT - An area of existing large bayside parcels that are essentially undeveloped with permanent structures, suitable for large-scale mixed use development and offer the opportunity for well-planned, efficient, and diversified unified development and that received approval for the establishment of a residential planned community floating zone prior to June 1, 2002.

BEST MANAGEMENT PRACTICES (BMPs) - Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

BONA FIDE INTRAFAMILY TRANSFER - A transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.

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~~BUFFER - An existing, naturally vegetated area or an area established in native vegetation and managed to protect aquatic, wetland, shoreline, and terrestrial environments from manmade disturbances.~~

BUFFER - AN AREA THAT BASED ON CONDITIONS AT THE TIME OF DEVELOPMENT, IS IMMEDIATELY LANDWARD FROM MEAN HIGH WATER OF TIDAL WATERWAYS, THE EDGE OF BANK OF A TRIBUTARY STREAM, OR THE EDGE OF A TIDAL WETLAND; AND THE AREA EXISTS OR MAY BE ESTABLISHED IN, NATURAL VEGETATION TO PROTECT A STREAM, TIDAL WETLAND, TIDAL WATERS OR TERRESTRIAL ENVIRONMENTS FROM HUMAN DISTURBANCE. THE BUFFER INCLUDES AN AREA OF AT LEAST 100-FEET, EVEN IF THAT AREA WAS PREVIOUSLY DISTURBED BY HUMAN ACTIVITY, AND ALSO INCLUDES ANY EXPANSION FOR CONTIGUOUS AREAS, INCLUDING A STEEP SLOPE, HYDRIC SOIL, HIGHLY ERODIBLE SOIL, NONTIDAL WETLAND, OR A NONTIDAL WETLAND OF SPECIAL STATE CONCERN AS DEFINED IN COMAR 26.23.01.01.

BUFFER MANAGEMENT PLAN - A NARRATIVE, GRAPHIC DESCRIPTION, OR PLAN OF THE BUFFER THAT IS NECESSARY WHEN AN APPLICANT PROPOSES A DEVELOPMENT ACTIVITY THAT WILL AFFECT A PORTION OF THE BUFFER, AFFECT BUFFER VEGETATION, OR REQUIRE THE ESTABLISHMENT OF A PORTION OF THE BUFFER IN VEGETATION. BUFFER MANAGEMENT PLAN INCLUDES A MAJOR BUFFER MANAGEMENT PLAN, A MINOR BUFFER MANAGEMENT PLAN, OR A SIMPLIFIED BUFFER MANAGEMENT PLAN AS DESCRIBED IN WITH COMAR 27.01.09.01-3.

CANOPY TREE - A tree that, when mature, commonly reaches a height of at least 35 feet.

CLEARCUTTING - The removal of an entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut, from advanced regeneration or stump sprouts, or from the planting of seeds or seedlings by man.

CLUSTER DEVELOPMENT - A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.

COLONIAL NESTING WATER BIRDS - Herons, egrets, terns, glossy ibis, and other such birds that for the purpose of nesting congregate (that is, "colonize") in a limited number of areas which can be susceptible to local disturbances.

COMAR - The Code of Maryland Regulations.

COMMERCIAL HARVESTING - A commercial operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

COMMISSION - The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

COMMISSIONERS - The County Commissioners of Worcester County.

COMMUNITY PIERS - Boat docking facilities associated with subdivisions or similar residential areas and with townhouse, condominium, apartment, and other multiple family dwelling units. Individual private piers are excluded from this definition.

COMPREHENSIVE or MASTER PLAN - A compilation of policy statements, goals, standards, maps and pertinent data relative to the past, present and future trends of the local jurisdiction including, but not limited to, its population, housing, economics, social patterns, land uses, water resources and their use, transportation facilities and public facilities prepared by or for the Planning Commission and County Commissioners.

CONSERVATION EASEMENT - A non-possessory interest in land which restricts the manner in which the land may be developed in an effort to preserve natural resources for future use.

CONSISTENT WITH - MEANS THAT A STANDARD OR FACTOR WILL FURTHER, AND NOT BE CONTRARY TO, THE FOLLOWING ITEMS IN THE COMPREHENSIVE PLAN:

- (1) POLICIES;
- (2) TIMING OF THE IMPLEMENTATION OF THE PLAN OF DEVELOPMENT AND REZONING;
- (3) DEVELOPMENT PATTERNS;
- (4) LAND USES; AND
- (5) DENSITIES OR INTENSITIES.

CONSOLIDATION - A COMBINATION OF ANY LEGAL PARCEL OF LAND OR RECORDED LEGALLY BUILDABLE LOTS INTO FEWER LOTS OR PARCELS THAN ORIGINALLY EXISTED. CONSOLIDATION INCLUDES ANY TERM USED BY THE COUNTY FOR A DEVELOPMENT APPLICATION THAT PROPOSES TO COMBINE LEGAL PARCELS OF LAND OR RECORDED, LEGALLY BUILDABLE LOTS INTO FEWER PARCELS OR LOTS THAN THE NUMBER THAT EXISTED BEFORE THE APPLICATION, A LOT LINE ABANDONMENT, A BOUNDARY LINE ADJUSTMENT, A REPLATTING REQUEST, AND A LOT LINE ADJUSTMENT.

COVER CROP - The establishment of a vegetative cover to protect soils from erosion and to restrict pollutants from entering the waterways. Cover crops can be dense, planted crops of grasses or legumes, or crop residues such as corn, wheat, or soybean stubble, which maximize infiltration and prevent runoff from reaching erosive velocities.

CRITICAL AREA - MEANS ALL LANDS AND WATERS DEFINED IN §8-1807 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND. CRITICAL AREA INCLUDES:

- (1) ALL WATERS OF AND LANDS UNDER THE CHESAPEAKE BAY AND ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES TO THE HEAD OF TIDE;
- (2) ALL STATE AND PRIVATE WETLANDS DESIGNATED UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND;
- (3) ALL LAND AND WATER AREAS WITHIN 1,000 FEET BEYOND THE LANDWARD BOUNDARIES OF STATE OR PRIVATE WETLANDS AND THE HEADS OF TIDES DESIGNATED UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND; AND
- (4) MODIFICATION TO THESE AREAS THROUGH INCLUSIONS OR EXCLUSIONS PROPOSED BY LOCAL JURISDICTIONS AND APPROVED BY

THE COMMISSION AS SPECIFIED IN §8-1807 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND.

CRITICAL HABITAT - Habitat necessary for the survival of threatened or endangered species or species in need of conservation.

DENSITY - The number of dwelling units within a defined and measurable area expressed in units per acre.

DEPARTMENT - The county department designated by the County Commissioners to administer and enforce this Title.

DEVELOPED WOODLANDS - AN AREA OF TREES OR OF TREES AND NATURAL VEGETATION THAT IS INTERSPERSED WITH RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR RECREATIONAL DEVELOPMENT. ~~Those areas of one acre or more in size which predominantly contain trees and natural vegetation and which also include residential, commercial, or industrial structures and uses.~~

DEVELOPER - A PERSON WHO UNDERTAKES DEVELOPMENT ACTIVITY AS DEFINED IN THIS ORDINANCE; OR A PERSON WHO UNDERTAKES DEVELOPMENT ACTIVITY AS DEFINED IN THE CRITERIA OF THE COMMISSION.

DEVELOPMENT - Any activity that materially affects the condition or use of dry land, land underwater, or any structure.

DEVELOPMENT ACTIVITIES - The construction or substantial alteration of residential, commercial, industrial, agricultural, institutional, or transportation facilities or structures.

DEVELOPMENT ENVELOPE - INCLUDES AN INDIVIDUALLY OWNED LOT, THE LOT COVERAGE ON THAT INDIVIDUALLY OWNED LOT, A ROAD, A UTILITY, A STORMWATER MANAGEMENT MEASURE, AN ONSITE SEWAGE DISPOSAL MEASURE, ANY AREA SUBJECT TO HUMAN USE SUCH AS AN ACTIVE RECREATION AREA, ANY REQUIRED BUFFERS, AND ANY ADDITIONAL ACREAGE NECESSARY TO MEET THE REQUIREMENTS OF THIS TITLE.

DISTURBANCE - ANY ALTERATION OR CHANGE TO THE LAND, INCLUDING ANY AMOUNT OF CLEARING, GRADING, OR CONSTRUCTION ACTIVITY. DISTURBANCE DOES NOT INCLUDE GARDENING OR MAINTENANCE OF AN EXISTING GRASS LAWN.

DOCUMENTED BREEDING BIRD AREAS - Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

DWELLING UNIT — A single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. A dwelling unit may include living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

ECOSYSTEM - A more or less self-contained biological community together with the physical environment in which the community's organisms occur.

ENDANGERED SPECIES - Any species of fish, wildlife, or plants that have been designated as such by regulation by the Secretary of the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the State's resources are determined to be in jeopardy. This includes any species determined to be an "endangered" species

pursuant to the Federal Endangered Species Act, 16 USC §1531 et seq., as from time to time amended.

ESTABLISHMENT - THE PLANTING OR REGENERATION OF NATIVE VEGETATION THROUGHOUT THE BUFFER.

EXCESS STORMWATER RUN-OFF - All increases in stormwater resulting from:

- (1) An increase in the imperviousness of the site, including all additions to buildings, roads, driveways, and parking lots;
- (2) Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;
- (3) Alteration of drainageways, or regrading of slopes;
- (4) Destruction of forest or developed woodlands; or
- (5) Installation of collection systems to intercept street flows or to replace swales or other drainageways.

EXPANDED NONTIDAL WETLAND BUFFER - A regulated area one hundred feet in width surrounding a nontidal wetland, measured from the outer edge of a nontidal wetland, and established by the Maryland Department of the Environment as nontidal wetlands of special State concern.

FISHERIES ACTIVITIES - Commercial water-dependent fisheries facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquacultural operations but not including wholesale and retail sales.

FOREST - A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS COVERING A LAND AREA OF 10,000 SQUARE FEET OR GREATER. FOREST INCLUDES AREAS THAT HAVE AT LEAST 100 TREES PER ACRE WITH AT LEAST 50% OF THOSE TREES HAVING TWO-INCH OR GREATER DIAMETER AT 4.5 FEET ABOVE THE GROUND AND FOREST AREAS THAT HAVE BEEN CUT, BUT NOT CLEARED. FOREST DOES NOT INCLUDE ORCHARDS. ~~A biological community dominated by trees and other woody plants covering a land area of one acre or more. This also includes forests that have been cut, but not cleared.~~

FOREST INTERIOR DWELLING BIRDS - Species of birds that require relatively large forested tracts in order to breed successfully, including but not limited to various species of flycatchers, warblers, vireos, and woodpeckers.

FOREST MANAGEMENT - The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, wildlife habitat, etc.

FOREST PRACTICE - The alteration of the forest, either through tree removal or replacement, in order to improve the timber, wildlife, recreational, or water quality values.

FULLY ESTABLISHED - THE BUFFER CONTAINS AS MUCH DIVERSE, NATIVE VEGETATION AS NECESSARY TO SUPPORT A FIRM AND STABLE RIPARIAN HABITAT CAPABLE OF SELF-SUSTAINING GROWTH AND REGENERATION.

GRANDFATHERED PARCEL OR GRANDFATHERED LOT - MEANS A PARCEL OF LAND THAT WAS CREATED OR A LOT CREATED THROUGH THE SUBDIVISION PROCESS

AND RECORDED AS A LEGALLY BUILDABLE LOT PRIOR TO DECEMBER 1, 1985, IN THE CHESAPEAKE BAY CRITICAL AREA AND JUNE 1, 2002, IN THE ATLANTIC COASTAL BAYS CRITICAL AREA.

GROWTH ALLOCATION - The number of acres of land in the ~~Atlantic Coastal Bays~~ Critical Area that a local jurisdiction may use to create new Intensely Developed Areas and Limited Development Areas.

GROWTH ALLOCATION ENVELOPE - ALL OF THE PROPOSED COMPONENTS OF A GROWTH ALLOCATION THAT ARE NECESSARY TO SERVE THE PROPOSED DEVELOPMENT, INCLUDING AN INDIVIDUALLY OWNED LOT, LOT COVERAGE, A ROAD, A UTILITY, A STORMWATER MANAGEMENT MEASURE, AN ON-SITE SEWAGE DISPOSAL MEASURE, AN ACTIVE RECREATION AREA, AND ADDITIONAL ACREAGE NEEDED TO MEET THE DEVELOPMENT REQUIREMENTS OF THE CRITICAL AREA CRITERIA.

HABITAT PROTECTION PLAN - A PLAN THAT PROVIDES FOR THE PROTECTION AND CONSERVATION OF THE SPECIES AND HABITATS IDENTIFIED AS HABITAT PROTECTION AREAS IN THE CRITICAL AREA. THE PLAN SHALL BE SPECIFIC TO THE SITE OR AREA WHERE THE SPECIES OR ITS HABITAT IS LOCATED AND SHALL ADDRESS ALL ASPECTS OF A PROPOSED DEVELOPMENT ACTIVITY THAT MAY AFFECT THE CONTINUED PRESENCE OF THE SPECIES. THESE INCLUDE BUT ARE NOT LIMITED TO, CUTTING, CLEARING, ALTERATIONS OF NATURAL HYDROLOGY, AND INCREASES IN LOT COVERAGE. IN DEVELOPING THE PLAN, AN APPLICANT SHALL COORDINATE WITH THE DEPARTMENT OF NATURAL RESOURCES TO ENSURE THAT THE PLAN IS ADEQUATE TO PROVIDE FOR LONG-TERM CONSERVATION AND CAN BE EFFECTIVELY IMPLEMENTED ON THE SPECIFIC SITE.

HAZARDOUS TREE - A TREE WITH A STRUCTURAL DEFECT, SUCH AS A CRACK, CANKER, WEAK BRANCH UNION, DECAY, DEAD WOOD, ROOT DAMAGE, OR ROOT DISEASE, THAT DECREASES THE STRUCTURAL INTEGRITY OF THE TREE AND WHICH, BECAUSE OF ITS LOCATION, IS LIKELY TO FALL AND CAUSE PERSONAL INJURY OR PROPERTY DAMAGE, INCLUDING ACCELERATION OF SOIL EROSION; OR BASED ON ITS LOCATION IN THE LANDSCAPE, A HEALTHY TREE THAT, WITH CONTINUED NORMAL GROWTH, WILL DAMAGE AN EXISTING PERMANENT STRUCTURE OR SIGNIFICANTLY INCREASE THE LIKELIHOOD OF SOIL EROSION. "HAZARDOUS TREE" DOES NOT INCLUDE A TREE FOR WHICH THE LIKELIHOOD OF PERSONAL INJURY, PROPERTY DAMAGE, OR SOIL EROSION CAN REASONABLY BE ELIMINATED OR SIGNIFICANTLY DIMINISHED WITH ROUTINE AND PROPER ARBORICULTURAL PRACTICES, SUCH AS REGULAR WATERING, APPLICATION OF FERTILIZER OR MULCH, AND PRUNING; OR BY RELOCATION OF PROPERTY THAT IS LIKELY TO BE DAMAGED.

HIGHLY ERODIBLE SOILS - Those soils with a slope greater than fifteen percent (15%) or those soils with a K value greater than 0.35 and with slopes greater than five percent (5%).

HISTORIC WATERFOWL STAGING AND CONCENTRATION AREA - An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are historic in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

~~HOME IMPROVEMENT - THE ADDITION TO OR ALTERATION, CONVERSION, IMPROVEMENT, MODERNIZATION, REMODELING, REPAIR, OR REPLACEMENT OF A BUILDING OR PART OF A BUILDING THAT IS USED OR DESIGNED TO BE USED AS A RESIDENCE OR DWELLING PLACE OR A STRUCTURE ADJACENT TO THAT BUILDING; OR AN IMPROVEMENT TO LAND ADJACENT TO THE BUILDING. CONSTRUCTION,~~

IMPROVEMENT, OR REPLACEMENT, ON LAND ADJACENT TO THE BUILDING, OF A DRIVEWAY, FALL-OUT SHELTER, FENCE, GARAGE, LANDSCAPING, DECK, PIER, PORCH, OR SWIMMING POOL; A SHORE EROSION CONTROL PROJECT, AS DEFINED UNDER § 8-1001 OF THE NATURAL RESOURCES ARTICLE, FOR A RESIDENTIAL PROPERTY; CONNECTION, INSTALLATION, OR REPLACEMENT, IN THE BUILDING OR STRUCTURE, OF A DISHWASHER, DISPOSAL, OR REFRIGERATOR WITH AN ICEMAKER TO EXISTING EXPOSED HOUSEHOLD PLUMBING LINES; INSTALLATION IN THE BUILDING OR STRUCTURE, OF AN AWNING, FIRE ALARM, OR STORM WINDOW; AND WORK DONE ON INDIVIDUAL CONDOMINIUM UNITS.

HYDRIC SOILS - Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on or in those soils.

HYDROPHYTIC VEGETATION - Plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in wet habitats).

INCLUDES - Includes or including by way of illustration and not by way of limitation.

INITIAL DEVELOPMENT - In a planned unit development or residential planned community, the original construction of those uses as originally contemplated on the Step I and Step II plans which require approval of a § ZS 1-325 site plan in accordance with the Worcester County Zoning Ordinance and subsequently shown on such approved § ZS 1- 325 site plan or for single- family residential structures, the residential structure itself as originally approved and not including any uses or structures accessory to the residential structure, unless authorized by a building or zoning permit in conjunction with the original residential structure.

IMMEDIATE FAMILY - A father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter, OR SIBLING.

IN-KIND REPLACEMENT - THE REMOVAL OF A STRUCTURE AND THE CONSTRUCTION OF ANOTHER STRUCTURE THAT IS SMALLER THAN OR IDENTICAL TO THE ORIGINAL STRUCTURE IN USE, FOOTPRINT AREA, WIDTH, AND LENGTH.

INTENSELY DEVELOPED AREA (IDA)- AN AREA OF AT LEAST TWENTY (20) ACRES OR THE ENTIRE UPLAND PORTION OF THE CRITICAL AREA WITHIN A MUNICIPAL CORPORATION, WHICHEVER IS LESS, WHERE: RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL DEVELOPED LAND USES PREDOMINATE; AND A RELATIVELY SMALL AMOUNT OF NATURAL HABITAT OCCURS. THESE AREAS INCLUDE AN AREA WITH A HOUSING DENSITY OF AT LEAST FOUR (4) DWELLING UNITS PER ACRE; AN AREA WITH PUBLIC WATER AND SEWER SYSTEMS WITH A HOUSING DENSITY OF MORE THAN THREE (3) DWELLING UNITS PER ACRE.

INTRAFAMILY TRANSFER - the subdivision of a parcel of land for the purpose of transferring title to an immediate family member that would otherwise not be allowed by the density limitations of the resource conservation area.

INVASIVE SPECIES - A TYPE OF PLANT THAT IS NON-NATIVE TO THE ECOSYSTEM UNDER CONSIDERATION AND WHOSE INTRODUCTION CAUSES, OR IS LIKELY TO CAUSE, ECONOMIC OR ENVIRONMENTAL HARM OR HARM TO HUMAN HEALTH.

K VALUE - The soil erodibility factor in the Universal Soil Loss Equation. It is a value that has been experimentally determined.

LAND-BASED AQUACULTURE - The raising of fish or shellfish in any natural or man-made, enclosed, or impounded water body.

LAND CLASSIFICATION AREA - The designation of land in the ~~Atlantic Coastal Bays~~ Critical Area in accordance with the criteria adopted by the County Commissioners as an intensely developed area or district, a limited development area or district, or a resource conservation area or district.

LAND CLEARING - Any activity that removes the vegetative ground cover.

LANDWARD EDGE - THE LIMIT OF A SITE FEATURE THAT IS FARTHEST AWAY FROM A TIDAL WATERWAY, TIDAL WETLAND, OR TRIBUTARY STREAM.

LARGE SHRUB - A SHRUB THAT, WHEN MATURE, REACHES A HEIGHT OF AT LEAST SIX (6) FEET.

LEGALLY DEVELOPED - ALL PHYSICAL IMPROVEMENTS TO A PROPERTY THAT EXISTED BEFORE CRITICAL AREA COMMISSION APPROVAL OF A LOCAL PROGRAM, OR WERE PROPERLY PERMITTED IN ACCORDANCE WITH THE PROVISIONS OF THE WORCESTER COUNTY CRITICAL AREA PROGRAMS IN EFFECT AT THE TIME OF CONSTRUCTION.

LIMIT OF DISTURBANCE - THE AREA OF A DEVELOPMENT OR REDEVELOPMENT ACTIVITY THAT INCLUDES TEMPORARY DISTURBANCE AND PERMANENT DISTURBANCE.

LIMITED DEVELOPMENT AREA (LDA) - AN AREA: WITH A HOUSING DENSITY RANGING FROM ONE DWELLING UNIT PER FIVE (5) ACRES UP TO FOUR (4) DWELLING UNITS PER ACRE; WITH A PUBLIC WATER OR SEWER SYSTEM; THAT IS NOT DOMINATED BY AGRICULTURAL LAND, WETLAND, FORESTS, BARREN LAND, SURFACE WATER, OR OPEN SPACE; OR THAT IS LESS THAN TWENTY (20) ACRES AND OTHERWISE QUALIFIES AS AN INTENSELY DEVELOPED AREA UNDER THE DEFINITION IN THIS CHAPTER.

LIVING SHORELINE - A SUITE OF STABILIZATION AND EROSION CONTROL MEASURES THAT PRESERVE THE NATURAL SHORELINE AND ARE DESIGNED TO MINIMIZE SHORELINE EROSION, MAINTAIN COASTAL PROCESS, AND PROVIDE AQUATIC HABITAT. MEASURES MUST INCLUDE MARSH PLANTINGS AND MAY INCLUDE THE USE OF SILLS, SAND CONTAINMENT STRUCTURES, BREAKWATERS, OR OTHER NATURAL COMPONENTS.

LOCAL SIGNIFICANCE - DEVELOPMENT OF A MINOR SCALE, WHICH CAUSES ENVIRONMENTAL OR ECONOMIC CONSEQUENCES THAT ARE LARGELY CONFINED TO THE IMMEDIATE AREA OF THE PARCEL OF LAND ON WHICH IT IS LOCATED; DOES NOT SUBSTANTIALLY AFFECT THE CRITICAL AREA PROGRAM OF THE COUNTY; AND IS NOT CONSIDERED TO BE MAJOR DEVELOPMENT AS DEFINED IN THIS TITLE.

LOT COVERAGE - THE PERCENTAGE OF A TOTAL LOT OR PARCEL THAT IS: OCCUPIED BY A STRUCTURE, ACCESSORY STRUCTURE, PARKING AREA, DRIVEWAY, WALKWAY, OR ROADWAY; OR COVERED WITH A PAVER, WALKWAY GRAVEL, STONE, SHELL, IMPERMEABLE DECKING, A PAVER, PERMEABLE PAVEMENT, OR OTHER ANY MANMADE MATERIAL. LOT COVERAGE INCLUDES THE GROUND AREA COVERED OR OCCUPIED BY A STAIRWAY OR IMPERMEABLE DECK, BUT DOES NOT INCLUDE: A FENCE OR WALL THAT IS LESS THAN ONE FOOT IN WIDTH THAT HAS NOT BEEN CONSTRUCTED WITH A FOOTER; A WALKWAY IN THE BUFFER OR EXPANDED BUFFER, INCLUDING A STAIRWAY, THAT PROVIDES DIRECT ACCESS TO

A COMMUNITY OR PRIVATE PIER; A WOOD MULCH PATHWAY; OR A DECK WITH GAPS TO ALLOW WATER TO PASS FREELY.

MAJOR DEVELOPMENT - DEVELOPMENT OF A SCALE THAT MAY CAUSE STATE-WIDE, REGIONAL, OR INTER-JURISDICTIONAL, ENVIRONMENTAL OR ECONOMIC EFFECTS IN THE CRITICAL AREA, OR WHICH MAY CAUSE SUBSTANTIAL IMPACTS ON THE CRITICAL AREA PROGRAM OF A LOCAL JURISDICTION. THIS DEVELOPMENT INCLUDES, BUT IS NOT LIMITED TO, AIRPORTS, POWER PLANTS, WASTEWATER TREATMENT PLANTS, HIGHWAYS, REGIONAL UTILITY TRANSMISSION FACILITIES, PRISONS, HOSPITALS, PUBLIC HOUSING PROJECTS, PUBLIC BEACHES, AND INTENSELY DEVELOPED PARK AND RECREATION FACILITIES.

MARINA - Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers, piers serving single-family dwellings, and other non-commercial boat docking and storage facilities.

MATURE TREE - A large woody plant having one or several self-supporting stems or trunks and numerous branches that reach a height of at least twenty feet at maturity.

MEAN HIGH WATER LINE (MHWL) - The average level of high tides at a given location.

MITIGATION - Creation, restoration, or enhancement of forest or other plant communities that were or will be lost due to regulated activities.

MODIFIED BUFFER AREA (MBA) - AN AREA OFFICIALLY MAPPED BY THE COUNTY AND APPROVED BY THE CRITICAL AREA COMMISSION AS A MODIFIED BUFFER AREA, WHERE IT HAS BEEN SUFFICIENTLY DEMONSTRATED THAT THE EXISTING PATTERN OF RESIDENTIAL, INDUSTRIAL, COMMERCIAL, INSTITUTIONAL, OR RECREATIONAL DEVELOPMENT PREVENTS THE BUFFER FROM FULFILLING ITS WATER QUALITY AND HABITAT FUNCTIONS, AND WHERE DEVELOPMENT IN ACCORDANCE WITH SPECIFIC BMA PROVISIONS CAN BE PERMITTED IN THE BUFFER WITHOUT A VARIANCE.

NATURAL FEATURES - Components and processes present in or produced by nature, including, but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.

NATURAL FOREST VEGETATION - VEGETATION CONSISTING OF CANOPY TREES, UNDERSTORY TREES, SHRUBS, AND HERBACEOUS PLANTS THAT ARE TYPICALLY FOUND IN RIPARIAN AREAS IN THE STATE OF MARYLAND. AREAS OF NATURAL FOREST VEGETATION PLANTED TO MEET THE MITIGATION REQUIREMENTS IN THIS ORDINANCE SHALL RESEMBLE THE STRUCTURE AND SPECIES COMPOSITION OF NATURAL FORESTS.

NATURAL HERITAGE AREA - Any community of plants or animals which is considered to be among the best Statewide examples of its kind and is designated by regulation by the Secretary of the Department of Natural Resources.

NATURAL VEGETATION - Those plant communities that develop in the absence of human activities.

NATURE DOMINATED - A condition where landforms or biological communities, or both, have developed by natural processes in the absence of human activities.

NEW DEVELOPMENT - THAT FOR PURPOSES OF IMPLEMENTING SPECIFIC PROVISIONS OF THIS SUBTITLE, NEW DEVELOPMENTS (AS OPPOSED TO

REDEVELOPMENT) MEANS A DEVELOPMENT ACTIVITY THAT TAKES PLACE ON A PROPERTY WITH PRE-DEVELOPMENT IMPERVIOUSNESS (IN IDA) OR LOT COVERAGE (LDA AND RCA) OF LESS THAN 15 PERCENT AS OF DECEMBER 1, 1985 IN THE CHESAPEAKE BAY CRITICAL AREA AND JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA.

NON-WATER DEPENDENT PROJECT - A TEMPORARY OR PERMANENT STRUCTURE THAT, BY REASON OF ITS INTRINSIC NATURE, USE, OR OPERATION, DOES NOT REQUIRE LOCATION IN, ON, OR OVER STATE OR PRIVATE WETLANDS.

(1) NON-WATER DEPENDENT INCLUDES:

- A. A DWELLING UNIT ON A PIER;
- B. A RESTAURANT, A SHOP, AN OFFICE, OR ANY OTHER COMMERCIAL BUILDING OR USE ON A PIER;
- C. A TEMPORARY OR PERMANENT ROOF OR COVERING ON A PIER;
- D. A PIER USED TO SUPPORT A NON-WATER-DEPENDENT USE; AND
- E. A SMALL-SCALE RENEWABLE ENERGY SYSTEM ON A PIER, INCLUDING:
 - i. A SOLAR ENERGY SYSTEM AND ITS PHOTOVOLTAIC CELLS, SOLAR PANELS, OR OTHER NECESSARY EQUIPMENT;
 - ii. A GEOTHERMAL ENERGY SYSTEM AND ITS GEOTHERMAL HEAT EXCHANGER OR OTHER NECESSARY EQUIPMENT; AND
 - iii. A WIND ENERGY SYSTEM AND ITS WIND TURBINE, TOWER, BASE, OR OTHER NECESSARY EQUIPMENT.

(2) A NON-WATER DEPENDENT PROJECT DOES NOT INCLUDE:

- A. A FUEL PUMP OR OTHER FUEL-DISPENSING EQUIPMENT ON A PIER;
- B. A SANITARY SEWAGE PUMP OR OTHER WASTEWATER REMOVAL EQUIPMENT ON A PIER; OR
- C. AN OFFICE ON A PIER FOR MANAGING MARINA OPERATIONS, INCLUDING MONITORING VESSEL TRAFFIC, REGISTERING VESSELS, PROVIDING DOCKING SERVICES, AND HOUSING ELECTRICAL OR EMERGENCY EQUIPMENT RELATED TO MARINA OPERATIONS.

NON-POINT SOURCE POLLUTION - Pollution generated by diffuse land use activities rather than from an identifiable or discrete facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate discharge.

NON-RENEWABLE RESOURCES - Resources that are not naturally regenerated or renewed.

NONTIDAL WETLANDS - An area that is inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support, and that under normal circumstances does support, a

prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The determination of whether an area is a nontidal wetland shall be made in accordance with the publication known as the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, published in 1989 and as may be amended. Nontidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Annotated Code of Maryland.

NONTIDAL WETLANDS BUFFER - A regulated area no less than twenty-five feet in width surrounding a nontidal wetland, measured from the outer edge of the nontidal wetland.

NONTIDAL WETLANDS OF SPECIAL STATE CONCERN - The areas designated based on criteria in COMAR 26.23.01.04, as from time to time amended, and listed in COMAR 26.23.06.01, as from time to time amended, as having an exceptional ecological or educational value of Statewide significance.

OFFSETS - Structures or actions that compensate for undesirable impacts.

OPEN SPACE - Land and water areas retained in an essentially undeveloped state.

OVERBURDEN - The strata or material in its natural state, before its removal by surface mining, overlying a mineral deposit or in between mineral deposits.

PALUSTRINE - All nontidal wetlands dominated by trees, shrubs, persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per one thousand parts of water.

PERMANENT DISTURBANCE - A MATERIAL, ENDURING CHANGE IN THE TOPOGRAPHY, LANDSCAPE, OR STRUCTURE THAT OCCURS AS PART OF A DEVELOPMENT OR REDEVELOPMENT ACTIVITY. "PERMANENT DISTURBANCE" INCLUDES:

- (1) CONSTRUCTION OR INSTALLATION OF ANY MATERIAL THAT WILL RESULT IN LOT COVERAGE;
- (2) CONSTRUCTION OF A DECK;
- (3) GRADING OR CLEARING (EXCEPT WHERE IT MEETS THE DEFINITION OF TEMPORARY DISTURBANCE); AND
- (4) THE INSTALLATION OF A SEPTIC SYSTEM, IN A FOREST OR DEVELOPED WOODLAND ON A GRANDFATHERED LOT, IF CLEARING IS REQUIRED.

PERSON - AN INDIVIDUAL, PARTNERSHIP, CORPORATION, CONTRACTOR, PROPERTY OWNER, OR ANY OTHER PERSON OR ENTITY.

PHYSIOGRAPHIC FEATURES - The soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

PIER - Any pier, wharf, dock, walkway, bulkhead, breakwater, piling, or other similar structure. "Pier" does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

PLANT HABITAT - A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.

PORT - A facility or area established or designated by the State or local jurisdiction for purposes of waterborne commerce.

PRINCIPAL STRUCTURE - THE PRIMARY OR PREDOMINANT STRUCTURE ON ANY LOT OR PARCEL. FOR RESIDENTIAL PARCELS OR LOTS, THE PRINCIPAL STRUCTURE IS THE PRIMARY DWELLING.

PROGRAM – The CHESAPEAKE AND Atlantic Coastal Bays Critical Area Protection Program of the County, including all laws, resolutions, maps, and plans necessary for the implementation, application, and enforcement of this Subtitle.

- (1) “Program” includes any amendments to the Program.

PROGRAM AMENDMENT - Any change OR PROPOSED CHANGE to the adopted Program that IS NOT DETERMINED BY THE CHAIRMAN OF THE CRITICAL AREA COMMISSION TO BE A PROGRAM REFINEMENT ~~the County Commissioners determine will result in a use of land or water in the Atlantic Coastal Bays Critical Area in a manner not provided for in the adopted Program.~~

- ~~(1) “Program amendment” includes a change to a zoning map that is not consistent with the method for using the growth allocation contained in the adopted Program.~~

PROGRAM REFINEMENT - Any change OR PROPOSED CHANGE to the adopted Program that ~~the County Commissioners determine will result in a use of land or water in the Atlantic Coastal Bays Critical Area in a manner consistent with the adopted Program.~~ CHAIRMAN OF THE CRITICAL AREA COMMISSION DETERMINES WILL RESULT IN A USE OF LAND OR WATER IN THE CHESAPEAKE BAY CRITICAL AREA OR ATLANTIC COASTAL BAYS CRITICAL AREA IN A MANNER CONSISTENT WITH THE ADOPTED PROGRAM, OR THAT WILL NOT SIGNIFICANTLY AFFECT THE USE OF LAND OR WATER IN THE CRITICAL AREA. PROGRAM REFINEMENT MAY INCLUDE:

- (1) A CHANGE TO AN ADOPTED PROGRAM THAT RESULTS FROM STATE LAW;
- (2) A CHANGE TO AN ADOPTED PROGRAM THAT AFFECTS LOCAL PROCESSES AND PROCEDURES;
- (3) A CHANGE TO A LOCAL ORDINANCE OR CODE THAT CLARIFIES AN EXISTING PROVISION; AND
- (4) A MINOR CHANGE TO AN ELEMENT OF AN ADOPTED CRITICAL AREA PROGRAM THAT IS CONSISTENT WITH THE PROVISIONS OF STATE CRITICAL AREA LAW AND ALL THE CRITERIA OF THE COMMISSION.

- ~~(1) “Program refinement” includes:~~

- ~~A. A change to a zoning map that is consistent with the land classification designation of the adopted Program.~~
- ~~B. The use of the growth allocation in accordance with the adopted Program.~~
- ~~C. A change in the Program text to correct omissions or to provide clarification to the adopted Program.~~

PROJECT APPROVAL - The approval of development, other than development by the State or local government, in the ~~Atlantic Coastal Bays~~ Critical Area by the appropriate local approval authority.

The term includes approval of subdivision plats and site plans, the inclusion of areas within floating zones, issuance of variances, special exceptions or expansions of non-conformities; and issuance of zoning permits. The term does not include building permits.

PROPERTY OWNER - A PERSON HOLDING TITLE TO A PROPERTY OR TWO OR MORE PERSONS HOLDING TITLE TO A PROPERTY UNDER ANY FORM OF JOINT OWNERSHIP.

PUBLIC WATER-ORIENTED RECREATION - Shore-dependent recreation facilities or activities provided by public agencies that are available to the general public.

RECLAMATION - The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including water bodies.

RECONFIGURATION - A CHANGE OF THE CONFIGURATION OF AN EXISTING LOT OR PARCEL LINE OF ANY LEGAL PARCEL OF LAND OR RECORDED LEGALLY BUILDABLE LOT. RECONFIGURATION INCLUDES A LOT LINE ADJUSTMENT, A BOUNDARY LINE ADJUSTMENT, AND A REPLATTING REQUEST.

REDEVELOPMENT - The process of developing land which is or has been developed.

REFORESTATION - The establishment of a forest through artificial reproduction or natural regeneration.

REGULATED ACTIVITY - With the exception of an agricultural or forestry activity, any of the following activities which are directly undertaken or originate in a nontidal wetland or within the buffer or expanded buffer of a nontidal wetland:

- (1) Removal, excavation or dredging of soil, sand, gravel, minerals, organic matter, or materials of any kind;
- (2) Changing existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- (3) Disturbance of the water level or water table by drainage, impoundment or other means;
- (4) Dumping, discharging of material, or filling with material, including the driving of piles or placing of obstructions;
- (5) Grading or removal of material that would alter existing topography; or
- (6) Destruction or removal of plant life that would alter the character of a nontidal wetland.

RENEWABLE RESOURCE - A resource that can renew or replace itself and, therefore, with proper management, can be harvested indefinitely.

RESOURCE CONSERVATION AREA (RCA) - AN AREA THAT IS CHARACTERIZED BY NATURE DOMINATED ENVIRONMENTS, SUCH AS WETLANDS, SURFACE WATER, FORESTS, AND OPEN SPACE; AND RESOURCE-BASED ACTIVITIES, SUCH AS AGRICULTURE, FORESTRY, FISHERIES, OR AQUACULTURE. RESOURCE CONSERVATION AREAS INCLUDE AREAS WITH A HOUSING DENSITY OF LESS THAN ONE DWELLING PER FIVE (5) ACRES.

RESOURCE UTILIZATION ACTIVITIES - ANY ACTIVITIES ASSOCIATED WITH THE UTILIZATION OF NATURAL RESOURCES SUCH AS AGRICULTURE, FORESTRY, SURFACE MINING, AQUACULTURE, AND FISHERIES ACTIVITIES.

RESTORATION - THE ACT OF RETURNING A SITE OR AREA TO AN ORIGINAL STATE OR ANY ACTION THAT REESTABLISHES ALL OR A PORTION OF THE ECOLOGICAL STRUCTURE AND FUNCTIONS OF A SITE OR AREA.

RIPARIAN HABITAT - A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, or wetlands.

SEASONALLY FLOODED WATER REGIME - A condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.

SELECTION - The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

SHORELINE EROSION PROTECTION WORKS - Those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the ~~Atlantic Coastal Bays~~ Critical Area.

SIGNIFICANTLY ERODING AREAS - Areas that erode two feet or more per year.

SPECIAL EVENTS - PERSONAL OR BUSINESS SOCIAL ENGAGEMENTS OR OTHER ACTIVITIES CONDUCTED ON A FARM WHERE GUESTS ASSEMBLE FOR PARTIES, WEDDING EVENTS, BIRTHDAY OR ANNIVERSARY CELEBRATIONS, CHILDREN'S PARTIES, CORPORATE AND EMPLOYEE APPRECIATION PARTIES, OR OTHER SIMILAR EVENTS FOR COMPENSATION, DURING WHICH FOOD AND BEVERAGES MAY BE SERVED TO GUESTS AND MUSIC OR OTHER ENTERTAINMENT IS ALLOWED.

SPECIES IN NEED OF CONSERVATION - Those fish and wildlife species whose continued existence as part of the State's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Articles, §§ 10-2A-903 and 4-2A-03, Annotated Code of Maryland, as from time to time amended.

SPOIL PILE - The overburden and reject materials as piled or deposited during surface mining.

SOIL CONSERVATION AND WATER QUALITY PLANS - Land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

- (1) How the landowner plans to treat a farm unit;
- (2) Which best management practices the landowner plans to install to treat undesirable conditions; and
- (3) The schedule for applying those Best Management Practices.

STEEP SLOPES - Slopes of fifteen percent (15%) or greater incline.

SUBWATERSHED - A smaller geographic section of a larger watershed unit with a typical drainage area generally of between two and fifteen square miles and whose boundaries include all the land area draining to a point where two second-order streams combine to form a third-order . ~~For the purposes of this Subtitle, the five subwatersheds of Worcester County's Atlantic Coastal Bays are~~

~~those of the Assawoman Bay, the Isle of Wight Bay, Sinepuxent Bay, Newport Bay, and
Chincoteague Bay.~~

STRUCTURE - ANYTHING CONSTRUCTED OR ERECTED ON OR OVER LAND OR WATER THAT MAY OR MAY NOT RESULT IN LOT COVERAGE.

SUBSTANTIAL ALTERATION - ANY REPAIR, RECONSTRUCTION, OR IMPROVEMENT OF A PRINCIPAL STRUCTURE, WHERE THE PROPOSED TOTAL FOOTPRINT IS AT LEAST 50 PERCENT GREATER THAN THAT OF THE EXISTING PRINCIPAL STRUCTURE.

SUPPLEMENTAL PLANTING PLAN - A DESCRIPTION AND LANDSCAPE SCHEDULE THAT SHOWS THE PROPOSED SPECIES TYPE, QUANTITY, AND SIZE OF PLANTS TO BE LOCATED WITHIN A BUFFER IF NATURAL REGENERATION DOES NOT MEET THE REQUIRED STEM DENSITY.

SURFACE MINING – THE EXCAVATION, DIGGING OR DREDGING FOR SAND, GRAVEL, SOIL AND OTHER MINERALS. IT SHALL INCLUDE SAND AND GRAVEL PITS, BORROW PITS, CLAY PITS, QUARRIES, SURFACE MINES AND THE PROCESSING OR COMPOUNDING OF PRODUCTS COMPOSED OF ON-SITE MATERIALS. IT SHALL NOT INCLUDE CONCRETE OR ASPHALT MIXING PLANTS OR MATERIAL REMOVED FROM A DEVELOPMENT SITE AS PART OF A NORMAL CUT AND FILL OPERATION.

TEMPORARY DISTURBANCE - A SHORT-TERM CHANGE IN THE LANDSCAPE THAT OCCURS AS PART OF A DEVELOPMENT OR REDEVELOPMENT ACTIVITY. TEMPORARY DISTURBANCE INCLUDES:

- (1) STORAGE OF MATERIALS THAT ARE NECESSARY FOR THE COMPLETION OF THE DEVELOPMENT OR REDEVELOPMENT ACTIVITY;
- (2) CONSTRUCTION OF A ROAD OR OTHER PATHWAY THAT IS NECESSARY FOR ACCESS TO THE SITE OF THE DEVELOPMENT OR REDEVELOPMENT ACTIVITY, IF THE ROAD OR PATHWAY IS REMOVED IMMEDIATELY AFTER COMPLETION OF THE DEVELOPMENT OR REDEVELOPMENT ACTIVITY AND THE AREA IS RESTORED TO ITS PREVIOUS VEGETATIVE CONDITION;
- (3) GRADING OF A DEVELOPMENT SITE, IF THE AREA IS RESTORED TO ITS PREVIOUS VEGETATIVE CONDITION IMMEDIATELY AFTER COMPLETION OF THE DEVELOPMENT OR REDEVELOPMENT ACTIVITY; AND
- (4) LOCATING A SEPTIC SYSTEM ON A LOT CREATED BEFORE LOCAL PROGRAM APPROVAL IF THE SEPTIC SYSTEM IS LOCATED IN EXISTING GRASS OR CLEARING IS NOT REQUIRED.
- (5) TEMPORARY DISTURBANCE DOES NOT INCLUDE A VIOLATION.

THINNING - A forest practice used to accelerate tree growth of quality trees in the shortest interval of time by the selective removal of certain trees.

THREATENED SPECIES - Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources which appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a "threatened" species pursuant to the Federal Endangered Species Act, 16 USC §1531 et seq., as from time to time amended.

TOPOGRAPHY - The existing configuration of the earth's surface, including the relative relief, elevation, and position of land features.

TRANSITIONAL HABITAT - A plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

TRANSPORTATION FACILITIES - Anything that is built, installed, or established to provide a means of transport from one place to another.

TREE - A LARGE, WOODY PLANT HAVING 1 OR SEVERAL SELF-SUPPORTING STEMS OR TRUNKS AND NUMEROUS BRANCHES THAT REACH A HEIGHT OF AT LEAST 20 FEET AT MATURITY.

TRIBUTARY STREAMS - A PERENNIAL STREAM OR INTERMITTENT STREAM WITHIN THE CRITICAL AREA THAT HAS BEEN IDENTIFIED BY SITE INSPECTION OR IN ACCORDANCE WITH LOCAL PROGRAM PROCEDURES APPROVED BY THE CRITICAL AREA COMMISSION. ~~Those perennial and intermittent streams in the Atlantic Coastal Bays Critical Area, which are so noted on the most recent U.S. Geological Survey 7.5 minute topographic quadrangle maps (scale 1:24,000) or more detailed maps or studies at the discretion of the local jurisdictions.~~

UNDERSTORY - THE LAYER OF FOREST VEGETATION TYPICALLY LOCATED UNDERNEATH THE FOREST CANOPY.

UNDERSTORY TREE - A TREE THAT, WHEN MATURE, REACHES A HEIGHT BETWEEN 12 AND 35 FEET.

UNWARRANTED HARDSHIP - A situation wherein without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

UTILITY TRANSMISSION FACILITIES - Fixed structures that convey or distribute resources, wastes, or both, including, but not limited to, electrical lines, water conduits, and sewer lines.

WASH PLANT - A facility where sand and gravel is washed during processing.

WATER-BASED AQUACULTURE - The raising of fish and shellfish in any natural, open, free-flowing water body.

WATER-DEPENDENT FACILITIES - Those structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the Buffer specified in § NR 3-104 of this Subtitle. An activity is water-dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. SUCH ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, PORTS, THE INTAKE AND OUTFALL STRUCTURES OF POWER PLANTS, WATER-USE INDUSTRIES, MARINAS, AND OTHER BOAT DOCKING STRUCTURES, PUBLIC BEACHES AND OTHER PUBLIC WATER-ORIENTED RECREATION AREAS, AND FISHERIES ACTIVITIES.

WATER-USE INDUSTRY - An industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.

WATERFOWL - Birds which frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

WATERSHED - The area of land that drains into a specific body of water.

WILDLIFE CORRIDOR - A strip of land having vegetation that provides habitat and safe passage for wildlife.

WILDLIFE HABITAT - Those plant communities and physiographic features that provide food, water and cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals in the Atlantic Coastal Bays Critical Area.

§ NR 3-103. Development in the ~~Atlantic Coastal Bays~~ Critical Area.

(a) Generally. In order to accommodate already existing land uses and growth in the ~~Atlantic Coastal Bays~~ Critical Area while providing for the conservation of habitat and the protection of water quality, the County Program has set out three land classification areas within ~~the Atlantic Coastal Bays~~ Critical Area, which are as follows: the Intensely Developed Areas (IDAs), the Limited Development Areas (LDAs), and the Resource Conservation Areas (RCAs).

- (1) While any intense development should be directed outside of the ~~Atlantic Coastal Bays~~ Critical Area, future intense development activities, when proposed in the ~~Atlantic Coastal Bays~~ Critical Area, shall be directed towards the Intensely Developed Areas.
- (2) Additional low-intensity development may be permitted in the Limited Development Areas but shall be subject to strict regulation to prevent adverse impacts on habitat and water quality.
- (3) Development shall be limited in the Resource Conservation Area, which shall be chiefly designated for agriculture, forestry, fisheries activities, other resource utilization activities, and for habitat protection.

(b) Implementation. For the purposes of implementing these regulations the County Commissioners have determined, based on land uses and development in existence on DECEMBER 1, 1985 FOR THE CHESAPEAKE BAY AND ON June 1, 2002 FOR THE ATLANTIC COASTAL BAYS, which land areas fall within the three types of land classification areas in accordance with COMAR Title 27, as from time to time amended, and as described in this Program. These three types of land classification areas are designated on maps on file in the Department or its successor.

- (1) OFFICIAL CRITICAL AREA OVERLAY DISTRICT MAP(S) SHALL BE MAINTAINED IN FORCE AS PART OF THE OFFICIAL ZONING MAPS REFERRED TO IN THE COUNTY'S ZONING ORDINANCE. THE OFFICIAL CRITICAL AREA MAP(S) DELINEATE THE EXTENT OF THE CRITICAL AREA OVERLAY DISTRICT THAT SHALL INCLUDE:
 - A. ALL WATERS OF AND LANDS UNDER THE CHESAPEAKE BAY AND ITS TRIBUTARIES TO THE HEAD OF TIDE AS INDICATED ON THE STATE WETLANDS MAPS AND ALL STATE AND PRIVATE WETLANDS DESIGNATED UNDER TITLE 9 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND;
 - B. ALL LAND AND WATER AREAS WITHIN ONE THOUSAND FEET BEYOND THE LANDWARD BOUNDARIES OF STATE OR PRIVATE WETLANDS AND THE HEADS OF TIDES DESIGNATED UNDER TITLE 9 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND; AND
 - C. ALL WATERS OF AND LANDS UNDER THE ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES TO THE HEAD OF TIDE AS INDICATED ON THE STATE WETLANDS MAPS AND ALL STATE AND PRIVATE

WETLANDS DESIGNATED UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED, AND INCLUDING ALL LAND AND WATER AREAS WITHIN ONE THOUSAND FEET BEYOND THE LANDWARD BOUNDARIES OF STATE OR PRIVATE WETLANDS AND THE HEADS OF TIDES DESIGNATED UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED.

- (2) WITHIN THE DESIGNATED CRITICAL AREA OVERLAY DISTRICT, ALL LAND IS ASSIGNED ONE OF THE FOLLOWING LAND MANAGEMENT AND DEVELOPMENT AREA CLASSIFICATIONS, BASED ON LAND USES AND DEVELOPMENT IN EXISTENCE ON DECEMBER 1, 1985 [IN THE CHESAPEAKE BAY CRITICAL AREA AND JUNE 1, 2002, IN THE ATLANTIC COASTAL BAYS CRITICAL AREA.
 - A. INTENSELY DEVELOPED AREA (IDA).
 - B. LIMITED DEVELOPMENT AREA (LDA).
 - C. RESOURCE CONSERVATION AREA (RCA).
- (3) THE CRITICAL AREA OVERLAY DISTRICT MAP MAY BE AMENDED BY THE COUNTY COMMISSIONERS IN COMPLIANCE WITH AMENDMENT PROVISIONS IN THIS SUBTITLE, CRITICAL AREA LAW, NATURAL RESOURCES ARTICLE 8, SUBTITLE 18, AND COMAR TITLE 27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS.

(c) Application and interpretation of land classification area boundaries.

- (1) Where uncertainty exists about the boundaries of land classification areas as shown on the official ~~Atlantic Coastal Bays~~ Critical Area maps due to errors in map and/or overlay registration, the following rules shall apply:
 - A. Where a known upland lot or parcel is shown as being tidally influenced, the land classification area of the closest upland lot or parcel shall apply.
 - B. Where a land classification area district boundary, as shown on the maps does not exactly coincide with the actual property line in existence as of the date of adoption of this Subtitle, it shall be deemed to coincide with the property line.
- (2) For development activities on properties bisected by the ~~Atlantic Coastal Bays~~ Critical Area line which have at least fifty percent (50%) of their land area contained within the Atlantic Coastal Bays Critical Area, the entire property may be developed in accordance with this Subtitle if the owner so chooses and, if so, the requirements of Subtitle 4 (Forest Conservation) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland shall not apply.

(d) Activities not permitted except in Intensely Developed Areas. Certain new development, redevelopment or expanded activities or facilities, because of their intrinsic nature or because of their potential for adversely affecting habitats or water quality, may not be permitted in the ~~Atlantic Coastal Bays~~ Critical Area except in Intensely Developed Areas under regulations of this section and only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water. These activities include the following:

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- (1) Non-maritime heavy industry;
 - (2) Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters (utility transmission facilities do not include power plants); or
 - (3) Permanent sludge handling, storage, and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the ~~Atlantic Coastal Bays~~ Critical Area, except in the 100-foot Buffer;
- (e) Activities not permitted. Certain new development activities or facilities, or the expansion of certain existing facilities, because of their intrinsic nature or because of their potential for adversely affecting habitat and water quality, may not be permitted in the ~~Atlantic Coastal Bays~~ Critical Area unless no environmentally acceptable alternative exists outside of the ~~Atlantic Coastal Bays~~ Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem. These include:
- (1) Solid or hazardous waste collection or disposal facilities, including transfer stations;
 - (2) Sanitary landfills; or
 - (3) Sewage sludge composting, storage or disposal facilities, or land application.
- (f) Continuation of existing permitted facilities. Existing, permitted facilities of the type noted in § NR 3-103(d)(1) and (2) hereof shall be subject to the standards and requirements of the Department of the Environment, under COMAR Title 26, as from time to time amended.
- (g) REASONABLE ACCOMMODATIONS FOR THE NEEDS OF DISABLED CITIZENS. THE BOARD OF APPEALS MAY MAKE REASONABLE ACCOMMODATIONS TO AVOID DISCRIMINATION ON THE BASIS OF A PHYSICAL DISABILITY. REASONABLE ACCOMMODATIONS FOR THE NEEDS OF DISABLED CITIZENS MAY BE PERMITTED IN ACCORDANCE WITH THE EVIDENTIARY REQUIREMENTS SET FORTH IN THE FOLLOWING PARAGRAPHS.
- (1) AN APPLICANT SHALL HAVE THE BURDEN OF DEMONSTRATING BY A PREPONDERANCE OF THE EVIDENCE THAT:
 - A. THE ALTERATIONS WILL BENEFIT PERSONS WITH A DISABILITY WITHIN THE MEANING OF THE AMERICANS WITH DISABILITIES ACT;
 - B. LITERAL ENFORCEMENT OF THE REQUIREMENTS OF THIS CHAPTER WOULD RESULT IN DISCRIMINATION BY VIRTUE OF SUCH DISABILITY OR DEPRIVE A DISABLED RESIDENT OR USER OF THE REASONABLE USE AND ENJOYMENT OF THE PROPERTY;
 - C. A REASONABLE ACCOMMODATION WOULD REDUCE OR ELIMINATE THE DISCRIMINATORY EFFECT OF THE REQUIREMENTS OR RESTORE THE DISABLED RESIDENT'S OR USER'S REASONABLE USE OR ENJOYMENT OF THE PROPERTY;
 - D. THE ACCOMMODATION REQUESTED WILL NOT SUBSTANTIALLY IMPAIR THE PURPOSE, INTENT, OR EFFECT, OF THE PROVISIONS OF THIS ORDINANCE AS APPLIED TO THE PROPERTY; AND

- E. THE ACCOMMODATION WOULD:
 - i. BE ENVIRONMENTALLY NEUTRAL WITH NO GREATER NEGATIVE IMPACT ON THE ENVIRONMENT THAN THE LITERAL ENFORCEMENT OF THE STATUTE, ORDINANCE, REGULATION OR ANOTHER REQUIREMENT; OR
 - ii. ALLOW ONLY THE MINIMUM ENVIRONMENTAL CHANGES NECESSARY TO ADDRESS THE NEEDS RESULTING FROM THE PARTICULAR DISABILITY OF THE APPLICANT/APPELLANT.
- (2) THE BOARD OF APPEALS SHALL DETERMINE THE NATURE AND SCOPE OF ACCOMMODATION UNDER THIS SECTION AND MAY AWARD DIFFERENT OR OTHER RELIEF THAN REQUESTED AFTER GIVING DUE REGARD TO:
 - A. THE STANDARDS GIVEN IN THIS SECTION;
 - B. THE PURPOSE, INTENT, OR EFFECT OF THE REQUIREMENTS FROM WHICH RELIEF IS REQUESTED; AND
 - C. THE SIZE, LOCATION, NATURE, AND TYPE OF ACCOMMODATION PROPOSED AND WHETHER ALTERNATIVES EXIST, WHICH COULD ACCOMMODATE THE NEED WITH LESS ADVERSE EFFECT.
- (3) THE BOARD OF APPEALS MAY REQUIRE, AS A CONDITION OF APPROVAL, THAT UPON THE TERMINATION OF THE NEED FOR ACCOMMODATION, THAT THE PROPERTY BE RESTORED TO COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS ORDINANCE. APPROPRIATE BONDS MAY BE COLLECTED, OR LIENS PLACED IN ORDER TO ENSURE THE COUNTY’S ABILITY TO RESTORE THE PROPERTY SHOULD THE APPLICANT FAIL TO DO SO.

§ NR 3-104. The 100-Foot Buffer.

~~(a) Identification of the Buffer. A 100-foot Buffer is hereby established from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands.~~

(a) APPLICABILITY AND DELINEATION. AN APPLICANT FOR A DEVELOPMENT ACTIVITY OR A CHANGE IN LAND USE SHALL APPLY ALL OF THE REQUIRED STANDARDS AS DESCRIBED BELOW. THE BUFFER SHALL BE DELINEATED IN THE FIELD AND SHALL BE SHOWN ON ALL APPLICATIONS AS FOLLOWS:

- (1) A BUFFER OF AT LEAST 100 FEET IS DELINEATED, AND EXPANDED AS DESCRIBED IN (a)(3), BASED ON EXISTING FIELD CONDITIONS LANDWARD FROM:
 - A. THE MEAN HIGH WATER LINE OF A TIDAL WATER;
 - B. THE EDGE OF EACH BANK OF A TRIBUTARY STREAM; AND
 - C. THE UPLAND BOUNDARY OF A TIDAL WETLAND.
- (2) APPLICATIONS FOR A SUBDIVISION OR DEVELOPMENT ACTIVITY ON LAND LOCATED WITHIN THE RCA REQUIRING SITE PLAN APPROVAL AFTER JULY 1, 2008, SHALL INCLUDE A MINIMUM BUFFER OF AT LEAST 200 FEET FROM A

TIDAL WATERWAY OR TIDAL WETLANDS. IN THE FOLLOWING INSTANCES, THE 200-FOOT BUFFER DOES NOT APPLY AND THE BUFFER SHALL BE DELINEATED IN ACCORDANCE WITH (a)(1) AND (a)(3):

- A. THE APPLICATION FOR SUBDIVISION OR SITE PLAN APPROVAL WAS SUBMITTED BEFORE JULY 1, 2008, AND LEGALLY RECORDED (SUBDIVISIONS) OR RECEIVED APPROVAL (SITE PLANS), BY JULY 1, 2010; OR
 - B. THE APPLICATION INVOLVES THE USE OF GROWTH ALLOCATION.
- (3) THE BUFFER SHALL BE EXPANDED BEYOND 100 FEET AS DESCRIBED IN A(1) ABOVE, AND BEYOND 200 FEET AS DESCRIBED IN §(a)(2) ABOVE, TO INCLUDE THE FOLLOWING CONTIGUOUS LAND FEATURES:
- A. A STEEP SLOPE AT A RATE OF FOUR FEET FOR EVERY ONE PERCENT (1%) OF SLOPE OR THE ENTIRE STEEP SLOPE TO THE TOP OF THE SLOPE, WHICHEVER IS GREATER;
 - B. A NONTIDAL WETLAND TO THE UPLAND BOUNDARY OF THE NONTIDAL WETLAND;
 - C. THE BUFFER THAT IS ASSOCIATED WITH A NONTIDAL WETLAND OF SPECIAL STATE CONCERN AS STATED IN COMAR §26.23.06.01; AND/OR
 - D. FOR AN AREA OF HYDRIC SOILS OR HIGHLY ERODIBLE SOILS, THE LESSER OF:
 - i. THE LANDWARD EDGE OF THE HYDRIC OR HIGHLY ERODIBLE SOILS; OR
 - ii. THREE HUNDRED FEET WHERE THE EXPANSION AREA INCLUDES THE MINIMUM BUFFER.
- (b) General requirements. The functions of the Buffer with regard to the protection of the ~~Atlantic Coastal Bays~~ CRITICAL AREA include the following:
- (1) Provide for the removal or reduction of sediments, nutrients and potentially harmful or toxic substances in runoff entering the Bays and their tributaries;
 - (2) Minimize the adverse effects of human activities on wetlands, shoreline, stream banks, tidal waters, and aquatic resources;
 - (3) Maintain an area of transitional habitat between aquatic and upland communities;
 - (4) Maintain the natural environment of streams; and
 - (5) Protect riparian wildlife habitat.
- (c) DEVELOPMENT ACTIVITIES IN THE BUFFER. THE DEPARTMENT MAY AUTHORIZE DISTURBANCE TO THE BUFFER FOR THE FOLLOWING ACTIVITIES, PROVIDED MITIGATION IS PERFORMED IN ACCORDANCE WITH SUBSECTION (E), AND AN APPROVED BUFFER MANAGEMENT PLAN IS SUBMITTED AS REQUIRED PER SUBSECTION (H) OF THIS PART:

- (1) A NEW DEVELOPMENT OR REDEVELOPMENT ACTIVITY ASSOCIATED WITH A WATER-DEPENDENT FACILITY AS DESCRIBED IN § NR 3-124.
 - (2) IN ACCORDANCE WITH COMAR 26.24.02, A SHORE EROSION CONTROL MEASURE UNDER COMAR 26.24.04 AND THIS SUBTITLE.
 - (3) A DEVELOPMENT OR REDEVELOPMENT ACTIVITY APPROVED IN ACCORDANCE WITH THE VARIANCE PROVISIONS OF THIS SUBTITLE.
 - (4) A NEW DEVELOPMENT OR REDEVELOPMENT ACTIVITY ON A LOT OR PARCEL THAT WAS CREATED BEFORE JANUARY 1, 2010, IN THE ATLANTIC COASTAL BAYS, OR DECEMBER 1, 1985, IN THE CHESAPEAKE COASTAL BAYS WHERE:
 - A. THE BUFFER IS EXPANDED FOR HIGHLY ERODIBLE SOIL ON A SLOPE LESS THAN FIFTEEN (15) PERCENT OR IS EXPANDED FOR A HYDRIC SOIL, AND THE EXPANDED BUFFER OCCUPIES AT LEAST 75% OF THE LOT OR PARCEL;
 - B. THE DEVELOPMENT OR REDEVELOPMENT IS LOCATED IN THE EXPANDED PORTION OF THE BUFFER AND NOT WITHIN THE 100- FOOT BUFFER; AND
 - C. MITIGATION OCCURS AT A 2:1 RATIO BASED ON THE LOT COVERAGE OF THE PROPOSED DEVELOPMENT ACTIVITY THAT IS IN THE EXPANDED BUFFER.
 - (5) A SEPTIC SYSTEM ON A LOT CREATED BEFORE DECEMBER 1, 1985, IN THE CHESAPEAKE BAY CRITICAL AREA AND JUNE 1, 2002, IN THE ATLANTIC COASTAL BAYS CRITICAL AREA, WHERE MITIGATION IS PROVIDED AT A 1:1 RATIO FOR THE AREA OF CANOPY CLEARED OF ANY FOREST OR DEVELOPED WOODLAND.
- (ed) Standards. The following criteria apply to land use activities within the Buffer:
- (1) The Buffer shall be established at a minimum distance of one hundred feet landward from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward edge of tidal wetlands; within the ~~Atlantic Coastal Bays~~ Critical Area.
 - (2) The Buffer shall be expanded beyond one hundred feet to include contiguous sensitive areas such as steep slopes, hydric soils or highly erodible soils whose development or disturbance may impact streams, wetlands or other aquatic environments. In the case of contiguous slopes of fifteen percent (15%) or greater the Buffer shall be expanded four feet for every one percent (1%) of slope or to the top of the slope, whichever is greater in extent. Buffer expansion for steep slopes is not required when the slopes are wholly within the 100-foot Buffer.
 - (3) The Buffer shall also be required along both sides of all drainage ditches if adjacent agricultural lands do not have in place Best Management Practices cited and approved under the Agricultural Protection Section of this Subtitle. The Buffer may be used to establish wildlife corridors as defined under this Program.
 - (4) New development activities including structures, roads, parking areas and other LOT COVERAGE ~~impervious surfaces~~, mining and related facilities or septic systems may not be allowed in the Buffer except for those necessarily associated with water-dependent facilities approved under § NR 3-124 of this Subtitle.

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- (5) The Buffer shall be maintained in natural vegetation, but may include planted vegetation where necessary to protect, stabilize or enhance the shoreline. When lands are proposed to be developed or converted to new uses, the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that ensures the Buffer functions as set forth in this section.
- (6) APPLICATIONS FOR A SUBDIVISION OR DEVELOPMENT ACTIVITY ON LAND LOCATED WITHIN THE RESOURCE CONSERVATION AREA (RCA) REQUIRING SITE PLAN APPROVAL AFTER JULY 1, 2008, SHALL INCLUDE A MINIMUM BUFFER OF AT LEAST TWO HUNDRED (200) FEET FROM A TIDAL WATERWAY OR TIDAL WETLANDS. IN THE FOLLOWING INSTANCES, THE 200-FOOT BUFFER DOES NOT APPLY, AND THE BUFFER SHALL BE DELINEATED IN ACCORDANCE WITH (6)A AND B BELOW:
 - A. THE APPLICATION FOR SUBDIVISION OR SITE PLAN APPROVAL WAS SUBMITTED BEFORE JULY 1, 2008, AND LEGALLY RECORDED (SUBDIVISIONS) OR RECEIVED APPROVAL (SITE PLANS), BY JULY 1, 2010; OR
 - B. THE APPLICATION INVOLVES THE USE OF GROWTH ALLOCATION.
- ~~(e) Buffer management areas (BMAs). The County Commissioners may designate and map certain areas as Buffer management areas. These maps and the associated Buffer management plan shall be adopted by resolution of the County Commissioners after a duly advertised public hearing in accordance with § ZS 1-114 of the Worcester County Zoning Ordinance. Any measures approved as outlined herein shall be subject to the approval of the Critical Area Commission of the Chesapeake and Atlantic Coastal Bays.~~
- (de) Tree cutting in the Buffer. The Buffer shall be managed to achieve or enhance the standards stated in § NR 3-104(c) hereof. Cutting of trees or clearing of vegetation within the Buffer shall be prohibited except that:
 - (1) Cutting of trees or removal of natural vegetation may be permitted where necessary to provide access to private piers, or to install, repair or construct a shore erosion protection device or measure, or a water-dependent facility, providing the device, measure or facility has received all necessary State and Federal permits. Such cutting of trees or removal of natural vegetation shall be in accordance with the following:
 - A. Access shall be provided in such a manner as to minimize clearing within the Buffer.
 - B. Access shall not be in excess of six feet in width.
 - C. The trees or vegetation cleared shall be replaced within the 100-foot Buffer on a two to one basis.
 - ~~(2) Individual trees may be cut for personal use providing that this cutting does not impair the water quality or existing habitat value or other functions of the Buffer as set forth in the policies of this plan and provided that the trees are replaced within the Buffer on an equal basis for each tree cut.~~
 - (32) Individual trees may be removed, which are dead, diseased, HAZARDOUS, OR INVASIVE IF THERE IS MITIGATION OF ONE ¾ INCH CALIPER TREE FOR EACH TREE REMOVED, OR THE AFFECTED AREA IS STABILIZED IN NATIVE GROUND COVER, AS NECESSARY.

- (43) Horticultural practices may be used to maintain the health of individual trees.
- (54) Other cutting techniques may be undertaken within the Buffer and under the advice and guidance of the State Departments of Agriculture and Natural Resources if necessary to preserve the forest from extensive pest or disease infestation or threat from fire.
- (65) Notwithstanding any other provisions of this Subtitle, tree cutting or clearing in the Buffer may be permitted with a Critical Area site plan where the applicant demonstrates that Buffer impacts have been minimized for the initial development of a lot or parcel legally existing as of June 1, 2002 FOR THE ATLANTIC COASTAL BAYS when done in conjunction with a valid and approved forest conservation plan approved prior to the date of adoption of this Subtitle.

(gf) **BUFFER ESTABLISHMENT**

- (1) **THE REQUIREMENTS OF THIS REGULATION APPLY TO:**
 - A. A DEVELOPMENT OR REDEVELOPMENT ACTIVITY THAT OCCURS ON A LOT OR PARCEL THAT INCLUDES A BUFFER TO TIDAL WATERS, A TIDAL WETLAND, OR A TRIBUTARY STREAM IF THAT DEVELOPMENT OR REDEVELOPMENT ACTIVITY IS LOCATED OUTSIDE THE BUFFER; AND
 - B. THE APPROVAL OF A SUBDIVISION THAT INCLUDES A BUFFER TO TIDAL WATERS, A TIDAL WETLAND, OR A TRIBUTARY STREAM.
- (2) **THE REQUIREMENTS OF THIS REGULATION DO NOT APPLY TO AN IN-KIND REPLACEMENT OF A STRUCTURE.**
- (3) **THE DEPARTMENT SHALL REQUIRE AN APPLICANT TO ESTABLISH THE BUFFER IN VEGETATION IN ACCORDANCE WITH THE TABLE BELOW AND SUBSECTION (gf)(5) AND TO PROVIDE A BUFFER MANAGEMENT PLAN UNDER SUBSECTION (K) WHEN AN APPLICANT APPLIES FOR:**
 - A. APPROVAL OF A SUBDIVISION;
 - B. CONVERSION FROM ONE LAND USE TO ANOTHER LAND USE ON A LOT OR A PARCEL; OR
 - C. DEVELOPMENT ON A LOT OR A PARCEL CREATED BEFORE JANUARY 1, 2010.
- (4) **WITHIN THE INTENSLEY DEVELOPED AREA, LIMITED DEVELOPMENT AREA, OR RESOURCE CONSERVATION AREA, WHEN THE BUFFER IS NOT FULLY FORESTED OR IS NOT FULLY ESTABLISHED IN EXISTING, NATURALLY OCCURRING WOODY OR WETLAND VEGETATION, AN APPLICANT SHALL ESTABLISH THE BUFFER TO THE EXTENT REQUIRED IN THE FOLLOWING TABLE:**

TABLE (f)(4). BUFFER ESTABLISHMENT REQUIREMENTS.

DEVELOPMENT CATEGORY	LOT CREATED BEFORE JUNE 1, 2002, IN THE ATLANTIC COASTAL BAYS CRITICAL AREA OR DECEMBER 1, 1985, IN THE CHESAPEAKE BAY CRITICAL AREA	LOT CREATED AFTER JUNE 1, 2002, IN THE ATLANTIC COASTAL BAYS CRITICAL AREA OR DECEMBER 1, 1985, IN THE CHESAPEAKE BAY CRITICAL AREA
DEVELOPMENT ON A VACANT LOT	ESTABLISH THE BUFFER BASED ON THE TOTAL SQUARE FOOTAGE OF LOT COVERAGE OUTSIDE THE BUFFER	FULLY ESTABLISH THE BUFFER
SUBDIVISION	FULLY ESTABLISH THE BUFFER	
NEW LOT WITH AN EXISTING DWELLING UNIT	ESTABLISH THE BUFFER BASED ON THE TOTAL SQUARE FOOTAGE OF LOT COVERAGE OUTSIDE THE BUFFER	
CONVERSION OF LAND USE ON A PARCEL OR LOT TO ANOTHER LAND USE	FULLY ESTABLISH THE BUFFER	
ADDITION, ACCESSORY STRUCTURE, OR REDEVELOPMENT	ESTABLISH THE BUFFER BASED ON NET SQUARE FOOTAGE INCREASE IN LOT COVERAGE OUTSIDE THE BUFFER	
SUBSTANTIAL ALTERATION	ESTABLISH THE BUFFER BASED ON TOTAL SQUARE FOOTAGE OF LOT COVERAGE OUTSIDE THE BUFFER	

(5) ANY LOT COVERAGE REMOVED FROM THE BUFFER MAY BE DEDUCTED FROM THE TOTAL CUMULATIVE AMOUNT OF ESTABLISHMENT REQUIRED IF:

- A. THE LOT COVERAGE EXISTED BEFORE JUNE 1, 2002 IN THE ATLANTIC COASTAL BAY CRITICAL AREA OR DECEMBER 1, 1985 IN THE CHESAPEAKE BAY CRITICAL AREA OR WAS ALLOWED BY LOCAL PROCEDURES; AND
- B. THE TOTAL AREA IS STABILIZED.

(h) MITIGATION FOR IMPACTS TO THE BUFFER. AN APPLICANT FOR A DEVELOPMENT ACTIVITY THAT INCLUDES DISTURBANCE TO THE BUFFER SHALL MITIGATE FOR IMPACTS TO THE BUFFER AND SHALL PROVIDE A BUFFER MANAGEMENT PLAN IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THIS SUBSECTION.

(1) ALL AUTHORIZED DEVELOPMENT ACTIVITIES SHALL BE MITIGATED BASED ON THE RATIOS NOTED IN THE TABLE BELOW, IN ADDITION TO THE AREA OF CANOPY COVERAGE REMOVED FOR AN INDIVIDUAL TREE, DEVELOPED WOODLAND OR FOREST:

TABLE (h)(1) BUFFER MITIGATION RATIOS.

ACTIVITY	MITIGATION RATIO	
	PERMANENT DISTURBANCE	TEMPORARY DISTURBANCE
SEPTIC ON A LOT CREATED BEFORE LOCAL PROGRAM APPROVAL IF LOCATED IN EXISTING GRASS OR IF CLEARING IS NOT REQUIRED	NOT APPLICABLE	0
SEPTIC SYSTEM IN A FOREST OR DEVELOPED WOODLAND ON A LOT CREATED BEFORE LOCAL PROGRAM APPROVAL IF CLEARING IS REQUIRED	1:1	NOT APPLICABLE
SHORE EROSION CONTROL	1:1	1:1
RIPARIAN WATER ACCESS	2:1	1:1
WATER-DEPENDENT FACILITY	2:1	1:1
VARIANCE	3:1	1:1

- (2) ALL VIOLATIONS IN THE BUFFER SHALL BE MITIGATED AT A RATIO OF 4:1 FOR THE AREA OF PERMANENT DISTURBANCE IN THE BUFFER.
- (3) ANY LOT COVERAGE REMOVED FROM THE BUFFER MAY BE DEDUCTED FROM THE TOTAL CUMULATIVE AMOUNT OF MITIGATION REQUIRED IF:
 - A. THE LOT COVERAGE EXISTED BEFORE THE DATE OF LOCAL PROGRAM ADOPTION OR WAS ALLOWED BY LOCAL PROCEDURES; AND
 - B. THE TOTAL AREA IS STABILIZED.
- (4) PLANTING FOR MITIGATION SHALL BE PLANTED ONSITE WITHIN THE BUFFER. IF MITIGATION PLANTING CANNOT BE LOCATED WITHIN THE BUFFER, THE DEPARTMENT MAY ALLOW PLANTING IN THE FOLLOWING ORDER OF PRIORITY:
 - A. ON-SITE AND ADJACENT TO THE BUFFER; AND
 - B. ON-SITE ELSEWHERE IN THE CRITICAL AREA.
- (5) THE INSTALLATION OR CULTIVATION OF NEW LAWN OR TURF IN THE BUFFER IS PROHIBITED.
- (i) BUFFER PLANTING STANDARDS. AN APPLICANT THAT IS REQUIRED TO PLANT THE BUFFER TO MEET ESTABLISHMENT OR MITIGATION REQUIREMENTS SHALL APPLY THE FOLLOWING PLANTING CREDITS AND STANDARDS:
 - (1) IF PLANTING TO MEET A MITIGATION REQUIREMENT, THE FOLLOWING COMBINATION OF PLANTINGS MAY BE USED:

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- A. IF REQUIRED TO PLANT LESS THAN ONE (1) ACRE, THE ENTIRE REQUIREMENT MUST BE MET USING LANDSCAPE STOCK, AS NOTED IN TABLE (j)(1).
 - B. IF REQUIRED TO PLANT ONE (1) ACRE OR MORE, AT LEAST 50% OF THE PLANTING REQUIREMENT MAY BE MET IN LANDSCAPE STOCK PER TABLE (j)(1), AND THE REMAINDER MAY BE MET IN FLEXIBLE STOCK PER TABLE (j)(2).
- (2) IF PLANTING TO MEET AN ESTABLISHMENT REQUIREMENT, THE FOLLOWING COMBINATION OF PLANTINGS MAY BE USED:
- A. IF REQUIRED TO PLANT LESS THAN $\frac{1}{4}$ ACRE, THE ENTIRE REQUIREMENT MUST BE MET USING LANDSCAPE STOCK PER TABLE (j)(1).
 - B. IF REQUIRED TO PLANT AT LEAST $\frac{1}{4}$ ACRE AND UP TO 1 ACRE, AT LEAST 25% OF THE REQUIREMENT MUST BE MET USING LANDSCAPE STOCK PER TABLE (j)(1) AND THE REMAINDER MAY BE MET IN FLEXIBLE STOCK PER TABLE (j)(2).
 - C. IF REQUIRED TO PLANT MORE THAN ONE (1) ACRE, AT LEAST 10% OF THE REQUIREMENT MUST BE MET USING LANDSCAPE STOCK PER TABLE (j)(1) AND THE REMAINDER MAY BE MET IN FLEXIBLE STOCK PER TABLE (j)(2).
- (3) A VARIANCE TO THE PLANTING AND MITIGATION STANDARDS OF THIS ORDINANCE IS NOT PERMITTED.

(j) PLANTING CREDITS.

- (1) IF REQUIRED TO PLANT USING LANDSCAPE STOCK, THE FOLLOWING PLANTING SIZES AND CREDIT SHALL BE USED:

TABLE (j)(1) LANDSCAPE STOCK CREDIT.

VEGETATION TYPE	MINIMUM SIZE ELIGIBLE FOR CREDIT	MAXIMUM CREDIT ALLOWED (SQUARE FEET)	MAXIMUM PERCENTAGE OF LANDSCAPE STOCK CREDIT
Canopy TREE	2-INCH CALIPER	200	NOT APPLICABLE
Canopy TREE	¾-INCH CALIPER	100	NOT APPLICABLE
Understory Tree	¾-inch caliper	75	Not Applicable
LARGE SHRUB	3 feet high	50	30%
SMALL SHRUB	18 inches high	25	20%
HERBACEOUS PERENNIAL	1 quart OR BASED ON THE AREA COVERED BY PLUGS OR SEED MIX	2	10%
PLANTING CLUSTER FOR BUFFER ESTABLISHMENT OR MITIGATION OF LESS THAN ½ ACRE	1 CANOPY TREE; AND 3 LARGE SHRUBS OR 6 SMALL SHRUBS OF SIZES LISTED ABOVE	300	NOT APPLICABLE
PLANTING CLUSTER FOR BUFFER ESTABLISHMENT OR MITIGATION OF LESS THAN ½ ACRE	2 UNDERSTORY TREES; AND 3 LARGE SHRUBS OR 6 SMALL SHRUBS OF SIZES LISTED ABOVE	350	NOT APPLICABLE

A. THE DEPARTMENT MAY AUTHORIZE AN APPLICANT TO INCREASE THE PERCENTAGE OF LARGE SHRUBS, SMALL SHRUBS, OR HERBACEOUS PERENNIALS IF:

- i. THE BUFFER HAS EXISTING CANOPY COVERAGE OF AT LEAST 50 PERCENT; OR
- ii. THERE ARE VERIFIED SITE CONSTRAINTS THAT PRECLUDE CANOPY PLANTINGS, INCLUDING SEVERELY ERODING SLOPES, SALTWATER INTRUSION, PREDOMINATELY SANDY SOILS, OR UNCONSOLIDATED FILL.

(2) THE FOLLOWING FLEXIBLE PLANTING STOCK MAY BE USED IF AUTHORIZED UNDER SECTION E(1) OR (2) OF THIS PART:

TABLE (j)(2) FLEXIBLE PLANTING STOCK.

STOCK SIZE OF TREES ONLY	REQUIRED # OF STEMS/ACRE	SURVIVABILITY REQUIREMENT	MINIMUM FINANCIAL ASSURANCE PERIOD AFTER PLANTING
BARE-ROOT SEEDLINGS OR WHIP	700	50 PERCENT	5 YEARS
½-INCH TO 1-INCH CONTAINER GROWN TREES	450	75 PERCENT	2 YEARS
MORE THAN 1-INCH CONTAINER GROWN TREES	350	90 PERCENT	2 YEARS

- (K) REQUIRED SUBMITTAL OF BUFFER MANAGEMENT PLANS. AN APPLICANT THAT IS REQUIRED TO PLANT THE BUFFER TO MEET ESTABLISHMENT OR MITIGATION REQUIREMENTS SHALL SUBMIT A BUFFER MANAGEMENT PLAN IN ACCORDANCE WITH COMAR 27.01.09.01-3. THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO MAINTAINING AN EXISTING GRASS LAWN OR AN EXISTING GARDEN IN THE BUFFER.
- (1) ANY PERMIT FOR A DEVELOPMENT ACTIVITY THAT REQUIRES BUFFER ESTABLISHMENT OR BUFFER MITIGATION WILL NOT BE ISSUED UNTIL A BUFFER MANAGEMENT PLAN IS APPROVED BY THE DEPARTMENT.
 - (2) AN APPLICANT MAY NOT OBTAIN THE FINAL APPROVAL OF A SUBDIVISION APPLICATION UNTIL THE BUFFER MANAGEMENT PLAN HAS BEEN REVIEWED AND APPROVED BY THE DEPARTMENT.
 - (3) THE DEPARTMENT MAY NOT APPROVE A BUFFER MANAGEMENT PLAN UNLESS:
 - A. THE PLAN INDICATES THAT ALL PLANTING STANDARDS UNDER SUBSECTION (3-104 (I)) WILL BE MET; AND
 - B, APPROPRIATE MEASURES ARE IN PLACE FOR THE LONG-TERM PROTECTION AND MAINTENANCE OF ALL BUFFER AREAS.
 - (4) FOR A BUFFER MANAGEMENT PLAN THAT IS THE RESULT OF AN AUTHORIZED DISTURBANCE TO THE BUFFER, A PERMIT AUTHORIZING FINAL USE AND OCCUPANCY WILL NOT BE ISSUED UNTIL THE APPLICANT:
 - A. COMPLETES THE IMPLEMENTATION OF A BUFFER MANAGEMENT PLAN; OR
 - B. PROVIDES FINANCIAL ASSURANCE TO COVER THE COSTS FOR:
 - I. MATERIALS AND INSTALLATION; AND
 - II. IF THE MITIGATION OR ESTABLISHMENT REQUIREMENT IS AT LEAST 5,000 SQUARE FEET, LONG-TERM SURVIVABILITY REQUIREMENTS AS SET FORTH IN COMAR 27.01.09.01-2.

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- (5) CONCURRENT WITH RECORDATION OF A SUBDIVISION PLAT, AN APPLICANT SHALL RECORD A PROTECTIVE EASEMENT FOR THE BUFFER.
 - (6) IF AN APPLICANT FAILS TO IMPLEMENT A BUFFER MANAGEMENT PLAN, THAT FAILURE SHALL CONSTITUTE A VIOLATION OF THIS SUBTITLE. A PERMIT FOR ANY DEVELOPMENT ACTIVITY WILL NOT BE ISSUED FOR A PROPERTY THAT HAS A VIOLATION.
 - (7) AN APPLICANT SHALL POST A SUBDIVISION WITH PERMANENT SIGNS PRIOR TO FINAL RECORDATION IN ACCORDANCE WITH COMAR 27.01.09.01-2.
 - (8) BUFFER MANAGEMENT PLANS THAT INCLUDE NATURAL REGENERATION SHALL FOLLOW THE PROVISIONS OF COMAR 27.01.09.01-4.
- (L) FEE-IN-LIEU OF BUFFER MITIGATION. A FEE-IN-LIEU FOR MITIGATION WILL BE COLLECTED IF THE PLANTING REQUIREMENTS OF SUBSECTION (E) CANNOT BE FULLY MET ONSITE, IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
- (1) FEE-IN-LIEU MONIES SHALL BE COLLECTED AND HELD IN A SPECIAL FUND, WHICH MAY NOT REVERT TO THE WORCESTER COUNTY'S GENERAL FUND;
 - (2) FEE-IN-LIEU SHALL BE ASSESSED AT \$1.50 PER SQUARE FOOT OF REQUIRED BUFFER MITIGATION;
 - (3) A PORTION OF FEE-IN-LIEU MONEY CAN BE USED FOR MANAGEMENT AND ADMINISTRATIVE COSTS; HOWEVER, THIS CANNOT EXCEED 20% OF THE FEES COLLECTED; AND
 - (4) FEE-IN-LIEU MONIES SHALL BE USED FOR THE FOLLOWING PROJECTS:
 - A. TO ESTABLISH THE BUFFER ON SITES WHERE PLANTING IS NOT A CONDITION OF DEVELOPMENT OR REDEVELOPMENT;
 - B. FOR WATER QUALITY AND HABITAT ENHANCEMENT PROJECTS AS APPROVED BY THE CRITICAL AREA COMMISSION OR BY AGREEMENT BETWEEN WORCESTER COUNTY AND THE CRITICAL AREA COMMISSION.
- (M) ~~Buffer management areas (BMAs). The County Commissioners may designate and map certain areas as Buffer management areas. These maps and the associated Buffer management plan shall be adopted by resolution of the County Commissioners after a duly advertised public hearing in accordance with § ZS 1-114 of the Worcester County Zoning Ordinance. Any measures approved as outlined herein shall be subject to the approval of the Critical Area Commission of the Chesapeake and Atlantic Coastal Bays.~~ BUFFER MANAGEMENT AREA DESCRIPTIONS AND REGULATIONS ARE CONTAINED IN RESOLUTION 03-9 "RESOLUTION ADOPTING THE ATLANTIC COASTAL BAYS BUFFER MANAGEMENT AREA PLAN AS APPROVED BY THE STATE OF MARYLAND CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS" FOR BMAS WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREA, REFERENCE APPENDIX ADOPTED BY WORCESTER COUNTY COMMISSIONERS ON MARCH 18, 2003.

§ NR 3-105. Grandfathered uses structures and density.

- (a) Continuation of existing uses. The Department shall permit the continuation, but not necessarily the intensification or expansion, of any permitted use or structure legally existing on the date of Program approval unless the use has been discontinued for more than one year or is otherwise restricted by existing local ordinances. If any existing use or structure does not conform with the provisions of the Program, its intensification or expansion may be permitted only in accordance with the variance procedures outlined in § NR 3-111 of this Subtitle.
- (b) Residential density. Except as herein provided, the Department shall permit the types of land described in the following subsections to be developed notwithstanding the density provisions of this Subtitle provided it is in accordance with the following subsections.
 - (1) A vacant single lot or parcel of land legally existing as of the date of adoption of this Subtitle, DECEMBER 1, 1985 IN THE CHESAPEAKE BAYS CRITICAL AREA AND JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA, may be improved with a single-family dwelling provided that the lot or parcel is brought into conformance with the terms of this Subtitle to the extent possible, including the consolidation or reconfiguration of adjoining lots owned by the same individual or entity and the measures proposed are approved by the Commission.
 - (2) IT IS ON LAND WHERE DEVELOPMENT ACTIVITY HAS PROGRESSED TO THE POINT OF THE POURING OF FOUNDATION FOOTINGS OR THE INSTALLATION OF STRUCTURAL MEMBERS.
 - (2-3) ~~Vacant land that was subdivided into recorded and legally buildable lots which received final plat approval as described in the Zoning and Subdivision Control Article after June 1, 2002 but prior to the effective date of this Subtitle may be improved with a single family dwelling provided that development of the land conforms to the requirements of this Subtitle and COMAR Title 27, as from time to time amended, or the area of land is deducted from the County's growth allocation.~~ IT IS A LEGAL PARCEL OF LAND, NOT BEING PART OF A RECORDED OR APPROVED SUBDIVISION, THAT WAS RECORDED AS OF DECEMBER 1, 1985 IN THE CHESAPEAKE BAY CRITICAL AREA; JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA, AND LAND THAT WAS SUBDIVIDED INTO RECORDED, LEGALLY BUILDABLE LOTS, WHERE THE SUBDIVISION RECEIVED THE COUNTY'S FINAL APPROVAL PRIOR TO JUNE 1, 1984 IN THE CHESAPEAKE BAY CRITICAL AREA; JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA IF:
 - A. AT THE TIME OF DEVELOPMENT, THE LAND IS BROUGHT INTO CONFORMANCE WITH THE CRITICAL AREA PROGRAM INsofar AS POSSIBLE, INCLUDING MEETING THE LOT CONSOLIDATION AND RECONFIGURATION REQUIREMENTS OF NR 3-115, IF APPLICABLE; OR
 - B. WITHIN THE CHESAPEAKE BAYS CRITICAL AREA, THE LAND HAS RECEIVED A BUILDING PERMIT SUBSEQUENT TO DECEMBER 1, 1985, BUT PRIOR TO ~~LOCAL PROGRAM APPROVAL~~ OCTOBER 9, 1990.
 - (4) IT IS ON LAND THAT WAS SUBDIVIDED INTO RECORDED, LEGALLY BUILDABLE LOTS, WHERE THE SUBDIVISION RECEIVED THE COUNTY'S FINAL APPROVAL BETWEEN JUNE 1, 1984 AND DECEMBER 1, 1985 IN THE CHESAPEAKE BAY CRITICAL AREA AND JUNE 1, 2002 IN THE ATLANTIC COASTAL BAYS CRITICAL AREA; AND
 - (5) IT IS ON LAND THAT WAS SUBDIVIDED INTO RECORDED, LEGALLY BUILDABLE LOTS, WHERE THE SUBDIVISION RECEIVED THE FINAL APPROVAL AFTER DECEMBER 1, 1985 IN THE CHESAPEAKE BAY CRITICAL

AREA AND JUNE 1, 2002 IN THE ATLANTIC COASTAL BAY CRITICAL AREA, AND PROVIDED THAT EITHER DEVELOPMENT OF ANY SUCH LAND CONFORMS TO THE IDA, LDA OR RCA REQUIREMENTS IN THIS CHAPTER OR THE AREA OF THE LAND IS COUNTED AGAINST THE GROWTH ALLOCATION PERMITTED UNDER THIS ORDINANCE.

- (36) WITHIN THE ATLANTIC COASTAL BAYS, a planned unit development in a bayside mixed use district that receives final site plan approval and/or for which a subdivision plat has been recorded after June 1, 2002 but prior to the effective date of this Subtitle may be developed provided that:
 - A. Development of the land conforms to the requirements of this Subtitle and Title 27 of the Code of Maryland Regulations, as from time to time amended, and the land area is deducted from the County’s growth allocation in accordance with § NR 3-112 hereof and COMAR 27.01.02.06, as from time to time amended; or
 - B. The land is:
 - i. Designated as an Intensely Developed Area;
 - ii. Exempted from the Buffer designation in COMAR 27.01.09, as from time to time amended, pursuant to § NR 3-104(e) hereof; and
 - iii. Part of a project that complies with Title 4, Subtitle 2 of the Environment Article of the Annotated Code of Maryland as may be amended from time to time.

§ NR 3-106. Intensely Developed Areas.

- (a) Description. Intensely Developed Areas are areas where residential, commercial, institutional, and/or industrial uses predominate and where relatively little natural habitat occurs or remains. At the time of the initial mapping, these areas shall have at least one of the following features:
 - (1) Housing density equal to or greater than four dwelling units per acre;
 - (2) Industrial, institutional or commercial uses are concentrated in the area; or
 - (3) Public sewer and water collection and distribution systems are currently serving the area, and housing density is greater than three dwelling units per acre.
 - (4) In addition, these features shall be concentrated in an area of at least twenty adjacent acres or that entire upland portion of the ~~Atlantic Coastal Bays~~ Critical Area within the boundary of a municipality, whichever is less, UNLESS:
 - A. The Commission has approved an alternative standard for designation of an intensely developed area; and
 - B. The area is part of a growth allocation approved by the Commission.
- (b) General requirements. In addition to the 100-foot Buffer, new or expanded development or redevelopment within Intensely Developed Areas shall:
 - (1) Improve the quality of runoff from developed areas that enter the ~~Atlantic Coastal Bays~~ Critical Area or its tributary streams;

- (2) Accommodate additional development of the type and intensity designated by the County Commissioners in this Subtitle provided that water quality is not impaired;
 - (3) Minimize the expansion of Intensely Developed Areas into portions of the ~~Atlantic Coastal Bays~~ Critical Area designated as Habitat Protection Areas and Resource Conservation Areas under this Program;
 - (4) Conserve and enhance Habitat Protection Areas to the extent possible within Intensely Developed Areas; and
 - (5) Use retrofitting measures to the extent feasible to address existing stormwater management problems.
- (c) Development standards. The following criteria are hereby adopted for Intensely Developed Areas:
- (1) All plans shall be assessed for their impacts on water quality and other biological resources.
 - (2) Roads, bridges, or utilities may not be located in any Habitat Protection Area unless no feasible alternative exists. All roads, bridges, and utilities that must cross a Habitat Protection Area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life, and their habitats and maintain hydrologic processes and water quality.
 - (3) Best Management Practices shall be considered and, where appropriate, implemented as part of all plans for development or redevelopment.
 - (4) Development and redevelopment shall be subject to the Habitat Protection Area requirements prescribed in § NR 3-120 through 3-123 of this Subtitle.
 - (5) Stormwater shall be addressed in accordance with the following provisions:
 - A. The county shall require, at the time of development or redevelopment, that technologies as required by applicable State and local ordinances be applied by anyone undertaking development activities in order to minimize adverse impacts to water quality caused by stormwater. The technologies shall be developed in accordance with the guidelines published by the ~~Chesapeake Bay~~ Critical Area Commission.
 - B. In the case of redevelopment, if the technologies do not reduce pollutant loadings measured by use of the keystone pollutant method by at least ten percent (10%) below the level of pollution on the site prior to redevelopment, then offsets shall be provided to achieve a ten percent (10%) reduction.
 - C. In the case of new development, offsets as determined by the Department shall be used if they reduce pollutant loadings by at least ten percent (10%) of the pre-development levels.
 - D. Offsets may be located either on or off site, provided that water quality benefits are equivalent, that the benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring or other computation of mitigation measures as specified in the ~~“10% Rule Compliance—Urban Stormwater Quality Guidance for Maryland Chesapeake Bay Critical Area”~~

- (6) WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREA, proposed development sites shall provide a forest or developed woodland cover of at least fifteen percent (15%) after development, which may be comprised all or in part of typical landscaping as approved by the Department, with the following exceptions:
- A. Development of a single lot for the purpose of constructing a dwelling intended for the use of the owner, a child or grandchild of the owner, if the development does not result in the cutting, clearing or grading of more than forty thousand square feet of forest and the lot was legally recorded prior to July 31, 1994; or
 - B. Development of a single lot that is part of a project that has otherwise complied with the Forest Conservation Act.
- (7) If practicable, permeable areas shall be established in vegetation and whenever possible, redevelopment shall reduce existing levels of pollution.
- (8) Areas of public access to the shoreline, such as foot paths, scenic drives and other public recreational facilities and open spaces, should be maintained and, if possible, encouraged to be established within Intensely Developed Areas.
- (9) Ports and industries which use water for transportation and derive economic benefits from shore access shall be located near existing port facilities. The County Commissioners may identify other sites for planned future port facility development and use if this use will provide significant economic benefit to the State or County and is consistent with the provisions of the Water Dependent Facilities Section of this Subtitle and other State and Federal regulations.
- (10) To the extent practicable, future development in the ~~Atlantic Coastal Bays~~ Critical Area shall use cluster development as a means to reduce ~~impervious areas~~ LOT COVERAGE and to maximize areas of natural vegetation.
- (11) When the cutting or clearing of trees in forests and developed woodland areas is associated with current or planned development activities, the following shall be required:
- A. Development activities shall be designed and implemented to minimize destruction of forest and woodland vegetation; and
 - B. Development activities shall address the protection of existing forests and developed woodlands identified as Habitat Protection Areas in the Habitat Protection Section of this Subtitle.

§ NR 3-107. Limited Development Areas.

- (a) Description. Limited Development Areas are those areas that are currently developed in low or moderate-intensity uses. They also contain areas of natural plant and animal habitats. The quality of runoff from these areas has not been substantially altered or impaired. At the time of the initial mapping, these areas shall have at least one of the following features:
- (1) Housing density ranging from one dwelling unit per five acres up to four dwelling units per acre;

- (2) Areas not dominated by agricultural, wetland, forest, barren land, surface water, or open space;
 - (3) Areas meeting the conditions of an Intensely Developed Area but comprising less than twenty acres; or
 - (4) Areas having public sewer or public water, or both.
- (b) General requirements. In addition to the ~~100-foot~~ Buffer, the ~~Atlantic Coastal Bays~~ Critical Area law hereby incorporates the following requirements for Limited Development Areas. New or expanded development or redevelopment shall take place in such a way as to:
- (1) Maintain or, if possible, improve the quality of runoff and groundwater entering the Atlantic Coastal Bays and their tributaries;
 - (2) Maintain, to the extent practicable, existing areas of natural habitat; and
 - (3) Accommodate additional low or moderate-intensity development if:
 - A. This development conforms to the water quality and habitat protection criteria in subsection 3-107(c) hereof; and
 - B. The overall intensity of development within the Limited Development Areas is not increased beyond the level established in a particular area so as to change its prevailing character as identified by density and land use established in the area at the time of adoption of this Subtitle.
- (c) Development standards. The following criteria apply for Limited Development Areas:
- (1) For all development activities in the Limited Development Areas, the applicant shall identify any environmental or natural feature described below and shall meet all of the following standards of environmental protection:
 - A. Adherence to the provisions of § NR 3-104 and 3-120 through 3-123 of this Subtitle.
 - B. Roads, bridges, or utilities may not be located in any Habitat Protection Area unless no feasible alternative exists. All roads, bridges, and utilities that must cross a Habitat Protection Area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life, and their habitats and maintain hydrologic processes and water quality.
 - C. All development activities that must cross or affect streams shall be designed to:
 - i. Reduce increases in flood frequency and severity that are attributable to development;
 - ii. Retain tree canopy so as to maintain stream water temperature within normal variation;
 - iii. Provide a natural substrate for stream beds; and
 - iv. Minimize adverse water quality and quantity impacts of stormwater.

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- D. All development sites receiving project approval shall incorporate a wildlife corridor system that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with offsite habitats. The wildlife corridor system may include Habitat Protection Areas identified in this Subtitle. The Department shall ensure the maintenance of the wildlife corridors by requiring the establishment of conservation easements, restrictive covenants, or similar instruments approved by the County Commissioners through which the corridor is preserved by public or private groups, including homeowners associations, land trusts, nature trusts, and other organizations.
- (2) For the cutting or clearing of trees in forests and developed woodland areas which are associated with current or planned development activities, but not including building permits for individual lots, in a Limited Development Area, the Department shall:
- A. Require that the applicant seek the comments of and comply with the recommendations of the Maryland Department of Natural Resources to the extent possible when planning development on forested land;
- B. Design and implement development activities to minimize the destruction of woodland vegetation, and;
- C. Provide protection for forests and developed woodlands identified as Habitat Protection Areas in this Subtitle.
- D. Planting associated with the required replacement of forest or developed woodland shall be performed prior to the issuance of any zoning certificate or certificate of use and occupancy or shall be bonded in accordance with the provisions of § ZS 1-124 of the Worcester County Zoning Ordinance.
- E. IF AN APPLICANT IS AUTHORIZED TO CLEAR ~~LESS THAN~~ UP TO TWENTY (20) PERCENT OF A FOREST OR DEVELOPED WOODLANDS ON A LOT OR PARCEL, THE APPLICANT SHALL REPLACE THE FOREST OR DEVELOPED WOODLANDS AT A RATE OF ONE (1) TIMES THE ENTIRE AREAL EXTENT OF THE FOREST OR DEVELOPED WOODLAND CLEARED;
- F. IF AN APPLICANT IS AUTHORIZED TO CLEAR MORE THAN TWENTY (20) PERCENT OF A FOREST OR DEVELOPED WOODLANDS ON A LOT OR PARCEL, THE APPLICANT SHALL REPLACE THE FOREST OR DEVELOPED WOODLANDS AT 1.5 TIMES THE ENTIRE AREAL EXTENT OF THE FOREST OR DEVELOPED WOODLANDS CLEARED, INCLUDING THE FIRST TWENTY (20) PERCENT OF THE FOREST OR DEVELOPED WOODLANDS CLEARED;
- G. AN APPLICANT MAY NOT CLEAR MORE THAN THIRTY (30) PERCENT OF A FOREST OR DEVELOPED WOODLANDS ON A LOT OR PARCEL UNLESS THE VARIANCE IS GRANTED AND THE APPLICANT REPLACES FOREST OR DEVELOPED WOODLANDS AT A RATE OF THREE (3) TIMES THE ENTIRE AREAL EXTENT OF THE FOREST OR DEVELOPED WOODLANDS CLEARED.
- H. IF AN APPLICANT IS AUTHORIZED TO CLEAR ANY PERCENTAGE OF FOREST OR DEVELOPED WOODLAND THE REMAINING PERCENTAGE

SHALL BE MAINTAINED THROUGH RECORDED, RESTRICTIVE COVENANTS OR SIMILAR INSTRUMENTS APPROVED BY THE COUNTY.

- ~~(3)~~ For the alteration of forest and developed woodland in the Limited Development Area, the following requirements shall apply:
- ~~A.~~ The total acreage in forest coverage within the County in the Atlantic Coastal Bays Critical Area shall be maintained or preferably increased;
 - ~~B.~~ All forests that are allowed to be cleared or developed shall be replaced in the Atlantic Coastal Bays Critical Area on not less than an equal area basis on sites with similar characteristics to those on which the original forests were growing;
 - ~~C.~~ No more than twenty percent (20%) of any forest or developed woodland may be removed from forest use, except as provided in paragraph (c)(4) below. The remaining eighty percent (80%) shall be maintained through recorded, restrictive covenants or similar instruments approved by the County Commissioners; and
 - ~~D.~~ Developed woodland vegetation shall be conserved to the greatest extent practicable.
- (4) For replacement of forest and developed woodland, if more than twenty percent (20%) is to be removed from forest use, an applicant may clear or develop not more than thirty percent (30%) of the total forest area provided that the afforested area shall consist of one and a half times the total surface acreage of the disturbed forest or developed woodland area, or both.
- (53) In addition, applicants seeking project approval shall adhere to the following criteria for forest and woodland development:
- A. A performance bond in an amount determined by the Department to ensure satisfactory replacement as required by paragraph (c)(2) ~~(3) and (4)~~ above shall be posted, if necessary;
 - B. A stormwater management permit and sediment and erosion control plan approval shall be required before forest or developed woodland is cleared;
 - C. Forests which have been cleared before obtaining a stormwater management permit and sediment and erosion control plan approval or that exceed the maximum area allowed in paragraph (c)(2) above shall be replanted at three times the areal extent of the cleared forest;
 - D. If the areal extent of the site limits the application of the reforestation guidelines in paragraph (c)(2) ~~(3), (4) and (5)~~ above, alternative provisions or reforestation guidelines may be permitted by the Department if they are consistent with the intent of the Forest and Woodland element of this Subtitle to conserve the forest and developed woodland resources of the ~~Atlantic Coastal Bays~~ Critical Area. Alternative provisions may include use of a forest mitigation bank if the provisions are adequate to ensure the restoration or establishment of an equivalent forest area;
 - E. If no forest exists on the proposed development site, this site shall be planted to provide a forest or developed woodland cover of at least fifteen percent (15%);
 - F. All forests designated on development plans shall be maintained to the extent practicable, through conservation easements, restrictive covenants or other protective instruments approved by the County Attorney;

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- G. The applicant shall designate, subject to the approval of the Department, a new forest area on a part of the site not forested; and
- H. The afforested area shall be maintained as forest cover through easements, restrictive covenants, or other protective instruments approved by the County Commissioners.
- (64) Projects which receive Forest Conservation Plan approval in accordance with the provisions of Subtitle 4 (Forest Conservation) of the Worcester County Code of Public Local Laws prior to JUNE 1, 2002 FOR THE ATLANTIC COASTAL BAYS ~~the date of adoption of this Subtitle~~ may develop under the terms of that Forest Conservation Plan approval with a Critical Area site plan where the applicant demonstrates that resource impacts have been minimized, notwithstanding the provisions of § NR 3-107(c)(1) through (5) above.
- (75) Development on slopes greater than fifteen percent (15%), as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies in Section 3-107(b) above.
- (86) Except as otherwise provided in this subsection, for stormwater runoff, LOT COVERAGE ~~impervious areas~~ shall be limited to fifteen percent (15%) of the site.
- A. If a parcel or lot of one-half acre or less in size existed on or before DECEMBER 1, 1985, IN THE CHEAPEAKE BAY, OR June 1, 2002, IN THE ATLANTIC COASTAL BAYS, then LOT COVERAGE IS ~~manmade impervious surfaces are~~ limited to twenty-five percent (25%) of the parcel or lot.
- B. If a parcel or lot greater than one-half acre and less than one acre in size existed on or before DECEMBER 1, 1985, IN THE CHEAPEAKE BAY, OR June 1, 2002, IN THE ATLANTIC COASTAL BAYS, then LOT COVERAGE IS ~~manmade impervious surfaces are~~ limited to fifteen percent (15%) of the parcel or lot.
- C. If an individual lot one acre or less in size is part of a subdivision approved after DECEMBER 1, 1985, IN THE CHEAPEAKE BAY, OR June 1, 2002, IN THE ATLANTIC COASTAL BAYS, then ~~manmade impervious surfaces of the lot~~ COVERAGE may ~~not exceed twenty five percent (25%) of the lot and the total impervious surfaces of the entire subdivision may not exceed fifteen percent (15%)~~ EXCEED FIFTEEN (15%) OF THE INDIVIDUAL LOT; HOWEVER THE TOTAL LOT COVERAGE FOR THE ENTIRE SUBDIVISION MAY NOT EXCEED FIFTEEN PERCENT (15%).
- D. ~~Impervious surface~~ LOT COVERAGE limits provided in subsections (c)(8)A ~~through C~~ AND B above may be exceeded, ~~upon findings by the Director of the Department or his designee that~~ IF all of the following conditions exist:
- i. LOT COVERAGE ASSOCIATED WITH NEW DEVELOPMENT ACITIVITIES ~~New impervious surfaces~~ on the property have been minimized;
 - ii. For a lot or parcel one-half acre or less in size, total LOT COVERAGE ~~impervious surface area~~ does not exceed ~~impervious surface~~ LOT COVERAGE limits in subsection (c)(8)A by more than twenty-five percent (25%) or five hundred (500) square feet, whichever is greater;
 - iii. For a lot or parcel greater than one-half acre and less than one acre in size, total LOT COVERAGE ~~impervious surface area~~ does not exceed LOT

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COVERED ~~impervious surface~~ limits in subsection (c)(8)B or five thousand, four hundred and forty-five (5,445) square feet, whichever is greater;

- iv. Water quality impacts associated with runoff from new ~~impervious surfaces~~ LOT COVERED can be and have been minimized through site design considerations or the use of best management practices to improve water quality; and
- v. The property owner performs on-site mitigation to offset potential adverse water quality impacts from the new ~~impervious surfaces~~ LOT COVERED.

E. THE FOLLOWING TABLE SUMMARIZES THE LIMITS SET FORTH IN PARAGRAPHS A THROUGH D ABOVE:

LOT/PARCEL SIZE (SQUARE FEET) LOT COVERED LIMIT	LOT/PARCEL SIZE (SQUARE FEET) LOT COVERED LIMIT
0 – 8,000	25% OF PARCEL + 500 SF
8,001 – 21, 780	31.25% OF PARCEL
21,780 – 36,300	5,445 SF
36,301 – 43,560	15% OF PARCEL

F. IF THE DEPARTMENT MAKES THE FINDINGS SET FORTH IN SECTION E ABOVE AND AUTHORIZES AN APPLICANT TO USE THE LOT COVERED LIMITS SET FORTH IN THAT PARAGRAPH, THE APPLICANT SHALL:

- i. DEMONSTRATE THAT WATER QUALITY IMPACTS ASSOCIATED WITH RUNOFF FROM THE DEVELOPMENT ACTIVITIES THAT CONTRIBUTE TO LOT COVERED HAVE BEEN MINIMIZED THROUGH SITE DESIGN CONSIDERATIONS OR THE USE OF BEST MANAGEMENT PRACTICES TO IMPROVE WATER QUALITY; AND
- ii. THE PROPERTY OWNER PERFORMS ON-SITE MITIGATION, IN THE FORM OF PLANTINGS, TO OFFSET POTENTIAL ADVERSE WATER QUALITY IMPACTS FROM THE NEW LOT COVERED.
- iii. IF THE APPLICANT CANNOT PROVIDE APPROPRIATE STORMWATER TREATMENT AND PLANTINGS DUE TO SITE CONSTRAINTS, THEN THE COUNTY MAY REQUIRE THE PROPERTY OWNER TO PAY A FEE TO THE COUNTY IN LIEU OF PERFORMING THE ON-SITE MITIGATION. SUCH A FEE IS ESTABLISHED BY RESOLUTION OF THE COUNTY COMMISSIONERS AND MAY BE AMENDED FROM TIME TO TIME. THE COUNTY SHALL USE ALL FEES COLLECTED UNDER THIS PROVISION TO FUND PROJECTS THAT IMPROVE WATER QUALITY WITHIN THE CRITICAL AREA, CONSISTENT WITH THE COUNTY’S CRITICAL AREA PROGRAM AND ZONING ORDINANCE.

(97) THE LOT OR PARCEL IS LEGALLY NONCONFORMING. A LOT OR PARCEL LEGALLY DEVELOPED AS OF JULY 1, 2008 MAY BE CONSIDERED LEGALLY NONCONFORMING FOR THE PURPOSES OF LOT COVERED REQUIREMENTS

- (409) To reduce the extent of ~~impervious areas~~ LOT COVERAGE and maximize areas of natural vegetation, cluster development shall be considered when planning for future development.
- (H10) Development may be allowed on soils having development constraints if the development includes mitigation measures that adequately address the identified constraints, and that will not have significant adverse impacts on water quality or plant, fish, or wildlife habitat.
- (d) Complementary State laws and regulations. In applying this ~~Atlantic Coastal Bays~~ Critical Area Law, the Program refers to all of the following complementary existing State laws and regulations:
 - (1) For soil erosion and sediment control (COMAR 26.17.01, as from time to time amended):
 - A. In order to prevent soil erosion and sedimentation, a Soil Erosion and Sedimentation Control Plan shall be required whenever a development within the ~~Atlantic Coastal Bays~~ Critical Area will involve any clearing, grading, transporting, or other form of disturbance to land by the movement of earth. This plan shall be consistent with the requirements of Natural Resources Article §§ 8-1101 through 8-1108 and Environment Article §§ 4-103 through 4-108 and § 4-116, Annotated Code of Maryland, as from time to time amended, and local ordinances, as may be amended from time to time. Sediment control practices shall be appropriately designed to reduce adverse water quality impacts.
 - B. The Program requires erosion control as the basis of sediment control plans within the ~~Atlantic Coastal Bays~~ Critical Area.
 - (2) For stormwater runoff (COMAR 26.17.02, as from time to time amended):
 - A. Post-development discharges may not cause downstream property, watercourses, channels, or conduits to receive stormwater runoff at a higher volume or rate than would have resulted from a 10-year storm at the predevelopment state.
 - B. All stormwater storage facilities shall be designed with sufficient capacity to achieve the water quality goals of this Section and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state.
 - C. Stormwater management measures shall be consistent with the requirements of Environment Article 4-201 et seq., Annotated Code of Maryland, as may be amended from time to time.

§ NR 3-108. Resource Conservation Areas.

- (a) Description. Resource Conservation Areas are areas characterized by nature-dominated environments (including, but not limited to, wetlands, forests, abandoned fields) and resource-utilization activities (including, but not limited to, agriculture, forestry, fisheries activities or aquaculture). At the time of the initial mapping, these areas shall have at least one of the following features:
 - (1) Existing density is less than one dwelling unit per five acres; or
 - (2) The dominant land use is in agriculture, wetland, forest, barren land, surface water, and/or open space.

- (b) General requirements. In addition to the ~~100-foot~~ Buffer, the ~~Atlantic Coastal Bays~~ Critical Area Law hereby incorporates the following requirements for Resource Conservation Areas. New or expanded development or redevelopment in these areas shall take place in such a way as to:
- (1) Conserve, protect and enhance the overall ecological values of the ~~Atlantic Coastal Bays~~ Critical Area, its biological productivity and its diversity;
 - (2) Provide adequate breeding, feeding and wintering habitats for those wildlife populations that require the CHESAPEAKE AND Atlantic Coastal Bays, their tributaries or coastal habitats in order to sustain populations of those species;
 - (3) Conserve the land and water resource base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities and aquaculture; and
 - (4) Conserve the existing developed woodlands and forests for the water quality benefits that they provide.
- (c) Development standards. The following criteria apply for Resource Conservation Areas:
- (1) Land use management practices shall be consistent with the policies and criteria for the Habitat Protection Area Section, the Agricultural Section, and the Forest and Woodlands Protection Section of this Subtitle.
 - (2) Agricultural and conservation easements shall be encouraged in Resource Conservation Areas.
 - (3) Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per twenty acres. A VARIANCE TO EXCEED THE MAXIMUM DENSITY OF ONE DWELLING UNIT PER TWENTY ACRES MAY NOT BE AUTHORIZED. Within this limit of overall density, minimum lot sizes shall be as prescribed by the terms of the Zoning and Subdivision Control Article. Such mechanisms as cluster development, maximum lot size provisions, and/or additional means to maintain the land area necessary to support the protective uses will be encouraged by the County Commissioners and implemented as necessary.
 - (4) Existing industrial and commercial facilities, including those that directly support agriculture, forestry, aquaculture, or residential development, not exceeding the density specified in Section 3-108(c)(2) above, shall be allowed in Resource Conservation Areas.
 - (5) New commercial, industrial, and institutional uses shall not be permitted in Resource Conservation Areas. Additional land may not be zoned or used for industrial, commercial, or institutional development except as provided by § NR 3-108(d) and § NR 3-112 below. Non-industrial activities which support surface mining, agriculture, and forestry may be established or expanded, provided they conform with the other requirements of this Subtitle.
 - (6) The Department shall ensure that the overall acreage of forest and woodland within the Resource Conservation Areas does not decrease.
 - (7) Development activity within the Resource Conservation Areas shall be consistent with the requirements for Limited Development Areas in this Subtitle as specified in § NR 3-107 hereof.
 - (8) Nothing in this section shall limit the ability of a participant in the Agricultural Easement Program to convey real property impressed with such an easement to family members

provided that no such conveyance will result in a density greater than one dwelling unit per twenty acres.

(9) In calculating the one dwelling unit per twenty-acre density of development that is permitted on a parcel located within the Resource Conservation Area, the Department may permit the area of any private wetlands located on the property to be included under the following conditions:

- A. The density of development on the upland portion of the parcel may not exceed one dwelling unit per eight acres; and
- B. The area of private wetlands shall be estimated on the basis of vegetative information as designated on the State wetlands maps or by private survey approved by the Department and the State Department of Environment.

(10) In consideration of additional dwelling units per lot or parcel as part of the primary dwelling unit, the County shall adhere to the following:

- A. Within a Resource Conservation Area, the County may consider one additional dwelling unit per lot or parcel as part of the primary dwelling unit for the purpose of the density calculation under this subsection if the additional dwelling unit meets either of the following set of conditions:
 - i. The additional dwelling unit is located within the primary dwelling unit, or its entire perimeter is within 100 feet of the primary dwelling unit, it does not exceed 900 square feet in total enclosed area, and it is served by the same sewage disposal system as the primary dwelling unit; or
 - ii. The additional dwelling unit is located within the primary dwelling unit, is built so that its construction does not increase the amount of ~~impervious surface~~ LOT COVERAGE already attributed to the primary dwelling unit, and it is served by the same sewage disposal system as the primary dwelling unit.
- B. An additional dwelling unit meeting all the criteria of this section that is separate from the primary dwelling unit may not be subdivided or conveyed separately from the primary dwelling unit.
- C. The provisions of this section apply to density calculations only and may not be construed to authorize the County to grant a variance, unless the variance is granted in accordance with the requirements and standards in this Subtitle for variances in the Atlantic Coastal Bays Critical Area.
- ~~D. The County shall maintain records of all building permits issued under this section for additional dwelling units considered part of a primary dwelling unit and shall provide this information on a quarterly basis to the Critical Area Commission.~~

(d) Land use in the Resource Conservation Area. In addition to the uses specified above, certain nonresidential uses may be permitted in Resource Conservation Areas if permitted by the terms of the Zoning and Subdivision Control Article and if it is determined by the Department that the proposed use is one of the following:

- (1) A home occupation as an accessory use on a property used for residential purposes and as provided for in the County's Zoning Ordinance;

- (2) A golf course, excluding principal buildings and/or structures such as the clubhouse, pro-shop, parking lot, etc.;
- (3) A cemetery that is an accessory use to a church ~~existing as of June 1, 2002~~ if impervious surfaces LOT COVERAGE ~~are~~ IS limited to 20,000 square feet or 15% of the site, whichever is less;
- (4) A bed and breakfast facility located in a residential structure existing as of DECEMBER 1, 1985, IN THE CHESAPEAKE COASTAL BAY, OR June 1, 2002, IN THE ATLANTIC COASTAL BAYS, and where meals are prepared only for guests staying at the facility;
- (5) A gun club or skeet shooting range or similar use, excluding main buildings and/or structures, such as a clubhouse, snack bar, etc.;
- (6) A daycare facility in a dwelling where the operators live on the premises, and there are no more than eight children;
- (7) A group home or assisted living facility with no more than eight residents;
- (8) A public or private non-commercial dock or pier and passive recreational areas.
 - A. Dock or pier and passive recreational areas may include:
 - i. Floating platforms for the launching and retrieval of non-motorized watercraft;
 - ii. A pervious storage structure for non-motorized watercraft not to exceed twenty thousand square feet in area; and
 - iii. Passive recreation such as walking, hiking, bicycle paths and trails, wildlife observation areas, and picnic areas.
 - B. Dock or pier and passive recreational areas may not include principal uses and structures or accessory uses and structures, including but not limited to: gazebos, pavilions, clubhouses, restrooms, and parking areas.
 - C. Lot coverage shall be limited to fifteen percent of the site.
- (9) An office and/or establishment utilized by a nonprofit environmental conservation and land preservation organization, subject to the following:
 - A. Organizations shall maintain a non-profit and/or tax-exempt status; and
 - B. The total use area shall not exceed twenty thousand square feet in area. Areas of passive recreation such as walking, hiking, bicycle paths and trails, wildlife observation areas, and picnic areas shall not be subject to this limitation.
- (10) SPECIAL EVENTS SHALL BE PERMITTED IN THE RCA IN THE ESTATE, AGRICULTURAL AND RESOURCE PROTECTION ZONING CLASSIFICATIONS, SUBJECT TO THE FOLLOWING ADDITIONAL STANDARDS:
 - A. ALL LOT COVERAGE PERTAINING TO THE SPECIAL EVENTS ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, TEMPORARY STRUCTURES, TEMPORARY TENTS, PARKING AREAS (IMPROVED AND UNIMPROVED), AND OTHERWISE MUST OCCUR OUTSIDE THE BUFFER

OR OTHER HABITAT PROTECTION AREA UNLESS THE LOT COVERAGE IS LEGALLY DEVELOPED EXISTED AT THE TIME OF SPECIAL EXCEPTION APPLICATION AND THE PROVISIONS OF SECTION NR 3-107(C)(8)(A-D) SHALL STILL APPLY.

- B. A SCALED DRAWING OF THE SITE SHOWING THE LOCATION OF THE PROPOSED STRUCTURES AND DEMONSTRATING THE SITE REQUIREMENTS IN SECTION ZS 1-203(C)(21) FOR SPECIAL EVENTS, INCLUDING ANY TEMPORARY STRUCTURES, TEMPORARY TENTS AND TEMPORARY PARKING SPACES MUST BE SUBMITTED WITH THE SPECIAL EXCEPTION APPLICATION. THE SCALED DRAWING MUST DEMONSTRATE HOW THE SPECIAL EVENT USE WILL MINIMIZE IMPACTS TO NATURAL RESOURCES AND PROTECTS THE DEFINED LAND USES IN THE RCA FOUND IN THIS CHAPTER AND MUST ALSO DEPICT THE REQUIREMENTS LISTED UNDER SECTION NR 3-109(d)(1).
- C. PROVISIONS PERTAINING TO LOT COVERAGE AND CLEARING LIMITS IN THE RCA CONTAINED IN THIS CHAPTER APPLY TO SPECIAL EVENT ACTIVITIES. SPECIAL EVENT ACTIVITIES SHALL BE IN CLOSE PROXIMITY TO EXISTING STRUCTURES AND FACILITIES ON THE PROPERTY TO MINIMIZE ADVERSE IMPACTS TO NATURAL RESOURCES AND ARE ACCESSORY TO THE PRINCIPAL USE OF THE PROPERTY.
- D. THIS USE IS LIMITED TO ONLY PROPERTIES THAT ARE 25 ACRES OR GREATER IN SIZE AND ARE LIMITED TO NO MORE THAN 40 EVENTS PER CALENDAR YEAR. AN EVENT HAS A MAXIMUM DURATION OF TWO CONSECUTIVE DAYS CONSISTING OF 48 HOURS.
- E. ALL LOT COVERAGE AND PROPOSED TEMPORARY STRUCTURES ASSOCIATED WITH THE SPECIAL EVENT MUST COMPLY WITH HABITAT PROTECTION AREAS, PER NR 3-120. THIS INCLUDES PROTECTION OF THE ONE HUNDRED FOOT BUFFER, THREATENED AND ENDANGERED SPECIES AND SPECIES IN NEED OF CONSERVATION, PLANT AND WILDLIFE HABITAT PROTECTION AREA INCLUDING NON-TIDAL WETLANDS, AND ANADROMOUS FISH PROPAGATION WATERS.

§ NR 3-109. Implementation of the ~~Atlantic Coastal Bays~~ Critical Area provisions.

- (a) Regulated activities and applicability. In shall be unlawful to pursue any new, expanded or intensified activities within the ~~Atlantic Coastal Bays~~ Critical Area, such as development or redevelopment, grading, clearing, sediment and erosion control, timber harvesting, shoreline erosion control, installation of a septic system and drain field, operation of a waste collection or disposal facility, operation of a commercial or private marina or other water-related commercial or industrial operation (whether public or private), mining (whether surface or sub-surface) or quarrying, farming or other agriculturally-related activities, without first obtaining approval by the Department after review under the provisions of this Subtitle.
- (b) Responsible agency. All applications for such County permits and licenses that are issued by the County shall be made to the pertinent department. The Department shall make available to all agencies involved in overseeing regulated activities a set of maps showing the location so that these agencies may identify affected properties subject to said referrals. Applications for timber harvesting shall be reviewed by the Department of Natural Resources through the District Forestry Board. Applications for mining and quarrying shall be reviewed by the Department and appropriate State agencies. Applications for farming or other agriculture-related activities shall be reviewed by the

Department or the County Soil Conservation District, depending on the nature of the proposed activity.

- (c) Process. Upon receiving the referred application, the Department shall review the application for compliance of the activity with the requirements of this Subtitle. The ~~Atlantic Coastal Bays~~ Critical Area review includes, but is not limited to, evaluating the 100-foot Buffer, area of ~~impervious surface~~ LOT COVERAGE, area of forest cover, area of steep slopes, location of tidal or nontidal wetlands and their buffers, and the mitigation plan if required.

- (d) Application requirements. In order for the Department to make findings and specific recommendations as to the compliance of a project with the goals of the ~~Atlantic Coastal Bays~~ Critical Area Law, information on land and water disturbing activities must be submitted by the applicant. This information shall include an ~~Atlantic Coastal Bays~~ Critical Area site plan and a written ~~Atlantic Coastal Bays~~ Critical Area report.
 - (1) ~~Atlantic Coastal Bays~~ Critical Area site plan. The ~~Atlantic Coastal Bays~~ Critical Area site plan must be drawn to scale and shall include, but not be limited to, the following information:
 - A. Topography (if property is flat or gently sloping, state this on the plan).
 - B. Mean high water line.
 - C. Tidal wetlands (private and State).
 - D. Tributary streams.
 - E. Nontidal wetlands.
 - F. Soils.
 - G. Forest cover (show individual trees or a tree line defining wooded areas).
 - H. ~~100-foot~~ CRITICAL AREA Buffer (drawn from mean high water, the edge of tidal wetlands or tributary streams).
 - i. The Buffer may be required to be expanded beyond 100-feet to include contiguous sensitive areas, such as steep slopes, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments.
 - I. Habitat protection areas.
 - J. All LOT COVERAGE ~~impervious surfaces~~ (including all structures, sidewalks, sheds, decks, driveways, pools, etc.) labeled as existing or proposed.
 - K. All proposed clearing, grading, and disturbance (e.g., septic areas, wells, lawns, etc.).
 - L. Computation of the amount of existing and proposed LOT COVERAGE ~~impervious surfaces~~, existing forest cover and proposed clearing, and total area of disturbance.
 - M. BUFFER MANAGEMENT PLAN, IF APPLICABLE.

N. 10 PERCENT POLLUTION REDUCTION CALCULATIONS IF LOCATED IN AN INTENSELY DEVELOPED AREA (IDA).



FOR THE CONSTRUCTION OF SINGLE FAMILY DWELLINGS, STORMWATER AND/OR SEDIMENT EROSION CONTROL CAN BE USED IN PLACE OF THE CRITICAL AREA SITE PLAN, AS LONG AS ITEMS A-N ABOVE ARE REFERENCED IN SAID PLAN.

(2) ~~Atlantic Coastal Bays Critical Area report.~~ The ~~Atlantic Coastal Bays~~ Critical Area report must include a description of the project and an environmental assessment of the site. This report shall include but not be limited to the following information:

- A. Forest cover, generally describing the size and species of trees and shrubs.
- B. Shoreline condition, including any existing or proposed piers, bulkheads, revetments, or other shoreline stabilization methods.
- C. Proposed or existing stormwater management measures.
- D. Site topography and soil conditions, including any areas of erosion or run-off.
- E. Proposed clearing, excavation, and grading.
- F. Discussion of the proposed development, including the number of residential units, amount of proposed ~~impervious surface~~ LOT COVERAGE, proposed sewer treatment and water supply, and total square footage of clearing, grading, and disturbance.
- G. Discussion of the proposed development’s impacts on water quality and Habitat Protection Areas AND ANY PROPOSED OFFSET OR MITIGATION.
- H. Documentation of all correspondence and findings received from any County, State or Federal Agency.

(e) NOTIFICATION OF PROJECT APPROVAL.

(1) CRITICAL AREA NOTIFICATION. THE DEPARTMENT SHALL SEND COPIES OF APPLICATIONS FOR ALL DEVELOPMENTS, SUBDIVISIONS, AND SITE PLANS WHOLLY OR PARTIALLY WITHIN THE CRITICAL AREA AS SPECIFIED IN COMAR 27.03.01.04 TO THE CRITICAL AREA COMMISSION FOR REVIEW AND COMMENT.

- A. THE APPLICATION SHALL BE ACCOMPANIED BY A COMPLETED “PROJECT NOTIFICATION APPLICATION” FORM.
- B. THE DEPARTMENT MAY NOT PROCESS AN APPLICATION THAT HAS BEEN SENT TO THE COMMISSION FOR NOTIFICATION UNTIL IT HAS RECEIVED NOTICE OF RECEIPT BY THE COMMISSION.
- C. ANY ACTION BY THE COUNTY IN VIOLATION OF THESE PROCEDURES SHALL BE VOID.

§ NR 3-110. Amendments and refinements.

(a) Generally. The regulations, restrictions, definitions, districts, classifications, and boundaries as

set forth in this Subtitle may, from time to time be amended, supplanted, modified, or repealed by the County Commissioners with the ~~concurrence~~ APPROVAL of the CRITICAL AREA Commission. The reclassification of any property, the relocation of any district boundary, the designation or future modification of any Buffer management area and its accompanying regulations, and the award of growth allocation shall be done by resolution of the County Commissioners after a duly advertised public hearing in accordance with the provisions of § ZS 1-114 of the Worcester County Zoning Ordinance and approval of the CRITICAL AREA Commission. Amendments to the text of this Subtitle shall be passed by the County Commissioners as public local laws according to legally required procedures and with the ~~concurrence~~ APPROVAL of the CRITICAL AREA Commission.

(b) Applications and procedures. Amendments and refinements shall be processed in the following manner:

- (1) Proposals for any amendment or refinement may be made by any interested person who is a resident or taxpayer in the County or by any government agency of the County. Proposals shall be addressed to and filed with the County Commissioners in such form as they may prescribe. ~~Applications shall only be accepted from January 1 to January 30 and July 1 to July 31 of each calendar year.~~
- (2) Any application for growth allocation shall be reviewed by the Planning Commission but shall first be referred to the Department for review. Comments and recommendations shall be prepared by the Department for consideration by the Planning Commission in its review. The Planning Commission shall review the application in accordance with the provisions of § NR 3-112 hereof and forward a recommendation to the County Commissioners within a reasonable period of time as determined by the County Commissioners. Upon receipt of the Planning Commission’s recommendation, the County Commissioners shall hold at least one public hearing in accordance with the provisions of § NR 3-112(c)(4) et seq. hereof.
- (3) All amendments other than requests for growth allocation shall be reviewed and acted upon by the County Commissioners but shall first be referred to the Department for review.
 - A. Upon receipt of the application, the Department shall examine the application and information submitted therewith. If the application and information are insufficient for the purposes of review the Department may:
 - i. Return the application to the applicant with a letter describing the deficiencies in the submittal; or
 - ii. Request any additional information as may be necessary to review the application.
 - B. Any application returned as being insufficient may only be resubmitted within the application periods, as identified in § NR 3-110(b)(1) herein.
 - C. The Department shall review the application in a reasonable period of time as determined by the County Commissioners and forward a report and recommendation to the County Commissioners.
 - D. After receipt of the Department’s recommendation, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen days’ notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in the County in accordance with the provisions of § ZS 1-114 of the Worcester

County Zoning Ordinance. In the case of amendments to the text of this Subtitle, if no County Commissioner is willing to introduce the proposed amendment as a bill, it need not be considered, and a public hearing need not be held.

- (c) **COMPREHENSIVE REVIEWS.** WORCESTER COUNTY WILL REVIEW ITS ENTIRE PROGRAM AS CONTAINED IN THIS SUBTITLE AND PROPOSE ANY NECESSARY AMENDMENTS AT LEAST EVERY SIX (6) YEARS. THE ANNIVERSARY OF THE DATE THAT THE PROGRAM BECAME EFFECTIVE SHALL BE USED TO DETERMINE WHEN THE REVIEW SHALL BE COMPLETED. WITHIN SIXTY (60) DAYS AFTER THE COMPLETION OF THE REVIEW, THE COUNTY WILL SEND THE FOLLOWING INFORMATION IN WRITING TO THE COMMISSION:
- (1) A STATEMENT CERTIFYING THAT THE REQUIRED REVIEW HAS BEEN ACCOMPLISHED;
 - (2) ALL NECESSARY REQUESTS FOR PROGRAM AMENDMENTS, PROGRAM REFINEMENTS, OR OTHER MATTERS THAT THE COUNTY WISHES THE COMMISSION TO CONSIDER;
 - (3) AN UPDATED RESOURCE INVENTORY; AND
 - (4) A STATEMENT QUANTIFYING ACREAGES WITHIN EACH LAND CLASSIFICATION, THE GROWTH ALLOCATION USED, AND THE GROWTH ALLOCATION REMAINING.
- (d) **OFFICIAL CRITICAL AREA MAP AMENDMENTS.** EXCEPT FOR AMENDMENTS OR REFINEMENTS TO THIS SUBTITLE DEVELOPED DURING A SIX-YEAR COMPREHENSIVE REVIEW, AN AMENDMENT OF THE OFFICIAL CRITICAL AREA MAP MAY ONLY BE GRANTED BY THE COUNTY COMMISSIONERS UPON PROOF OF A MISTAKE IN THE EXISTING LAND USE AREA. THIS REQUIREMENT DOES NOT APPLY TO PROPOSED CHANGES TO THE OFFICIAL CRITICAL AREA MAP THAT MEET THE FOLLOWING CRITERIA:
- (1) ARE WHOLLY CONSISTENT WITH THE LAND CLASSIFICATION IN THIS SUBTITLE; OR
 - (2) PROPOSE THE USE OF GROWTH ALLOCATION IN ACCORDANCE WITH THE GROWTH ALLOCATION PROVISIONS OF THIS SUBTITLE.

§ NR 3-111. Variances.

- (a) Applicability. ~~An Atlantic Coastal Bays~~ A Critical Area Program variance may be granted to the terms of this Subtitle in accordance with the provisions of § ZS 1-116(c)(4) of the Worcester County Zoning Ordinance where, owing to special features of a site or other circumstances, implementation of this Program or a literal enforcement of provisions within the Program would result in unwarranted hardship to an applicant.
- (b) **STANDING.** IN ACCORDANCE WITH NATURAL RESOURCES ARTICLE, §8-1808(D)(2), ANNOTATED CODE OF MARYLAND, IF A PERSON MEETS THE THRESHOLD STANDING REQUIREMENTS UNDER FEDERAL LAW, THE PERSON SHALL HAVE STANDING TO PARTICIPATE AS A PARTY IN A LOCAL ADMINISTRATIVE PROCEEDING.
- (cb) Standards. The provisions for granting such a variance shall include evidence submitted by the applicant that the following standards are met:

- (1) Special conditions or circumstances exist that are peculiar to the applicant's land or structure and a literal enforcement of provisions and requirements of the County's ~~Atlantic Coastal Bays~~ Critical Area Program would result in unwarranted hardship;
 - (2) A literal interpretation of the provisions of the County's ~~Atlantic Coastal Bays~~ Critical Area Program and related laws will deprive the applicant of rights commonly ~~enjoyed by~~ PERMITTED TO other properties in ~~similar areas within the Atlantic Coastal Bays~~ ACCORDANCE WITH THE COUNTY'S Critical Area PROGRAM;
 - (3) The granting of a variance will not confer upon an applicant any special privilege that would be denied by the County's ~~Atlantic Coastal Bays~~ Critical Area Program to other lands or structures ~~within the~~ IN ACCORDANCE WITH THE COUNTY'S ~~Atlantic Coastal Bays~~ Critical Area PROGRAM;
 - (4) The variance request is not based upon conditions or circumstances which are the result of actions by the applicant nor does the request arise from any condition relating to land or building use, either permitted or non-conforming on any neighboring property;
 - (5) The granting of a variance shall not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the ~~Atlantic Coastal Bays~~ Critical Area and the granting of the variance will be in harmony with the general spirit and intent of the County's ~~Atlantic Coastal Bays~~ Critical Area Program;
 - ~~(6) The Board of Zoning Appeals shall not make a decision relative to a request for such a variance without reviewing the comments of the Department and finding that the applicant has satisfied each of the provisions and standards contained herein.~~
- (de) Process. Applications for a variance shall be made in writing to the Board of Zoning Appeals on forms prescribed by the Department.
- (1) THE BOARD OF ZONING APPEALS SHALL NOT MAKE A DECISION RELATIVE TO A REQUEST FOR SUCH A VARIANCE WITHOUT REVIEWING THE COMMENTS OF THE DEPARTMENT AND FINDING THAT THE APPLICANT HAS SATISFIED EACH OF THE PROVISIONS AND STANDARDS CONTAINED HEREIN.
 - (2) AFTER HEARING AN APPLICATION FOR A CRITICAL AREA PROGRAM VARIANCE, THE BOARD OF ZONING APPEALS SHALL MAKE FINDINGS REFLECTING ANALYSIS OF EACH STANDARD BEFORE MAKING A DECISION ON THE REQUESTED VARIANCE.
- (e4) Board procedures. The following procedures shall be adhered to by the Board of Zoning Appeals when considering variance requests to this Subtitle:
- (1) In considering an application for a variance the Board of Zoning Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of Natural Resources Article, Title 8, Subtitle 18, COMAR Title 27, as from time to time amended, and the requirements of the County's ~~Atlantic Coastal Bays~~ Critical Area Program.
 - (2) If the variance request is based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, the Board of Zoning Appeals may consider that fact, AND WHETHER THE APPLICATION HAS MET THE REQUIREMENTS OF SECTION (g) BELOW.

- (3) An applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance established in subsection (1) hereof.
- (4) Based on competent and substantial evidence, the Board of Zoning Appeals shall make written findings as to whether the applicant has overcome the presumption of nonconformance as established above.
- (5) With due regard for the person’s experience, technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:
 - A. The applicant;
 - B. Any agency of the local, state or federal government; or
 - C. Any other person deemed appropriate by the Board of Zoning Appeals.

(fe) Appeals. Appeals from decisions concerning the granting or denial of a variance under these regulations shall be taken in accordance with all applicable laws and procedures of the County for variances. Variance decisions by the Board of Zoning Appeals may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure. ~~Appeals may be taken by any person, firm, corporation, or governmental agency, including, but not limited to, the County Commissioners, aggrieved or adversely affected by any decision made under this section.~~

- A. A PERSON WITH STANDING UNDER SUNSECTION (b) OF THIS CHAPTER MAY:
 - i. PARTICIPATE AS A PARTY IN AN ADMINISTRATIVE PROCEEDING AT A BOARD OF APPEALS EVEN IF THE PERSON WAS NOT A PARTY TO THE ORIGINAL ADMINISTRATIVE PROCEEDING; AND
 - ii. PETITION FOR JUDICIAL REVIEW AND PARTICIPATE AS A PARTY EVEN IF THE PERSON WAS NOT A PARTY TO THE ACTION WHICH IS THE SUBJECT OF THE PETITION.
- B. AN APPEAL MAY BE FILED BY:
 - i. A PERSON AGGRIEVED OR ADVERSELY AFFECTED BY A DECISION MADE UNDER THIS CHAPTER, INCLUDING A GOVERNMENT AGENCY; AND
 - ii. THE CHAIRMAN OF THE CRITICAL AREA COMMISSION, EVEN IF THE CHAIRMAN WAS NOT A PARTY TO OR IS NOT SPECIFICALLY AGGRIEVED BY THE ACTION OR DECISION.
- C. A LOCAL JURISDICTION MAY NOT ISSUE A PERMIT FOR THE ACTIVITY THAT WAS THE SUBJECT OF THE VARIANCE APPLICATION UNTIL THE APPLICABLE 30-DAY APPEAL PERIOD HAS ELAPSED.

(gf) Conditions and mitigation. The Board of Zoning Appeals shall impose conditions on the use or development of a property which is granted a variance as it may find reasonable to ensure that the spirit and intent of the ~~Atlantic Coastal Bays~~ Critical Area Law is maintained, including, but not limited to, the following:

(1) Adverse impacts resulting from the granting of the variance shall be mitigated AS RECOMMENDED BY THE NATURAL RESOURCE DIVISION, BUT NO ~~by the planting of trees and shrubs on the site at an amount equal to not less than A THREE TO ONE BASIS. three times the square footage of the area of disturbance allowed by the variance or as recommended by the Department.~~

(2) New or expanded structures or ~~impervious surfaces~~ LOT COVERAGE shall be located the greatest possible distance from mean high water, the landward edge of tidal wetlands, tributary streams, nontidal wetlands, or steep slopes.

(h) AFTER-THE-FACT REQUESTS.

(1) THE BOARD OF ZONING APPEALS WILL NOT ACCEPT AN APPLICATION OF VARIANCE TO LEGALIZE A VIOLATION OF THIS SUBTITLE, INCLUDING AN UNPERMITTED STRUCTURE OR OTHER DEVELOPMENT ACTIVITY UNTIL THE DEPARTMENT:

- A. ISSUES A NOTICE OF VIOLATION; AND
- B. ASSESSES AN ADMINISTRATIVE OR CIVIL PENALTY FOR THE VIOLATION.

(2) THE BOARD OF ZONING APPEAL MAY NOT APPROVE AN AFTER-THE-FACT VARIANCE UNLESS AN APPLICANT HAS:

- A. FULLY PAID ALL ADMINISTRATIVE, CIVIL AND CRIMINAL PENALTIES IMPOSED UNDER NATURAL RESOURCES ARTICLE, §8-1808(C)(L)(III)14-15 AND (2)(I), ANNOTATED CODE OF MARYLAND;
- B. PREPARED A RESTORATION OR MITIGATION PLAN, APPROVED BY THE LOCAL JURISDICTION, TO ABATE IMPACTS TO WATER QUALITY OR NATURAL RESOURCES AS A RESULT OF THE VIOLATION; AND
- C. PERFORMED THE ABATEMENT MEASURES IN THE APPROVED PLAN IN ACCORDANCE WITH THIS SUBTITLE.

(3) IF THE BOARD OF ZONING APPEALS DENIES THE REQUESTED AFTER-THE-FACT VARIANCE, THEN THE DEPARTMENT SHALL:

- A. ORDER REMOVAL OR RELOCATION OF ANY STRUCTURE; AND
- B. ORDER RESTORATION OF THE AFFECTED RESOURCES.

(i) COMMISSION NOTIFICATION. WITHIN TEN (10) WORKING DAYS AFTER A WRITTEN DECISION REGARDING A VARIANCE APPLICATION IS ISSUED, A COPY OF THE DECISION WILL BE SENT TO THE CRITICAL AREA COMMISSION. THE DEPARTMENT MAY NOT ISSUE A PERMIT FOR THE ACTIVITY THAT WAS THE SUBJECT OF THE APPLICATION UNTIL THE APPLICABLE 30-DAY APPEAL PERIOD HAS ELAPSED.

§ NR 3-112. Growth allocation.

(a) Description.

- (1) FOR THE CHESAPEAKE BAY CRITICAL AREA. THE UPLAND AREA OF THE COUNTY WITHIN THE CRITICAL AREA COMPRISES ABOUT NINE THOUSAND EIGHT HUNDRED TWENTY-NINE (9,829) ACRES. WITHIN THE CRITICAL AREA, TWO HUNDRED NINETY-EIGHT AND SEVEN TENTHS (298.7) ACRES OF LAND WERE CLASSIFIED AS IDA OR LDA. THE REMAINING NINE THOUSAND FIVE HUNDRED THIRTY (9,530) ACRES WERE CLASSIFIED AS RCA. THE STATE CRITICAL AREA LAW PERMITTED THE COUNTY TO ALLOCATE FIVE PERCENT OF THIS AREA, OR FOUR HUNDRED SEVENTY-SIX AND FIVE TENTHS (476.5) ACRES FOR USE FOR FUTURE GROWTH AS EITHER IDA OR LDA. ~~AMOUNT AVAILABLE FOR FUTURE GROWTH ALLOCATION IS FOUR HUNDRED ELEVEN AND FIFTY TWO HUNDREDTHS (411.52) ACRES~~ AS OF (THE DATE OF THIS ORDINANCE) THE AMOUNT OF GROWTH ALLOCATION REMAINING IS 335.11 ACRES. THIS ACREAGE SHALL BE USED FOR THE EXPANSION OF EXISTING OR THE CREATION OF NEW LDAS AND IDAS UNDER THE FOLLOWING GENERAL GUIDELINES:
- (A) THE TOTAL AREA OF EXPANSION OF INTENSELY DEVELOPED OR LIMITED DEVELOPMENT AREAS, OR BOTH, SHALL NOT EXCEED FOUR HUNDRED SEVENTY-SIX AND FIVE TENTHS (476.5) ACRES.
- (B) WHEN PERMITTING FUTURE EXPANSION OF INTENSELY DEVELOPED AND LIMITED DEVELOPMENT AREAS NEAR THE MUNICIPALITIES OF SNOW HILL AND POCOMOKE CITY, THE COUNTY SHALL NOTIFY THE APPROPRIATE LOCAL OFFICIALS TO ALLOW THEM AN OPPORTUNITY TO COMMENT ON HOW THE EXPANSION MAY AFFECT THESE MUNICIPALITIES.
- (2) FOR THE ATLANTIC COASTAL BAYS CRITICAL AREA. The upland area of the County within the Atlantic Coastal Bays Critical Area comprises about twenty-two thousand nine hundred and fifty-five (22,955) acres. Within the Atlantic Coastal Bays Critical Area, three thousand four hundred and sixty (3,460) acres of land are classified as Intensely Developed Area and three thousand one hundred sixteen (3,116) acres as Limited Development Area. The remaining sixteen thousand three hundred and seventy- nine (16,379) acres are classified as Resource Conservation Area. The Atlantic Coastal Bays Protection Act permits the County Commissioners to allocate five percent (5%) of this area, or eight hundred and nineteen (819) acres, for use for future growth as either Intensely Developed Areas or Limited Development Areas. AS OF (THE DATE OF THIS ORDINANCE) THE AMOUNT OF REMAINING GROWTH ALLOCATION IS 373.18 ACRES. This acreage shall be used for the expansion of existing or the creation of new Limited Development Areas and Intensely Developed Areas under the following general guidelines:
- (A) The total area of expansion of Intensely Developed or Limited Development Areas, or both, shall not exceed eight hundred nineteen (819) acres.
- (B) When permitting future expansion of Intensely Developed and Limited Development Areas within one mile of an incorporated municipality, the Department shall notify the appropriate local officials to allow them an opportunity to comment on how the expansion may affect the municipality.
- (3) UP TO 150 ACRES OF GROWTH ALLOCATION MAY BE TRANSFERRED FROM THE ATLANTIC COASTAL BAYS CRITICAL AREA TO THE CHESAPEAKE BAY CRITICAL AREA, OR VICE-VERSA, PROVIDED THE REMAINING ACERAGE IN THE DESIGNATED POT IS INSUFFICIENT TO ALLOW APPROVAL OF THE

GROWTH ALLOCATION PROPOSAL FOR WHICH THE COUNTY IS SEEKING APPROVAL.

- (b) Requirements. THE COUNTY COMMISSIONERS SHALL REQUIRE AN APPLICATION FOR A NEW INTENSELY DEVELOPED AREA OR LIMITED DEVELOPMENT AREA TO BE:
 - (1) IN CONFORMANCE WITH THE REQUIREMENTS OF THIS CODE AND COMAR TITLE 27;
 - (2) DESIGNATED ON THE LOCALLY APPROVAL CRITICAL AREA MAP THAT IS SUBMITTED AS PART OF THE APPLICATION TO THE CRITICAL AREA COMMISSION;
 - (3) FOR A GROWTH ALLOCATION APPLICATION FOR A RESIDENTIAL SUBDIVISION, IN COMPLIANCE WITH THE REQUIREMENTS AND PROCEDURES UNDER ENVIRONMENT ARTICLE, §9-206, ANNOTATED CODE OF MARYLAND, AND LAND USE ARTICLE, TITLE 1, SUBTITLE 5, AND §5-104, ANNOTATED CODE OF MARYLAND; AND
 - (4) 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.

- (cb) STANDARDS Requirements. When locating new Intensely Developed or Limited Development Areas, the County Commissioners shall use these ~~guidelines~~ STANDARDS:
 - (1) New Intensely Developed Areas SHALL ~~should~~ be located in Limited Development Areas or adjacent to existing Intensely Developed Areas;
 - (2) New Limited Development Areas SHALL ~~should~~ be located adjacent to existing Limited Development Areas or Intensely Developed Areas;
 - (3) New Intensely Developed Areas shall be at least twenty acres in size unless:
 - A. They are contiguous to an existing Intensely Developed Area or Limited Development Area; or
 - B. They are a grandfathered commercial or industrial use that was permitted and legally existing as of the date of local Program approval. The amount of growth allocation deducted shall be equivalent to the area of the entire parcel or parcels subject to the growth allocation request.
 - (4) No more than one-half of the allocated expansion may be located in Resource Conservation Areas ~~except as provided in paragraph (b)(9) below;~~
 - (5) New Intensely Developed Areas and Limited Development Areas SHALL ~~should~~ be located in such a manner as to minimize impacts to Habitat Protection Areas as specified in this Subtitle and in an area and in a manner that optimizes benefits to water quality;
 - (6) New Intensely Developed Areas should be located where they minimize their impacts on the defined land uses of the Resource Conservation Area;
 - (7) New Intensely Developed Areas and Limited Development Areas in the Resource Conservation Area SHALL ~~should~~ be located at least three hundred feet landward of the

limits of tidal wetlands or tidal waters; UNLESS THE COUNTY PROPOSES AND THE COMMISSION APPROVES ALTERNATIVE MEASURES FOR WATER QUALITY AND HABITAT THAT PROVIDE GREATER BENEFIT TO THE RESOURCES;

(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.

~~(9) If the County Commissioners are unable to utilize a portion of its growth allocation as set out in paragraphs (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 (b)(4) above. An applicant shall be required to cluster any development in an area of expansion authorized under this paragraph.~~

(d) FACTORS. IN REVIEWING MAP AMENDMENTS OR REFINEMENTS INVOLVING THE USE OF GROWTH ALLOCATION, THE COUNTY COMMISSIONERS SHALL CONSIDER THE FOLLOWING FACTORS:

(1) CONSISTENCY WITH WORCESTER COUNTY COMPREHENSIVE PLAN AND WHETHER THE GROWTH ALLOCATION WOULD IMPLEMENT ITS GOALS AND OBJECTIVES.

(2) FOR A MAP AMENDMENT OR REFINEMENT INVOLVING A NEW INTENSELY DEVELOPED AREA, WHETHER THE DEVELOPMENT IS:

- (A) TO BE SERVED BY A PUBLIC WASTEWATER SYSTEM;
- (B) HAVE AN ALLOWED AVERAGE DENSITY OF AT LEAST 3.5 UNITS PER ACRE;
- (C) IF GREATER THAN 20 ACRES, BE LOCATED IN A PRIORITY FUNDING AREA; AND
- (D) HAVE A DEMONSTRABLE ECONOMIC BENEFIT TO THE AREA;

(3) FOR A MAP AMENDMENT OR REFINEMENT 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 TECHNOLOGY;
- (B) A COMPLETION OF AN EXISTING SUBDIVISION;
- (C) AN EXPANSION OF AN EXISTING BUSINESS; OR
- (D) TO BE CLUSTERED.

(4) THE USE OF EXISTING PUBLIC INFRASTRUCTURE, WHERE PRACTICAL;

(5) CONSISTENCY WITH STATE AND REGIONAL ENVIRONMENTAL PROTECTION POLICIES CONCERNING THE PROTECTION OF THREATENED AND

ENDANGERED SPECIES AND SPECIES IN NEED OF CONSERVATION THAT MAY BE LOCATED ON- OR OFF-SITE;

- (6) IMPACTS ON A PRIORITY PRESERVATION AREA, AS DEFINED UNDER § 2-518 OF THE AGRICULTURE ARTICLE;
 - (7) ENVIRONMENTAL IMPACTS ASSOCIATED WITH WASTEWATER AND STORMWATER MANAGEMENT PRACTICES AND WASTEWATER AND STORMWATER DISCHARGES TO TIDAL WATERS, TIDAL WETLANDS, AND TRIBUTARY STREAMS; AND
 - (8) ENVIRONMENTAL IMPACTS ASSOCIATED WITH LOCATION IN A COASTAL HAZARD AREA OR AN INCREASED RISK OF SEVERE FLOODING ATTRIBUTABLE TO THE PROPOSED DEVELOPMENT.
- (ee) Process. Applicants for growth allocation shall submit a request for growth allocation in accordance with the provisions of § NR 3-110 hereof which shall be accompanied by appropriate plans and environmental reports in accordance with the following process:
- (1) All applications for growth allocation shall be submitted to the Department. Requests shall be accompanied by a concept plan and appropriate environmental reports and studies so as to provide sufficient information to permit the Planning Commission to review the application for consistency with the County’s Atlantic Coastal Bays Critical Area regulations and the Comprehensive Plan. The subdivision history of parcels designated as Resource Conservation Area must be provided as part of the growth allocation application. The date of June 1, 2002, is the date used for the original Atlantic Coastal Bays Critical Area mapping and shall be used as a beginning point of analysis. THE DATE OF DECEMBER 1, 1985, IS THE DATE USED FOR THE ORIGINAL CHESAPEAKE BAY CRITICAL AREA MAPPING AND SHALL BE USED AS A BEGINNING POINT OF ANALYSIS.
 - (2) All applications for growth allocation shall be forwarded 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.
 - (3) The applicant shall address the Planning Commission’s comments and recommendations and may revise the concept plan accordingly. The growth allocation request shall then be forwarded to the County Commissioners by the Planning Commission with a recommendation for either approval or denial.
 - (4) The County Commissioners shall hold a public hearing following due notice in accordance with § ZS 1-114 of the Zoning and Subdivision Control Article on the request for growth allocation and any revisions to the concept plan.
 - (5) The County Commissioners may establish conditions of approval that are consistent with the intent of the County’s ~~Atlantic Coastal Bays~~ Critical Area Program.
 - (6) Upon approval of the growth allocation request by the County Commissioners, the County Commissioners shall send a request to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays to utilize a portion of their growth allocation. The request shall be accompanied by pertinent plans and environmental reports and studies. Upon receipt of the request from the County Commissioners, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays shall notify the County Commissioners regarding the processing of the request as an amendment or refinement to the County’s Program. Refinements shall be acted on AT THE NEXT SCHEDULED CRITICAL AREA COMMISSION MEETING

~~within thirty days of the Commission's notification to the County Commissioners of a complete submission.~~ Amendments shall be acted on within ONE HUNDRED THIRTY ~~ninety~~ days of the Commission's notification of a complete submission.

- (7) Following approval of the growth allocation request by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, the County Commissioners shall implement the change and the applicant may proceed to the preparation of the final site plan or subdivision plat for recording in the County land records.
- (8) Prior to approving the final site plan or subdivision plat, the Planning Commission or their designee shall ensure that all conditions of approval are incorporated into the final plan, public works agreement, deed covenants, etc.
- (9) Final subdivision plats and site plans shall be processed in accordance with the requirements of this Subtitle and the County's subdivision regulations.
- (10) The County's official ~~Atlantic Coastal Bays~~ Critical Area maps shall be amended to reflect the new land classification area, and a copy of the new map shall be provided to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.
- (11) As a condition of approval, the County Commissioners may require that any project approved for the use of growth allocation shall demonstrate that it is substantially completed within three 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.

(12) A CONCEPTUAL SITE DEVELOPMENT PLAN AND ENVIRONMENTAL FEATURES MAP ARE REQUIRED, AND SHALL INCLUDE:

- A. ALL REQUIREMENTS AS NOTED IN COMAR 27.01.02.06-1.B.
- B. AN ENVIRONMENTAL REPORT IN ACCORDANCE WITH COMAR 27.01.02.06-2, INCLUDING THE FOLLOWING:
 - i. IF APPLICABLE, A BUFFER MANAGEMENT PLAN AND/OR HABITAT PROTECTION PLAN IN ACCORDANCE WITH COMAR 27.01.02.06-2.B AND C; AND
 - ii. IF APPLICABLE, THE PRELIMINARY STORMWATER MANAGEMENT PLAN FOR COMPLIANCE WITH THE 10% POLLUTANT REDUCTION RULE, INCLUDING ALL WORKSHEETS AND SUPPORTING DOCUMENTATION.

(fd) ADDITIONAL COUNTY Standards. Applicants for growth allocation shall demonstrate that the following design standards will be met or exceeded by the proposed project:

- (1) All requirements of the County's ~~Atlantic Coastal Bays~~ Critical Area Program, zoning ordinance, and subdivision regulations can be met.
- (2) In addition to meeting the minimum requirements of the ~~Atlantic Coastal Bays~~ Critical Area regulations, the project design shall enhance the habitat value or improve water quality in the area.

- (3) For residential development, where possible, a community pier shall be provided rather than individual piers.

(ge) Deduction methodology. The COUNTY SHALL FOLLOW THE DEDUCTION METHOD DESCRIBED IN COMAR 27.01.02.06-4 AND THE following standards shall be used to determine the area of growth allocation to be deducted when the designation of a parcel or a portion of a parcel is changed through the growth allocation process:

- (1) Subdivision of any lot of record existing as of DECEMBER 1, 1985, WITHIN THE CHESAPEAKE COASTAL BAY, OR AS OF June 1, 2002, WITHIN THE ATLANTIC COASTAL BAYS and which is classified as Resource Conservation Area or Limited Development Area, where all or part of the parcel is identified by the County Commissioners as a growth allocation area, shall result in the acreage of the entire parcel, excluding tidal wetlands, being deducted from the jurisdiction’s growth allocation, unless the development envelope concept outlined in paragraph (ge)(2) below is used.

(2) In order to allow some flexibility in the use of growth allocation when development is only proposed on a portion of the property, the following methodology may be used for parcels designated as Resource Conservation Area. On a parcel proposed for the use of growth allocation, a single development envelope may be specified, and the acreage of the development envelope rather than the acreage of the entire parcel shall be deducted from the County’s growth allocation if the development envelope meets the following criteria:

- A. The development envelope shall include individually owned lots, required buffers, ~~impervious surfaces~~ LOT COVERAGE, roads, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use such as active recreation areas, and any additional acreage needed to meet the development requirements of the criteria. The required buffers refer to the minimum 100-foot Buffer and the 25-foot nontidal wetlands buffer.
- B. Only one development envelope shall be established per parcel of land.
- C. If a development envelope is proposed in the Resource Conservation Area, a minimum of twenty acres must remain outside of the development envelope, or the acreage of the entire parcel must be deducted. If the original parcel in the Resource Conservation Area is less than twenty acres, then the acreage of the entire parcel must be deducted. If there is a permanently protected Resource Conservation Area (an area protected by recorded easement) adjacent and contiguous to an undeveloped remainder which totals less than twenty acres and which together will result in a minimum twenty acre undeveloped area, then only that portion of the parcel which is to be developed has to be deducted.
- D. The minimum twenty-acre undeveloped remainder outside of the development envelope may be developed at Resource Conservation Area density unless some type of permanent protection exists that restricts development.

- (3) For growth allocation proposed in the Resource Conservation Area, a three hundred-foot naturally vegetated buffer is ~~strongly encouraged~~ IS REQUIRED, and ~~where it is provided,~~ ~~it~~ shall not be deducted even if the buffer does not meet the twenty-acre requirement.

§ NR 3-113. Intrafamily transfers.

(a) Applicability. The Department shall permit bona fide intrafamily transfers to be made only from parcels of land that:

- (1) Were of legal record on MARCH 1, 1986, WITHIN THE CHESAPEAKE BAY, OR June 1, 2002, WITHIN THE ATLANTIC COASTAL BAYS; and
 - (2) Are seven acres or more and less than sixty acres in size.
- (b) Required subdivision. A bona fide intrafamily transfer from a portion of a parcel of land shall be a subdivision of the parcel of land that is subject to approval under the Subdivision Regulations of the County.
- (c) Approval of subdivision of parcels. The Department may approve the subdivision of a parcel of land into the number of lots indicated in this subsection by means of a bona fide intrafamily transfer and may not approve any greater subdivision of the parcel of land or any portion of it as follows:
- (1) A parcel that is seven acres or more and less than twelve acres in size may be subdivided into two lots.
 - (2) A parcel that is twelve acres or more and less than sixty acres in size may be subdivided into three lots.
 - (3) The lots may be created at different times.
- (d) Conditions of approval. As a condition of approval, the Department shall require that:
- (1) Any deed for a lot that is created by a bona fide intrafamily transfer shall contain a covenant approved by the County Commissioners stating that the lot is created subject to the provisions of Natural Resources Article Section 8-1801, Annotated Code of Maryland, as from time to time amended; and
 - (2) A lot created by a bona fide intrafamily transfer may not be conveyed subsequently to any person other than a member of the owner's immediate family, except under provisions set forth in subsection (e) of this section.
 - (3) This subsection does not prevent the conveyance of the lot to a third party as security for a mortgage or deed of trust or any subsequent conveyance as a result of any bona fide foreclosure or sale of any such mortgage or deed of trust or other bona fide and valid legal lien.
- (e) Standards and procedures for the subsequent conveyance of lots created by intrafamily transfer to persons other than immediate family members. Prior to the conveyance of such lots to persons other than immediate family members, the current owner shall make application on forms prescribed by the Department in accordance with the following procedures:
- (1) The request shall be accompanied by a title history of the parcel originally approved as an intrafamily transfer and any fee as established by prior resolution of the County Commissioners.
 - (2) The Department shall review the application and accompanying documents and provide a report and recommendation to the County Commissioners with regard to the consistency of the application with the requirements and standards as established by this subsection.
 - (3) The County Commissioners shall provide for an opportunity for the applicant to be heard and may, where determined necessary, hold a public hearing relative to the matter following due notice in accordance with § ZS 1-114 of the Zoning and Subdivision Control Article. In evaluating the request and prior to approving any such transfer, the County Commissioners shall make findings of fact with respect to the following:

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- A. The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale; and
 - B. A change in circumstances has occurred since the original transfer was made that is not inconsistent with this Subtitle and that warrants an exception; or
 - C. Other circumstances exist that are consistent with this Subtitle and with the Atlantic Coastal Bays Critical Area criteria to maintain land areas necessary to support the protective uses of agriculture, forestry, open space and natural habitats in Resource Conservation Areas and thus warrant an exception.
- (4) The County Commissioners, by resolution, may approve the request and may furthermore establish conditions of approval consistent with the intent of the ~~Atlantic Coastal Bays~~ Critical Area Program. Any resolution so passed by the County Commissioners shall be recorded in the land records of Worcester County and shall render null and void any previously recorded covenants limiting non-intrafamily transfers.

§ NR 3-114. Administration and enforcement.

- (a) Responsible agencies. The responsibility for the administration and enforcement of this Subtitle shall be vested in such Department (hereinafter called the “Department”) as designated or created for such purpose by the County Commissioners. The Department may be provided with such personnel and resources as the County Commissioners may direct. The Department may delegate to its personnel and other persons such duties and responsibilities in connection with the administration and enforcement of this Subtitle as are appropriate in the Department’s judgement.
- (b) Enforcement provisions. Violation of any provision hereof or any program adopted hereunder shall be a civil infraction, and each day of a violation shall be a separate offense. Violators of the provisions of programs approved or adopted by the Commissioners shall be subject to prosecution or suit by the Commissioners, who may invoke the sanctions and remedies afforded by State or local law. The Commissioners may invoke any sanction or remedy available, in any court of competent jurisdiction in which the Commissioners would be authorized to prosecute or sue the violator. In addition to any other sanction or remedy available, the Commissioners may bring an action in equity to compel compliance or restrain noncompliance with the requirements of approved project plans and compel restoration of lands or structures to their condition prior to any modification which was done in violation of approved project plans. Notwithstanding any other provision of this section, whenever a development in the ~~Atlantic Coastal Bays~~ Critical Area is proceeding in violation of approved project plans and threatens to immediately and irreparably degrade the quality of tidal waters or fish, wildlife or plant habitat, the Commissioners may bring an action to restrain the violation and, as appropriate, to compel restoration of any land or water areas affected by the development.
- (c) RESPONSIBLE PERSONS. THE FOLLOWING PERSONS MAY EACH BE HELD JOINTLY OR INDIVIDUALLY RESPONSIBLE FOR A VIOLATION: (1) PERSONS WHO APPLY FOR OR OBTAIN ANY PERMIT OR APPROVAL, (2) CONTRACTORS, (3) SUBCONTRACTORS, (4) PROPERTY OWNERS, (5) MANAGING AGENTS, OR (6) ANY PERSON WHO HAS COMMITTED, ASSISTED, OR PARTICIPATED IN THE VIOLATION.
- (d) RIGHT TO ENTER PROPERTY. EXCEPT AS OTHERWISE AUTHORIZED AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED HEREIN, THE DEPARTMENT OR ITS DESIGNEE MAY OBTAIN ACCESS TO AND ENTER A PROPERTY, IN ORDER TO IDENTIFY OR VERIFY A SUSPECTED VIOLATION, RESTRAIN A DEVELOPMENT ACTIVITY, OR ISSUE A CITATION IF WORCESTER COUNTY HAS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS SUBTITLE HAS OCCURRED, IS OCCURRING, OR

WILL OCCUR. THE DEPARTMENT SHALL MAKE A REASONABLE EFFORT TO CONTACT A PROPERTY OWNER BEFORE OBTAINING ACCESS TO OR ENTERING THE PROPERTY. IF ENTRY IS DENIED, THE DEPARTMENT MAY SEEK AN INJUNCTION TO ENTER THE PROPERTY TO PURSUE AN ENFORCEMENT ACTION.

- (e) Additional penalties. In addition to any other penalty applicable under State or County law, a person who violates a provision of Natural Resources Article, Title 8, Subtitle 18, as from time to time amended, or the County's ~~Atlantic Coastal Bays~~ Critical Area Law is subject to a fine not exceeding \$10,000.00. ~~In determining the amount of the penalty to be assessed under this subsection, the County may consider the following:~~
 - (1) BEFORE IMPOSING ANY CIVIL PENALTY, THE PERSON(S) BELIEVED TO HAVE VIOLATED THIS ORDINANCE SHALL RECEIVE: 1) WRITTEN NOTICE OF THE ALLEGED VIOLATION(S), INCLUDING WHICH, IF ANY, ARE CONTINUING VIOLATIONS; AND 2) AN OPPORTUNITY TO BE HEARD. THE AMOUNT OF THE CIVIL PENALTY FOR EACH VIOLATION, INCLUDING EACH CONTINUING VIOLATION, SHALL BE DETERMINED SEPARATELY. FOR EACH CONTINUING VIOLATION, THE AMOUNT OF THE CIVIL PENALTY SHALL BE DETERMINED PER DAY. IN DETERMINING THE AMOUNT OF THE PENALTY TO BE ASSESSED UNDER THIS SUBSECTION, THE COUNTY MAY CONSIDER THE FOLLOWING:
 - A. The gravity of the violation;
 - B. THE PRESENCE OR ABSENCE OF GOOD FAITH OF THE VIOLATOR;
 - C. Any willfulness or negligence involved in the violation; ~~and~~
 - D. The environmental impact of the violation; AND
 - E. THE COST OF RESTORATION OF THE RESOURCE AFFECTED BY THE VIOLATION AND MITIGATION FOR DAMAGE TO THAT RESOURCE, INCLUDING THE COST TO THE COUNTY FOR PERFORMING, SUPERVISING, OR RENDERING ASSISTANCE TO THE RESTORATION AND MITIGATION.
 - (2) ADMINISTRATIVE CIVIL PENALTIES FOR CONTINUING VIOLATIONS SHALL ACCRUE FOR EACH VIOLATION, EVERY DAY EACH VIOLATION CONTINUES, WITH NO REQUIREMENTS FOR ADDITIONAL ASSESSMENTS, NOTICE, OR HEARINGS FOR EACH SEPARATE OFFENSE. THE TOTAL AMOUNT PAYABLE FOR CONTINUING VIOLATIONS SHALL BE THE AMOUNT ASSESSED PER DAY FOR EACH VIOLATION MULTIPLIED BY THE NUMBER OF DAYS THAT EACH VIOLATION HAS CONTINUED.
 - (3) THE PERSON RESPONSIBLE FOR ANY CONTINUING VIOLATION SHALL PROMPTLY PROVIDE THE DEPARTMENT WITH WRITTEN NOTICE OF THE DATE(S) THE VIOLATION HAS BEEN OR WILL BE BROUGHT INTO COMPLIANCE AND THE DATE(S) FOR DEPARTMENT INSPECTION TO VERIFY COMPLIANCE. PENALTIES FOR CONTINUING VIOLATIONS MAY CONTINUE TO ACCRUE AS SET FORTH HEREIN UNTIL DEPARTMENT RECEIVES SUCH WRITTEN NOTICE AND VERIFIES COMPLIANCE BY INSPECTION OR OTHERWISE.

- (4) ASSESSMENT AND PAYMENT OF PENALTIES SHALL BE IN ADDITION TO AND NOT IN SUBSTITUTION FOR PAYMENT TO WORCESTER COUNTY FOR ALL DAMAGES, COSTS, AND OTHER EXPENSES CAUSED BY THE VIOLATION.
- (5) PAYMENT OF ALL PENALTIES ASSESSED SHALL BE A CONDITION PRECEDENT TO THE ISSUANCE OF ANY PERMIT OR OTHER APPROVAL REQUIRED BY THIS SUBTITLE.
- (f) UNAUTHORIZED CLEARING
- (1) FOR UNAUTHORIZED CLEARING, CUTTING, OR REMOVAL OF VEGETATION THAT DOES NOT EXCEED THE AREA THAT COULD BE AUTHORIZED IN ACCORDANCE WITH THIS SUBTITLE, FINES SHALL BE ASSESSED IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH DAY THE VIOLATION CONTINUES, AND REFORESTATION SHALL BE REQUIRED ON AN EQUAL AREA BASIS IF LESS THAN TWENTY PERCENT (20%) OF THE FOREST COVER IS REMOVED. FOR CLEARING BETWEEN TWENTY PERCENT (20%) AND THIRTY PERCENT (30%) OF THE EXISTING FOREST COVER, REFORESTATION SHALL BE REQUIRED AT A THREE TO ONE BASIS.
- (3) FOR UNAUTHORIZED CLEARING, CUTTING, OR REMOVAL OF VEGETATION THAT EXCEEDS THE AREA THAT COULD BE AUTHORIZED IN ACCORDANCE WITH THIS SUBTITLE, FINES SHALL BE ASSESSED AT FIVE HUNDRED DOLLARS (\$500.00) FOR EACH DAY THE VIOLATION CONTINUES AND REFORESTATION SHALL BE REQUIRED AT THREE TIMES THE TOTAL SURFACE ACREAGE OF FOREST CLEARED.
- (4) FOR UNAUTHORIZED DISTURBANCE INCLUDING CLEARING, CUTTING, OR REMOVAL OF VEGETATION IN THE BUFFER OR ANOTHER HABITAT PROTECTION AREA, FINES SHALL BE ASSESSED AT ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH DAY THE VIOLATION CONTINUES AND ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH SEPARATE OCCURRENCE OF DISTURBANCE IN THE BUFFER AND REFORESTATION SHALL BE REQUIRED AT FOUR TIMES THE TOTAL SURFACE ACREAGE OF FOREST CLEARED AND SUCH REPLANTINGS SHALL BE WITHIN THE BUFFER WHEREVER POSSIBLE. PLUS AN ADDITIONAL 1:1 FOR CANOPY COVERAGE REMOVED.
- (5) FINES COLLECTED FROM ENFORCEMENT ACTIONS IN THE ~~ATLANTIC COASTAL BAYS~~ CRITICAL AREA SHALL BE MAINTAINED IN A SEPARATE ACCOUNT TO BE USED BY THE COUNTY COMMISSIONERS FOR REFORESTATION OR OTHER HABITAT ENHANCING EFFORTS WITHIN THE SAME SUB WATERSHED OF THE ~~ATLANTIC COASTAL BAYS~~ CRITICAL AREA AS THE SITE.
- (6) IF A PERSON CUTS OR CLEARS OR PLANS TO CUT OR CLEAR TREES WITHIN THE ~~ATLANTIC COASTAL BAYS~~ CRITICAL AREA IN VIOLATION HEREOF OR ANY PROGRAM ADOPTED BY THE COMMISSIONERS, THE COMMISSIONERS MAY BRING AN ACTION:
- A. TO REQUIRE THE PERSON TO REPLANT TREES WHERE THE CUTTING OR CLEARING OCCURRED IN EXCESS OF THAT AMOUNT APPROVED ON THE PLAN PREPARED BY THE STATE FORESTER, A REGISTERED PROFESSIONAL FORESTER OR A REGISTERED LANDSCAPE ARCHITECT;

B. TO RESTRAIN THE PLANNED VIOLATION; OR

C. FOR DAMAGES:

- i. TO BE ASSESSED BY THE CIRCUIT COURT IN AN AMOUNT EQUAL TO THE ESTIMATED COST OF REPLANTING TREES; AND
- ii. TO BE PAID TO THE COMMISSIONERS BY THE PERSON FOUND TO HAVE VIOLATED THE PROVISIONS OF THIS SUBSECTION.

(7) PREPARATION, APPROVAL, ETC. OF A PLAN TO REPLANT TREES. ON THE REQUEST OF THE COMMISSIONERS, THE STATE FORESTER, A REGISTERED PROFESSIONAL FORESTER OR A REGISTERED LANDSCAPE ARCHITECT MAY PREPARE, OVERSEE, AND APPROVE THE FINAL IMPLEMENTATION OF A PLAN TO REPLANT TREES IN ~~ANY PART OF~~ THE ATLANTIC COASTAL BAYS OR CHESAPEAKE BAY CRITICAL AREA WHERE TREES ARE CUT OR CLEARED IN VIOLATION OF THIS SUBSECTION.

(g) VARIANCES PURSUANT TO A VIOLATION. WORCESTER COUNTY MAY ACCEPT AN APPLICATION FOR A VARIANCE REGARDING A PARCEL OR LOT THAT IS SUBJECT TO A CURRENT VIOLATION OR ANY PROVISIONS OF AN ORDER, PERMIT, PLAN, OR THIS SUBTITLE IN ACCORDANCE WITH THE VARIANCE PROVISIONS OF THIS SUBTITLE. HOWEVER, THE APPLICATION SHALL NOT BE REVIEWED, NOR SHALL A FINAL DECISION BE MADE, UNTIL ALL ABATEMENT, RESTORATION, AND MITIGATION MEASURES, A NOTICE OF VIOLATION, AND ADMINISTRATIVE OR CIVIL PENALTY HAVE BEEN ASSESSED, IMPLEMENTED, AND INSPECTED BY THE DEPARTMENT.

(h) PERMITS PURSUANT TO A VIOLATION. THE DEPARTMENT OR ANY COUNTY AGENCY OR BOARD WILL NOT ISSUE ANY PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION, UNLESS THE PERSON SEEKING THE PERMIT HAS:

- (1) FULLY PAID ALL ADMINISTRATIVE, CIVIL, OR CRIMINAL PENALTIES AS SET FORTH IN SECTION (F) ABOVE;
- (2) PREPARED A RESTORATION OR MITIGATION PLAN, APPROVED BY THE DEPARTMENT, TO ABATE IMPACTS TO WATER QUALITY OR NATURAL RESOURCES DUE TO THE VIOLATION;
- (3) PERFORMED THE ABATEMENT MEASURES IN THE APPROVED PLAN IN ACCORDANCE WITH THIS SUBTITLE; AND
- (4) UNLESS AN EXTENSION OF TIME IS APPROVED BY THE DEPARTMENT BECAUSE OF ADVERSE PLANTING CONDITIONS, WITHIN NINETY (90) DAYS OF THE ISSUANCE OF A PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION FOR THE AFFECTED PROPERTY, ANY ADDITIONAL MITIGATION REQUIRED AS A CONDITION OF APPROVAL FOR THE PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION SHALL BE COMPLETED.

~~§ NR 3-115. Cutting or clearing trees.~~

~~(a) Supplemental applicability:~~

- ~~(1) The provisions of this section are in addition to any other sanction, remedy, or penalty provided by law.~~

- ~~(2) This section does not apply to any cutting or clearing of trees that is allowed under regulations adopted by the Commissioners under this Subtitle.~~
- ~~(b) Additional remedies. If a person cuts or clears or plans to cut or clear trees within the Atlantic Coastal Bays Critical Area in violation hereof or any program adopted by the Commissioners, the Commissioners may bring an action:

 - ~~(1) To require the person to replant trees where the cutting or clearing occurred in excess of that amount approved on the plan prepared by the State Forester, a registered professional forester or a registered landscape architect;~~
 - ~~(2) To restrain the planned violation; or~~
 - ~~(3) For damages:

 - ~~A. To be assessed by the Circuit Court in an amount equal to the estimated cost of replanting trees; and~~
 - ~~B. To be paid to the Commissioners by the person found to have violated the provisions of this subsection.~~~~~~
- ~~(c) Actions by the Commissioners. The Commissioners may invoke the remedies available to the local jurisdiction under subsection (b) of this section in any court of competent jurisdiction.~~
- ~~(d) Preparation, approval, etc. of a plan to replant trees. On the request of the Commissioners, the State Forester, a registered professional forester or a registered landscape architect may prepare, oversee, and approve the final implementation of a plan to replant trees in any part of the Atlantic Coastal Bays Critical Area where trees are cut or cleared in violation of this subsection.~~

§ NR 3-115. LOT CONSOLIDATION AND RECONFIGURATION.

- (a) APPLICABILITY. THE PROVISIONS OF THIS SUBSECTION APPLY TO CONSOLIDATION OR A RECONFIGURATION OF ANY NONCONFORMING LEGAL GRANDFATHERED PARCEL OR LOT. THESE PROVISIONS DO NOT APPLY TO THE RECONFIGURATION OR CONSOLIDATION OF PARCELS OR LOTS WHICH ARE CONFORMING OR MEET ALL REQUIREMENTS OF THIS SUBTITLE. NONCONFORMING PARCELS OR LOTS INCLUDE:
 - (1) THOSE FOR WHICH A CRITICAL AREA VARIANCE IS SOUGHT OR HAS BEEN ISSUED; AND
 - (2) THOSE LOCATED IN THE RESOURCE CONSERVATION AREA AND ARE LESS THAN TWENTY (20) ACRES IN SIZE.
- (b) PROCEDURE.
 - (1) AN APPLICANT SEEKING A PARCEL OR LOT CONSOLIDATION OR RECONFIGURATION SHALL PROVIDE THE REQUIRED INFORMATION IN SECTION (C) BELOW TO THE DEPARTMENT.
 - (2) THE DEPARTMENT MAY NOT APPROVE A PROPOSED PARCEL OR LOT CONSOLIDATION OR RECONFIGURATION WITHOUT MAKING WRITTEN FINDINGS IN ACCORDANCE WITH SECTION (D) BELOW AND COMAR 27.01.02.08.F.

- (3) THE DEPARTMENT SHALL ISSUE A FINAL WRITTEN DECISION OR ORDER GRANTING OR DENYING AN APPLICATION FOR CONSOLIDATION OR RECONFIGURATION. AFTER A FINAL WRITTEN DECISION OR ORDER IS ISSUED, THE DEPARTMENT SHALL SEND A COPY OF THE DECISION OR ORDER AND A COPY OF ANY APPROVED DEVELOPMENT PLAN WITHIN TEN (10) BUSINESS DAYS BY U.S. MAIL TO THE COMMISSION'S BUSINESS ADDRESS.
 - (4) THE DEPARTMENT MAY NOT ISSUE A BUILDING PERMIT UNTIL THE APPEAL TIME HAS EXPIRED.
- (c) APPLICATION. AN APPLICATION FOR THE CONSOLIDATION OR RECONFIGURATION OF ANY NONCONFORMING LEGAL PARCEL OF LAND OR RECORDED LEGALLY BUILDABLE LOT SHALL CONTAIN AT LEAST THE FOLLOWING INFORMATION:
- (1) THE DATE OF RECORDATION OF EACH LEGAL PARCEL OF LAND OR LEGALLY BUILDABLE LOT TO BE CONSOLIDATED OR RECONFIGURED;
 - (2) A PLAN DRAWN TO SCALE THAT SHOWS ALL EXISTING AND PROPOSED LOT OR PARCEL BOUNDARIES;
 - (3) INFORMATION SUFFICIENT FOR THE DEPARTMENT TO MAKE THE FINDINGS SET FORTH IN SECTION (D) BELOW; AND
 - (4) A TABLE THAT LISTS THE NUMBER OF ALL LEGAL PARCELS OF LAND OR RECORDED LEGALLY BUILDABLE LOT AND THE NUMBER OF PROPOSED LOTS OR PARCELS OR DWELLING UNITS TO BE DERIVED.
- (d) STANDARDS. THE DEPARTMENT SHALL REVIEW A PROPOSED LOT CONSOLIDATION OR RECONFIGURATION AND WILL MAKE WRITTEN FINDINGS THAT EACH ONE OF THE FOLLOWING STANDARDS HAS BEEN MET:
- (1) THE PROPOSED CONSOLIDATION OR RECONFIGURATION WILL RESULT IN NO GREATER NUMBER OF LOTS, PARCELS, OR DWELLING UNITS IN THE CRITICAL AREA THAN THE EXISTING CONFIGURATION WOULD ALLOW;
 - (2) THE PROPOSED LOT CONSOLIDATION OR RECONFIGURATION WILL RESULT IN NO GREATER LOT COVERAGE THAN THE EXISTING CONFIGURATION WOULD ALLOW;
 - (3) THE PROPOSED CONSOLIDATION OR RECONFIGURATION DOES NOT:
 - A. CREATE AN ADDITIONAL RIPARIAN LOT OR PARCEL, WATERFRONT LOT, OR ANY OTHER LOT OR PARCEL DEEDED WITH WATER ACCESS; OR
 - B. INTENSIFY OR INCREASE IMPACTS ASSOCIATED WITH RIPARIAN ACCESS.
 - (4) THE PROPOSED CONSOLIDATION OR RECONFIGURATION DOES NOT CREATE:
 - A. A LOT OR PARCEL OR PORTION OF A LOT OR PARCEL THAT WILL SERVE DEVELOPMENT ACTIVITIES OUTSIDE THE CRITICAL AREA; OR

- B. A RESOURCE CONSERVATION AREA LOT OR PARCEL THAT SERVES DEVELOPMENT ACTIVITIES IN THE INTENSELY DEVELOPED AREA OR LIMITED DEVELOPMENT AREA.
- (5) THE PROPOSED CONSOLIDATION OR RECONFIGURATION IDENTIFIES EACH HABITAT PROTECTION AREA, AND IF IMPACTS TO A HABITAT PROTECTION AREA ARE PROPOSED, THE PROPOSAL DEMONSTRATES THAT:
- A. NO GREATER IMPACT TO A HABITAT PROTECTION AREA WOULD RESULT THAN THE IMPACT THAT WOULD HAVE RESULTED FROM THE EXISTING LOT CONFIGURATION;
 - B. ADVERSE IMPACTS TO A HABITAT PROTECTION AREA ARE MINIMIZED; AND
 - C. PROTECTIVE MEASURES AND RESTORATION MEASURES ARE INCLUDED THAT PROVIDE FOR THE LEAST POSSIBLE IMPACT;
- (6) THE PROPOSED CONSOLIDATION OR RECONFIGURATION PROVIDES:
- A. STORMWATER MANAGEMENT FOR ALL PROPOSED DEVELOPMENT ACTIVITIES; AND
 - B. BENEFITS TO FISH, WILDLIFE, AND PLANT HABITAT THAT ARE IDENTIFIED.

§ NR 3-116. Forest and woodland protection.

- (a) General requirements. Recognizing the value of forested land for its water quality benefits and habitat protection while accommodating the utilization of forest resources, the following policies for forest and woodland protection should be adhered to wherever possible:
- (1) Maintain and increase the forested vegetation in the ~~Atlantic Coastal Bays~~ Critical Area;
 - (2) Conserve forests and developed woodlands and provide for expansion of forested areas;
 - (3) Provide that the removal of trees associated with development activities shall be minimized and, where appropriate, shall be mitigated; and
 - (4) Recognize that forests are a protective land use and should be managed in such a manner so that maximum values for wildlife, water quality, timber, recreation, and other resources can be maintained, even when they are mutually exclusive.
- (b) Identification. The County Commissioners may identify and map forests and developed woodlands within the ~~Atlantic Coastal Bays~~ Critical Area and may identify and map habitat protection areas as described in § NR 3-104 and 3-121 through 3-123 hereof. A more detailed evaluation of forest resources on specific sites shall be accomplished as part of the environmental analysis required prior to site plan and subdivision approval.
- (c) Requirements for the protection of riparian and forest habitat. The purpose of the following requirements is to protect habitat:
- (1) Vegetation within the 100-foot Buffer shall be maintained in its natural condition along all streams to provide wildlife corridors and for water quality protection.

- (2) A minimum 100-foot Buffer shall extend landward from the mean high water line of tidal water, the banks of tributary streams, and the landward boundary of tidal wetlands. This area is to be conserved for wildlife protection and water quality protection.
 - (3) Nontidal wetland forests shall be left in a natural state for wildlife and water quality protection.
 - (4) Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species shall be conserved.
 - ~~(5) Existing riparian forests that are documented breeding areas shall be conserved.~~
- (d) Process. If a forest is to be developed or to be harvested, a site-specific field investigation shall be conducted to determine if important sensitive species are present and to make sure that appropriate protection measures are incorporated into the development plan or Timber Harvest Plan. The Department may seek a recommendation of the Department of Natural Resources based on an evaluation of the site and the proposed development. In general, the following measures are required:
- (1) Minimize forest and woodlands disturbance from off-road vehicles, public use or logging from May through August of each year;
 - (2) Focus all development on the periphery of the forest or woodlands;
 - (3) Retain the forest canopy as well as shrub understory;
 - (4) Retain snag and mature seed trees as dens for woodpeckers and as nests for bald eagles;
 - (5) Discourage the creation of small clearings and expansion of forest edge habitats;
 - (6) Encourage re-establishment of native forests and woodlands; and
 - (7) Adopt harvest techniques to maintain or improve habitat.
- (e) Requirements for the establishment or replacement of forest. The following policies shall be used for afforestation and reforestation:
- (1) The replacement or establishment of forests or developed woodlands should ensure a diversified plant community and should include canopy trees, understory trees, shrubs, and herbaceous plants.
 - (2) Native species must be used for all reforestation and afforestation, except as otherwise approved by the Department, but in no case shall less than seventy-five percent (75%) of the plant material be native species.
- ~~(f) Buffer protection standards for timber for personal use. Individual trees may be cut for personal use if the trees cut are replaced on an equal basis and provided the cutting does not impair the water quality or existing habitat value or other functions of the Buffer set forth in § NR 3-104. Cutting or clearing of trees and natural vegetation within the Buffer shall be prohibited except that:~~
- ~~(1) Cutting of trees or removal of natural vegetation may be permitted where necessary to provide pedestrian access of no more than six feet in width to private piers, or to install or construct a shore erosion protection device or measure, or a water dependent facility, providing the device, measure or facility has received all necessary County, State and Federal permits.~~

- (2) ~~Individual trees may be removed, which are in danger of falling and causing damage to dwellings or other structures, or which are in danger of falling and therefore causing the blockage of streams, or resulting in accelerated shore erosion.~~
- (3) ~~Horticultural practices may be used to maintain the health of individual trees.~~
- (4) ~~Other cutting techniques may be undertaken within the Buffer and under the advice and guidance of the State Departments of Agriculture and Natural Resources if necessary to preserve the forest from extensive pest or disease infestation or threat from fire.~~
- (g) ~~Enforcement. Unauthorized clearing, cutting, or removal of vegetation; unauthorized clearing, cutting, or removal of vegetation in the Buffer; and clearing, cutting, or removal of vegetation in excess of the area permitted to be cleared by this Subtitle is considered a civil infraction.~~
- (1) ~~For unauthorized clearing, cutting, or removal of vegetation that does not exceed the area that could be authorized in accordance with this Subtitle, fines shall be assessed in the amount of five hundred dollars (\$500.00) for each day the violation continues, and reforestation shall be required on an equal area basis if less than twenty percent (20%) of the forest cover is removed. For clearing between twenty percent (20%) and thirty percent (30%) of the existing forest cover, reforestation shall be required at a three to one basis.~~
- (2) ~~For unauthorized clearing, cutting, or removal of vegetation that exceeds the area that could be authorized in accordance with this Subtitle, fines shall be assessed at five hundred dollars (\$500.00) for each day the violation continues and reforestation shall be required at three times the total surface acreage of forest cleared.~~
- (3) ~~For unauthorized clearing, cutting, or removal of vegetation in the Buffer or another Habitat Protection Area, fines shall be assessed at one thousand dollars (\$1,000.00) for each day the violation continues and one thousand dollars (\$1,000.00) for each separate occurrence of clearing, cutting or removal of vegetation in the Buffer and reforestation shall be required at three times the total surface acreage of forest cleared and such replantings shall be within the Buffer wherever possible.~~
- (4) ~~Fines collected from enforcement actions in the Atlantic Coastal Bays Critical Area shall be maintained in a separate account to be used by the County Commissioners for reforestation or other habitat enhancing efforts within the same sub watershed of the Atlantic Coastal Bays Critical Area as the site.~~

§ NR 3-117. Commercial timber harvesting.

- (a) General requirements. A goal of the ~~Atlantic Coastal Bays~~ Critical Area Program is to maintain or increase the lands in forest cover because forests provide protection of the water quality and habitat values of the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries. The problems of sedimentation and erosion can occur when poorly managed timber operations take place in the watershed. These problems can be substantially reduced by proper management of harvest operations.
- (b) Process. Landowners proposing to harvest timber on one or more acres in the ~~Atlantic Coastal Bays~~ Critical Area shall submit a "Timber Harvest Plan". This plan shall be prepared by a registered professional forester. The Timber Harvest Plan shall be reviewed and approved by the Department of Natural Resources through the District Forestry Board. The approved plan shall be filed with the Soil Conservation District, and a copy of the approved plan shall be sent to the Department prior to beginning timbering operations.

- (c) Timber Harvest Plan contents. Plans shall include measures to protect surface and groundwater quality and identify whether the activities will disturb or affect Habitat Protection Areas as identified in § NR 3-104 and 3-121 through 3-123 of this Subtitle and shall incorporate protection measures for these areas as specified in those sections. To provide for the continuity of habitat, the plans shall address mitigation through forest management techniques, which shall include scheduling, size, timing, and intensity of harvest cuts, afforestation and reforestation.

- (d) Sediment Control Plans. In the Worcester County ~~Atlantic Coastal Bays~~ Critical Area, any landowner who plans to harvest timber on an area which will disturb 5,000 square feet or more, including harvesting on agricultural lands shall submit a Sediment Control Plan for approval. This plan is also required for any harvests which will cross perennial or intermittent streams.
 - (1) If cuts and fills are three feet or more, if grades for roads are fifteen percent (15%) or more, or if landings are on slopes of ten percent (10%) or more, then the landowner must get a custom Sediment Control Plan for the operation. These are prepared by Registered Professional Foresters and include controls necessary to prevent site erosion and to ensure site stabilization. This plan shall be submitted to the local Soil Conservation district for approval and notice of approval sent to the Department.
 - (2) Either the owner or the operator shall take responsibility for implementation of the Sediment Control Plan, or each subcontractor must file a separate plan.
 - (3) The landowner must sign the agreement to certify that he understands the terms of the plan and is responsible for preventing erosion and sedimentation during the forest harvesting.

- (e) Buffer protection standards for timber harvests. ~~A minimum 50-foot Buffer shall be maintained in natural, native vegetation between tidal waters, wetlands and streams, and uplands. The Buffer is measured landward from the mean high water line (MHWL) of tidal waters, from each bank of perennial tributary streams and from the landward edge of tidal wetlands. Where necessary the Buffer can be planted to protect, stabilize or enhance the shoreline.~~ **TIMBER HARVESTS ARE PERMITTED IN THE BUFFER IN ACCORDANCE WITH THE PROVISIONS OF COMAR 27.01.09.01-7.**

§ NR 3-118. Surface Mining.

- (a) Definition. Surface mining is defined as the breaking of the surface soil in order to extract or remove minerals in the ~~Atlantic Coastal Bays~~ Critical Area. Surface mining includes any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location in the ~~Atlantic Coastal Bays~~ Critical Area and the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes or other facilities. For the purpose of this section, surface mining is also defined as operations engaged in processing minerals at the site of extraction; removal of overburden and mining of limited amounts of any mineral when done for the purpose of prospecting and to the extent necessary to determine the location, quantity or quality of any natural deposit; and mining operations, if the affected land exceeds one acre or more in area. **SURFACE MINING DOES NOT INCLUDE AN ACITIVITY OR PROCESS THAT IS EXCLUDED UNDER THE PROVISIONS OF ENVIRONMENTAL ARTICLE, §15-807, ANNOTATED CODE OF MARYLAND OR COMAR 26.21.01.08.**

- (b) General requirements. The Department shall ensure that all available measures are taken to protect the ~~Atlantic Coastal Bays~~ Critical Area from all sources of pollution from surface mining operations, including, but not limited to sedimentation, siltation, chemical, and petrochemical use and spillage, and storage and disposal of waste, dusts, and spoils. The Department shall further ensure that surface mining is conducted in a way to permit the reclamation of surface mining sites as soon as possible and to the extent possible.

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- (c) Mineral Resource Plan and Program. The County mineral resources plan and program are included in the Comprehensive Plan.
- (d) Standards. Surface mining operation permits are issued by the Maryland Department of the Environment (MDE), and periodic site inspections of permitted areas are made to determine whether the conditions of the permit and the accompanying Reclamation Plan are being fulfilled. Permits for surface mining are also issued by the Department and permits for such operations in the Atlantic Coastal Bays Critical Area shall COMPLY WITH COMAR 27.01.07 AND WILL only be granted if the following conditions are met:
- (1) A Reclamation Plan shall be submitted as part of the permit application which specifies the use which is proposed to be made of the site following reclamation, the manner in which soil and subsoil are to be conserved and restored, the specifications for surface gradient restoration suitable for the subsequent use, the proposed manner and type of re-vegetation or other surface treatment of affected areas and an acceptable schedule to the Department for the implementation of reclamation measures. Reclamation is to occur as mining on each segment of a site is completed.
 - (2) The operation will not have an unduly adverse effect on wildlife, forests, or freshwater, estuarine, or marine fisheries.
 - (3) The operator has provided applicable permits from all Federal, State, and local regulatory agencies responsible for air and water pollution and sediment control.
 - (4) Adequate consideration shall be given by the Board of Zoning Appeals to:
 - A. The effects of the proposed action on the environment, including adverse and beneficial environmental effects that are reasonably likely if the proposal is implemented or if it is not implemented.
 - B. Measures that might be taken to minimize potential adverse environmental effects and maximize potential beneficial environmental effects, including monitoring, maintenance, replacement, operation, and other follow-up activities.
 - C. An applicant's previous experience with similar operations which indicates that the operation will not result in substantial deposits of sediment in stream beds or lakes, landslides, or other causes of water pollution.
- (e) Location of future sites.
- (1) New surface mining operations are permitted within the ~~Atlantic Coastal Bays~~ Critical Area provided that identification of appropriate post-excavation uses for this land such as recreation, habitat restoration, open space use, or development are accomplished according to the appropriate land management classification (IDA, LDA or RCA) and other applicable County and State codes and ordinances.
 - (2) Areas such as the following shall not be used for surface mining:
 - A. Areas where important natural resources such as threatened and endangered species, areas of scientific value, or rare assemblages of species occur;
 - B. Areas where highly erodible soils exist;

~~C. Areas where the use of renewable resource lands would result in the substantial loss of long range (twenty five years or more) productivity of forest and agriculture, or would result in a degrading of water quality or a loss of vital habitat.~~

~~D C.~~ Lands that are within one hundred feet of the mean high water line of tidal waters, tidal wetlands, or the edge of streams.

(3) Surface mining operations shall operate under the following conditions:

A. Future wash plants, including ponds, spoil piles, and equipment, may not be located within the Buffer as defined in this Subtitle.

B. Existing wash ponds shall be reclaimed as soon as possible after the cessation of a sand and gravel operation.

C. To the fullest extent possible, existing sand and gravel operations shall conduct their extraction activities so as to provide, at a minimum, a 100-foot Buffer of natural vegetation between the operation and the mean high water line of tidal waters or the edges of streams and tidal wetlands, whichever is further inland.

§ NR 3-119. Agriculture.

(a) General requirements. The County Commissioners and the Department shall follow COMAR 27.01.06 AND all of the following requirements with regard to agriculture in the ~~Atlantic Coastal Bays~~ Critical Area:

(1) Ensure that agricultural lands are identified and that programs are established for the ~~Atlantic Coastal Bays~~ Critical Area to maintain, where appropriate, agricultural lands in agricultural use, to the greatest extent possible.

(2) Recognize that agriculture is a protective land use that should be properly managed so that it minimizes its contribution to pollutant loadings to the CHESAPEAKE AND Atlantic Coastal Bays and their tributaries.

(3) Ensure that the creation of new agricultural lands is not accomplished:

A. ~~By diking, draining or filling of any class or subclass of palustrine wetlands, as described in this Program, which has a seasonally flooded or wetter water regime, unless mitigation is accomplished in accordance with applicable State and County regulations~~ A NONTIDAL WETLAND EXCEPT IN ACCORDANCE WITH COMAR 26.23.05.01;

B. By clearing of forests or woodlands on soils with a slope greater than fifteen percent (15%) or on soils with a "K" value greater than 0.35 and slope greater than five percent (5%);

C. If the clearing will adversely affect water quality or will destroy plant and wildlife habitat as defined in this Subtitle; or

D. By the clearing of existing natural vegetation within the Buffer as defined in this Subtitle.

(4) Ensure that the drainage of nontidal wetlands for the purpose of agriculture is done in accordance with a Soil Conservation and Water Quality Plan, approved by the Soil

Conservation District AND IN ACCORDANCE WITH THE MITIGATION REQUIREMENTS IN COMAR 26.23.04.01.

- (5) Ensure that Best Management Practices for the control of nutrients, animal wastes, pesticides, and sediment runoff be used to protect the productivity of the land base and enhance water quality. These practices shall minimize contamination of surface and groundwater and, further, shall minimize adverse effects on plants, fish and wildlife resources.
 - (6) Ensure that animal feeding operations, including retention and storage ponds, feedlot waste storage, and manure storage minimize the contamination of water bodies.
 - (7) Ensure that agricultural activity permitted within the ~~Atlantic Coastal Bays~~ Critical Area use Best Management Practices in accordance with a Soil Conservation and Water Quality Plan approved by the Soil Conservation district.
- (b) Inventory of agricultural lands. Worcester County's intent is to maintain agriculture and forestry as viable and productive land uses within the CHESAPEAKE AND Atlantic Coastal Bays Watershed. The County Commissioners may inventory and map the general extent of agricultural lands within the ~~Atlantic Coastal Bays~~ Critical Area and also map the Habitat Protection Areas referenced in § NR 3-120 through 3-123 of this Subtitle. When developed, these maps shall be used to make an initial determination regarding how a proposed agricultural activity may adversely impact a Habitat Protection Area.
- (c) Performance standards for agriculture. The following performance standards shall apply to all land in agricultural use or to be converted to agricultural use within the ~~Atlantic Coastal Bays~~ Critical Area:
- (1) ~~The County Commissioners hereby incorporate the agricultural components of the Clean Water Act and other Federal, State, and local water quality plans into this Program. These components shall be applicable to all agricultural activities in the Atlantic Coastal Bays Critical Area.~~
 - (2) Soil Conservation and Water Quality Plans and Best Management Practices shall be developed and implemented for those portions of farms that lie within the ~~Atlantic Coastal Bays~~ Critical Area. Landowners shall cooperate with the Worcester County Soil Conservation District for approval of their proposed plans. Landowners who have signed up as Conservation District operators but who do not have a Conservation Plan prepared for them by the local Soil Conservation District shall be allowed to continue to farm until a Conservation Plan is developed provided that the goals of this Program are being met.
 - (3) A landowner shall select and implement practices, with the assistance of a technically trained soil conservation planner or technician, from among the several Best Management Practices that minimize impacts to water quality, conserve fish, wildlife, and plant habitat, and integrate best with the farming operation.
 - (4) Cover crops shall be planted to reduce erosion where practical.
 - (5) Nutrients shall be applied at the appropriate time, and appropriate methods shall be used where practical.
 - (6) Reduced tillage (e.g., "no-till) practices shall be utilized where practical.
 - (7) Crop rotations shall be implemented where practical.

- (8) Agricultural activities are permitted in the Buffer, if, as a minimum Best Management Practice, a 25-foot vegetated filter strip measured landward from the mean high water line of tidal waters or tributary streams, or from the edge of tidal wetlands, whichever is further inland, is established and further provided that:
 - A. The filter strip shall be composed of either trees with a dense ground cover or a thick sod of grass and shall be so managed as to provide water quality benefits and habitat protection consistent with the policies stated above. Noxious weeds, including Johnson grass, Canada thistle, and multiflora rose, which occur in the filter strip, may be controlled by authorized means.
 - B. The filter strip shall be expanded by a distance of four feet for every one percent (1%) of slope, for slopes greater than six percent (6%).
 - C. The 25-foot vegetated filter strip shall be maintained until such time as the landowner is implementing, under an approved Soil Conservation and Water Quality Plan, a program of Best Management Practices for the specific purposes of improving water quality and protecting plant and wildlife habitat; and provided that the portion of the Soil Conservation and Water Quality Plan being implemented achieves the water quality and habitat protection objectives of the 25-foot vegetated filter strip.
 - D. The Best Management Practices shall include a requirement for the implementation of a grassland and manure management program where appropriate and that the feeding or watering of livestock may not be permitted within fifty feet of the mean high water line of tidal water and the edge of the bank of tributary streams and the landward edge of tidal wetlands within the ~~Atlantic Coastal Bays~~ Critical Area.
 - E. Clearing of existing natural vegetation in the Buffer is not allowed.
 - F. Farming activities, including the grazing of livestock, shall not disturb stream banks, tidal shorelines, or other Habitat Protection Areas as described in this Subtitle.
 - G. Where agricultural use of lands within the Buffer ceases and the lands are proposed to be converted to other uses; the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that ensures the Buffer functions as set forth in § NR 3-104 of this Subtitle, which shall not preclude normal agricultural drainage ditch maintenance in accordance with best management practices.

§ NR 3-120. Habitat Protection.

- (a) Description. The Habitat Protection Section of the Worcester County CHESAPEAKE AND Atlantic Coastal Bays Critical Area Law addresses protection of the following four habitats:
 - (1) The 100-foot Buffer
 - (2) Threatened and Endangered Species and Species in Need of Conservation;
 - (3) Plant and Wildlife Habitat Protection Areas including nontidal wetlands; and
 - (4) Anadromous Fish Propagation Waters
- (b) Identification. Maps illustrating the general location, extent, and configuration of Habitat Protection Areas in Worcester County ~~may be developed and filed with the Department.~~ ARE IDENTIFIED IN

THE DEPARTMENT OF NATURAL RESOURCES WILDLIFE AND HERITAGE SERVICE RESOURCE INVENTORY DOCUMENT FILED WITH THE DEPARTMENT. If developed, they THEY will be used as a "flagging" device to assist property owners, developers, any person proposing development activity, the Department, the Planning Commission, and other agencies of the county government when reviewing development plans. While these maps give a general indication of the area, they do not excuse any property owner or operator from establishing to the satisfaction of the Department whether or not the property or activity will affect the element of habitat to be protected. Prior to the time of development activity on the site the applicant will be responsible for providing an on-site analysis and inventory THAT MAY REQUIRE CONSULTATION WITH THE WILDLIFE AND HERITAGE SERVICE.

§ NR 3-121. Threatened and Endangered Species and Species in Need of Conservation.

- (a) Identification. The approximate location of rare, threatened, and endangered species and species in need of conservation are shown on the 1" = 600' scale Resource Inventory Maps filed with the Department. These maps will be used as a flagging device. LISTED SPECIES SITES INCLUDE:
- (1) CORBIN CANYON. THIS AREA ENCOMPASSES A TIDAL BALD CYPRESS FOREST AND SUPPORTS A STATE LISTED THREATENED SPECIES.
 - (2) CORKERS CREEK CANAL MARSH. THIS IS AN AQUATIC SITE THAT HARBORS A SMALL REMNANT PATCH OF TIDAL FRESHWATER MARSH WITH TWO RARE PLANT SPECIES.
 - (3) PAWPAW CREEK. THIS SITE INCLUDES A BLACK FOREST STREAM THAT CONTAINS STATE LISTED SPECIES.
 - (4) POCOMOKE RIVER NORTH SNOW HILL. THIS AREA IS A TIDAL BALD CYPRESS FLOODPLAIN FOREST THAT INCLUDE STATE LISTED SPECIES.
 - (5) POORHOUSE BRANCH. THIS AREA ENCOMPASSES RIPARIAN FOREST, WETLANDS, AND THE HABITATS OF SEVERAL THREATENED AND ENDANGERED SPECIES.
 - (6) TANHOUSE CREEK. THIS AREA IS A LARGE FORESTED WETLAND THAT INCLUDES A WETLAND OF SPECIAL STATE CONCERN AND SUPPORTS STATE LISTED SPECIES.
 - (7) TRUITT LANDING. THE TIDAL MARSHES IN THIS AREA PROVIDE HABITAT FOR SEVERAL STATE LISTED SPECIES.
- (b) General requirements. The Department shall provide for the protection of the known habitats of species in need of conservation and threatened and endangered species and also the habitats of these species that may be identified in the future. Protection measures for these Habitat Protection Areas are to be developed in the following way:
- (1) The Department shall review the proposed activities on a case-by-case basis and seek technical advice from the Department of Natural Resources. Development of property located within the ~~Atlantic Coastal Bays~~ Critical Area of Worcester County will require a site specific survey to be submitted along with design plans and a written description of the measures the property owner proposes to take to protect any habitats identified. This information concerning habitats will be incorporated into the County's Resource Inventory Maps for future reference.

- (e) ~~Standards for Bald Eagle protection.~~ A three zone protection area of 1/4 mile (thirteen hundred twenty feet) in radius around each Bald Eagle nest shall be established and within the zones the following protection measures shall apply:
- (1) ~~Zone 1 shall include the area extending from the nest out to a radius of three hundred thirty feet from the nest. In this zone timber cutting, land clearing, and development activities are prohibited. Hiking, fishing, and agricultural activities may be permitted from June 16 to December 14. These activities and human activity in general shall not be permitted in this zone from December 15 to June 15.~~
 - (2) ~~Zone 2 extends from the outer limit of Zone 1 to a radius of six hundred sixty feet from the nest. In this zone, major habitat changes shall be avoided including clear cutting, land clearing, and development activity. Hunting, hiking, fishing, and agricultural activities may be permitted from June 16 to December 14. These activities and human activity in general shall not be permitted in this zone from December 15 to June 15. Agricultural activities may be permitted if Department of Natural Resources data indicate that the nesting eagles are tolerant of these activities. From August 16 to November 14, selective thinning and maintenance of timber stands and building and road maintenance may be permitted.~~
 - (3) ~~Zone 3 extends from the outer limit of Zone 2 to a radius of thirteen hundred twenty feet from the nest. Timber cutting, land clearing, and development activities shall be restricted from December 15 to June 15. Other activities in this zone that are within sight of the eagles on the nest may need to be restricted during this time period in accordance with Department of Natural resources recommendations.~~
 - (4) ~~If a Bald Eagle nest has not been used for three successive nesting seasons, then any protective regulations applied to the specific site may be removed after verification by the Department of Natural Resources that the nest has been abandoned.~~
- (dc) Implementation. The owner of any property containing a portion of, or adjacent to, a habitat of a threatened or endangered species or a species in need of conservation on which a land altering or land development activity is proposed shall prepare and submit a Habitat Protection Plan, as described in subsection (e) hereof, to the Department prior to beginning the activity. The Department will request a review and comments from the Department of Natural Resources. A land altering activity shall include, but not be limited to, such activities as subdivision, timbering, sand, and gravel mining, clearing new farmlands, grading and the construction of homes or commercial structures.
- (ed) Habitat Protection Plans. Habitat Protection Plans shall consist of the following elements:
- (1) Designation of a protection area or “buffer” around each of the habitats occurring on a particular site or in the jurisdiction where development activities are proposed. Development activities and other disturbances shall be prohibited within the protection areas unless it can be shown that these activities or disturbances will not have or cause adverse impacts on these habitats.
 - (2) Development and implementation of specific protection measures or Best Management Practices such as time of year restrictions, landscaped buffers, water quality control structures, etc. designed to protect the habitat from adverse impacts associated with a change in land: use, development activity, or increased human activity.
- (f) ~~Public notice.~~ The determination of the existence and extent of these habitats and protection areas shall result from a cooperative effort between the Department and public agencies or private organizations. Designation of habitat and protective measures may not be accomplished unless the affected public is given an adequate opportunity to be heard. If the Secretary of the Department of Natural Resources designates additional species by regulation in the future, a public hearing, as

~~appropriate, shall be held to consider comments on the protection measures proposed for these species. The protection measures shall be adopted within 12 months of the date of the Secretary's designation.~~

- ~~(1) The establishment of Habitat Protection Areas shall not be intended to restrict or affect, beyond any existing local, State or Federal laws or regulations, or, on private land, any private restrictions, such activities as non-commercial passive recreation, educational pursuits, scientific observation, or non-commercial hunting, trapping or fishing.~~
- ~~(2) Development activities in areas of threatened or endangered species in need of conservation may be subject to other provisions and requirements of this Program.~~

§ NR 3-122. Plant and Wildlife Habitat ~~and Nontidal Wetlands~~ Protection Plan.

- (a) Description. The following plant and wildlife habitats shall be identified in the ~~Atlantic Coastal Bays~~ Critical Area:
 - (1) Colonial waterbird nesting sites;
 - (2) Historic waterfowl staging and concentration areas in tidal waters, tributary streams or tidal and nontidal wetlands;
 - (3) Existing riparian forests, for example relatively mature forests of at least three hundred feet in width which occur adjacent to streams, wetlands, or the bay shoreline and which are documented breeding areas;
 - (4) Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species, for example relatively mature forested areas within the ~~Atlantic Coastal Bays~~ Critical Area of one hundred acres or more or forest connected with such areas;
 - (5) Other plant and wildlife habitats determined to be of local significance by Maryland Wildlife and Heritage Service and are listed below ~~so designated by resolution of the County Commissioners~~; AND
 - (6) Natural Heritage Areas ~~which have been designated~~ INCLUDING:
 - A. HICKORY POINT CYPRESS SWAMP;
 - B. LOWER NASSAWANGO CREEK; AND
 - C. MATTOPONI NATURAL HERITAGE AREA; ~~and~~
 - ~~(7) Nontidal wetlands.~~
- (b) General requirements. The requirements of Worcester County regarding plant and wildlife habitat in the ~~Atlantic Coastal Bays~~ Critical Area shall be to:
 - (1) Conserve wildlife habitat in the Atlantic Coastal Bays Critical Area;
 - (2) Protect those wildlife habitats that tend to be least abundant or which may become so in the future if current land-use trends continue;
 - (3) Protect those wildlife habitat types which are required to support the continued presence of various species;

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- (4) Protect those wildlife habitat types and plant communities which are determined by the County Commissioners to be of local significance;
 - (5) Protect Natural Heritage Areas; and
 - (6) Protect and conserve nontidal wetlands.
- (c) Standards. In addition to the standards set forth in § NR 3-104 hereof for the protection of the Buffer, the following standards shall apply to new development and redevelopment within the ~~Atlantic Coastal Bays~~ Critical Area:
- (1) Any development or significant land use change on property located within the ~~Atlantic Coastal Bays~~ Critical Area of Worcester County will require a site-specific survey to determine the presence of any plant and wildlife habitat areas. The survey shall be submitted along with design plans and a written description of the measures the property owner proposes to take to protect the habitats identified. This information concerning habitats will be incorporated into the Resource Inventory Maps for future reference.
 - (2) The Department may seek additional information and comments from the Department of Natural Resources and other appropriate agencies and adjacent jurisdictions.
 - (3) For development activities in the Resource Conservation Area and Limited Development Area, wildlife corridors shall be established and used to connect the area left in forest cover with any large forest tracts which are located outside of the area of the property being developed or subdivided. The area left in forest cover shall be adjacent to larger forest, not left as an isolated island of trees. Planting required as a mitigation measure shall also be adjacent to other habitat. Tree planting, which serves only as a visual screening, does not meet these requirements.
 - (4) Buffer areas for colonial waterbird nesting sites shall be established (if such birds are found to exist in the ~~Atlantic Coastal Bays~~ Critical Area) so that these sites are protected from the adverse impacts of development activities and disturbance during the breeding season.
 - (5) New water-dependent facilities shall be located to prevent disturbance to sites of significance to wildlife, such as historic aquatic staging and concentration areas for waterfowl.
 - (6) Protection measures, including a buffer area, shall be established where appropriate for other plant and wildlife habitat sites identified in this Subtitle.
 - (7) Forested areas required to support wildlife species identified above in § NR 3-122(a)(1) and (4) shall be protected and conserved by developing management programs that have as their objective, conserving the wildlife that inhabit or use the areas. Development activities or the clearing or cutting of trees which might occur in these areas shall be conducted so as to conserve riparian habitat, forest interior wildlife species and their habitat. Management measures may include incorporating appropriate wildlife protection elements into Timber Harvest Plans, Forest Management Plans, cluster zoning, or other site design criteria that provide for the conservation of wildlife habitat. Measures may also include Soil Conservation Plans, which have wildlife habitat protection provisions appropriate to the areas defined above, and incentive programs which use the acquisition of recorded easements in perpetuity and other similar techniques.
 - (8) When development activities or the cutting or clearing of trees occurs in forested areas, corridors of existing forest or woodland vegetation shall be maintained to the extent practical to provide effective connections between wildlife habitat areas.

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- (9) Those plant and wildlife habitats considered to be of local significance by the County Commissioners shall be protected. Examples of these are those whose habitat values may not be of statewide significance but are of importance locally or regionally because they contain species uncommon or of limited occurrence in the jurisdiction or because the species are found in unusually high concentrations. **LOCALLY SIGNIFICANT HABITAT AREAS INCLUDE:**
- A. POCOMOKE SAND RIDGE. THIS AREA IS COMPRISED OF A SYSTEM OF ANCIENT SAND DUNES AND ASSOCIATED NON-TIDAL WETLANDS WHICH SUPPORTS AN ENDANGERED SPECIES AND SEVERAL UNCOMMON SPECIES.
 - B. PURNELL BRANCH. THIS AREA HARBORS A BALD CYPRESS SWAMP THAT INUNDATES DURING HIGHER THAN NORMAL TIDES AND MARKS THE NORTHERN BOUNDARY OF A RARE PLANT THAT WAS THOUGHT TO BE EXTIRPATED FROM THE DELMARVA PENNINSULA AND WAS RECENTLY RE-DISCOVERED.
- (10) Natural Heritage Areas shall be protected from alterations due to development activities or cutting or clearing so that the structure and species composition of the areas are maintained.
- A. THE FOLLOWING AREAS WITHIN THE CRITICAL AREA OF WORCESTER COUNTY ARE OFFICIALLY IDENTIFIED AND DESIGNATED AS NATURAL HERITAGE AREAS:
 - I. HICKORY POINT CYPRESS SWAMP.
 - II. LOWER NASSAWANGO CREEK.
 - III. MATAPONI.
 - AB. Development activities or cutting and clearing in Natural Heritage Areas shall be prohibited unless an analysis is performed and measures proposed to mitigate any adverse impacts of the proposed activities. The analysis and mitigation measures shall be prepared by qualified professionals (e.g., ornithologists, zoologists, environmental engineers, and planners) at the expense of the applicant and shall address the expected effects on the natural environment within the Natural Heritage Area.
 - BC. The analysis shall be submitted to the Department, which will then submit it to the State Department of Natural Resources for review and comment. Upon receiving said comment and, if appropriate, upon seeking the advice of expert consultants, the Department shall find against or in favor of the activities or may make suggestions for changing the analysis and ask the applicant to resubmit the analysis. The State Department of Natural Resources shall make a recommendation for consideration by the Department in making its decision as to whether to find against or in favor of the activities.
- (d) Public notice. The determination of the existence and extent of plant and wildlife habitats shall result from a cooperative effort between the County Commissioners and public agencies or private organizations. ~~Designation of habitat and protective measures may not be accomplished unless the affected public is given an adequate opportunity to be heard. If additional plant and wildlife habitat areas are to be designated in the future, local public hearings, as appropriate, shall be held to consider comments on the areas and protection measures proposed.~~

§ NR 3-123. Anadromous fish propagation waters.

- (a) Identification. The County Commissioners may identify and map anadromous fish propagation waters as defined in § NR 3-102 hereof, and, if developed, these maps will be available at the Department.
- (b) General requirements. The requirements of the Program with regard to anadromous fish propagation waters shall be to:
- (1) Protect the instream and streambank habitat of anadromous fish propagation waters;
 - (2) Promote land use policies and practices in the watershed of spawning streams within the ~~Atlantic Coastal Bays~~ Critical Area which will minimize the adverse impacts of development on the water quality of the streams; and
 - (3) Provide for the unobstructed movement of spawning and larval forms of anadromous fish in streams.
- (c) Standards. Within anadromous fish propagation watersheds, the following criteria shall apply:
- (1) The installation or introduction of concrete or stone riprap or other artificial surfaces onto the bottom of natural streams shall be prohibited unless it can be demonstrated that water quality and fisheries habitat can be improved.
 - (2) Channelization or other physical alterations which may change the course or circulation of a stream and thereby interfere with the movement of fish shall be prohibited.
 - (3) The Department shall require each development activity that occurs within a watershed draining to anadromous fish propagation waters to fulfill the following objectives:
 - A. Minimize development activities or land disturbances within the watershed;
 - B. Maintain, or, if practicable, improve water quality in affected streams or other water bodies;
 - C. Minimize to the extent possible the discharge of sediments into affected streams or other water bodies;
 - D. Maintain, or, if practicable, increase the natural or native vegetation of the watershed and tree canopy over the streams;
 - E. Indicate how any portion of the development activity outside the ~~Atlantic Coastal Bays~~ Critical Area will maintain or improve the water quality of the affected watershed;
 - (4) THE COUNTY SHALL ENSURE COORDINATION AND COMPLIANCE WITH COMPLEMENTARY STATE LAWS AND REGULATIONS:
 - A. PROHIBIT THE CONSTRUCTION OR PLACEMENT OF DAMS OR OTHER STRUCTURES THAT WOULD INTERFERE WITH OR PREVENT THE MOVEMENT OF SPAWNING FISH OR LARVAL FORMS IN STREAMS OR OTHER DESIGNATED WATERBODIES. IF PRACTICAL, EXISTING STRUCTURES SHALL BE REMOVED; AND

- B. ENSURE THAT THE CONSTRUCTION, REPAIR OR MAINTENANCE ACTIVITIES ASSOCIATED WITH BRIDGES, OR OTHER STREAM CROSSING OR WITH UTILITIES AND ROADS, WHICH INVOLVE DISTURBANCE WITHIN THE BUFFER OR WHICH OCCUR INSTREAM, AS DESCRIBED IN COMAR 08.05.03.11B(5), SHALL BE PROHIBITED BETWEEN MARCH 1 AND MAY 15 OF EACH YEAR.

§ NR 3-124. **Water dependent facilities.**

- (a) Identification. Water dependent facilities include, but are not limited to, ports, the intake and outfall structures of power plants, ~~water use industries~~, marinas, and other boat docking structures, public beaches and other public water-oriented recreation areas, ~~and fisheries activities~~, AND ANY OTHER WATER-DEPENDENT FACILITY OR ACTIVITY THAT SUPPORTS WATER QUALITY RESTORATION IN THE CHESAPEAKE BAY, THE ATLANTIC COASTAL BAYS, OR THEIR WATERSHEDS. Excluded from this regulation are individual private piers installed or maintained by riparian landowners, which are located in a subdivision that does not provide community piers.
- (b) General requirements. The requirements of the Program with regard to water-dependent facilities shall be to limit development activities in the Buffer to those that are water-dependent and provide by design and location criteria that these activities will have minimal individual and cumulative impacts on water quality and fish, wildlife, and plant habitat in the ~~Atlantic Coastal Bays~~ Critical Area.
 - (1) In order to protect water quality and fish, wildlife and plant habitats, water-dependent facilities as defined herein shall not extend more than two hundred fifty feet over State or private wetlands.
- (c) Standards. The following standards shall apply to new or expanded development activities associated with water-dependent facilities:
 - (1) New or expanded development activities may be permitted in the Buffer in the Intensely Developed and Limited Development Areas provided that it can be shown:
 - A. That they are water-dependent;
 - B. That the project meets a recognized private right or public need;
 - C. That adverse effects on water quality, fish, plant and wildlife habitat are FIRST AVOIDED, OR IF UNAVOIDABLE, minimized;
 - D. That, insofar as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the Buffer; and
 - ~~E. That the facilities are consistent with an approved local plan as set forth below.~~
 - E. IMPACTS TO FISH, WILDLIFE, OR PLANT HABITAT ARE AVOIDED, OR IF UNAVOIDABLE, MINIMIZED; AND
 - F. MITIGATION IS PROVIDED AT A MINIMUM RATIO OF 1:1 BASED ON THE SQUARE FOOTAGE OF CANOPY COVERAGE REMOVED.

- (2) THE PLACEMENT OF DREDGED MATERIAL IN THE BUFFER OR A PORTION OF THE CRITICAL AREA THAT HAS BEEN DESIGNATED AS A HABITAT PROTECTION AREA IS PROHIBITED, EXCEPT AS NECESSARY FOR:
 - A. A BENEFICIAL USE APPROVED BY THE BOARD OF PUBLIC WORKS OR THE DEPARTMENT OF THE ENVIRONMENT, SUCH AS:
 - I. BACKFILL FOR A SHORELINE STABILIZATION MEASURE;
 - II. USE IN A NONSTRUCTURAL SHORELINE STABILIZATION MEASURE, INCLUDING A LIVING SHORELINE;
 - III. BEACH NOURISHMENT;
 - IV. RESTORATION OF AN ISLAND;
 - V. THE CREATION, RESTORATION, OR ENHANCEMENT OF A WETLAND, OR A FISH, WILDLIFE, OR PLANT HABITAT; OR
 - VI. ANY OTHER APPROVED BENEFICIAL USE; OR
 - B. PLACEMENT IN AN AREA THAT WAS APPROVED FOR THE DISPOSAL OF CHANNEL MAINTENANCE DREDGED MATERIAL BEFORE JUNE 11, 1988.
- (3) EXCEPT AS OTHERWISE AUTHORIZED IN THIS SECTION, A WATER-DEPENDENT FACILITY OR ACTIVITY IS PROHIBITED IN THE BUFFER OF THE RESOURCE CONSERVATION AREA.
- (d) Implementation. Applicants for new or expanded water-dependent facilities in Intensely Developed Areas or Limited Development Areas shall set out in the application how the above requirements are met. Other than those cited in subsections (h) through (k) of this section, water- dependent facilities in Resource Conservation Areas shall only be allowed through the award of growth allocation in accordance with the provisions of § NR 3-112.
- (e) Evaluating plans for new and expanded water-dependent facilities. The Department shall evaluate on a case-by-case basis all proposals for the expansion of existing or new water- dependent facilities. The Department shall work with appropriate State and Federal agencies TO DEVELOP A PLAN FOR THE APPROVAL OF AN AREA SUITABLE FOR THE LOCATION OF A NEW OR EXPANDED WATERDEPENDENT FACILITY OR ACTIVITY.~~to ensure compliance with applicable regulations. The following factors shall be considered when evaluating proposals for new or expanded water dependent facilities:~~
 - (1) THE IMPACT ON THE WATER BODY UPON WHICH THE WATER-DEPENDENT FACILITY OR ACTIVITY IS PROPOSED THAT WOULD LIKELY RESULT FROM THE APPROVAL OF THAT LOCATION, INCLUDING:
 - A. ALTERATION OF AN EXISTING WATER CIRCULATION PATTERN OR SALINITY REGIME;
 - B. ADEQUACY OF AREA FLUSHING CHARACTERISTICS;
 - C. NECESSITY OF, AND PROXIMITY TO, A DREDGING OPERATION; AND
 - D. INTERFERENCE WITH THE NATURAL TRANSPORT OF SAND;

- (2) DISTURBANCE TO:
 - A. AN OYSTER HARVEST AREA, AS DEFINED IN COMAR 08.02.04.11;
 - B. AN AREA COVERED IN A CURRENT AQUACULTURE LEASE, AS DEFINED IN NATURAL RESOURCES ARTICLE, §4-11A-01, ANNOTATED CODE OF MARYLAND;
 - C. A HARVEST RESERVE AREA, AS DESIGNATED UNDER NATURAL RESOURCES ARTICLE, §4-1009.1, ANNOTATED CODE OF MARYLAND;
 - D. AN OYSTER SANCTUARY, AS ESTABLISHED IN COMAR 08.02.04.15A; AND
 - E. ANY OTHER SHELLFISH LOCATED IN A SHELLFISH AREA REGULATED BY THE DEPARTMENT OF NATURAL RESOURCES;
- (3) AVOIDANCE OF DISTURBANCE TO WATER QUALITY AND AQUATIC OR TERRESTRIAL HABITAT RESULTING FROM THE METHOD OR MANNER OF DREDGING; AND
- (4) THE AVOIDANCE OR, IF UNAVOIDABLE, THE MINIMIZATION OF:
 - A. DISTURBANCE TO:
 - I. A WETLAND;
 - II. SUBMERGED AQUATIC VEGETATION;
 - III. A HABITAT OF THREATENED OR ENDANGERED SPECIES OR SPECIES IN NEED OF CONSERVATION;
 - IV. IN ACCORDANCE WITH COMAR 26.08.02.04-1, A WATER BODY IDENTIFIED BY THE DEPARTMENT OF THE ENVIRONMENT AS A TIER II, HIGH QUALITY WATER BODY AND ITS WATERSHED; AND
 - V. A NONTIDAL WETLAND OF SPECIAL STATE CONCERN, AS SET FORTH IN COMAR 26.23.01.01 AND .04 AND COMAR 26.23.06.01; AND
 - B. ADVERSE IMPACT ON WATER QUALITY THAT WOULD LIKELY RESULT FROM THE FACILITY OR ACTIVITY, SUCH AS NONPOINT SOURCE RUNOFF, SEWAGE DISCHARGE, OR OTHER POLLUTION RELATED TO VESSEL MAINTENANCE.

~~(1) That the activities will not significantly alter existing water circulation patterns or salinity regimes;~~

~~(2) That the water body upon which these activities are proposed has adequate flushing characteristics in the area;~~

~~(3) That disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized;~~

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- (4) ~~That adverse impacts to water quality that may occur as a result of these activities, such as non-point source runoff, sewage discharge from land activities or vessels, or boat cleaning and maintenance operations, is minimized;~~
- (5) ~~That shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;~~
- (6) ~~That dredging shall be conducted in a manner and using a method which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Atlantic Coastal Bays Critical Area, generally;~~
- (7) ~~That dredged spoil will not be placed within the Buffer or elsewhere in that portion of the Atlantic Coastal Bays Critical Area which has been designated as a Habitat Protection Area except as necessary for:~~
- ~~A. Backfill for permitted shore erosion protection measures;~~
 - ~~B. Use in approved vegetated shore erosion projects;~~
 - ~~C. Placement on previously approved channel maintenance spoil disposal areas; and~~
 - ~~D. Beach nourishment.~~
- (8) ~~That interference with the natural transport of sand will be minimized; and~~
- (9) ~~That disturbance will be avoided to historic areas of waterfowl staging and concentration or other Habitat Protection Areas identified in § NR 3-104 and 3-121 through 3-123 of this Subtitle.~~
- (f) Industrial and port-related facilities. New, expanded, or redeveloped industrial or port-related facilities and the replacement of these facilities may be permitted only in buffer management areas in Intensely Developed Areas.
- (g) Marinas and other commercial maritime facilities. New, expanded or redeveloped COMMERCIAL marinas OR RELATED COMMERCIAL MARITIME FACILITIES may be permitted in the Buffer within Intensely Developed Areas and Limited Development Areas subject to the requirements set forth in this section. New COMMERCIAL marinas or related COMMERCIAL maritime facilities may not be permitted in the Buffer within Resource Conservation Areas, UNLESS THE MARINA OR RELATED FACILITY IS PUBLICLY OWNED ~~except as provided in subsections (i) through (k) hereof.~~ Expansion of existing marinas may be permitted by the Department within Resource Conservation Areas provided that it is sufficiently demonstrated that the expansion will not adversely affect water quality and that it will result in an overall net improvement in water quality at or leaving the site of the marina. New and existing marinas shall meet the sanitary requirements of the Department of the Environment as required in COMAR 26.04.02 26.24.04.03 and 26.08.04.09 ~~or as amended from time to time.~~ New marinas shall establish a means of minimizing the discharge of bottom wash waters into tidal waters. ~~AND THE STORMWATER, WASTEWATER, NONCONTACT COOLING WATER DISCHARGE, AND ANY OTHER APPLICABLE REQUIREMENTS OF THE DEPARTMENT OF THE ENVIRONMENT.~~
- (h) Community piers. New or expanded community ~~marinas~~ PIERS and other ~~non-commercial~~ COMMUNITY boat-docking and storage facilities may be permitted in the Buffer subject to the following requirements:

- (1) These facilities may not offer food, fuel, or other goods and services for sale IN THE BUFFER and shall ~~provide adequate and clean sanitary~~ COMPLIES WITH THE REQUIREMENTS OF COMAR 26.24.04.03;
- (2) The facilities are community-owned and established and operated for the benefit of the residents only of a platted and recorded riparian subdivision;
- (3) The facilities are associated with a residential development approved by the Department for the ~~Atlantic Coastal Bays~~ Critical Area and consistent with all State requirements for the Atlantic Coastal Bays Critical Area;
- (4) Disturbance to the Buffer is the minimum necessary to provide a single point of access to THE PIER OR the facilities; and
- (5) If community piers or slips are provided as part of the new development, private piers in the development are not allowed.
- (6) The number of slips, or piers, permitted at the facility shall be the lesser of paragraph (h)(6)A or B below:
 - A. One slip for every 50 feet of shoreline in the subdivision in the Intensely Developed and Limited Development Areas and one slip for every 300 feet of shoreline in the subdivision in the Resource Conservation Area; or
 - B. A density of slips or piers to platted lots or dwellings within the subdivision in the ~~Atlantic Coastal Bays~~ Critical Area according to the following schedule:

Platted Lots or Dwellings in the Atlantic Coastal Bays Critical Area	Slips
up to 15	1 for each lot
16 - 40	15 or 75% whichever is greater
41 - 100	30 or 50% whichever is greater
101 - 300	50 or 25% whichever is greater
over 300	75 or 15% whichever is greater

- (i) Public beaches and other public recreation or education areas. Public beaches or other public water-oriented recreation or education areas including, but not limited to, publicly owned boat launching and docking facilities and fishing piers may be permitted in the Buffer in Intensely Developed Areas. These facilities may be permitted within the Buffer in Limited Development Areas and Resource Conservation Areas provided that:
 - (1) Adequate sanitary facilities exist;
 - (2) Service AND SANITARY facilities are, to the extent possible, located outside the Buffer;
 - (3) Permeable surfaces are used to the extent practicable if no degradation of groundwater would result;
 - (4) Disturbance to natural vegetation is FIRST AVOIDED, OR IF UNAVOIDABLE, minimized; and

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- (5) ~~Areas for possible recreation~~ PUBLIC PASSIVE OUTDOOR RECREATION OR EDUCATION AREAS, such as nature study, HIKING, and hunting and trapping, ~~and for education~~, may be permitted in the Buffer within Resource Conservation Areas if SANITARY service facilities for these uses are located outside of the Buffer.
- (j) Research areas. Water-dependent research facilities or activities operated by State, Federal, or local agencies or educational institutions may be permitted in the Buffer, if non-water-dependent structures or facilities associated with these projects are, to the extent possible, located outside of the Buffer.
- (k) Fisheries activities. Lands and water areas with high aquacultural potential will be identified by the County Commissioners in cooperation with the State when applications for new or expanded fisheries or aquaculture facilities in these areas are submitted to the County Commissioners. These areas are encouraged for that use and, if so used, should be protected from degradation by other types of land and water use or by adjacent land and water uses. Commercial water- dependent fisheries including, but not limited to, structures for crab shedding, fish off-loading docks, shellfish culture operations, ~~and~~ shore-based facilities necessary for aquaculture operations and fisheries activities, AND A FACILITY OR ACTIVITY THAT SUPPORTS WATER QUALITY RESTORATION IN THE CHESAPEAKE BAY, THE ATLANTIC COASTAL BAYS, OR THEIR WATERSHEDS may be permitted in the Buffer in Intensely Developed, Limited Development, and Resource Conservation Areas.

§ NR 3-125. Individual private piers and docks

- (a) General requirements. Individual private piers or docks may be installed or maintained when in conformance with all other applicable laws and regulations by riparian landowners of lots or parcels legally existing on the effective date of this Subtitle.
- (b) Standards. The following standards shall apply in addition to any other applicable laws or regulations to the construction, expansion, replacement or modification of an existing or newly constructed private pier or dock:
- (1) New piers or docks shall not extend more than one hundred feet in length over State or private wetlands.
 - (2) Existing piers or docks shall not be expanded, altered, replaced, or modified in whole or in part so as to cumulatively exceed more than one hundred feet in length over State or private wetlands.
 - (3) Any disturbance of the Buffer shall be the minimum necessary for the construction and/or maintenance of the pier or dock.
 - (4) A reasonable pedestrian access path to an individual pier or dock may be located in the Buffer subject to the following:
 - A. A maximum of one access path shall be permitted per lot or parcel.
 - B. The access path may include clearing and stabilization of no more than six feet in width.
 - C. ~~Impervious areas~~ LOT COVERAGE constructed within the six-foot width identified in B. above are limited to three feet in width. The ~~impervious area~~ LOT COVERAGE created is subject to all other limitations as established by this Subtitle.

- D. All access paths shall be located to minimize impacts from the pier or dock to the principal structure on the same lot or parcel or the path's point of exit from the Buffer.
- (c) Without further action by the County Commissioners, the provisions of § NR 3-125(b)(1) and (2) hereof shall be abrogated and of no further force and effect one year after the effective date of this Subtitle unless otherwise modified or amended as a public local law in accordance with legally required procedures.

§ NR 3-126. NON-WATER DEPENDENT PROJECTS ON PIERS

- (a) THE DEPARTMENT MAY APPROVE A NON-WATER DEPENDENT PROJECT LOCATED ON STATE OR PRIVATE WETLANDS WITHIN THE CRITICAL AREA IF THE PROJECT:
- (1) INVOLVES A COMMERCIAL ACTIVITY THAT IS PERMITTED AS A SECONDARY OR ACCESSORY USE TO A PERMITTED PRIMARY COMMERCIAL USE;
 - (2) IS NOT LOCATED ON A PIER THAT IS ATTACHED TO RESIDENTIALLY, INSTITUTIONALLY, OR INDUSTRIALLY USED PROPERTY;
 - (3) IS LOCATED IN:
 - A. AN INTENSELY DEVELOPED AREA (IDA) AND THE PROJECT IS AUTHORIZED UNDER AN AMENDMENT TO THIS SUBTITLE APPROVED ON OR AFTER JULY 1, 2013, IF THE APPROVED AMENDMENT INCLUDES NECESSARY CHANGES TO COUNTY'S ZONING, SUBDIVISION AND OTHER ORDINANCES SO AS TO BE CONSISTENT WITH, OR MORE RESTRICTIVE THAN, THE REQUIREMENTS REQUIRED UNDER THIS PARAGRAPH; OR
 - B. AN AREA THAT HAS BEEN EXCLUDED FROM A WORCESTER COUNTY CRITICAL AREA PROGRAM IF THE EXCLUSION HAS BEEN ADOPTED OR APPROVED BY THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS;
 - (4) IS APPROVED BY THE DEPARTMENT OR THE BOARD OF ZONING APPEALS AFTER THE AMENDMENT UNDER SUBPARAGRAPH (a)(3)(A) ABOVE, IF APPLICABLE, HAS BEEN APPROVED;
 - (5) ALLOWS OR ENHANCES PUBLIC ACCESS TO STATE WETLANDS;
 - (6) DOES NOT EXPAND BEYOND THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER ON WHICH THE PROJECT IS CONSTRUCTED;
 - (7) HAS A HEIGHT OF UP TO EIGHTEEN (18) FEET UNLESS THE PROJECT IS LOCATED AT A MARINA; AND
 - (8) IS UP TO 1,000 SQUARE FEET IN TOTAL AREA; OR
 - A. IS LOCATED ON A PIER THAT WAS IN EXISTENCE ON OR BEFORE DECEMBER 31, 2012;
 - B. SATISFIES ALL OF THE REQUIREMENTS UNDER SECTION (1)(A)-(G) OF THIS PARAGRAPH; AND

- C. IF APPLICABLE, HAS A TEMPORARY OR PERMANENT ROOF STRUCTURE OR COVERING THAT IS UP TO 1,000 SQUARE FEET IN TOTAL AREA.
- (b) THE DEPARTMENT MAY APPROVE A NON-WATER DEPENDENT PROJECT FOR A SMALL SCALE RENEWABLE ENERGY SYSTEM ON A PIER LOCATED ON STATE OR PRIVATE WETLANDS WITHIN THE CRITICAL AREA IF THE PROJECT:
 - (1) INVOLVES THE INSTALLATION OR PLACEMENT OF A SMALL-SCALE RENEWABLE ENERGY SYSTEM THAT IS PERMITTED AS A SECONDARY OR ACCESSORY USE ON A PIER THAT IS AUTHORIZED UNDER TITLE 16 OF THE ENVIRONMENT ARTICLE;
 - (2) IS LOCATED IN:
 - A. THE CRITICAL AREA AND THE PROJECT IS AUTHORIZED UNDER AN AMENDMENT TO THIS SUBTITLE APPROVED ON OR AFTER JULY 1, 2013, IF THE APPROVED PROGRAM AMENDMENT INCLUDES NECESSARY CHANGES TO COUNTY'S ZONING, SUBDIVISION, AND OTHER ORDINANCES SO AS TO BE CONSISTENT WITH OR MORE RESTRICTIVE THAN THE REQUIREMENTS PROVIDED UNDER THIS PARAGRAPH; OR
 - B. AN AREA THAT HAS BEEN EXCLUDED FROM THE COUNTY'S CRITICAL AREA PROGRAM THAT HAS BEEN ADOPTED OR APPROVED BY THE CRITICAL AREA COMMISSION;
 - (3) IS APPROVED BY THE PLANNING COMMISSION OR BOARD OF ZONING APPEALS AFTER AN AMENDMENT IN ACCORDANCE WITH SUBPARAGRAPH (E)(1)(C) ABOVE, IF APPLICABLE, HAS BEEN APPROVED;
 - (4) A BUILDING PERMIT OR OTHER APPROVAL ISSUED UNDER THE REQUIREMENTS IN SUBPARAGRAPH (2) ABOVE MAY INCLUDE THE INSTALLATION OR PLACEMENT OF:
 - A. A SOLAR ENERGY SYSTEM ATTACHED TO A PIER OF THE DEVICE OR EQUIPMENT ASSOCIATED WITH THAT SYSTEM DOES NOT EXTEND MORE THAN: [1] FOUR (4) FEET ABOVE OR EIGHTEEN (18) INCHES BELOW THE DECK OF THE PIER; OR [2] ONE (1) FOOT BEYOND THE LENGTH OR WIDTH OF THE PIER;
 - B. A SOLAR ENERGY SYSTEM ATTACHED TO A PILING IF THERE IS ONLY ONE SOLAR PANEL PER BOAT SLIP;
 - C. A SOLAR ENERGY SYSTEM ATTACHED TO A BOATHOUSE ROOF IF THE DEVICE OR EQUIPMENT ASSOCIATED WITH THAT SYSTEM DOES NOT EXTEND BEYOND THE LENGTH, WIDTH, OR HEIGHT OF THE BOATHOUSE ROOF;
 - D. A CLOSED-LOOP GEOTHERMAL HEAT EXCHANGER UNDER A PIER IF THE GEOTHERMAL HEAT EXCHANGER OR ANY ASSOCIATED DEVICES OR EQUIPMENT DO NOT:
 - I. EXTEND BEYOND THE LENGTH, WIDTH, OR CHANNELWARD ENCROACHMENT OF THE PIER;

- II. DELETERIOUSLY ALTER LONGSHORE DRIFT; OR
- III. CAUSE SIGNIFICANT INDIVIDUAL OR CUMULATIVE THERMAL IMPACTS TO AQUATIC RESOURCES; OR
- E. A WIND ENERGY SYSTEM ATTACHED TO A PIER IF THERE IS ONLY ONE WIND ENERGY SYSTEM PER PIER FOR WHICH: [1]THE HEIGHT FROM THE DECK OF THE PIER TO THE BLADE EXTENDED AT ITS HIGHEST POINT IS UP TO TWELVE (12) FEET; [2] THE ROTOR DIAMETER OF THE WIND TURBINE IS UP TO FOUR (4) FEET; AND [3] THE SETBACKS OF THE WIND ENERGY SYSTEM FROM THE NEAREST PROPERTY LINE AND FROM THE CHANNELWARD EDGE OF THE PIER TO WHICH THAT SYSTEM IS ATTACHED ARE AT LEAST 1.5 TIMES THE TOTAL HEIGHT OF THE SYSTEM FROM ITS BASE TO THE BLADE EXTENDED AT ITS HIGHEST POINT.

§ NR 3-1267. Shore erosion protection works.

- (a) Generally. As an alternative to structural erosion controls, which can disturb the aquatic environment and increase erosion downstream, the County Commissioners encourage the use of non-structural controls such as marsh creation, maintenance of buffer zones, and the establishment of natural barriers to prevent intrusion on fragile vegetated shorelines. The criteria set forth in this chapter are not intended to apply to those structures necessarily associated with water-dependent facilities, as discussed in § NR 3-124 of this Subtitle.
- (b) General requirements. In protecting shore areas from erosion the Department shall follow these requirements:
 - (1) Encourage the protection of rapidly eroding portions of the shoreline in the ~~Atlantic Coastal Bays~~ Critical Area by public and private landowners;
 - (2) Where such measures can effectively and practically reduce or prevent shore erosion, encourage the use of non-structural shore protection measures in order to conserve and protect plants, fish, and wildlife habitat.
- (c) Implementation. Each application for shore erosion protection shall demonstrate how it complies with the following objectives:
 - (1) Structural control measures shall only be used in areas with significantly eroding shorelines and where non-structural measures would not be practical or effective in controlling erosion.
 - (2) Where structural erosion control is required, the measure that best provides for the conservation of fish and plant habitat and which is practical and effective shall be used;
 - (3) Non-structural measures shall be utilized in areas of erosion where they would be a practical and effective method of erosion control;
 - (4) Structural erosion measures shall not be encouraged in areas where no significant erosion occurs;
 - (5) If significant alterations in the characteristics of a shoreline occur, the measure that best fits the change may be used for sites in that area.

- (6) Vegetation removed in the Buffer for construction of shore erosion control measures shall be replaced on an equal basis.
- (7) A BUFFER MANAGEMENT PLAN FOR A SHORE EROSION CONTROL MEASURE SHALL BE PROVIDED AND APPROVED BY THE DEPARTMENT.
- (d) Process. The Department, in reviewing any application for a permit for structural erosion control devices, may refer the application to the Soil Conservation District, the Department of Natural Resources and the department of the environment for field verification of the need for the structural erosion control as well as for recommendations on proposed erosion control mechanisms.
 - (1) Any application made to the Department for the installation of an erosion control device must, at a minimum, include the following information:
 - A. Photograph of erosion problem;
 - B. The specific location of the site on a USGS 7.5 topographic map;
 - C. Soil type and erodibility;
 - D. Proposed and existing land use.
 - (2) Applications must include appropriate authorization from the Maryland Department of the Environment and the U.S. Army Corps of Engineers.

~~§ NR 3-127. Nontidal wetland and nontidal wetland buffer regulations.~~

- ~~(a) Generally. For development activities located on lots and parcels created after June 1, 2002 within the Atlantic Coastal Bays watershed lying outside the Atlantic Coastal Bays Critical Area where the State permits nontidal wetland buffer impacts without mitigation, mitigation as provided for below is required by this subsection. For activities in these areas that the State classifies as “temporary impacts”, mitigation is not required.~~
- ~~(b) Site plan requirements. For any project that impacts the nontidal wetland or its buffer, the following must be shown in addition to the other site plan requirements of this Subtitle on any site plan submitted to the Department:

 - ~~(1) The boundary of any nontidal wetlands and any nontidal wetlands buffers.~~
 - ~~(2) The limits of disturbance within the nontidal wetlands and nontidal wetlands buffer.~~
 - ~~(3) The location and boundaries of any onsite mitigation project proposed or required by this subsection.~~
 - ~~(4) The location and boundaries of any offsite mitigation project proposed or required by this subsection.~~~~
- ~~(c) Required mitigation. For regulated activities that impact the nontidal wetland and nontidal wetland buffer, mitigation will be required at an equal basis onsite and at an areal extent twice that offsite. Natural vegetation similar to the vegetation destroyed by the impact shall be used, either through regeneration of the disturbed area or through planting. Mitigation of nontidal wetland and nontidal wetland buffer impacts shall not be allowed to count toward a project’s afforestation and/or reforestation requirements.~~

- ~~(d) Priority sequence for mitigation site selection. All mitigation sites proposed for compliance with this subsection shall be accomplished in accordance with the following preferred locational sequence:~~
- ~~(1) Onsite adjacent to a nontidal wetland or its buffer.~~
 - ~~(2) Onsite between and connecting existing forested areas.~~
 - ~~(3) Onsite where establishing or enhancing forest buffers adjacent to critical habitats where appropriate.~~
 - ~~(4) Onsite within the one hundred year floodplain.~~
 - ~~(5) Offsite mitigation will only be allowed if it is demonstrated to the satisfaction of the Department that onsite mitigation is not practicable. Offsite mitigation shall be on a two to one ratio and shall take place in accordance with the locational sequence specified in subsection (d)(1) through (4) above.~~
- ~~(e) Planting methodology. If the mitigation project requires planting, the planting shall take place in accordance with the provisions of the current Forest Conservation Manual with respect to planting techniques and specifications. Planting associated with required mitigation shall be performed prior to the issuance of any zoning certificate or certificate of use and occupancy or shall be bonded in accordance with the provisions of § ZS 1-124 of the Worcester County Zoning Ordinance. Natural regeneration may be permitted in lieu of planting where:~~
- ~~(1) Seventy five percent (75%) of the proposed mitigation area is located within 50 feet of adjoining forest, or the proposed planting area is a forest opening less than one acre in size; and~~
 - ~~(2) Adjoining forest has a maximum of twenty percent (20%) cover of invasive exotic species.~~
- ~~(f) Perpetual protective agreements. Any person required to mitigate impacts to a nontidal wetland or nontidal wetland buffer in accordance with the provisions of this subsection shall enter into a perpetual protective agreement as prescribed by § NR 1-415(g) and (h) hereof to ensure that the vegetation used for mitigation shall be protected against clearing and the detrimental effects of invasive species.~~

§ NR 3-128. RENEWABLE ENERGY GENERATING SYSTEMS.

- (a) GENERALLY. ON OR AFTER APRIL 1, 2021, THE DEPARTMENT MAY AUTHORIZE A SOLAR ENERGY GENERATING SYSTEM WITHIN THE CRITICAL AREA PURSUANT TO COMAR 27.01.14.

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Section 2. BE IT FURTHER ENACTED, that this Bill shall take effect forty-five (45) days from the date of its passage, or upon approval of the Maryland Critical Area Commission under the authority granted by § 8-1801, et. Seq. of the Natural Resources Article of the State Code, whichever is later. If approved, in whole or in part, after the 45 days, the approved provisions of this ordinance shall take effect on the date the notice of approval is received by the department. If disapproved, in whole or in part, the disapproved portions of this ordinance shall be null and void without the necessity of further action by the County Commissioners. The Department, within five days after receiving any notice from the Maryland Critical Area Commission, shall forward a copy to the administrative officer to the County Commissioners.

Passed this _____ day of _____, 2024.

Attest:

Worcester County Commissioners

Weston S. Young, P.E.
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

Roadmap for Changes and Updates- 4/10/2024

Code Section	Summary of Code Amendment and Justification	Notes and Comments
NR 3-112 Growth allocation	Updates remaining growth allocation acreage for the Chesapeake Bay Critical Area based on Critical Area Commission Staff comments.	Page 57
NR 3-120 Habitat Protection	Changes made to include language clarifying the use of the DNR Wildlife and Heritage Service resource inventory based on Critical Area Commission Staff comments.	Pages 77-78
NR 3-124 Water Dependent Facilities	Changes made to include language from the Model Ordinance based on Critical Area Commission Staff comments.	Pages 84-89
Section 2	Changes made to language on when the adopted ordinance takes effect based on Critical Area Commission Staff comments.	Page 95



Worcester County Department of Environmental Programs
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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 "Robert J. Mitchell" in the "From:" field.

Subject: **Critical Area Bill**
Slides for the Hearing

Date: 6/24/24

We have previously submitted a draft bill to complete the comprehensive update of our local Atlantic Coastal Bays and Chesapeake Bay Critical Area codes, which also involved the combination of the two programs into a single code. The attached slides accompany information and the draft legislation that was previously submitted. The slides contain condensed information about the major changes within the code. We would like to add these to the packet for the hearing.

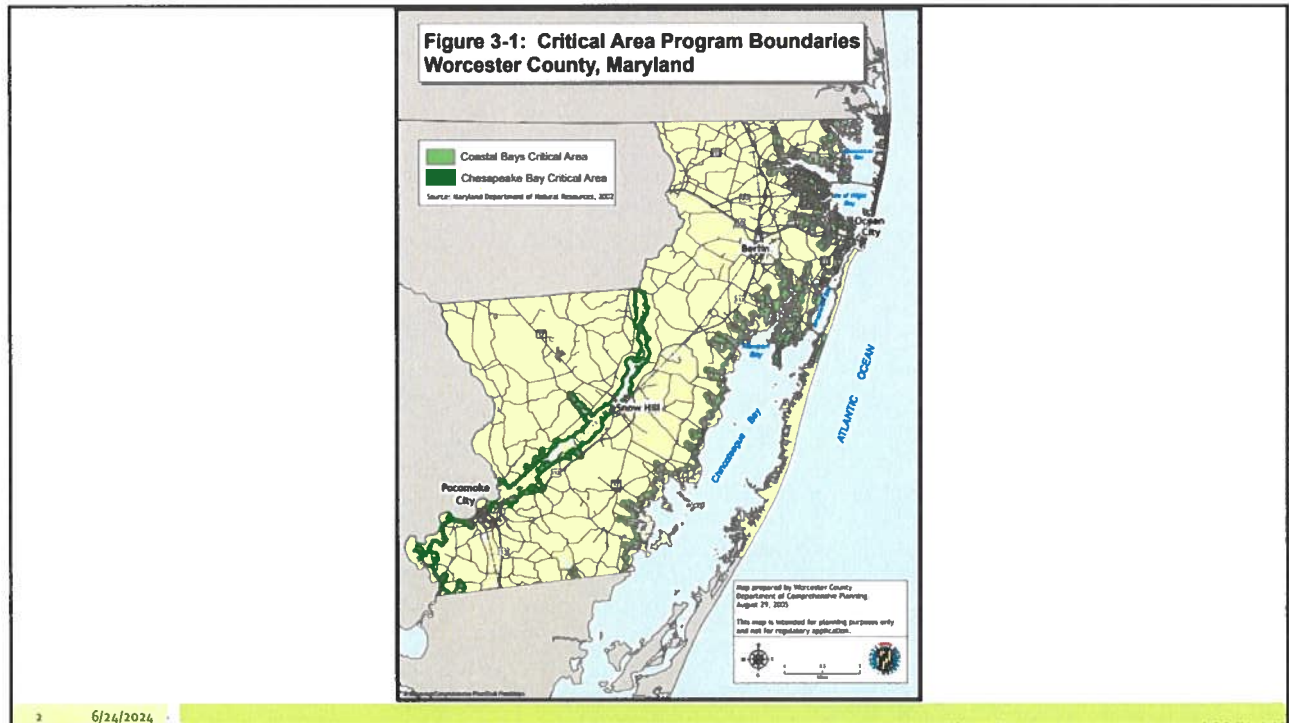
If you have any questions or need any additional information, please let us know.

Attachment

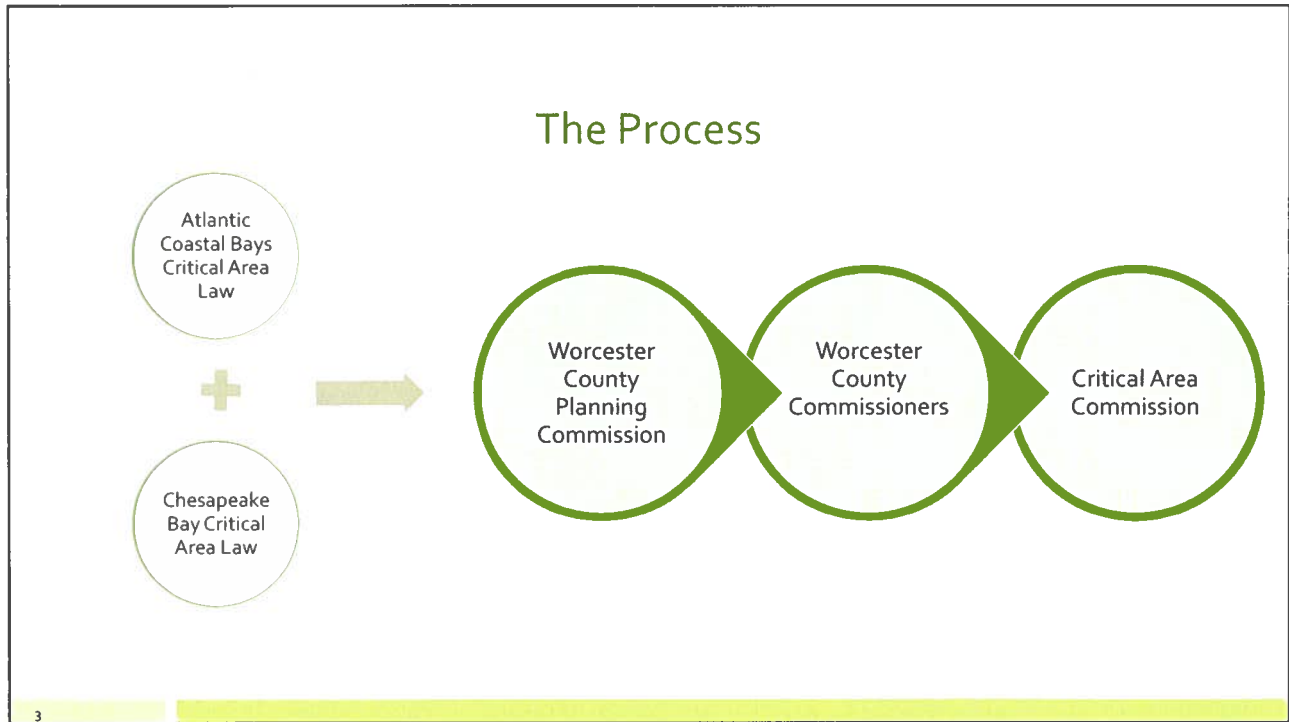
**Worcester County
Critical Area Law**

Combining the Chesapeake & Atlantic Coastal Bays Critical Area Programs

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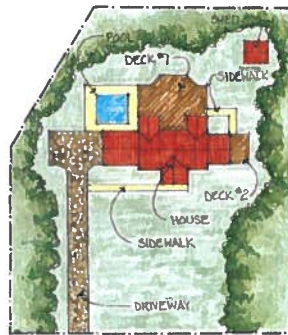
The Buffer (NR 3-104)

- Include need for expanded Buffer within the RCA.
- Include Buffer Establishment, as already enforced, from the Model Code.
- Include Buffer Mitigation ratios, as already enforced, from the Model Code.
- Provide a reference to the Buffer Management Area Appendix.

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Lot Coverage (NR 3-107)

- The percentage of a total lot or parcel that is:
 - Occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway;
 - Or covered with a paver, walkway gravel, stone, shell, impermeable decking, a paver, permeable pavements, or other manmade material;
 - The ground area covered or occupied by a stairway or impervious deck.



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Variances (NR 3-111)

- Added language from the Model Ordinance for After-the-Fact variance request.
- Samples of ATF variance requests:
 - Request for an ATF patio and walkway in the IDA in a 15' BMA (Isle of Wight) → this request was granted
 - Request for an ATF patio in the IDA in a 15' BMA (Ocean Pines) → this request was granted
 - Request for an ATF stone wall and patio in the LDA in a 100' Buffer (Bishopville) → this request was granted



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Growth Allocation (NR 3-112)

- What is a Growth Allocation → A request to change a specific acreage of upland from a Resource Conservation Area (RCA) to a Limited Development Area (LDA) or to change a specific acreage of upland from Limited Development Area (LDA) to Intensely Developed Area (IDA)
- An applicant must meet specific requirements for a request (see NR 3-112(b)(1-8))
- When a growth allocation is proposed in the RCA, a 300 foot naturally vegetated buffer is required per COMAR (and this Code update)

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NR 3-120 to NR 3-123

- Significant Habitat Areas within the Chesapeake Bay Critical Are:
 - Pocomoke Sand Ridge
 - Poorhouse Branch
- Natural Heritage Areas within the Chesapeake Bay Critical Area:
 - Hickory Point Cypress Swamp
 - Lower Nassawango Creek
 - Mataponi

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Critical Area Map Update

- In 2008, legislation was passed and signed into law that required the State to work with local governments to update the Critical Area Maps.
- DNR must prepare a Statewide Base maps that includes a State determined shoreline, landward boundary of tidal wetlands, and the 1,000 foot Critical Area boundary, all of which is integrated into a GIS map.
- Process: Staff has reviewed the proposed maps and provided comments to the Critical Area Commission.
- The State is working in conjunction with the Eastern Shore Regional GIS Cooperative (ESRGC), a local outreach entity of Salisbury University.

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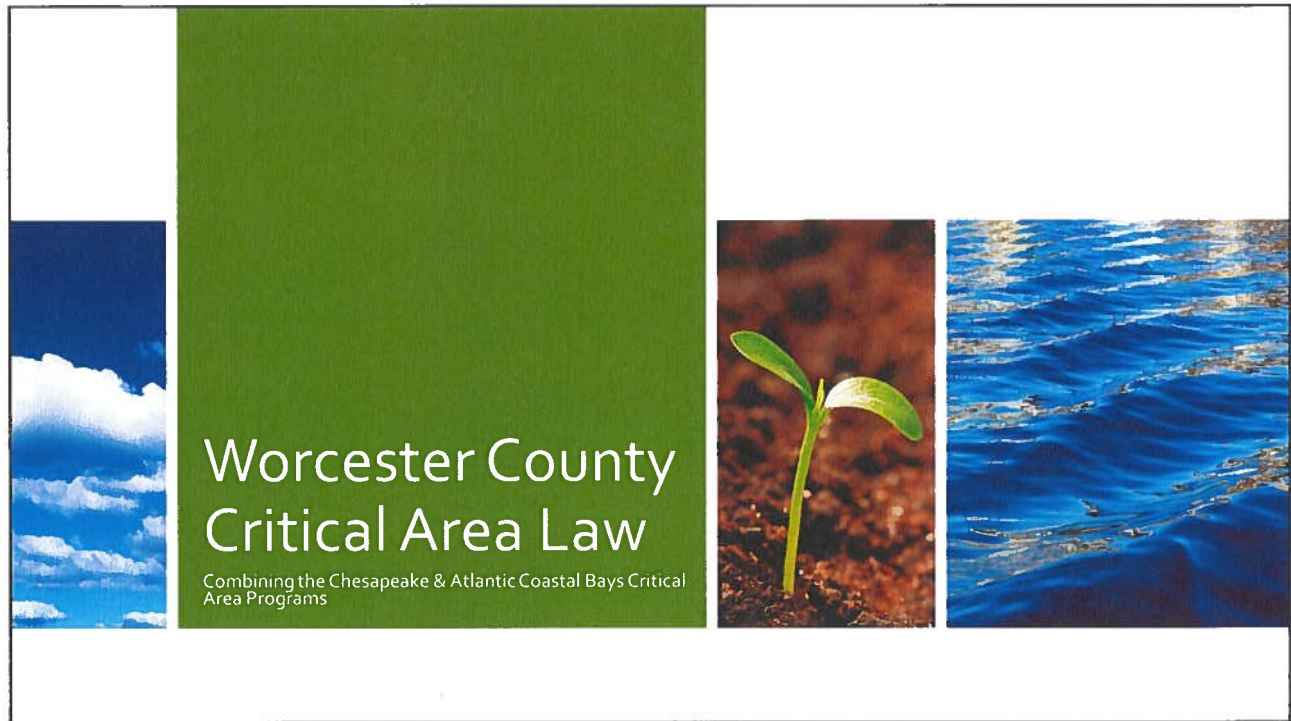
The Critical Areas and the Comprehensive Plan

- Channel growth and development away from habitats of threatened and endangered species
- Continue to work with Coastal Bays Sensitive Areas task force and other initiatives aimed at identifying and protecting sensitive species
- Preserve and provide natural areas that are large and circular with a minimum dimension of 300 feet as a general rule for habitat protection
- Preserve existing and create forested riparian corridors

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