

<b>CRITICAL AREA PROGRAM UPDATE</b>			
<b>COUNTY COMPREHENSIVE REVIEW AMENDMENTS</b>			
<b>ZTA#07-22 AND SRA#09-14</b>			
1	<b><u>SECTION</u></b>	<b><u>SUMMARY OF AMENDMENT</u></b>	<b><u>BILL PAGE</u></b>
	297-126.C	Added a list of the components of the program.	pg. 6
	<b><u>JUSTIFICATION</u></b>		
	Planning staff has received questions regarding what documents are regulatory with respect to Critical Area Law, since there are several, separate documents. This change makes the relevance of each document clear, and eliminates confusion.		
2	<b><u>SECTION</u></b>	<b><u>SUMMARY OF AMENDMENT</u></b>	<b><u>BILL PAGE</u></b>
	297-127.C	Added instruction regarding the review of the Villages at Swan Point	pg. 7
	<b><u>JUSTIFICATION</u></b>		
	The amendment is proposed by the County Attorney's Office to stipulate that there are two recorded Zoning Indentures which address development requirements for the Villages at Swan Point.		
3	<b><u>SECTION</u></b>	<b><u>SUMMARY OF AMENDMENT</u></b>	<b><u>BILL PAGE</u></b>
	297-128	Added definitions of: abatement; major infraction; minor infraction; moderate infraction; person; restoration;	pg. 7, 21-25, 27
	<b><u>JUSTIFICATION</u></b>		
	Some of these definitions were found in the Critical Area Commission's Model Ordinance. The definitions of different infractions were taken from the Talbot County Code. HB1253, pg. 23, & Annotated Code §8-1808 require the County to have a mechanism for determining the amount of civil penalty to be assessed for a violation. The mechanism included in the proposed update is modeled after a mechanism already approved by the Critical Area Commission and included in the Talbot County Code.		
4	<b><u>SECTION</u></b>	<b><u>SUMMARY OF AMENDMENT</u></b>	<b><u>BILL PAGE</u></b>
	297-128	Added definitions for driveway and trail.	pg. 15, 32
	<b><u>JUSTIFICATION</u></b>		
	During the review process it was recommended by the PGM Advisory Board that these terms be defined, since they are used within the text and may have different meanings depending upon the context.		
5	<b><u>SECTION</u></b>	<b><u>SUMMARY OF AMENDMENT</u></b>	<b><u>BILL PAGE</u></b>
	297-128	Added clarification regarding how a deck is determined to have gaps to allow water to pass freely.	pg. 15, 32
	<b><u>JUSTIFICATION</u></b>		
	Under the Annotated Code of Maryland, Natural Resources Article, §8-1802, lot coverage does not include "a deck with gaps to allow water to pass freely." However, there is no definition of how to determine if a decks gaps are large enough for water to pass freely. Upon enactment of House Bill 1253, Planning staff met with the Critical Area Commission Chairperson and Executive Director regarding implementation of the new requirements. Planning staff was advised by the Executive Director that a local jurisdiction has the authority to determine how large a gap should be to ensure that water passes freely. Planning staff discussed this matter with members of the Building Division to determine a reasonable gap standard. As a result, the definition of lot coverage has been revised to require that gaps between boards be at least 1/4 inch at the time of construction to be considered sufficient to allow water to pass freely.		

6	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-130	Exempted Waterfront Planned Community Zone, also known as Swan Point, existing as of July 1, 2008 from lot consolidation and reconfiguration requirements.	pg. 36
	<u>JUSTIFICATION</u>		
	Lot consolidation and reconfiguration requirements significantly restrict a property owners ability to reconfigure lot lines or consolidate properties and require findings to be made that there are no new riparian rights or habitat impacts created as a result of the activity. By exempting the Waterfront Planned Community Zone, the amendment will allow for lot consolidations and reconfigurations to occur within the zone with less restriction.		
7	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.B(1)	Included requirements that the Buffer be field verified by the applicant or the applicant's representative and provided direction regarding how long the delineation of the Buffer remains valid.	pg. 42-43
	<u>JUSTIFICATION</u>		
	Based upon the definition and nature of the resource, the Critical Area Buffer is not a fixed location and moves with the shoreline. To accurately represent a property, the Buffer needs to be field verified. To provide some assurance to a developer or property owner, Planning staff proposed adding a validity period for the delineation of the Buffer. State regulations are not clear and seem to indicate re-delineation is required for every development activity, no matter how little or how much time has lapsed between activities.		
8	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.C(1)(a)[3]	Amendment encouraging a community pier over individual piers on new major subdivisions in the limited development and resource conservation zones.	pg. 48-51
	<u>JUSTIFICATION</u>		
	This amendment is intended to minimize impacts to sensitive habitat protection areas, including the Critical Area Buffer, tidal and non-tidal marshland, waterfowl staging and concentration areas, anadromous fish propogation areas, colonial nesting birds habitat, historic shellfish areas, and, forest interior dwelling species habitat.		
9	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.B(3)(c) & C(1)(d)	Amendment permitting minor fill within the Buffer for the purpose of lawn repair after storm events and providing standards for mitigation. This amendment clarifies that removal of grass/sod/fescue does not require mitigation.	pg. 44 & 54-55
	<u>JUSTIFICATION</u>		
	Currently, minor grading and filling of lawn area within the Critical Area Buffer requires a variance. This amendment will allow lawn restoration within the Buffer, up to 5,000 square feet of disturbance, under a Zoning Permit. 5,000 square feet is the maximum amount of grading that may occur without requiring a grading permit. Additionally, staff added text to not require Buffer establishment with these activities.		
10	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.C(1)(e) and Appendix J	Outlining that shore erosion controls are permitted with an approved Zoning Permit and referencing submittal requirements in Appendix J.	pg. 55-56, 178-179
	<u>JUSTIFICATION</u>		
	Planning staff is routinely asked to provide submittal requirements for these types of activites. As a result, this amendment is proposed to provide detailed information and remove subjectivity.		
11	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.C.(1)(f) and Appendix K	Added provisions to allow erosion control measures above mean high water.	pg. 56, 180-184
	<u>JUSTIFICATION</u>		
	This amendment is in response to numerous property owner requests. Currently, erosion control above mean high water is not permitted in the Critical Area Buffer without a variance. However, inclusion of these provisions in the Zoning Ordinance will allow some erosion control above mean high water to occur without a variance.		

12	<b><u>SECTION</u></b>	<b><u>SUMMARY OF AMENDMENT</u></b>	<b><u>BILL PAGE</u></b>
	297-131.C.(1)(g) and Appendix K	Added a provision to allow lot coverage in the Buffer to exceed the minimum necessary for water dependent facilities in a mapped Waterfront Revitalization Area.	pg. 56-57
	<b><u>JUSTIFICATION</u></b>		
	This amendment is intended to facilitate planning efforts along the waterfront as they are developed by the County Commissioners. In conjunction with the Waterfront Development concepts presented to the County Commissioners in December 2009, Planning staff intends to use Waterfront Revitalization Areas as a mechanism to facilitate development of the waterfront with public amenities as the needs are identified.		
13	<b><u>SECTION</u></b>	<b><u>SUMMARY OF AMENDMENT</u></b>	<b><u>BILL PAGE</u></b>
	297-131.C(3)	Removed Buffer Management Plan requirement for timber harvests and added reference to the District Forestry Board.	pg. 60-61
	<b><u>JUSTIFICATION</u></b>		
	Timber harvest permits are not presented to the County Planning Division prior for approval. The District Forestry Board reviews and approves timber harvests in the Critical Area, and, once they are approved, provides a copy to the County for reference.		
14	<b><u>SECTION</u></b>	<b><u>SUMMARY OF AMENDMENT</u></b>	<b><u>BILL PAGE</u></b>
	297-131.C(7)	Replaced the word "sludge" with "Biosolids."	pg. 63
	<b><u>JUSTIFICATION</u></b>		
	To be consistent with Maryland Department of the Environment language.		
15	<b><u>SECTION</u></b>	<b><u>SUMMARY OF AMENDMENT</u></b>	<b><u>BILL PAGE</u></b>
	297-131.E(2)(b)	Added certain activities, per list below, to the list of activities for which a Buffer Management Plan is required.	pg. 74
	<b><u>JUSTIFICATION</u></b>		
	To ensure that the different approvals provided by the County are included in the State mandated list of activities which necessitate a Buffer Management Plan, Planning staff added Infrastructure Permits, Tree Removal Authorizations and Zoning Permits. The State law is written to apply to each County, but each County provides a different name or type of approval mechanism. This amendment tailors the regulation to Charles County's system.		
16	<b><u>SECTION</u></b>	<b><u>SUMMARY OF AMENDMENT</u></b>	<b><u>BILL PAGE</u></b>
	throughout the document	Changed the term "Buffer Exemption Area" to "Buffer Modification Area."	throughout the document
	<b><u>JUSTIFICATION</u></b>		
	This amendment is intended to eliminate confusion. The term "Buffer Exemption Area" leads to the assumption that the property is exempt from having a Critical Area Buffer, which is contrary to the law. Buffer Exemption Areas are still subject to Critical Area Buffer regulations, but are allowed "modified" provisions for encroachment into the Buffer for certain development activities.		
17	<b><u>SECTION</u></b>	<b><u>SUMMARY OF AMENDMENT</u></b>	<b><u>BILL PAGE</u></b>
	297-131.F(1)(c)	Provided mitigation ratios for activities under Buffer Management Plans in Buffer Modification Areas, consistent with mitigation ratios required for properties with full Buffers.	pg. 84
	<b><u>JUSTIFICATION</u></b>		
	By providing mitigation ratios in the ordinance, property owners are made aware of requirements associated with various activities. Additionally, this eliminates possible subjectivity from the review process.		

18	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.E(4)(a)	Added requirement that a Zoning Permit or a free Tree Removal Authorization be obtained with a Buffer Management Plan.	pg. 75
	<u>JUSTIFICATION</u>		
	Zoning Permits and free Tree Removal Authorizations are included in the County permit system and are trackable. Buffer Management Plans that are not or have not been included in the system are not identifiable when researching a property. Additionally, many property owners have expressed the need to have something issued from the County approving their activity.		
19	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.F(3)	Added minimum Buffer Modification Area setbacks based upon use, for clarification.	pg. 86-88
	<u>JUSTIFICATION</u>		
	The current Zoning Ordinance adopts the setback requirements of the Critical Area Commission's Buffer Exemption Area policy for uses other than single family residential, but does not provide the setbacks in number form. This leads to confusion for property owners. This amendment will clarify the existing requirements.		
20	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.F(3)(d)	Amendment to allow accessory structures between the principal structure and the water in a Buffer Modification Area under a Buffer Management Plan and with standards.	pg. 86
	<u>JUSTIFICATION</u>		
	This amendment addresses the concerns of many property owners on smaller waterfront lots in the current Buffer Exemption Areas that may not otherwise have room on their lots for accessory structures because of house placement or front building restriction lines.		
21	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.F(4)(a)	Amended Buffer Modification Area offsetting requirements to require planting within the Buffer and/or allow off-site mitigation.	pg. 88-90
	<u>JUSTIFICATION</u>		
	The current offsetting provisions do not allow off-site mitigation. This amendment increases a property owners options for complying with the program		
22	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.F(5) and Appendix I	Added and referenced new Appendix I to address Swan Point Buffer Modification Area Alternatives.	pg. 90, 167-177
	<u>JUSTIFICATION</u>		
	Currently, the appendix of the Program document is referenced for the Swan Point Buffer Exemption Areas. This amendment changes the reference to reflect that these provisions have been moved from the Program document into the Zoning Ordinance.		
23	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.G(1)	Added requirement for staking of the outer edge of the Buffer when development is proposed within 50 feet.	pg. 90
	<u>JUSTIFICATION</u>		
	This amendment is consistent with current requirements for the Resource Protection Zone and is intended to ensure that development does not encroach into the Buffer.		
24	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.G(2)	Added requirement for permanent signage of Buffer when managed by a Homeowner's Association within 50 feet of a lot.	pg. 91
	<u>JUSTIFICATION</u>		
	This amendment is consistent with current Forest Conservation Regulations pertaining to easements and the new Buffer Regulations and is intended to protect the Buffer from encroachment by individual property owners, as well as, to inform the public of the presence of this resource.		

25	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-131.G(3)	Clarified that trails within the Critical Area Buffer are required to be non-motorized, constructed of a pervious material, and no more than 6 feet in width.	pg. 91
	<u>JUSTIFICATION</u>		
	The existing Ordinance does not provide construction criteria and Planning staff has been asked by property owners/ engineers to provide more detail.		
26	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-132.B(5)(a)	Clarification of what constitutes a change in circumstance with respect to intrafamily transfers.	pg. 95-96
	<u>JUSTIFICATION</u>		
	It was requested by the Critical Area Commission staff that the County review its intrafamily transfer provisions to ensure all requirements are being met. A review of the Talbot County Code revealed that clarification of what a change in circumstance is should be included in the Zoning Ordinance so that a property owner is duly informed of the applicable restrictions.		
27	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-132.D(7)	Added Agricultural requirements for lands outside of the Buffer to the Zoning Ordinance.	pg. 104-105
	<u>JUSTIFICATION</u>		
	Agricultural requirements for lands outside of the Buffer are currently located within the Program Document. This amendment moves these provisions into the Zoning Ordinance in an effort to combine the two documents. These requirements are also addressed in COMAR 27.01.06.		
28	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-132.E(1)(d)	Added requirement that the size of species to be planted be included in a planting plan.	pg. 105
	<u>JUSTIFICATION</u>		
	The intent of this amendment is to ensure that proposed plantings are of sufficient size to comply with mitigation requirements resulting from the development activity.		
29	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-132.E(2)(c)	Added mitigation credits for various plant materials for projects outside of the Buffer.	pg. 106-107
	<u>JUSTIFICATION</u>		
	This amendment addresses a common request by property owners to have a detailed list which provides the various credits assigned for different size trees, shrubs and grasses. This amendment ensures uniform application of planting credits among Planners and removes potential subjectivity from the review process.		
30	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-132.E(3)	Amended planting plan requirements so that a bond is only required at the discretion of the Planning Division, for projects outside of the Buffer. Additionally, provided a threshold of \$5,000 before a bond will be required.	pg. 107
	<u>JUSTIFICATION</u>		
	The current Ordinance requires a bond to be posted for every planting plan, regardless of amount of proposed plantings. This amendment eliminates the need for smaller projects outside of the Buffer to be delayed or financially burdened by the bonding process. This amendment was recommended by the Planning and Growth Management Advisory Board.		
31	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-132.E(4)	Clarification and expansion of mitigation options ranging from planting on-site to retention on former agricultural lands.	pg. 108-109
	<u>JUSTIFICATION</u>		
	This amendment provides property owners with a list of options available when they are unable to fit required mitigation on the property subject to a development activity. By providing an expanded list of options, the property owner is allowed to choose which method is most suitable and provide staff direction accordingly.		

32	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-132.G(7)(g)[6]-[7]	Amendment to prohibit clearing of 30% or more of forest or developed woodland in the Limited Development and Resource Conservation Zones and to provide a procedure to allow an exception to this rule for grandfathered lots less than 1/2 acres in size.	pg. 118-119
	<u>JUSTIFICATION</u>		
		New regulations require a prohibition of clearing in limited development and resource conservation zones of 30% or more unless the County has a procedure to address the additional clearing. The existing procedure to require 3:1 mitigation does not serve the intended purpose and imposes unrealistic planting requirements on a property owner. There have been many examples of applicants presenting professionally prepared planting plans, showing the required mitigation, at the time of permit issuance and then requesting a reduction in the planting requirement after the clearing has occurred. As a result, staff proposes to require a variance for clearing of 30% or more, but includes a special provision for lots less than 1/2 acres. Lots less than 1/2 acre will be permitted to clear up to 8,000 square feet of vegetation with a mitigation requirement ratio of 1:1. This clearing restriction is consistent with the average clearing for lots 1/2 acre or less from 2005 to July 2009, (8,250 square feet).	
33	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-132.G(7)(h)	Providing mitigation requirements, options, and approval methods to limited clearing provisions for outside of the Buffer and within the Limited Development and Resource Conservation Zones. This amendment includes a 1:1 mitigation requirement for limited clearing for personal use. Options for off-site mitigation for clearing outside of the Buffer include planting on a different property owned by the applicant within the Critical Area, planting on a property not owned by the applicant within the Critical Area, planting on an abandoned sand and gravel mine, planting on agricultural fields within the Critical Area, and retention on former agricultural lands.	pg. 119-121
	<u>JUSTIFICATION</u>		
		By providing an expanded list of options, the property owner is allowed to choose which method is most suitable and provide staff direction accordingly. A free Tree Removal Authorization is required because they are included in the County permit system, as400, and are trackable. Approvals for clearing that are not or have not been included in the County permit system are not identifiable when researching a property. Additionally, many property owners have expressed the need to have something issued from the County approving their activity.	
34	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-132.G(9)(d)[1]	Added a requirement that lot coverage calculations be provided for review with subdivision activities.	pg. 122
	<u>JUSTIFICATION</u>		
		Lot coverage calculations are required to be reported to the state on a quarterly basis for each approved development activity. Additionally, a review of lot coverage calculations is needed to determine compliance with the Critical Area Program prior to approval of plat. On major subdivision, lot coverage calculations are included on the plat and provided to future property owners so that they may be able to determine the size and type of dwelling unit/accessory structure they may wish to construct on a lot.	
35	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-132.G(7)(k)	Revised the fee-in-lieu provision for limited clearing within the Limited Development and Resource Conservation Zones to allow the Commissioners to determine the fee on annual basis rather than have the fee be set at a fixed amount.	pg. 124
	<u>JUSTIFICATION</u>		
		This is consistent with current County Commissioner's practice of evaluating fees, including fees-in-lieu, on an annual basis and increasing them as needed. By having a fixed amount in the Ordinance, we would need to amend the program every time the Commissioners adopted a revised fee chart with revised fees-in-lieu.	

36	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-132.I(2)	Amendment to allow Critical Area Planner to determine if a revision to a plan needs to be routed for review to the Critical Area Commission after the Critical Area requirements have been satisfied.	pg. 127-128
	<u>JUSTIFICATION</u>		
	Many times there are revisions to subdivisions or site development plans submitted after the Critical Area Commission staff review, when required by COMAR, has been completed. These revisions may or may not impact or be relevant to Critical Area requirements. This amendment would allow the Critical Area Planner to determine whether or not the revision warrants additional review by the Critical Commission staff. Without this amendment, all revisions to those plans required to be reviewed by Critical Area Commission staff will need to be routed for review resulting in an extended review period.		
37	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-133	Amended the requirement of a site plan to allow the Planning Director to accept a site plan that is not professionally prepared. Additionally, this amendment requires submittal of Critical Area information for review.	pg. 128
	<u>JUSTIFICATION</u>		
	The current Zoning Ordinance requires that all development activities have a site plan which complies with the requirements of Appendix A. Appendix A requires a site plan to be stamped or signed by the professional that prepared the plan. This amendment will allow approval of smaller projects that do not by nature, necessitate a professionally prepared plan and/or other criteria included in Appendix A. The requirement for Critical Area information to be submitted will be enforce either through checklist or other method included in the permit review process.		
38	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-134.E,G, J	Amended provisions for the review of approved growth allocations and an initial phasing schedule.	pg. 135-136, 140-142, 144-145
	<u>JUSTIFICATION</u>		
	The current Zoning Ordinance requires that the Planning Commission review a growth allocation on an annual basis to determine if progress is being made or if they should withdraw the growth allocation award. The growth allocation is tied to a specific phasing schedule. Recognizing that circumstances change that may warrant reevaluation of the phasing schedule, the amendment requires tht the phasing schedule be amended at each stage of development. Also, since the County Commissioners have the authority to grant a growth allocation, it seems relevant that they would hold the authority to withdraw a growth allocation, not the Planning Commission. These amendment have been coordinated with the County Attorney's office.		
39	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-134.G(5) & (18)	Added reference to growth allocation fees.	pg. 138, 141
	<u>JUSTIFICATION</u>		
	The purpose of this amendment is to inform applicants that there are two fees associated with a growth allocation request. One fee is for the processing of the application, the second fee is for amendment of the map, should the request be approved. By referencing these fees, property owners have an understanding of upfront costs associated with this type of request.		
40	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-135.A(4), & (5)	Added three categories of violations (Minor, Moderate, Major Infractions) and a penalty assesment chart	pg. 147
	<u>JUSTIFICATION</u>		
	HB1253, pg. 23, & Annotated Code §8-1808 require the County to have a mechanism for determining the amount of civil penalty to be assessed for a violation. The mechanism included in the proposed update is modeled after a mechanism already approved by the Critical Area Commission and included in the Talbot County Code.		
41	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	297-137 and Appendix L	Relocation of Habitat Protection Plan requirements from the Program Document to the Zoning Ordinance, adding protection measures as Appendix L.	pg. 153-156, 185-207
	<u>JUSTIFICATION</u>		
	These provisions are already in effect. This amendment is an effort to combine the Program document and the Zoning Ordinance such that all regulatory requirements are found within a single document. Based upon the need to ensure the ability to adapt habitat protection measures on a site by site basis, Planning staff has created the new section and a new appendix.		

42	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	44, Subdivision Regulations	Amend the General Site Design Standards of Section 44 to more clearly reflect that an analysis of environmental features, either an environmental features analysis or assessment, is needed to demonstrate consistency with the Forest Conservation Ordinance and Critical Area Program.	pg. 9
	<u>JUSTIFICATION</u>		
	The General Site Design Standards of Section 44 describe an environmental features analysis as being required by the Forest Conservation Ordinance and Critical Area Program. However, the intent is require this analysis to show consistency with these environmental programs. This revision was recommended by the County Attorney's Office.		
43	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	44, Subdivision Regulations	Added a requirement that an applicant demonstrate that appropriate measures are being taken to allow development on steep slopes and added the Critical Area Buffer to the list of specified areas to be preserved as undeveloped open space to the extent feasible.	pg. 11-12
	<u>JUSTIFICATION</u>		
	Without requiring that an applicant demonstrate that appropriate measures are being taken to allow development on steep slopes, Planning staff does not have any mechanism to ensure that said measures are being provided. Additionally, requiring the Buffer to be preserved to the extent feasible is consistent with the intended functions of the Buffer which are included in COMAR, as well as, the existing Critical Area Program. Additionally, by regulation, disturbance to the Buffer is largely prohibited, making this feature more suitable as open space.		
44	<u>SECTION</u>	<u>SUMMARY OF AMENDMENT</u>	<u>BILL PAGE</u>
	53, Subdivision Regulations	Removed a large portion of this section and added standard notes.	pg. 13-14
	<u>JUSTIFICATION</u>		
	Development in the Critical Area is addressed in the Zoning Ordinance. Therefore, reference to the Zoning Ordinance is preferable to placing certain regulations in the Subdivision Regulations. Planning staff has repeatedly been asked to provide a sample note or standard notes to show how to provide required information on a plat. By creating standard notes we are providing more information to the public and eliminating subjectivity.		