

2009 CRITICAL AREA PROGRAM UPDATE

ZTA#07-22

AMENDMENTS TO INCLUDE BUFFER REGULATIONS AND CLARIFICATION REGULATIONS

297-128	<u>DEFINITIONS OF TERMS APPLICABLE TO CRITICAL AREA ZONE.</u>		
1	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	New State Buffer Regulations now include definitions of: accessory, addition, caliper, canopy tree, establishment, excess stormwater runoff, in-kind replacement, invasive species, landward edge, large shrub, native, natural regeneration, road, small shrub, structure, substantial alteration, understory tree, and, upland boundary.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	<i>ACCESSORY STRUCTURE- A STRUCTURE THAT IS DETACHED FROM A PRINCIPAL STRUCTURE; LOCATED ON THE SAME LOT AS THE PRINCIPAL STRUCTURE; AND, CUSTOMARILY INCIDENTAL AND SUBORDINATE TO THE PRINCIPAL STRUCTURE.</i>	27.01.09.01, Approved with Buffer Regulations	pg. 7
	<i>ADDITION - A NEWLY CONSTRUCTED AREA THAT INCREASES THE SIZE OF A STRUCTURE.</i>	27.01.09.01, Approved with Buffer Regulations	pg. 8
	<i>CALIPER - HAS THE MEANING STATED IN COMAR 08.19.03.01.</i>	27.01.09.01, Approved with Buffer Regulations	pg. 10
	<i>CANOPY TREE - A TREE THAT, WHEN MATURE, REACHES A HEIGHT OF AT LEAST 35 FEET.</i>	27.01.09.01, Approved with Buffer Regulations	pg. 10
	<i>ESTABLISHMENT - THE PLANTING OR REGENERATION OF NATIVE VEGETATION</i>	27.01.01.01, Approved with Buffer Regulations	pg. 15
	<i>EXCESS STORMWATER RUNOFF - MEANS ALL INCREASES IN STORMWATER RESULTING FROM: A. AN INCREASE IN THE LOT COVERAGE ON THE SITE, INCLUDING ALL ADDITIONS TO BUILDINGS AND PARKING LOTS; B. CHANGES IN PERMEABILITY CAUSED BY COMPACTION DURING CONSTRUCTION OR MODIFICATIONS IN CONTOURS, INCLUDING THE FILLING OR DRAINAGE OF SMALL DEPRESSION AREAS; C. ALTERATION OF DRAINAGEWAYS OR REGRADING OF SLOPES; D. DESTRUCTION OF FOREST; AND, E. INSTALLATION OF COLLECTION SYSTEMS TO INTERCEPT STREET FLOWS OR TO REPLACE SWALES OR OTHER DRAINAGEWAYS.</i>	27.01.01.01, Approved with Buffer Regulations	pg. 15
	<i>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.</i>	27.01.09.01, Approved with Buffer Regulations	pg. 18
	<i>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.</i>	27.01.09.01, Approved with Buffer Regulations	pg. 19
	<i>LANDWARD EDGE - THE LIMIT OF A SITE FEATURE THAT IS FARTHEST AWAY FROM A TIDAL WATER, TIDAL WETLAND, OR TRIBUTARY STREAM.</i>	27.01.09.01, Approved with Buffer Regulations	pg. 19
	<i>LARGE SHRUB - A SHRUB THAT, WHEN MATURE, REACHES A HEIGHT OF AT LEAST SIX (6) FEET.</i>	27.01.09.01, Approved with Buffer Regulations	pg. 19
	<i>NATIVE - INDIGENOUS TO THE PHYSIOGRAPHIC AREA IN MARYLAND WHERE THE PLANTING IS PROPOSED.</i>	27.01.09.01, Approved with Buffer Regulations	pg. 24
	<i>NATURAL REGENERATION - HAS THE MEANING STATED IN COMAR 08.19.03.01.</i>	27.01.09.01, Approved with Buffer Regulations	pg. 24
	<i>ROAD - A PUBLIC THOROUGHFARE UNDER THE JURISDICTION OF THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR ANY OTHER PUBLIC BODY. ROAD DOES NOT INCLUDE A DRIVE AISLE OR DRIVEWAY.</i>	27.01.01.01, Approved with Clarification regulations	pg. 28
	<i>SMALL SHRUB - A SHRUB THAT, WHEN MATURE, REACHES A HEIGHT OF UP TO SIX (6) FEET.</i>	27.01.09.01, Approved with Buffer Regulations	pg. 30

	STRUCTURE – BUILDING MATERIALS THAT ARE PURPOSELY JOINED TOGETHER ON OR OVER LAND OR WATER, INCLUDING THOSE THAT DO NOT RESULT IN LOT COVERAGE.	27.01.09.01, Approved with Buffer Regulations	pg. 31
	SUBSTANTIAL ALTERATION – A REPAIR, RECONSTRUCTION, REPLACEMENT, OR IMPROVEMENT OF A PRINCIPAL STRUCTURE, WITH A PROPOSED TOTAL FOOTPRINT THAT IS AT LEAST 50 PERCENT GREATER THAN THAT OF THE STRUCTURE THAT IS THE SUBJECT OF THE APPLICATION.	27.01.09.01, Approved with Buffer Regulations	pg. 31
	UNDERSTORY TREE – A TREE THAT, WHEN MATURE, REACHES A HEIGHT OF 12 TO 35 FEET.	27.01.09.01, Approved with Buffer Regulations	pg. 32
2	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	New State Regulations have revised the definition of "Buffer."	None.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	BUFFER (spelled with a capital B) -- A naturally vegetated area or area established in native vegetation which is managed to protect aquatic, wetland shoreline and terrestrial environments from man-made disturbances. In the Critical Area Zone, the minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the mean high-water line), tributary streams in the Critical Area and tidal wetlands and has a minimum width of 100 feet EVEN IF THAT AREA WAS PREVIOUSLY DISTURBED BY HUMAN ACTIVITY . The Buffer shall be expanded beyond the minimum depth to include certain sensitive CONTIGUOUS areas as per requirements established in this chapter. THE BUFFER SHALL BE DELINEATED ON A SITE BY SITE BASIS AS A PART OF THE ENVIRONMENTAL REVIEW AND SITE ANALYSIS PROCESS.	27.01.01.01, Approved with Buffer Regulations	pg. 9
3	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	New State Regulations have amended the definition of "Buffer Management Plan" to include three types: Simplified, Minor, & Major. These types are explained in more detail later in the text.	None.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	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, ALTER BUFFER VEGETATION, OR REQUIRE THE ESTABLISHMENT OF A PORTION OF THE BUFFER IN VEGETATION. A BUFFER MANAGEMENT PLAN MAY BE MAJOR, MINOR OR SIMPLIFIED, AS DESCRIBED IN §297-131. [A program of action intended to protect and manage resources in the Critical Area Buffer, thereby protecting beneficial functions of the Buffer related to water quality and habitat protection. The two types of Buffer management plans are:] [A. COUNTY BUFFER MANAGEMENT PLAN -- A plan indicating the amount of planting required to replace vegetation cleared in the Buffer, required for any removal of vegetation DEVELOPMENT ACTIVITY in the Buffer that is not related to a commercial timber harvest.] [B. BUFFER MANAGEMENT PLAN (as approved by the Maryland Department of Natural Resources) -- Indicates best management practices for reducing the impact of commercial timber harvests within the Critical Area Buffer. State approved Buffer management plans are required for all timber harvests in the Buffer.]	27.01.09.01, Approved with Buffer Regulations	pg. 9-10

4	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	New State regulations include an amended definition of "developed woodlands."	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	DEVELOPED WOODLANDS – [Areas one acre or more in size that predominantly contain] AN AREA OF trees and natural vegetation [and that also include] <i>INTERSPERSED WITH</i> residential, commercial, [or] industrial, <i>INSTITUTIONAL, OR RECREATIONAL DEVELOPMENT</i> [structures and uses].	27.01.09.01, Approved with Buffer Regulations	pg. 12
5	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	New State regulations include an amended definition of "disturbed area." In the previous draft, staff presented a definition of "disturbed area." However, the new definition of "disturbance" adopted with the Buffer Regulations appears to be more specific and preferable.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	[DISTURBED AREA] DISTURBANCE – [The area of a site where natural cover has been removed for construction of buildings, placement of septic systems or shared facilities, drives, roads, parking areas, etc., and not replaced] <i>ANY ALTERATION OR CHANGE TO THE LAND. DISTURBANCE INCLUDES ANY AMOUNT OF CLEARING, GRADING OR CONSTRUCTION ACTIVITY. DISTURBANCE DOES NOT INCLUDE GARDENING OR MAINTENANCE OF AN EXISTING GRASS LAWN.</i>	27.01.01.01, Approved with Buffer Regulations	pg. 13-14
6	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	New State regulations include a definition of "financial assurance." Planning staff revised this definition to reflect the policies of the Department of Planning and Growth Management.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	<i>FINANCIAL ASSURANCE – A PERFORMANCE BOND, LETTER OF CREDIT, CASH DEPOSIT, INSURANCE POLICY OR OTHER INSTRUMENT OF SECURITY ACCEPTABLE TO CHARLES COUNTY.</i>	27.01.09.01, Approved with Buffer Regulations	pg. 16
7	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	New State regulations include an amended definition of "forest," referencing Forest Conservation Law	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	FOREST – [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] <i>HAS THE MEANING AS STATED IN NATURAL RESOURCES ARTICLE, §5-1601, ANNOTATED CODE OF MARYLAND.</i>	27.01.01.01, Approved with Buffer Regulations	pg. 16

8	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	New State regulations revise the definition of "non-tidal wetland" to reference the Maryland Department of the Environment regulations.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	WETLANDS, NONTIDAL -- Those areas DEFINED BY 26.23.01.01, CODE OF MARYLAND REGULATIONS that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.	27.01.01.01, Approved with Clarification Regulations	pg. 33
297-131	<u>CRITICAL AREA BUFFER REGULATIONS.</u>		
	****Re-organized / reformatted the entire section to be more comprehensible and include new State Law requirements, along with existing text.		
297-131.A			
9	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	Revise "A" to include all information pertaining to Buffer function, definition and expansion. This section now includes a combination of requirements from former 297-131.A and B, and the new State Buffer Regulations.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	Re-number and re-format for clarity. Please refer to revised text for formatting revisions.	None.	starts on pg. 36
10	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	Clarification of how the 100 foot Buffer is measured and from where the measurement begins is included in the new regulations. Additionally, the new regulations specify that the the Buffer off of tributary streams is not measured from the centerline of the stream, but rather, the edge of bank. Planning staff recommends including this revision in the update.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	(2) This buffer is designated within 100 feet landward of: (A) <i>The</i> line of mean high water of tidal waters, (B) THE EDGE OF EACH BANK OF tributary streams, and (C) THE UPLAND BOUNDARY OF tidal wetlands.	27.01.09.01, Approved with Buffer Regulations	pg. 37

11	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	Planning staff recommends semantic and format changes to make the language regarding the 200 foot Buffer in the Resource Conservation Zone more consistent with State regulations.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	FOR ALL PROPERTIES WITHIN THE RESOURCE CONSERVATION ZONE THAT ARE SUBJECT TO AN APPLICATION FOR SUBDIVISION OR SITE DEVELOPMENT PLAN APPROVAL THAT DOES NOT INVOLVE GROWTH ALLOCATION, THE BUFFER IS 200 FEET LANDWARD OF: (A) THE LINE OF MEAN HIGH WATER [OR] OF TIDAL WATERS [AND] OR TIDAL WETLANDS; AND, (B) 100 FEET LANDWARD OF TRIBUTARY STREAMS.	27.01.09.01, Approved with Buffer Regulations	pg. 37-38
12	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	The criteria for expansion of the Buffer has been revised in the State regulations to address non-tidal wetlands of special state concern and to put a limit on expansions for hydric or highly erodible soils. Additionally, the State regulations now include the ability to develop within the Buffer when expanded for soils in certain instances. Despite this change, Planning staff still feels it is necessary to include the existing provisions which allow the Planning Director to reduce the expanded Buffer when expanded for soils when findings can be made regarding impact upon water quality and surrounding habitats. Please note, language shown below in sentence case is existing language that has been relocated for formatting.	No fiscal impact is foreseen by adopting revisions to buffer expansion language. However, there may be a cost savings associated with the provision that allows the Planning Director to reduce the Buffer and allow for some development encroachment.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	(4) [THE BUFFER [and] is expanded in locations of elevated sensitivity due to factors such as hydric or highly erodible soils, [and] steep slopes AND NON-TIDAL WETLANDS. Existing natural forest vegetation in the Buffer shall be maintained, and native vegetation may be planted where necessary to protect, stabilize or enhance the natural characteristics of the shoreline.] THE BUFFER SHALL BE EXPANDED TO INCLUDE CONTIGUOUS SENSITIVE AREAS ON THE PARCEL WHICH, IF DEVELOPED OR DISTURBED, MAY IMPACT STREAMS, WETLANDS, OR OTHER AQUATIC ENVIRONMENTS. THIS EXPANSION WILL OCCUR WHENEVER NEW LAND DEVELOPMENT OR OTHER LAND-DISTURBING ACTIVITIES, SUCH AS CLEARING NATURAL VEGETATION FOR DEVELOPMENT, ARE PROPOSED. THE EXPANDED BUFFER MUST BE SHOWN ON PLANS REQUIRED FOR SUCH DEVELOPMENT. SENSITIVE AREAS AND EXPANSION REQUIREMENTS ARE APPLICABLE AS FOLLOWS:	27.01.09.01, Approved with Buffer Regulations	pg. 38
	(A) Where site features include slopes contiguous to the Buffer of 15 percent or greater as measured over a horizontal interval of 10 feet, the Buffer shall be expanded four feet for every 1 percent of steep slope, or to the top of the slope, whichever is greater in extent.	27.01.09.01-1, Approved with Buffer Regulations	pg. 38-39
	(B) When development or other land-disturbing activities are on a property with hydric soils or highly erodible soils ON A SLOPE OF LESS THAN 15 PERCENT , the Buffer shall be expanded to THE LANDWARD EDGE OF THE SOIL OR 300 FEET, WHICHEVER IS LESS . The Planning Director may reduce the extent of Buffer expansion related to soil types based upon findings that water quality and habitat protection have not been compromised. Factors that the Planning Director will consider include, but are not limited to, the drainage patterns, existing ground cover, proposed disturbance, and quality of habitat for fish, plants, and wildlife. In no instance shall the Buffer be less than 100 feet.	27.01.09.01-1, Approved with Buffer Regulations	pg. 39
	[1] IF THE BUFFER IS CONTIGUOUS TO A HIGHLY ERODIBLE SOIL ON A SLOPE OF LESS THAN 15 PERCENT OR A HYDRIC SOIL AND IS LOCATED ON A LOT OR PARCEL CREATED BEFORE JANUARY 1, 2010, DEVELOPMENT MAY OCCUR WITHIN THE EXPANDED BUFFER IF:	27.01.09.01-1, Approved with Buffer Regulations	pg. 39

	<i>[A] THE LOCATION OF THE DEVELOPMENT ACTIVITY IS IN THE EXPANDED PORTION OF THE BUFFER FOR A HIGHLY ERODIBLE SOIL ON A SLOPE LESS THAN 15 PERCENT OR A HYDRIC SOIL, BUT NOT THE 100-FOOT BUFFER.</i>	27.01.09.01-1, Approved with Buffer Regulations	pg. 39-40
	<i>[B] THE BUFFER FOR A HIGHLY ERODIBLE SOIL ON A SLOPE LESS THAN 15 PERCENT OR A HYDRIC SOIL OCCUPIES AT LEAST 75 PERCENT OF THE LOT OR PARCEL; AND,</i>	27.01.09.01-1, Approved with Buffer Regulations	pg. 40
	<i>[C] MITIGATION OCCURS AT A 2:1 RATIO BASED ON THE LOT COVERAGE OF THE PROPOSED DEVELOPMENT ACTIVITY THAT IS IN THE EXPANDED BUFFER.</i>	27.01.09.01-1, Approved with Buffer Regulations	pg. 40
	<i>(C) WHERE SITE FEATURES INCLUDE NONTIDAL WETLANDS THAT ARE NOT NONTIDAL WETLANDS OF SPECIAL STATE CONCERN AND THESE WETLANDS ARE CONTIGUOUS TO THE BUFFER, THE BUFFER SHALL BE EXPANDED TO THE UPLAND BOUNDARY OF THE NONTIDAL WETLANDS.</i>	27.01.09.01-1, Approved with Buffer Regulations	pg. 40
	<i>(D) WHERE SITE FEATURES INCLUDE NONTIDAL WETLANDS OF SPECIAL STATE CONCERN ADJACENT TO THE BUFFER, THE BUFFER SHALL BE EXPANDED TO INCLUDE THE WETLAND AND ITS REGULATED 100 FOOT BUFFER.</i>	27.01.09.01-1, Approved with Buffer Regulations	pg. 40-41
	<i>(E) UPON INITIAL EXPANSION OF THE BUFFER, AS REQUIRED BY THE ABOVE CRITERIA, SHOULD THE NEW LOCATION OF THE BUFFER BE CONTIGUOUS TO ADDITIONAL SENSITIVE AREAS, FURTHER EXPANSION SHALL BE REQUIRED PER THE PROVISIONS OF THIS SUBSECTION.</i>	27.01.09.01-1, Approved with Buffer Regulations	pg. 41
13	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	Relocate provisions for reduction of the 200 foot Buffer in the Resource Conservation Zone to this Section.	A cost savings may result from these provisions, as we are proposing to reduce a protected feature to allow an intrafamily transfer subdivision to occur.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	Amend format. No text change proposed.	None.	pg. 41-42
297-131.B			
14	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	Revise "B" to include all information pertaining to Buffer delineation and establishment. This section now includes a combination of requirements from former 297-131.A and the new State Buffer Regulations.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	Re-number and re-format for clarity. Please refer to revised text for formatting revisions.	No reference for formatting.	starting pg. 42

15	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	The Buffer regulations stipulated that the Buffer is delineated "based on conditions present at the time of development"(COMAR 27.01.01.01). The previous revision to the text clarified the delineation process. The below revision, is an edit to the language used and removes the discussion of prohibited uses, which is provided later on in the text.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	(1) When lands are subject to proposals for development or conversion to new uses, the LOCATION OF THE Buffer shall be [established] DELINEATED AT THE TIME OF APPROVAL OF A DEVELOPMENT ACTIVITY through FIELD VERIFICATION [AND proper delineation]. [The Buffer shall be subject to management measures implemented] THE APPROVED DELINEATION OF THE BUFFER SHALL REMAIN VALID FOR A PERIOD OF THREE YEARS. ANY APPLICATION FOR DEVELOPMENT BEYOND THE THREE YEAR PERIOD SHALL WARRANT A REVIEW BY THE PLANNING DIVISION TO DETERMINE WHETHER DEVELOPMENT IS BEING ACTIVELY PURSUED. IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO DEMONSTRATE TO THE PLANNING DIVISION IN WRITING THAT THE DEVELOPMENT ACTIVITY IS BEING ACTIVELY PURSUED. SHOULD THE PLANNING DIVISION DETERMINE THAT THE DEVELOPMENT ACTIVITY IS NOT ACTIVELY BEING PURSUED, THE PLANNING DIVISION MAY REQUIRE A REVERIFICATION OF THE BUFFER THROUGH FIELD INSPECTION. BASED UPON THE RESULTS OF THE FIELD INSPECTION, THE BUFFER MAY NEED TO BE REDELINEATED. [IN ESTABLISHING THE BUFFER, MANAGEMENT MEASURES, INCLUDING PLANTING, WHERE NEEDED, SHALL BE UNDERTAKEN to protect and provide natural forest vegetation in assurance of the buffer functions set forth in THIS CHAPTER Chapter 8 of the Charles County Critical Area Program. New land uses and development activities, including clearing of natural vegetation, erection of structures, construction of new roads, parking areas, or other impervious surfaces, and the placement of private sewage disposal systems, are not permitted in the Critical Area Buffer, except as otherwise provided for in the Critical Area portion of this chapter.]	27.01.09.01-1, Approved with Buffer Regulations; language regarding the need for reverification of the Buffer from County Attorney's Office and Planning staff.	pg. 42-43
16	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	State law regulations now include direction as to when the Buffer is required to be established and how much establishment is required. Existing text is no longer sufficient to meet these requirements. Revise the text to include these requirements. Planning staff also recommends adding text to exclude minor grading and filling activities for the purpose of maintaining or restoring an existing lawn area from the establishment requirement.	There is a fiscal impact for private property owners associated with the cost of the establishment plantings and the required bond. However, this requirement is mandated by the state, whether it is included in the County's program or not.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	(2) BUFFER ESTABLISHMENT REQUIREMENTS ARE APPLICABLE TO:	27.01.09.01-1, Approved with Buffer Regulations	pg. 43
	(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; OR,	27.01.09.01-1, Approved with Buffer Regulations	pg. 43
	(B) THE APPROVAL OF A NEW SUBDIVISION THAT INCLUDES A BUFFER TO TIDAL WATERS, A TIDAL WETLAND, OR A TRIBUTARY STREAM.	27.01.09.01-1, Approved with Buffer Regulations	pg. 43
	(3) BUFFER ESTABLISHMENT REQUIREMENTS ARE NOT APPLICABLE TO:	27.01.09.01-1, Approved with Buffer Regulations	pg. 43
	(A) AN IN-KIND REPLACEMENT OF A PRINCIPAL STRUCTURE;	27.01.09.01-1, Approved with Buffer Regulations	pg. 43
	(B) LANDS THAT REMAIN IN AGRICULTURAL USE AFTER SUBDIVISION IN ACCORDANCE WITH A BUFFER MANAGEMENT PLAN APPROVED UNDER THE REQUIREMENTS OF §297-131.E OF THIS CHAPTER; OR,	27.01.09.01-1, Approved with Buffer Regulations	pg. 43-44
	(C) MINOR GRADING AND FILLING ACTIVITIES FOR THE PURPOSE OF MAINTAINING OR RESTORING AN EXISTING YARD/LAWN AREA.		pg. 44

	(4) A BUFFER MANAGEMENT PLAN SUFFICIENT TO ESTABLISH THE BUFFER IN VEGETATION IS REQUIRED WITH AN APPLICATION FOR:	27.01.09.01-1, Approved with Buffer Regulations	pg. 44
	(A) APPROVAL OF A NEW SUBDIVISION OR A NEW LOT;	27.01.09.01-1, Approved with Buffer Regulations	pg. 44
	(B) CONVERSION FROM ONE LAND USE TO ANOTHER LAND USE ON A LOT OR A PARCEL; OR,	27.01.09.01-1, Approved with Buffer Regulations	pg. 44
	(C) DEVELOPMENT ON A LOT OR A PARCEL CREATED BEFORE JANUARY 1, 2010.	27.01.09.01-1, Approved with Buffer Regulations	pg. 44
	(5) AT THE TIME OF APPLICATION, IF THE BUFFER IS NOT FULLY FORESTED OR IS NOT FULLY ESTABLISHED IN WOODY OR WETLAND VEGETATION, THE BUFFER SHALL BE ESTABLISHED ACCORDING TO THE FOLLOWING TABLE:	27.01.09.01-1, Approved with Buffer Regulations	pg. 44
	--NEW DEVELOPMENT ON A VACANT LOT-- ESTABLISH THE BUFFER BASED ON TOTAL LOT COVERAGE OR FULLY ESTABLISH THE BUFFER FOR A LOT CREATED AFTER JUNE 7, 1989 --NEW SUBDIVISION OR NEW LOT-- FULLY ESTABLISH THE BUFFER --NEW LOT WITH AN EXISTING DWELLING UNIT-- ESTABLISH THE BUFFER BASED ON TOTAL LOT COVERAGE --CONVERSION OF A LAND USE ON A PARCEL OR LOT TO ANOTHER LAND USE-- FULLY ESTABLISH THE BUFFER --ADDITION OR ACCESSORY STRUCTURE-- ESTABLISH THE BUFFER BASED ON NET INCREASE IN LOT COVERAGE --SUBSTANTIAL ALTERATION--ESTABLISH THE BUFFER BASED ON TOTAL LOT COVERAGE	27.01.09.01-1, Approved with Buffer Regulations	pg. 45
17	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	State law regulations now allow some natural regeneration to meet Buffer establishment requirements. Existing text is no longer sufficient to address this method of establishment. Revise the text to include these requirements.	For natural regeneration, the bond is kept for 5 years rather than 2 years, this could lead to an increase cost to the property owner. However, this requirement is mandated by the state, whether it is included in the County's program or not.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	(6) WHEN MORE THAN ONE ACRE OF ESTABLISHMENT IS REQUIRED, NATURAL REGENERATION MAY BE ACCEPTED FOR UP TO 50 PERCENT OF THE REQUIREMENT, APPROVED UNDER A MAJOR BUFFER MANAGEMENT PLAN, IF:	27.01.09.01-1, Approved with Buffer Regulations	pg. 45
	(A) THE PLAN DOES NOT INCLUDE ANY NEW MANAGED TURF OR LAWN;	27.01.09.01-1, Approved with Buffer Regulations	pg. 45
	(B) ALL OF THE NATURAL REGENERATION IS WITHIN 50 FEET OF A MATURE FOREST THAT CONTAINS A SEED BANK OF NATIVE SPECIES ADEQUATE FOR NATURAL REGENERATION;	27.01.09.01-1, Approved with Buffer Regulations	pg. 46
	(C) THE PLAN INCLUDES A SUPPLEMENTAL PLANTING PLAN FOR SUBSEQUENT IMPLEMENTATION IF THE NATURAL REGENERATION DOES NOT SUCCEED; AND,	27.01.09.01-1, Approved with Buffer Regulations	pg. 46
	(D) THE FINANCIAL ASSURANCE PROVIDED FOR IMPLEMENTING THE BUFFER MANAGEMENT PLAN:	27.01.09.01-1, Approved with Buffer Regulations	pg. 46
	[1] IS SUFFICIENT TO COVER THE COST OF PLANTING AN EQUIVALENT AREA; AND,	27.01.09.01-1, Approved with Buffer Regulations	pg. 46
	[2] SPECIFIES THAT RELEASE OF THE FINANCIAL ASSURANCE MAY NOT OCCUR UNTIL THE LATER OF 5 YEARS AFTER THE DATE OF PLAN APPROVAL OR THE AREAL COVERAGE OF THE BUFFER IS AT LEAST 300 NATIVE WOODY STEMS, ON A PER-ACRE BASIS, THAT ARE AT LEAST 4 FEET IN HEIGHT.	27.01.09.01-1, Approved with Buffer Regulations	pg. 46
	(7) AT THE END OF 5 YEARS AFTER THE DATE OF APPROVAL OF A NATURAL REGENERATION PLAN, AN APPLICANT SHALL IMPLEMENT A SUPPLEMENTAL PLANTING PLAN FOR AT LEAST 2 YEARS IF THE AREAL COVERAGE OF THE BUFFER IS NOT, ON A PER-ACRE BASIS, AT LEAST 300 NATIVE WOODY STEMS OF AT LEAST 4 FEET IN HEIGHT.	27.01.09.01-1, Approved with Buffer Regulations	pg. 46-47

297-131.C			
18	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	Revise "C" to include all information pertaining to development and permitted uses within the Buffer. This section now includes requirements from former 297-131.A.	None.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	Re-number and re-format for clarity. Please refer to revised text for formatting revisions.	None.	starting pg. 47
19	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	As part of the reformatting of this section, revisions to combine redundant language are recommended by Planning staff.	None.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	(1) New land uses and development activities PERMITTED IN THE UNDERLYING BASE ZONES , including clearing of natural vegetation, erection of structures, construction of new roads, parking areas, or other impervious surfaces OR LOT COVERAGE , and the placement of private sewage disposal systems, [are not permitted in] SHALL BE PROHIBITED WITHIN the Critical Area Buffer, [Except as otherwise provided for in the Critical Area portion of this chapter. New buildings, structures, activities, and facilities permitted in the underlying base zones shall be prohibited within the Buffer,] except for the following:revisions.	None.	pg. 47
20	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	Upon reviewing habitat protection areas included in the Charles County Critical Area Program, it was determined that historic shellfish areas should be added as a consideration when determining if a community or individual pier should be used in a development.	None.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	(V) HISTORIC SHELLFISH AREAS.	None.	pg. 50
21	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	Buffer Regulations now include provisions for agricultural activities within the Buffer. Existing language needs revision to ensure all of the requirements are included in the text. Planning staff recommends revising the text as provided below.	None.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	(2) AGRICULTURAL ACTIVITIES WITHIN THE BUFFER. [ARE PERMITTED UNDER AN APPROVED SOIL CONSERVATION AND WATER QUALITY PLAN PROVIDED THAT:]		pg. 57
	(A) THE CRITICAL AREA BUFFER IS NOT REQUIRED FOR AGRICULTURAL DRAINAGE DITCHES IF THE ADJACENT AGRICULTURAL LAND HAS IN PLACE BEST MANAGEMENT PRACTICES AS REQUIRED IN COMAR 27.01.06.	27.01.09.01-5, Approved with Buffer Regulations	pg. 57
	(A B) A 25-FOOT VEGETATED FILTER STRIP MEASURED LANDWARD FROM THE MEAN HIGH WATER LINE OF TIDAL WATERS OR TRIBUTARY STREAMS (EXCLUDING DRAINAGE DITCHES), OR FROM THE EDGE OF TIDAL WETLANDS, WHICHEVER IS FURTHER INLAND, IS ESTABLISHED, AND FURTHER PROVIDE THAT:	27.01.09.01-5, Approved with Buffer Regulations	pg. 58

	[1] 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 CHARLES COUNTY CRITICAL AREA PROGRAM; NOXIOUS WEEDS, INCLUDING JOHNSON GRASS, CANADA THISTLE, AND MULTIFLORA ROSE, WHICH OCCUR IN THE FILTER STRIP, MAY BE CONTROLLED BY AUTHORIZED MEANS;	27.01.09.01-5, Approved with Buffer Regulations	pg. 58
	[2] THE FILTER STRIP SHALL BE EXPANDED BY A DISTANCE OF 4 FEET FOR EVERY 1 PERCENT OF SLOPE, FOR SLOPES GREATER THAN 6 PERCENT;	27.01.09.01-5, Approved with Buffer Regulations	pg. 58
	[3] THE 25-FOOT VEGETATED FILTER STRIP SHALL BE MAINTAINED UNTIL SUCH TIME AS THE LANDOWNER IS IMPLEMENTING A PROGRAM OF BEST MANAGEMENT PRACTICES [BE IMPLEMENTED] 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; [BY CONTROLLING THE NUTRIENT, ANIMAL WASTE, PESTICIDE AND SEDIMENT-RUNOFF GENERATED BY THE AGRICULTURAL ACTIVITY;]	27.01.09.01-5, Approved with Buffer Regulations	pg. 58-59
	[4] THE BEST MANAGEMENT PRACTICES SHALL INCLUDE A REQUIREMENT FOR THE IMPLEMENTATION OF A NUTRIENT MANAGEMENT PROGRAM WHERE APPROPRIATE; [AND]	27.01.09.01-5, Approved with Buffer Regulations	pg. 59
	[5] THE FEEDING OR WATERING OF LIVESTOCK MAY NOT BE PERMITTED WITHIN 50 FEET OF THE MEAN HIGH WATER LINE OF TIDAL WATER AND THE EDGE OF THE BANK OF TRIBUTARY STREAMS [AND] OR FROM THE LANDWARD EDGE OF TIDAL WETLANDS WITHIN THE CRITICAL AREA, WHICHEVER IS FURTHER INLAND; AND	27.01.09.01-5, Approved with Buffer Regulations	pg. 59-60
	Re-letter existing items "(B)" through "(E)"		
22	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	A general reorganization of the County's Buffer regulations to include recent State regulations includes the removal of redundant information. The following recommended deletions reflect information that will provide or addressed elsewhere in the text.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	Delete 297-131.A(5) & (6).	None.	pg. 61-63
297-131.D			
23	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	Add section "D" to include all information pertaining to Buffer Mitigation and Planting standards.	None	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	Please refer to revised text for formatting revisions.	27.01.09.01-2, Approved with Buffer Regulations	starts on pg. 66

24	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	State law regulations now include standards for mitigation and planting within the Buffer. These standards include when planting is required, how much planting is required for a given use and how the planting requirement is satisfied. Planting credits are included in the law along with detailed explanation of the different combination of mechanisms that can be used to satisfy requirements. Existing text is no longer sufficient to address this method of Buffer mitigation and planting requirements. Revise the text to include these requirements.	Planting standards approved with the new State regulations represent a significant increase from previous Planning standards. This will result in an increased fiscal impact for property owners. However, this requirement is mandated by the state, whether it is included in the County's program or not.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	<i>(1) THESE MITIGATION AND PLANTING STANDARDS ARE APPLICABLE TO A DEVELOPMENT OR REDEVELOPMENT ACTIVITY THAT OCCURS ON A LOT OR PARCEL THAT INCLUDES A BUFFER TO TIDAL WATERS, TIDAL WETLANDS, OR A TRIBUTARY STREAM, WHEN THE DEVELOPMENT OR REDEVELOPMENT ACTIVITY IS LOCATED INSIDE OF THE BUFFER.</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 66
	<i>(2) A BUFFER MANAGEMENT PLAN IN ACCORDANCE WITH §297-131.E SHALL BE SUFFICIENT TO SATISFY THE PLANTING AND MITIGATION STANDARDS OF THIS SECTION AS WELL AS ESTABLISHMENT REQUIREMENTS IN §297-131.B SO AS TO:</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 66
	<i>(A) PROHIBIT THE INSTALLATION OR CULTIVATION OF NEW LAWN OR TURF ON-SITE IN THE BUFFER;</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 66
	<i>(B) ENSURE THE PLANTING OF NATIVE SPECIES;</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 66
	<i>(C) ENSURE COVERAGE OF THE BUFFER WITH MULCH OR GROUND COVER OR BOTH UNTIL BUFFER PLANTINGS ARE ESTABLISHED;</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 66-67
	<i>(D) ENSURE PLANTING IS EVENLY DISTRIBUTED THROUGHOUT THE ENTIRE BUFFER; AND,</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 67
	<i>(E) PROVIDE OPTIMUM HABITAT AND WATER QUALITY BENEFITS.</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 67
	<i>(3) THE CUMULATIVE AMOUNT OF BUFFER MITIGATION REQUIRED SHALL BE CALCULATED ACCORDING TO THE FOLLOWING STANDARDS:</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 67
	<i>(A) FOR A DEVELOPMENT ACTIVITY WITHIN THE BUFFER, MITIGATION SHALL BE BASED UPON THE LIMITS OF DISTURBANCE AND CALCULATED ACCORDING TO THE FOLLOWING RATIOS:</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 67
	<i>ACTIVITY MITIGATION RATIO</i> <i>SHORE EROSION CONTROL 1:1</i> <i>RIPARIAN WATER ACCESS 2:1</i> <i>DEVELOPMENT OR REDEVELOPMENT OF WATER-DEPENDENT FACILITIES 2:1</i> <i>EROSION CONTROL ABOVE MEAN HIGH WATER 2:1</i> <i>VARIANCE 3:1</i> <i>VIOLATION 4:1</i> <p style="text-align: center;"><i>AND,</i></p>	27.01.09.01-2, Approved with Buffer Regulations (Planning staff added ratio for erosion control above mean high water to be consistent with proposed program update)	pg. 67
	<i>(B) FOR THE REMOVAL OF AN INDIVIDUAL TREE WITH A DIAMETER OF AT LEAST 2 INCHES WHEN MEASURED AT 4.5 FEET ABOVE THE GROUND SURFACE, MITIGATION SHALL BE AT A RATE OF 100 SQUARE FEET FOR EVERY 1 INCH OF DIAMETER; AND,</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 68
	<i>(C) FOR REMOVAL OF A DEAD, DISEASED, OR DYING TREE, MITIGATION SHALL BE AT LEAST ONE 1-INCH CALIPER TREE FOR EACH TREE REMOVED.</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 68
	<i>(4) IF MITIGATION PLANTING CANNOT BE LOCATED ON-SITE WITHIN THE BUFFER BECAUSE OF SITE CONSTRAINTS, MITIGATION ALTERNATIVES MAY BE PERMITTED IN THE FOLLOWING ORDER OF PRIORITY:</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 68
	<i>(A) PLANTING ON-SITE AND ADJACENT TO THE BUFFER;</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 68
	<i>(B) PLANTING ON-SITE OUTSIDE OF THE BUFFER, BUT WITHIN THE CRITICAL AREA; OR,</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 68
	<i>(C) PAYMENT OF FEE-IN-LIEU OF BUFFER MITIGATION UNDER THE PROVISION OF §297-131.G OF THIS SUBSECTION.</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 68
	<i>(5) THE FOLLOWING PLANTING AND MITIGATION OPTIONS ARE ACCEPTABLE METHODS TO SATISFY THE REQUIREMENTS OF THIS SECTION:</i>	27.01.09.01-2, Approved with Buffer Regulations	pg. 68-69

<p><u>ESTABLISHMENT</u> LESS THAN ¼ ACRE--- LANDSCAPING STOCK AS DEFINED BY THIS §297-132.D.(6) OF THIS CHAPTER ¼ ACRE TO LESS THAN OR EQUAL TO 1 ACRE--- AT LEAST 50 PERCENT OF AREA IN LANDSCAPING STOCK AS DEFINED BY §297-132.D.(6) OF THIS CHAPTER, THE REMAINDER MAY BE FLEXIBLE STOCKING AS DEFINED IN §297-132.D.(7) OF THIS CHAPTER GREATER THAN 1 ACRE TO LESS THAN 5 ACRES--- AT LEAST 25 PERCENT OF AREA IN LANDSCAPING STOCK AS DEFINED BY §297-132.D.(6) OF THIS CHAPTER, THE REMAINDER MAY BE FLEXIBLE STOCKING AS DEFINED IN §297-132.D.(7) OF THIS CHAPTER GREATER THAN 5 ACRES--- AT LEAST 10 PERCENT OF AREA IN LANDSCAPING STOCK AS DEFINED BY §297-132.D.(6) OF THIS CHAPTER, THE REMAINDER MAY BE FLEXIBLE STOCKING AS DEFINED IN §297-132.D.(7) OF THIS CHAPTER <u>MITIGATION</u> LESS THAN 1 ACRE--- LANDSCAPING STOCK AS DEFINED BY §297-132.D.(6) OF THIS CHAPTER 1 ACRE OR GREATER--- AT LEAST 50 PERCENT OF AREA IN LANDSCAPING STOCK AS DEFINED BY §297-132.D.(6) OF THIS CHAPTER, THE REMAINDER MAY BE FLEXIBLE STOCKING AS DEFINED IN §297-132.D.(7) OF THIS CHAPTER</p>	<p>27.01.09.01-2, Approved with Buffer Regulations</p>	<p>pg. 69</p>
<p>(6) THE FOLLOWING LANDSCAPING STOCK PLANTING CREDITS FOR THE TYPE AND SIZE OF VEGETATION PROPOSED ARE APPLICABLE:</p>	<p>27.01.09.01-2, Approved with Buffer Regulations</p>	<p>pg. 69-70</p>
<p><u>VEGETATION TYPE MIN SIZE MAX CREDIT (SQUARE FEET) MAX % OF CREDIT</u> CANOPY TREE--2-INCH CALIPER AND 8 FEET HIGH--200--NOT APPLICABLE CANOPY TREE--1-INCH CALIPER AND 6 FEET HIGH--100--NOT APPLICABLE UNDERSTORY TREE--1-INCH CALIPER AND 6 FEET HIGH--75--NOT APPLICABLE LARGE SHRUB--1 GALLON AND 4 FEET HIGH--50--30 SMALL SHRUB--1-GALLON AND 18 INCHES HIGH--25--20 HERBACEOUS PERENNIAL*--1 QUART--2--10 PLANTING CLUSTER 1*--1 CANOPY TREE; AND 3 LARGE SHRUBS OR 6 SMALL SHRUBS OF SIZES LISTED ABOVE--300--NOT APPLICABLE PLANTING CLUSTER 2*--2 UNDERSTORY TREES; AND 3 LARGE SHRUBS OR 6 SMALL SHRUBS OF SIZES LISTED ABOVE--350--NOT APPLICABLE *THESE OPTIONS ARE AVAILABLE ONLY FOR BUFFER ESTABLISHMENT AND BUFFER MITIGATION OF LESS THAN 1 ACRE</p>	<p>27.01.09.01-2, Approved with Buffer Regulations</p>	<p>pg. 70</p>
<p>(A) ALL LANDSCAPING STOCK PLANTED SHALL BE 100 PERCENT GUARANTEED FOR AT LEAST TWO YEARS AFTER PLANTING IS COMPLETED.</p>	<p>27.01.09.01-2, Approved with Buffer Regulations</p>	<p>pg. 71</p>
<p>(7) FLEXIBLE STOCKING SIZE, MAY BE PERMITTED IN ACCORDANCE WITH §297-132.D. (5) OF THIS CHAPTER UNDER THE FOLLOWING CRITERIA:</p>	<p>27.01.09.01-2, Approved with Buffer Regulations</p>	<p>pg. 71</p>
<p><u>STOCK SIZE OF TREES--REQUIRED # OF STEMS/ACRE--SURVIVABILITY REQ.--MIN FINANCIAL ASSURANCE PERIOD AFTER PLANTING</u> BARE-ROOT SEEDLING 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</p>	<p>27.01.09.01-2, Approved with Buffer Regulations</p>	<p>pg. 71</p>
<p>(8) THE BOARD OF APPEALS MAY NOT ISSUE A VARIANCE TO THE BUFFER PLANTING AND MITIGATION STANDARDS OF THIS CHAPTER.</p>	<p>27.01.09.01-2, Approved with Buffer Regulations</p>	<p>pg. 71</p>
<p>(9) A FINAL USE AND OCCUPANCY PERMIT OR APPROVAL MAY NOT BE GRANTED UNTIL A PROPERTY OWNER:</p>	<p>27.01.09.01-2, Approved with Buffer Regulations</p>	<p>pg. 71</p>
<p>(A) COMPLETES THE PLANTING REQUIRED UNDER AN APPROVED BUFFER MANAGEMENT PLAN; OR</p>	<p>27.01.09.01-2, Approved with Buffer Regulations</p>	<p>pg. 72</p>

	(B) PROVIDES FINANCIAL ASSURANCE THAT THE PLANTING WILL BE COMPLETED DURING THE NEXT PLANTING SEASON. SAID FINANCIAL ASSURANCE SHALL BE SUFFICIENT TO COVER THE COSTS FOR: [1] MATERIALS AND INSTALLATION; AND, [2] IN THE CASE OF A MITIGATION OR ESTABLISHMENT REQUIREMENT THAT IS AT LEAST 5,000 SQUARE FEET, LONG-TERM SURVIVABILITY, 2 YEARS OF MONITORING AND THE IMPLEMENTATION OF A REINFORCEMENT PLANTING PLAN SHOULD SURVIVAL RATES FALL BELOW THOSE REQUIRED BY §297-131.D.	27.01.09.01-2, Approved with Buffer Regulations	pg. 72
	(10) PRIOR TO RECORDATION OF A FINAL SUBDIVISION, AN APPLICANT SHALL:	27.01.09.01-2, Approved with Buffer Regulations	pg. 72
	(A) POST PERMANENT SIGNS DELINEATING THE UPLAND BOUNDARY OF THE BUFFER AT A RATIO OF AT LEAST ONE SIGN PER LOT OR PER 200 LINEAR FEET OF SHORELINE, WHICHEVER IS APPLICABLE; AND (B) DESIGN EACH SIGN SO THAT IT: [1] IS AT LEAST 11 INCHES IN WIDTH AND 15 INCHES IN HEIGHT; [2] IS PLACED AT A HEIGHT OF 4.5 FEET, BUT NOT ATTACHED TO A TREE; AND, [3] CLEARLY STATES "CRITICAL AREA BUFFER---NO CLEARING OR DISTURBANCE PERMITTED".	27.01.09.01-2, Approved with Buffer Regulations	pg. 72
	(11) CONCURRENT WITH THE RECORDATION OF A FINAL PLAT, AN APPLICANT SHALL RECORD A PROTECTIVE MEASURE AS REQUIRED BY THE APPROVED BUFFER MANAGEMENT PLAN.	27.01.09.01-2, Approved with Buffer Regulations	pg. 73
	(12) AN APPROVED BUFFER MANAGEMENT PLAN IS REQUIRED PRIOR TO APPROVAL OF A FINAL SUBDIVISION APPLICATION.	27.01.09.01-2, Approved with Buffer Regulations	pg. 73
	297-131.E		
25	COMMENT Add section "E" to include all information pertaining to Buffer Management Plans.	POTENTIAL FOR FISCAL IMPACT No impact with adding a section.	PLANNING COMMISSION ACTION
	RECOMMENDED REVISION Please refer to revised text for formatting revisions.	STATE LAW REFERENCE 27.01.09.01-3, Approved with Buffer Regulations	REVISED COUNTY BILL PAGE REFERENCE Starting on pg. 73
26	COMMENT State law regulations now include three different types of Buffer Management Plans: Simplified, Minor and Major. The required amount of mitigation or establishment and the use of the property determine which type of Buffer Management Plan is required. Existing text is no longer sufficient to address Buffer Management Plan requirements. Revise the text to include these requirements.	POTENTIAL FOR FISCAL IMPACT Additional costs associated with the preparation of a Buffer Management Plan are a potential fiscal impact. However, this requirement is mandated by the state, whether it is included in the County's program or not.	PLANNING COMMISSION ACTION
	RECOMMENDED REVISION (1) UNLESS OTHERWISE REQUIRED BY THIS CHAPTER A BUFFER MANAGEMENT PLAN IS NOT REQUIRED FOR THE MAINTENANCE OF AN EXISTING GRASS LAWN, SUCH AS MOWING OR RAKING OF LEAVES, OR AN EXISTING GARDEN IN THE BUFFER. (2) A BUFFER MANAGEMENT PLAN IS REQUIRED FOR: (A) ANY DEVELOPMENT ACTIVITY FOR WHICH BUFFER ESTABLISHMENT IS REQUIRED BY THIS ARTICLE; OR,	STATE LAW REFERENCE 27.01.09.01-3, Approved with Buffer Regulations 27.01.09.01-3, Approved with Buffer Regulations 27.01.09.01-3, Approved with Buffer Regulations	REVISED COUNTY BILL PAGE REFERENCE pg. 73 pg. 73 pg. 74

	(B) ANY DEVELOPMENT ACTIVITY WHICH WILL RESULT IN DISTURBANCE TO THE BUFFER. THIS INCLUDES: [1] A VARIANCE; [2] SUBDIVISION APPROVAL; [3] SITE DEVELOPMENT PLAN APPROVAL; [4] SHORE EROSION CONTROL MEASURES APPROVED UNDER A ZONING OR INFRASTRUCTURE PERMIT; [5] BUILDING PERMITS; [6] INFRASTRUCTURE PERMITS; [7] A SPECIAL EXCEPTION; OR [8] A TREE REMOVAL AUTHORIZATION OR ZONING PERMIT.	27.01.09.01-3, Approved with Buffer Regulations. Planning staff added zoning, building, and infrastructure permits, consistent with the regulations.	pg. 74
	(3) A BUFFER MANAGEMENT PLAN MAY NOT BE APPROVED UNLESS:	27.01.09.01-3, Approved with Buffer Regulations	pg. 74
	(A) THE PLAN CLEARLY INDICATES THAT ALL PLANTING STANDARDS OF THIS ARTICLE WILL BE MET; AND	27.01.09.01-3, Approved with Buffer Regulations	pg. 75
	(B) APPROPRIATE MEASURES ARE IN PLACE FOR THE LONG-TERM PROTECTION AND MAINTENANCE OF ALL BUFFER AREAS ESTABLISHED AS REQUIRED BY THIS ARTICLE.	27.01.09.01-3, Approved with Buffer Regulations	pg. 75
	(4) APPROVAL OF A BUFFER MANAGEMENT PLAN IS REQUIRED PRIOR TO APPROVAL OF A DEVELOPMENT ACTIVITY.	27.01.09.01-3, Approved with Buffer Regulations	pg. 75
	(A) AT A MINIMUM A COUNTY ZONING PERMIT AND/OR TREE REMOVAL AUTHORIZATION SHALL BE REQUIRED. ANY MITIGATION REQUIRED SHALL BE COMPRISED OF VEGETATIVE SPECIES NATIVE TO SOUTHERN MARYLAND.	27.01.09.01-3, Approved with Buffer Regulations. Planning staff added zoning permits and tree removal authorizations consistent with the regulations.	pg. 75
	(5) FAILURE TO IMPLEMENT A BUFFER MANAGEMENT PLAN SHALL CONSTITUTE A VIOLATION OF THE CHARLES COUNTY CRITICAL AREA PROGRAM.	27.01.09.01-3, Approved with Buffer Regulations	pg. 75
27	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	State law regulations include detailed requirements for a Simplified Buffer Management Plans. Existing text is no longer sufficient to address Buffer Management Plan requirements. Planning staff recommends revising the text to include these requirements. Additionally, Planning staff proposes to add minor grading and filling activities for the purpose of repairing a lawn/yard to the list of activities for which a Simplified Buffer Management Plan is needed.	Of the three types of Buffer Management Plans mandated by the state, the Simplified Buffer Management Plan has the least potential for fiscal impact and can easily be prepared by the property owner.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	(A) A SIMPLIFIED BUFFER MANAGEMENT PLAN IS REQUIRED AS PART OF THE APPLICATION ASSOCIATED WITH ANY OF THE FOLLOWING ACTIVITIES:	27.01.09.01-3, Approved with Buffer Regulations	pg. 75
	[1] PROVIDING ACCESS TO A PRIVATE PIER OR SHORELINE THAT IS UP TO 3 FEET WIDE; [2] MANUALLY REMOVING INVASIVE OR NOXIOUS VEGETATION; [3] MINOR GRADING AND FILLING TO REPAIR OR MAINTAIN A N EXISTING GRASS LAWN, AS PERMITTED BY THIS ARTICLE; [4] CUTTING A TREE THAT IS IN IMMINENT DANGER OF FALLING AND CAUSING DAMAGE TO A DWELLING OR OTHER STRUCTURE, CAUSING BLOCKAGE TO A STREAM OR ACCELERATING SHORE EROSION.	27.01.09.01-3, Approved with Buffer Regulations	pg. 76
	(B) IF CUTTING A TREE IN THE BUFFER IS IMMEDIATELY NECESSARY BECAUSE OF AN EMERGENCY SITUATION, THE APPLICANT SHALL SUBMIT A SIMPLIFIED BUFFER MANAGEMENT PLAN FOR APPROVAL AT THE EARLIEST POSSIBLE TIME AFTER THE TREE HAS BEEN CUT.	27.01.09.01-3, Approved with Buffer Regulations	pg. 76
	(C) A SIMPLIFIED BUFFER MANAGEMENT PLAN SHALL INCLUDE:	27.01.09.01-3, Approved with Buffer Regulations	pg. 76

	<p>[1] A BRIEF NARRATIVE DESCRIBING THE PROPOSED ACTIVITY, INCLUDING THE ANTICIPATED START DATE AND METHOD TO BE USED; [2] THE PROPOSED MITIGATION; [3] IN THE CASE OF REMOVAL OF INVASIVE OR NOXIOUS SPECIES, THE REVEGETATION OF THE AREA IN ACCORDANCE WITH THIS ARTICLE; [4] THE PROPOSED PLANTING DATE; [5] THE SIGNATURE OF THE PARTY RESPONSIBLE FOR THE PROPOSED ACTIVITY AND FOR ENSURING SURVIVAL OF THE PLANTINGS.</p>	27.01.09.01-3, Approved with Buffer Regulations	pg. 77
28	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	State law regulations include detailed requirements for a Minor Buffer Management Plan. Existing text is no longer sufficient to address Buffer Management Plan requirements. Planning staff recommends revising the text to include these requirements.	Minor Buffer Management Plans require more information and include monitoring and maintenance provisions that could result in an increased fiscal impact for the individual property owner.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	(A) A MINOR BUFFER MANAGEMENT PLAN IS REQUIRED AS PART OF THE APPLICATION ASSOCIATED WITH ANY OF THE FOLLOWING ACTIVITIES:	27.01.09.01-3, Approved with Buffer Regulations	pg. 77
	<p>[1] ESTABLISHMENT OF LESS THAN 5,000 SQUARE FEET OF THE BUFFER FOR AN APPLICATION LISTED UNDER THIS ARTICLE; OR, [2] A REQUESTED DISTURBANCE THAT REQUIRES LESS THAN 5,000 SQUARE FEET OF MITIGATION AS REQUIRED BY THIS ARTICLE.</p>	27.01.09.01-3, Approved with Buffer Regulations	pg. 77-78
	(B) A MINOR BUFFER MANAGEMENT PLAN SHALL INCLUDE:	27.01.09.01-3, Approved with Buffer Regulations	pg. 78
	<p>[1] A PLAN THAT SHOWS THE PROPOSED LIMIT OF DISTURBANCE, THE TOTAL NUMBER AND SIZE OF TREES TO BE REMOVED, IF APPLICABLE AND THE ARRANGEMENT OF THE PLANTING TO BE DONE; [2] A LANDSCAPE SCHEDULE THAT SHOWS THE PROPOSED SPECIES TYPE THE QUANTITY OF PLANTS, THE SIZE OF PLANTS TO BE INSTALLED, AND THE PLANTING DATE; [3] A MAINTENANCE PLAN FOR THE CONTROL OF INVASIVE SPECIES, PESTS, AND PREDATION THAT SHOWS INVASIVE SPECIES AND PEST CONTROL PRACTICES, THE PROVISION OF AT LEAST 2 YEARS OF MONITORING, AND A REINFORCEMENT PLANTING PROVISION IS SURVIVAL RATES FALL BELOW THE STANDARDS OF THIS ARTICLE; [4] AN INSPECTION AGREEMENT THAT GRANTS PERMISSION TO THE LOCAL JURISDICTION TO INSPECT THE PLANTING AT APPROPRIATE TIMES; [5] THE INFORMATION ON WHICH CALCULATION OF THE AMOUNT OF BUFFER TO BE PLANTED WAS BASED, IF BUFFER ESTABLISHMENT IS REQUIRED; [6] THE INFORMATION ON WHICH CALCULATION OF THE AMOUNT OF THE BUFFER TO BE PLANTED WAS BASED, IF BUFFER MITIGATION IS REQUIRED; AND, [7] THE SIGNATURE OF THE PARTY RESPONSIBLE FOR THE PROPOSED ACTIVITY AND ENSURING THE SURVIVAL OF THE PLANTINGS.</p>	27.01.09.01-3, Approved with Buffer Regulations	pg. 78-79

29	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	State law regulations include detailed requirements for a Major Buffer Management Plan. Existing text is no longer sufficient to address Buffer Management Plan requirements. Planning staff recommends revising the text to include these requirements.	Major Buffer Management Plans have the highest potential for fiscal impact to the individual property owners as they include a bonding requirement and alternative, back-up plans to ensure that the intended planting occurs. These plans generally necessitate the assistance of a professional in their preparation.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	(A) A MAJOR BUFFER MANAGEMENT PLAN IS REQUIRED AS PART OF THE APPLICATION ASSOCIATED WITH ANY OF THE FOLLOWING ACTIVITIES:	27.01.09.01-3, Approved with Buffer Regulations	pg. 79
	[1] ESTABLISHMENT OF AT LEAST 5,000 SQUARE FEET OF THE BUFFER FOR AN APPLICATION UNDER THIS ARTICLE; OR, [2] A REQUESTED DISTURBANCE THAT REQUIRES AT LEAST 5,000 SQUARE FEET OF MITIGATION FOR AN APPLICATION UNDER THIS ARTICLE.	27.01.09.01-3, Approved with Buffer Regulations	pg. 79
	(B) A MAJOR BUFFER MANAGEMENT PLAN SHALL INCLUDE:	27.01.09.01-3, Approved with Buffer Regulations	pg. 80
	[1] A PLAN THAT SHOWS THE PROPOSED LIMIT OF DISTURBANCE, THE TOTAL NUMBER AND SIZE OF TREES TO BE REMOVED, IF APPLICABLE, AND THE ARRANGEMENT OF THE PLANTING TO BE DONE; [2] A LANDSCAPE SCHEDULE THAT SHOWS THE PROPOSED SPECIES TYPE, THE QUANTITY OF PLANTS, THE SIZE OF PLANTS TO BE INSTALLED AND THE PLANTING DATE [3] A MAINTENANCE PLAN FOR THE CONTROL OF INVASIVE SPECIES, PESTS, AND PREDATION THAT SHOWS INVASIVE SPECIES AND PEST CONTROL PRACTICES, THE PROVISION OF AT LEAST 2 YEARS OF MONITORING, AND A REINFORCEMENT PLANTING PROVISION IF SURVIVAL RATES FALL BELOW THE STANDARDS REQUIRED BY THIS ARTICLE; [4] A LONG-TERM PROTECTION PLAN THAT INCLUDES EVIDENCE OF FINANCIAL ASSURANCE THAT ADEQUATELY COVERS THE PLANTING AND SURVIVABILITY REQUIREMENT, A PROVISION FOR AT LEAST 2 YEARS OF MONITORING AS REQUIRED BY THIS ARTICLE, AND IF PLANTING, AN ANTICIPATED PLANTING DATE BEFORE CONSTRUCTION OR THE SALE OF THE LOT; [5] AN INSPECTION AGREEMENT THAT GRANTS PERMISSION TO THE LOCAL JURISDICTION TO INSPECT THE PLANTINGS AT APPROPRIATE TIMES; [6] IF BUFFER ESTABLISHMENT IS REQUIRED, THE INFORMATION ON WHICH THE CALCULATION OF THE AMOUNT OF BUFFER TO BE PLANTED WAS BASED; [7] IF BUFFER MITIGATION IS REQUIRED, THE INFORMATION ON WHICH THE CALCULATION OF THE AMOUNT OF BUFFER TO BE PLANTED WAS BASED; AND, [8] THE SIGNATURE OF THE PARTY RESPONSIBLE FOR THE PROPOSED ACTIVITY AND FOR THE SURVIVAL OF THE PLANTINGS.	27.01.09.01-3, Approved with Buffer Regulations	pg. 80-82
	(C) FOR A BUFFER MANAGEMENT PLAN:	27.01.09.01-3, Approved with Buffer Regulations	pg. 82
	[1] A SINGLE SPECIES MAY NOT EXCEED 20 PERCENT OF THE TOTAL PLANTING REQUIREMENT; AND, [2] SHRUBS MAY NOT EXCEED 50 PERCENT OF THE TOTAL PLANTING REQUIREMENT.	27.01.09.01-3, Approved with Buffer Regulations	pg. 82

297-131.F			
30	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	The recently approved Buffer Regulations continue to allow a local jurisdiction to develop/retain separate standards for Buffer Exemption/Modification Areas. Charles County's Program currently contains such standards, which have previously been approved by the Critical Area Commission as acceptable alternatives. That being said, it appears logical to amend these standards to clarify what type of Buffer Management Plan is required in a Buffer Exemption/Modification Area. Based upon a review of the three types of Buffer Management Plans, Planning staff recommends stipulating that a Simplified Buffer Management Plan is required in the Buffer Exemption/Modification Areas.	None.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	Amend 297-131.F(1)(c):	27.01.09.01-7, Approved with Buffer Regulations	pg. 82-83
	complete the proposed project and is subject to a [County] SIMPLIFIED Buffer Management Plan, AS DEFINED IN THIS ARTICLE, AND approved by the Planning Division:	27.01.09.01-7, Approved with Buffer Regulations	pg. 82-83
31	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	Mitigation requirements within the Buffer have historically been consistent whether the property was within a Buffer Exemption area or had a full Buffer. To maintain this consistency, Planning staff recommends revising mitigation requirements in the Buffer Exemption/Modification areas to match those applicable to the full Buffer under the new regulations.	Planting standards approved with the new State regulations represent a significant increase from previous Planning standards. This will result in an increased fiscal impact for property owners.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	Amend 297-131.F(1)(c)[5]:	27.01.09.01-2, Approved with Buffer Regulations	pg. 83
	To install or construct an approved shore erosion protection device or measure, provided that any vegetation cleared is replaced ON AN AREA BASIS OF ONE TO ONE (1:1) [under an approved County Buffer Management Plan;]	27.01.09.01-2, Approved with Buffer Regulations	pg. 83
	Amend 297-131.F(4)(c):	27.01.09.01-2, Approved with Buffer Regulations	pg. 89
	(c) All plantings shall be in accordance with § 297-13[2.E] 1.D of this article.	27.01.09.01-2, Approved with Buffer Regulations	pg. 89
32	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	Fee-in-lieu provisions are now included in State regulations for the Buffer. Therefore, staff recommends removing fee-in-lieu provisions from the Buffer Exemption/Modification Areas and creating 297-131.H to address fee-in-lieu within the Buffer.	No impact for this format edit.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	Delete 297-131.F(5).	None.	pg. 89-90

297-131.G			
33	COMMENT Change section "D" TO "G," containing General Regulations for development within the Buffer.	POTENTIAL FOR FISCAL IMPACT None.	PLANNING COMMISSION ACTION
	RECOMMENDED REVISION Please refer to revised text for formatting revisions.	STATE LAW REFERENCE None.	REVISED COUNTY BILL PAGE REFERENCE starting pg. 90
297-131.H			
34	COMMENT Add section "H" to include all information pertaining to Fee-In-Lieu of Buffer Mitigation.	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	RECOMMENDED REVISION Please refer to revised text for formatting revisions.	STATE LAW REFERENCE 27.01.09.01-4, Approved with Buffer Regulations	REVISED COUNTY BILL PAGE REFERENCE starting pg. 91
35	COMMENT State law regulations include detailed requirements for Fee-In-Lieu. Existing text is no longer sufficient to address Fee-In-Lieu requirements. Planning staff recommends revising the text to include these requirements.	POTENTIAL FOR FISCAL IMPACT The fee-in-lieu approved by the state is a set amount that is currently more than the County's fee-in-lieu. However, the County Commissioner's do review the fees on an annual basis and have increase this fee in the past.	PLANNING COMMISSION ACTION
	RECOMMENDED REVISION <i>(1) APPLICANTS WHO CANNOT COMPLY WITH THE BUFFER MITIGATION OR OFFSETTING REQUIREMENTS OF SECTIONS 297-131.A THROUGH G MUST PAY INTO A FEE-IN-LIEU PROGRAM.</i>	STATE LAW REFERENCE 27.01.09.01-4, Approved with Buffer Regulations	REVISED COUNTY BILL PAGE REFERENCE pg. 91
	<i>(2) FEES-IN-LIEU SHALL BE ASSESSED AT THE RATE OF \$1.50 PER SQUARE FOOT OF MITIGATION OR OFFSET REQUIRED.</i>	27.01.09.01-4, Approved with Buffer Regulations	pg. 91
	<i>(3) ANY FEES-IN-LIEU COLLECTED SHALL BE PLACED IN AN ACCOUNT, WHICH MAY NOT REVERT TO THE GENERAL FUND, THAT WILL ASSURE USE OF SUCH FEES FOR:</i>	27.01.09.01-4, Approved with Buffer Regulations	pg. 91-92
	<i>(A) ESTABLISHMENT OF THE BUFFER ON SITES WHERE PLANTING IS NOT A CONDITION OF DEVELOPMENT OR REDEVELOPMENT; OR,</i>	27.01.09.01-4, Approved with Buffer Regulations	pg. 92
	<i>(B) WATER QUALITY AND HABITAT ENHANCEMENT PROJECTS WITHIN THE CRITICAL AREA.</i>	27.01.09.01-4, Approved with Buffer Regulations	pg. 92
297-132			
36	COMMENT Section 297-132.E, Woodland reforestation and afforestation standards no longer pertain to development or planting requirements in the Critical Area Buffer. Therefore Planning staff recommends specifying the applicability at the beginning of this section.	POTENTIAL FOR FISCAL IMPACT None.	PLANNING COMMISSION ACTION

	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	Woodland reforestation and afforestation standards OUTSIDE OF THE CRITICAL AREA BUFFER . Where reforestation or afforestation is required for development OUTSIDE OF THE CRITICAL AREA BUFFER , a reforestation and/or afforestation plan shall be prepared in accordance with the Charles County Forest Conservation Ordinance. The following conditions also apply:	None.	pg. 105
297-132.F			
37	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	Development standards for the Intense Development Zone have been strengthened to require conservaton and enhancement of natural resources. Planning staff recomments including this requirement in the update.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	(3) Development and redevelopment shall be DESIGNED TO CONSERVE AND ENHANCE FISH, WILDLIFE, AND PLANT HABITATS TO THE EXTENT POSSIBLE , subject to [the] A Habitat Protection Program and requirements of §297-137 [Chapter 8 in the Charles County Critical Area Program].	27.01.02.03, Approved with recent Clarification Regulations	pg. 111
38	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	Recent State regulations now permit roads, bridges, and utilities to cross a habitat protection area in the Intense Development Zone, such as the Buffer, if no feasible alternative exists. Planning staff recommends including this requirement in the update.	This could provide a cost savings to property owners as they will no longer need to obtain a variance for this purpose.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	(4) 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. ROADS, BRIDGES OR UTILITIES MAY NOT BE LOCATED IN ANY HABITAT PROTECTION AREA UNLESS NO FEASIBLE ALTERNATIVE EXISTS.	27.01.02.03, Approved with recent Clarification Regulations	pg. 111
39	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	Recent State regulations now permit development to cross a tributary stream in the Intense Development Zone, if no feasible alternative exists. Planning staff recommends including this requirement in the update.	This could provide a cost savings to property owners as they will no longer need to obtain a variance for this purpose.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	(5) A DEVELOPMENT ACTIVITY MAY NOT BE LOCATED IN A MANNER THAT WILL CROSS OR AFFECT A TRIBUTARY STREAM UNLESS NO FEASIBLE ALTERNATIVE EXISTS. ALL DEVELOPMENT ACTIVITIES WHICH CROSS OR AFFECT TRIBUTARY STREAMS IN THE CRITICAL AREA SHALL:	27.01.02.03, Approved with recent Clarification Regulations	pg. 111
	(A) CROSS THE STREAM AS CLOSE AS POSSIBLE TO A NINETY-DEGREE ANGLE;	27.01.02.03, Approved with recent Clarification Regulations	pg. 111
	(B) MINIMIZE ADVERSE IMPACTS TO WATER QUALITY AND STORMWATER RUNOFF, AND REDUCE INCREASES IN FLOOD FREQUENCY AND SEVERITY THAT ARE ATTRIBUTABLE TO DEVELOPMENT;	27.01.02.03, Approved with recent Clarification Regulations	pg. 111-112
	(C) PROVIDE FOR RETENTION OF NATURAL STREAM BED SUBSTRATE; AND	27.01.02.03, Approved with recent Clarification Regulations	pg. 112

	<i>(D) RETAIN EXISTING TREE CANOPY IN THE BUFFER.</i>	27.01.02.03, Approved with recent Clarification Regulations	pg. 112
40	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	Development in the Intense Development Zone is now required to minimize stormwater impacts and use retrofits to resolve existing runoff problems. Planning staff recommends including these revised standards in the update.	Property owners may see an increase in development costs as a result of the need to provide retrofits. However, this requirement is mandated by the state, whether it is included in the County's program or not.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	(6) Development and redevelopment <i>SHALL BE DESIGNED TO MINIMIZE THE ADVERSE WATER QUALITY AND QUANTITY IMPACT OF STORMWATER AND ENCOURAGE THE USE OF RETROFITTING MEASURES TO ADDRESS EXISTING STORMWATER MANAGEMENT PROBLEMS. ADDITIONALLY, A DEVELOPMENT PROPOSAL</i> shall be required to use stormwater management practices appropriate to site development which achieve a ten-percent reduction of predevelopment pollutant loadings. Applicants must comply with the most current ten-percent reduction guidance documents published by the Chesapeake Bay Critical Area Commission.	27.01.02.03, Approved with recent Clarification Regulations	pg. 112
297-132.G			
41	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	Development standards in the Limited Development Zone and the Resource Conservation Zone permitting impact to tributary streams have been amended. The current text addresses these standards in numbers 4 and 5 of this subsection. Planning staff recommends adding the revised standards to the updating and combining the two requirements into one.	None.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	<i>(4) A DEVELOPMENT ACTIVITY MAY NOT BE LOCATED IN A MANNER THAT WILL CROSS OR AFFECT A TRIBUTARY STREAM UNLESS NO FEASIBLE ALTERNATIVE EXISTS.</i> All development activities which cross <i>OR AFFECT</i> tributary streams in the Critical Area shall:	27.01.02.04 and .05, Approved with recent Clarification Regulations	pg. 114
	Delete <i>297-132G.(5)</i> as it is now repetitive, and adjust numbering/format accordingly.	None.	pg. 115
42	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	New regulations provide more detail regarding the preservation of developed woodland vegetation in the Limited Development and Resource Conservation Zones. Planning staff recommends revising the update to include this level of detail.	None.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	(7) Forest and developed woodlands, as defined, [<i>AND OTHER VEGETATED AREAS</i>] shall be created or protected in accordance with the following:	27.01.02.04 and .05, Approved with recent Clarification Regulations	pg. 115
	<i>(A) DEVELOPED WOODLAND VEGETATION SHALL BE CONSERVED TO THE GREATEST EXTENT PRACTICABLE;</i>	27.01.02.04 and .05, Approved with recent Clarification Regulations	pg. 115
	<i>(B) THE TOTAL ACREAGE IN FOREST COVERAGE WITHIN THE CRITICAL AREA SHALL BE MAINTAINED OR, PREFERABLY, INCREASED;</i>	27.01.02.04 and .05, Approved with recent Clarification Regulations	pg. 115-116

	((a) C) When the site contains less than 15% forest AND/OR, at least 15% of the gross site area shall be afforested to a total of 15% .] IF NO FOREST IS ESTABLISHED ON A PROPOSED DEVELOPMENT SITE, THE SITE SHALL BE PLANTED TO PROVIDE A FOREST OR DEVELOPED WOODLAND COVER OF AT LEAST 15 PERCENT. The location of the afforested area should be designed to reinforce protection to habitats on the site or to provide connections between forested areas when they are present on adjacent sites.	27.01.02.04 and .05, Approved with recent Clarification Regulations	pg. 116
	(G)[2] All forested areas cleared or [vegetative cover] DEVELOPED WOODLAND removed shall be [replaced on not less than an equal area basis on the site or on an alternative site approved by the Planning Division. Replacement of forest resources shall be done] MITIGATED in accordance with Subsection E.	27.01.02.04 and .05, Approved with recent Clarification Regulations	pg. 117
	(G)[3] No more than 20% of the forested or developed woodland within the site proposed for development may be removed (except as provided for below), and the remain DER[ing 80%] shall be maintained as forest cover through the use of appropriate legal instruments as approved by the county;	27.01.02.04 and .05, Approved with recent Clarification Regulations	pg. 117
	(G)[4] The clearing of forest or developed woodland [s AND/OR OTHER VEGETATIVE COVER] of up to 20% shall be [replaced] MITIGATED on an area basis of one to one (1:1);	27.01.02.04 and .05, Approved with recent Clarification Regulations	pg. 117
	(G)[5] An applicant may propose clearing up to 30% of the forest or developed woodland on a site, but if greater than 20% of the [trees are] FOREST OR DEVELOPED WOODLAND VEGETATION IS removed, then the clearing shall be [replaced] MITIGATED at the rate of 1.5 times the entire area removed; and	27.01.02.04 and .05, Approved with recent Clarification Regulations	pg. 118
	(h J) The forests and developed woodland [s, AND VEGETATED AREAS] required to be retained or created through afforestation or reforestation EFFORTS OFF-SITE, IN ACCORDANCE WITH SUBSECTION E, shall be maintained through restrictive covenants, easements or similar instruments in a form approved by the county.	27.01.02.04 and .05, Approved with recent Clarification Regulations includes use of developed woodland vegetation	pg. 120
	(j L) If the cutting of forests AND/OR DEVELOPED WOODLAND [OTHER VEGETATIVE COVER] occurs before a required grading permit, ZONING PERMIT, OR, TREE REMOVAL AUTHORIZATION has been obtained, the forest AND/OR DEVELOPED WOODLAND is required to be replanted according to § 297-135.	27.01.02.04 and .05, Approved with recent Clarification Regulations includes use of developed woodland vegetation	pg. 120-121
43	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	New state regulations required that clearing on a lot or parcel in the Limited Development or Resource Conservation Zones be limited to 30% of the forest or developed woodland vegetation on the parcel or lot unless the County has procedures for allowing more than 30% clearing that are approved by the Critical Area Commission. Planning staff reviewed the proposed clearing for single family dwelling permits from 2005 to 2009 and the effectiveness of the existing ordinance which required 3:1 mitigation for clearing over 30%. 3:1 mitigation is difficult to achieve for a property owner, especially if the remainder of the site is forested or occupied by a structure. Over the past years Planning staff has struggled with developers regarding how to accomplish the 3:1 mitigation. On many occasions, mitigation plan have been presented which work on paper, but cannot be successfully implemented by the individual property owners. Therefore, Planning staff recommends requiring a variance for clearing above 30% unless the lot as grandfathered lot less than 1/2 acre in size.	There is a potential for both increased and decreased fiscal impact associated with this change. The increased impact is associated with the need to go before the Board of Appeals to clear more than 30%. The decreased impact is associated a reduced planting requirement if you clear more than 30% of a grandfathered, smaller lot. Also, by encouraging less clearing, planting requirements will be reduced overall, resulting in a decreased fiscal impact.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	[6] [If more than 30% of the forest on a site is cleared, the forest is required to be replanted at three times the total area of cleared forest.] CLEARING OF MORE THAN 30% OF THE FOREST OR DEVELOPED WOODLAND ON A SITE SHALL REQUIRE THE APPROVAL OF THE CHARLES COUNTY BOARD OF APPEALS. ONCE APPROVED, MITIGATION SHALL BE REQUIRED AT A RATE OF THREE TIMES THE AREA CLEARED; AND,	27.01.02.04 and .05, Approved with recent Clarification Regulations, require a procedure	pg. 118

	<i>[7] CLEARING ON RESIDENTIAL LOTS ONE-HALF ACRE OR LESS IN SIZE THAT WERE IN EXISTENCE ON OR BEFORE DECEMBER 1, 1985 MAY EXCEED 30% OF THE EXISTING FOREST OR DEVELOPED WOODLAND PROVIDED THAT IT IS LIMITED TO THE MINIMUM AMOUNT NECESSARY TO ACCOMMODATE A PRINCIPAL STRUCTURE, INCLUDING DECKS, PATIOS, AND ACCESSORY STRUCTURES AND DOES NOT EXCEED 8,000 SQUARE FEET. MITIGATION SHALL BE REQUIRED AT A RATIO OF 1:1.</i>	27.01.02.04 and .05, Approved with recent Clarification Regulations, require a procedure	pg. 118-119
44	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	New Buffer regulations require properties with a Buffer to do some form of Buffer establishment with each development activity proposed. Therefore, it seemed redundant and unnecessary to include a requirement that the Buffer be a priority planting area. Planning staff recommends deleting this requirement from the text.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	<i>[(L) THE BUFFER SHALL BE THE PRIORITY AREA FOR THE FULFILLMENT OF AFFORESTATION AND REFORESTATION REQUIREMENTS.]</i>	27.01.09.01-1-4, Approved with Buffer Regulations	pg. 121
45	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	New State regulations detail how lot coverage regulations apply to a lot partially within the Limited Development or Resource Conservation Zones. Planning staff recommends adding this language to the text as it addresses a common concern of affected individual property owners.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	<i>(G) WHEN A PORTION OF A LOT OR PARCEL IS LOCATED WITHIN THE LIMITED DEVELOPMENT OR RESOURCE CONSERVATION ZONE, LOT COVERAGE SHALL BE LIMITED TO 15% OF THAT PORTION OF THE LOT OR PARCEL.</i>	27.01.02.04 and .05, Approved with recent Clarification Regulations	pg. 125
46	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	New State regulations detail how lot coverage regulations apply to a growth allocation award to the Limited Development Zone. Planning staff recommends adding this language to the text as it addresses a common concern of owners and developers.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	<i>(H) IN THE CASE OF A GROWTH ALLOCATION AWARD TO THE LIMITED DEVELOPMENT ZONE, LOT COVERAGE SHALL BE LIMITED TO:</i>	27.01.02.04, Approved with recent Clarification Regulations	pg. 125
	<i>[1] 15 PERCENT OF THE GROWTH ALLOCATION DEVELOPMENT ENVELOPE; OR, [2] 15 PERCENT OF THE ACREAGE PROPOSED FOR GROWTH ALLOCATION DEDUCTION.</i>	27.01.02.04, Approved with recent Clarification Regulations	pg. 125
47	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	New State regulations include a requirement to use cluster development techniques to the extent feasible as a means to reduce lot coverage. Planning staff recommends adding this language to the text.	None.	

	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	<i>(I) WHERE THE UNDERLYING ZONE PERMITS CLUSTER DEVELOPMENT, NEW RESIDENTIAL SUBDIVISIONS, AS A MEANS TO REDUCE LOT COVERAGE AND TO MAXIMIZE AREAS OF NATURAL VEGETATION, SHALL BE REQUIRED TO USE CLUSTER DEVELOPMENT TO THE EXTENT FEASIBLE.</i>	27.01.02.04 and .05, Approved with recent Clarification Regulations	pg. 125
297-135	<u>CRITICAL AREA VIOLATIONS</u>		
48	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	New Buffer regulations require violations in the Buffer to be remediated at a ratio of 4:1. Planning staff recommends including this requirement in the violation section of the ordinance.	There will be an increased cost associated with additional plantings required for violations in the Buffer.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	(1) The area disturbed shall be restored and additional required remediation shall include the planting of forest vegetation native to southern Maryland and adaptable to site conditions, in accordance with § 297-132.E of this article, in the amount of three times the area disturbed OR FOUR TIMES THE AREA DISTURBED IF THE VIOLATING DISTURBANCE IS LOCATED WITHIN THE CRITICAL AREA BUFFER.	27.01.09.01-2, Approved with Buffer Regulations	pg. 148
297-137	<u>HABITAT PROTECTION AREAS AND PLANS</u>		
49	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	Review by the Department of Natural Resources, Wildlife and Heritage Division, is not required for projects which are subject to Bald Eagle Protection Zones.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	(1) THE APPLICANT WILL OBTAIN A REVIEW LETTER FROM THE DEPARTMENT OF NATURAL RESOURCES, WILDLIFE AND HERITAGE DIVISION AND PRESENT THAT LETTER TO THE PLANNING DIVISION AT THE EARLIEST STAGE OF DEVELOPMENT. REVIEW BY THE DEPARTMENT OF NATURAL RESOURCES IS NOT REQUIRED FOR BALD EAGLE PROTECTION ZONES.	None.	pg. 155
	<u>APPENDIX J</u>		
50	<u>COMMENT</u>	<u>POTENTIAL FOR FISCAL IMPACT</u>	<u>PLANNING COMMISSION ACTION</u>
	New Buffer regulations require that shore erosion control measures have an approved Buffer Management Plan including mitigation based upon clearing and disturbance. Planning staff recommends revising these standards accordingly.	None.	
	<u>RECOMMENDED REVISION</u>	<u>STATE LAW REFERENCE</u>	<u>REVISED COUNTY BILL PAGE REFERENCE</u>
	7. A BUFFER MANAGEMENT [PLANTING] PLAN TO PROVIDE MITIGATION BASED UPON THE AMOUNT OF CLEARING [OR] AND DISTURBANCE TO THE BUFFER, WHICHEVER IS GREATER.	27.01.09.01 & 1-4, Approved with Buffer Regulations	pg. 179

	APPENDIX K		
51	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	New Buffer regulations require that erosion control measures have an approved Buffer Management Plan including mitigation based upon clearing and disturbance. Planning staff recommends revising these standards accordingly.	None.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	6. A <i>BUFFER MANAGEMENT [PLANTING]</i> PLAN TO PROVIDE MITIGATION BASED UPON THE AMOUNT OF CLEARING <i>[OR] AND DISTURBANCE TO THE BUFFER, WHICHEVER IS GREATER.</i>	27.01.09.01 & 1-4, Approved with Buffer Regulations	pg. 183
	APPENDIX L		
52	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	Protection Zones for Threatened and Endangered species are based upon recommendations by the Department of Natural Resources, Wildlife and Heritage Division. Code of Maryland Regulations require the County to designate protection zones for these species. By removing the specific protection zone requirements of width and extent in favor of general language, more flexibility is given to allow for differing management measures. Additionally, the proposed amendment allows for protection zones to vary based upon available science and habitat recommendations.	None.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	(B) <i>[THE FOLLOWING]</i> PROTECTION ZONES ARE ESTABLISHED AROUND EACH SITE IDENTIFIED BY THE MARYLAND DEPARTMENT OF NATURAL RESOURCES (DNR) <i>[ACCORDING TO THE SPECIES CLASSIFICATION:]</i> . <u>Delete L:1.2.(b)[1]-[4]</u>	Consistent with 27.01.09.03, Code of Maryland Regulations	pg. 185-186
53	COMMENT	POTENTIAL FOR FISCAL IMPACT	PLANNING COMMISSION ACTION
	Recently, the Department of Natural Resources delisted the Bald Eagle, eliminating any State-mandated protections for their habitat. Federal protections still apply under the Bald and Golden Eagle Protection Act. Under the Code of Maryland Regulations, if the County recognizes the Bald Eagle and its habitat as being of local significance, protection measures are required to be included in the Critical Area Program. As a part of this update, Planning staff recommends that the County Planning Commission and Board of Commissioners consider whether they would like to designate the Bald Eagle and its habitat as being of local significance. The following amendment would enable the continued protection of the Bald Eagle and its habitat through our Program.	None.	
	RECOMMENDED REVISION	STATE LAW REFERENCE	REVISED COUNTY BILL PAGE REFERENCE
	3. BALD EAGLE HABITAT PROTECTION <i>[AREAS] AS A HABITAT OF LOCAL SIGNIFICANCE.</i>	Consistent with 27.01.09.04, Code of Maryland Regulations	pg. 186