CHESAPEAKE BAY CRITICAL AREAS PROGRAM SOMERSET COUNTY ADMINISTRATIVE PROCEDURES AND GUIDELINES

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SOMERSET COUNTY, MARYLAND

CHESAPEAKE BAY CRITICAL AREAS PROGRAM

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ADMINISTRATIVE PROCEDURES and GUIDELINES

Prepared for :

the Somerset County Commissioners
June 1985

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TABLE OF CONTENTS

Section I. Introduction 1

Section II. Overview of the Maryland Critical Area Law 3

Section III. Interim Findings Requirement 5

Section IV. Purpose of Handbook and Organization 8

Section V. Program Objectives and Review Criteria 12

Section VI. Recommended Administrative Procedures 16

Review Organization 16

Review Procedure 18

Section VII. Submission Requirements 25

Mapped Information 27

A. Existing Conditions Site Plan 27

B. Post-Development Site Plan 27

Narrative Report 29

General Notes on Map Information 30

Site Plan Requirements, Zoning Map Amendments 35

Appendices

Appendix I. Sample Heritage Program Transmission Letter

Appendix II. Contacts and Information Sources

Appendix III. References

Section I. INTRODUCTION

The State of Maryland, along with other states in the Chesapeake Bay region and the Federal government, has increased its commitment to enhancing and preserving the long term quality of the Chesapeake Bay. A significant part of the Bay initiatives is encompassed in the Chesapeake Bay Critical Area Law, Natural Resources Article of the Maryland Code , subsection 8-1801 through 8-1816, Laws of Maryland, hereafter referred to as the Law.

Restoring the quality of the Bay, relies on the cooperative efforts of review agencies and developers to make every possible effort to minimize further adverse impacts to water quality and natural habitats of the Bay, the shoreline, and adjacent lands. The Law provides for more sensitive site plan design and review procedures that will help realize the goal of improving the environmental quality of the Chesapeake Bay.

The Somerset County Commissioners have prepared these "Administrative Procedures and Guidelines" to insure that the State mandated interim Chesapeake Bay Critical Area findings process is well coordinated and results in a timely review of those applications for land use development affected by the Critical Areas Law.

Additionally the County Commissioners have prepared the companion "Applicant's Guide" to assist program applicants in designing site development plans which are consistent with the objectives of the Critical Areas program.

Section II. Overview of the Maryland Critical Area Law

The Maryland Critical Areas Law became effective June 1, 1984. The Critical Area Law forms part of the State's program for protecting and enhancing the quality of the Chesapeake Bay. As stated in Section 8-1801, the "Declaration of Public Policy", "there is a critical and substantial State interest for the benefit of current and future generations in fostering more sensitive development activity in a consistent and uniform manner along the shoreline areas of the Chesapeake Bay and tributaries so as to minimize damage to water quality and natural habitats." More specifically, the law cites stresses on the Bay from the cumulative effects of human activity which result in increased levels of pollutants, nutrients, and toxics, and a decline in more protective land uses such as forestland and agriculture land.

Responsibility for implementation of the Critical Areas Law is to be a cooperative effort on the part of the State and local jurisdications in the Bay counties. The Law gives affected local governments the opportunity to implement their own Resource Protection Programs based on criteria developed by the Chesapeake Bay Critical Areas Commission, a twenty-five member commission appointed by the Governor. The Critical

Areas Commission has an on-going program oversight function to insure local Resource Protection Programs fulfill the purpose and intent of the Law, particularly Program Development (Section 8-1808 of the Law).

Criteria for land use control within the critical area will be promulgated by the Critical Areas Commission as guidance for local Resource Protection Programs. The adequacy of local programs will be judged against these criteria, and if found to be inadequate, the Commission has the authority to prepare and adopt a Program for the Chesapeake Bay Critical Area in that local jurisdiction.

Section III. Interim Findings Requirement

Until local Resource Protection Programs are fully developed and adopted by local jurisdictions, the Critical Area Law requires that, from June 1, 1984, Somerset County must make specific findings with respect to the impact of development actions on the State Critical Area. The Critical Area or "initial planning area", as it is referred to in the Law, is currently defined as, "all land and waters under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State or private wetlands designated under Title 9 and all land and water areas within 1000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9" (Section 8-1807 (a)).

In the interim period, Section 8-1813 of the Law requires that local jurisdictions, when reviewing applications for zoning map amendments, zoning variances, special exceptions/ conditional uses, subdivisions, or floating zones for sites located within the Critical Area, shall make specific findings that:

(1) "The proposed development will minimize adverse impacts on water quality that result from

pollutants that are discharged from structures or conveyances or that have run off from surrounding lands; and"

(2) "The applicant has identified fish, wildlife, and plan habitat which may be adversely affected by the proposed development and has designed the development so as to protect those identified habitats whose loss would substantially diminish the continued ability of populations of affected species to sustain themselves."

The Law goes on to state that the "local approving authority shall require such additional information from an applicant as is necessary to make findings required".

In the interim, Somerset County is required to assess the impact of land use changes occurring within the Chesapeake Bay Critical Area or "initial planning area" as they relate to water quality and wildlife habitat. This interim period is an opportune time for State and County officials to help overcome the sense of ordinance shock likely to effect applicants, particularly in rural areas, for development permits within the critical area.

During the interim period the County will undoubtedly have to work very closely with applicants under the Law, offering assistance, where feasible, that will aid

the applicant in meeting the submission requirements. This will require that County planning and zoning officials make a concerted effort to direct applicants through the procedural requirements of the Law. Although assistance to applicants by the County will require commitment of additional staff time, the interim process will provide the County an opportunity to gain greater insight into future County planning needs and issues which will emerge with the State Critical Area Commission's final program criteria.

Section IV. Purpose of Handbook and Organization

The purpose of the two handbooks that have been prepared for the Somerset County Chesapeake Bay Critical Areas Program , the "Adminisrative Procedures amd Guidelines" and the "Applicant's Guide to Procedures and Guidelines", is to establish program objectives, and to specify procedure, guidelines, and criteria for preparing and reviewing applications for zoning map amendments, special exceptions, and variances filed under Ordinance 143, "Zoning Ordinance of Somerset County, Maryland". In addition the submission requirements and handbooks are applicable to the subdivision of land, as defined by the Maryland Department of Health.

In the case of zoning map amendments the approving authority with final responsibility for Section 8-1813 findings is the Somerset Board of County Comissioners. In the case of variances and special exceptions the approving authority is the Somerset County Board of Appeals. For subdivision plats the approving authority with responsibilty for findings under the Law is the County/State Health Department.

The handbooks have been prepared to facilitate compliance with the Critical Areas Law by providing applicants with a basic understanding of the intent of the State law, an overview of the review process, and

guidelines for compliance with the substantive findings requirement.

The approving authorities are required to make the final determination concerning the findings under Subsection 8-1813 of the Critical Areas Law. However, it is the responsibility of the applicant to collect the appropriate data, to evaluate impacts, and to demonstrate that the proposed development will minimize adverse impacts on water quality, to identify fish, wildlife, and plant habitat which may be adversely affected by the proposed development, and to demonstrate that design of the development protects those identified habitats whose loss would substantially diminish the continued ability of populations of affected species to sustain themselves.

The guidelines contained in the handbooks are intended to cover as much of the review process as possible, but should be considered the minimum requirements. In a sense the submission outlined in the handbook requirements can be considered a process for initial screening of site conditions and characteristics. Individual projects and unique site conditions may require additional evaluation in areas or to degrees not covered in these guidelines. Determination of additional evaluation and findings requirements should be made by the County staff at the time of application,

or earlier if possible. The County should not hesitate to invoke specific additional informational or design requirements, as indicated or warranted by the available data.

The handbooks are divided into sections, some common to both the County and applicant's version. They include an outline of general requirements, including the categories of development subject to the Somerset County's Critical Areas Review Process, general pre-project screening measures, definition of terms, and sources of information.

Of particular note for the applicant is determination of whether or not the proposed land use change is within the initial planning area, and whether or not the proposed development action constitutes an insignificant, minor or major action. Criteria for making this determination are included in Section VI of this Handbook and have implications for the level of detailed analysis required of an applicant.

The determination of the category of development should be made based on the list of examples of minor or insignificant actions in Section VI, but is also dependent on the judgement of technical staff and administrative personnel evaluating individual applications using the criteria contained herein. The

list should be amended as experience may dictate, thus providing for an evolutionary process.

More specific site design objectives toward which the applicant and County should strive, and on which the performance of proposed site plans should be evaluated, particularly in the case of major development proposals which clearly have the potential for significant impacts on water quality and wildlife habitat, are included in Section V. These site design objectives are consistent with many of the objectives and criteria found in existing plans, ordinances, and regulations already adopted by Somerset County. To these have been added design objectives and criteria which address wildlife and habitat issues.

This handbook also provides an overview of a recommended administrative procedure to be followed by the County in processing applications. The recommended procedure is meant to accomplish several objectives, the most important of which is to insure an orderly and efficient process which avoids undue delay and at the same time provides the approving authority with adequate information on which to base its findings.

Section V. Program Objectives and Review Criteria

As already stated, the review and findings procedure are on site design objectives contained or implied in the goals, objectives and criteria found in many of the existing plans, ordinances, and regulations of the County, as well as, others implied in the Chesapeake Bay Critical Area Law.

Among these are overall County goals and objectives, contained for resource management, including agriculture preservation, resource conservation, and maintenance of the traditional County industrial base in agriculture and Bay resources contained in the Somerset County Comprehensive Plan, and ordinances governing stormwater management, sewerage disposal, solid waste management, and erosion and sediment control.

The Critical Area Law requires that the County establish a review process that focuses and integrates these program objectives and provides performance criteria that can be applied at the site planning level by the applicant and the review bodies. The design objectives and criteria for water quality and wildlife and habitat resources are meant to show the applicant what should be done to accomodated the needs of natural systems which constitute the Bay system. They essentially establish the threshold for sensitive site

design, beginning at the application review stage of impending land use change .

Development proposals should be reviewed in the context of the following site design objectives and criteria:

Objective: Prevent Runoff

- Infiltrate the first 1/2 inch of runoff falling on impervious surfaces during every storm

- Minimize impervious surfaces

- Keep impervious surfaces away from the water's edge

- Maintain or establish buffers of natural vegetation between impervious surfaces and surface waters

- Recharge excess runoff as close to where it fell as rain

Objective: Minimize Erosion

- Minimize clearing of vegetation and disturbance of soil by restricting clearing to the "footprint" of the site structures and to that necessary for drainage and traffic safety

- Avoid clearing areas with high potential for erosion

- Minimize grading

Objective: On-site Detention of Sediments

- Leave substantial buffer strips of natural vegetation down slope of disturbed soils

- Allow space for installation of sediment-trapping devices close disturbed areas

Objective: Nutrient Management

- Install septic drainage fields over soils with the capacity to remove nutrients and pathogens and to breakdown the organic matter in seweage

- Install septic drainage fields as far as possible from surface waters

- Provide for proper seweage disposal at waterfront recreation facilities

- Carefully apply fertilizers according to soil test recommendations and plant types

Objective: Hazardous Waste Management

- Identify toxic substances that are likely to be used or stored on the site during and after development

Objective: Natural Resources Management

- Identify all rare species found on or near the site; identify other species that may be adversly affected by the proposed development; take measures to protect rare species and their habitat

- Protect the integrity of fish, wildlife, and plant habitats.

- Preserve as much vegetation as possible.

- Do not cut habitat areas in pieces.

- Preserve productive site soils by developing on less productive soils.

- Isolate noise-generating activities from habitats.

- Protect the diversity of site habitats.

- Do not develop all of one habitat.

- Respect the margins.

- Preserve the continuity of habitats.

- Allow continuity of wildlife movement across the site to natural areas on adjacent sites and to the waters edge

- Allow movement between habitat types

- Protect vegetation at the water's edge

- Avoid direct disturbance to aquatic habitats by dredging, filling, and channelization

- Minimize environmental stresses to submerged aquatic vegetation, finfish, spawning areas, and oyster beds from stormwater runoff, sedimentation, excess nutrients, and toxic pollutants.

VI. Recommended Administrative Procedures

Review Organization

Applications for development in the Critical Area will require that the County call on the expertise of State and County staffs to insure that the findings process is adequately administered and integrated with existing statutory requirements, e.g. the Somerset County Stormwater Management Ordinance and local and State Health Codes. In addition County staff should provide the approving authority with the benefit of sound technical advise, particularly with respect to wildlife habitat and species effected by the proposed development action.

The Somerset County Critical Areas findings process involves three separate approving authorities and is appended to the diverse findings requirements for zoning change, special exceptions, variances, and health codes. The County should establish a Critical Areas Technical Review Committee (TAC) that bridges these three authorities' normal review procedures and coordinates the Critical Areas findings process at a single point in the County administration.

The Somerset County Department of Community and Technincal Services should be the initial point of contact for an applicant regardless of the type of

application sought. Although the County does not have subdivision regulations, subdivision of land, as defined by the Maryland Department of Health, is subject to the Critical Areas findings requirement. Again the Department of Community and Technincal Services should be the initial contact for applicants who should be referred by the County Health Department at the time application is made to subdivide land. This arrangement should be formally established between the Somerset County Commissioners and the County Health Department.

The Technical Review Committee should have, as its core membership, representatives of the Department of Community and Technincal Services, the Somerset County Health Department, and the Maryland Soil Conservation Service. When planning and technincal services staff have determined that the applicant has submitted all of the information required by the County, the TAC should be convened to review the applicant's proposed development and to make recommendations to the appropriate approving authority.

The Somerset County Critical Area Technincal Advisory Committee review process should be officially recognized by the Somerset County Commissioners, Planning Commission, Board of Appeals, and Health Department as the source of recommendations for the

Chesapeake Bay Critical Areas findings. The TAC should have the administrative authority to require additional information be submitted by the applicant, as deemed necessary, and to require the applicant to modify the site design to better conform with objectives and criteria contained in Section V of this Handbook.

Membership on the TAC can be increased,as needed, to include other agencies and areas of expertise on a case-by-case basis. In addition, the TAC may solicit advise from other sources, as required, to address special site issues and to receive advise on likely impacts and available appropriate mitigating measures. State and Federal agencies will be one source of such expertise, but other local sources may also be included. The written findings and recommendations of the TAC should accompany the application through the approval process and be considered as part of the record for all proceedings, e.g., to the Planning Commission and then to the County Commissioners in the case of a zoning map amendment.

Review Procedure

County planning staff will be responsible for assisting the applicant in preparing the information required to make the findings under section 8-1813 of the Law. The first step in the procedure is to inform the applicant of the findings requirement and to determine if the

site, or any portion of the site, is located within the Critical Area Boundary. Sites which are partially located within the Critical Area boundary should be reviewed and processed as if the entire site were located within the boundary.

Once it is determined that the property is located within the Critical Area Boundary, the County and the applicant should next determine in which category of development the application falls. The three categories of develpment actions are insignificant, minor, and major develpment . The exact definition of these categories is difficult to specify, and will require interpretation by County staff. Submission requirements vary depending on the category determination.

In most cases some additional information will be required to make the determination. As an alternative to requiring the applicant to supply the information, Department of Community and Technincal Services staff or other TAC members can arrange for a site visit with the applicant at which a preliminary determination of the category of development action can be made.

In general though, insignificant actions are those which "cannot be reasonably expected to have any noticable impacts on the Bay, either because they do not result in or make possible any changes to the land

or its use, or because the changes they cause or permit are obviously local, brief, or harmless to water quality or habitat in the Critical Area". Examples of "insignificant" actions include the following:

- New construction, additions or modifications to single family detached residential structures existing on the site

- The replatting of property lines, if there is no new construction

- A property line adjustment

- Exceptions to residential yard setback requirements or the addition of a porch or garage to an existing structure

- Erection of an off-premises sign on fast land, if there is no clearing of vegetation

- Erection of an on-premises sign

- Use of a dwelling in a residential zone for a home business, if there is no increase in parking

- Conversion of a single family dwelling to a multi-family dwelling, if there is no increase in impervious surface

- Construction of a crab shed for a waterman

- Placement of a mobile home for tenants on an active farm, if the home is placed away from the water's edge and there is no clearing of vegetation

- Placement of a single mobile home on a site two acres or larger in size, if the home is placed away from the water's edge, if there is no clearing of vegetation, and if there is no change in runoff characteristics

Minor develpment actions are determinable by the type and scale of the development action proposed. For example, type of development may be the deciding factor in the case of a small structure on a large site which may be used for storage of potentially hazardous products. The determination of whether or not a develpment action falls into the minor or major category will be made by the planning and zoning office or Critical Areas Technincal Advisory Committee, if required. In general, though minor development actions include:

- A residential subdivision of five lots.

- Construction of a single pier serving five dwelling units or five boats or less.

- Construction of less than 100 feet of bulkhead.

- Disturbance of less than 5,000 feet of land area for commercial, institutional, or most, but not all, industrial uses.

- Devlopment which does not result in any direct discharge to surface waters from impervious surfaces.

- Development which does not involve dredging, filling, or channelization of tidal or non-tidal wetlands or of other offshore areas.

- Development which does not involve the use or storage of toxic substances.

Major development actions are those not included in the insignificant or minor categories. The submission requirements for major development proposals should be adhered to in detail, due to the likelihood that numerous and substantial impacts can potentially occur in developments which result in significant site alterations or which will result in intense activities on the land.

If it determined that the proposed development action in "insignificant", the applicant need only obtain the Maryland Heritage Program response to complete the Critical Area submission requirements. A determination of "insignificant" should be duely noted by the staff along with any supporting notes concerning the site

characteristics and the impact of proposed development actions required to support and document the determination.

When it is found that a proposed development action constitutes a minor development action , the applicant should be made aware of the submission requirements for the minor category. Applicants for minor development actions will likely require continuing assistance by the County staff to insure that the information requirements are adequately satisfied, and that the requirement is not an onerous one for the applicant, and does not result in undue delay because of a basic misconception of the level of detailed analysis required.

Adequate location and site description information should be prepared by the applicant and submitted to the Maryland Heritage Program staff for review (see Appendix 1 for sample transmission form letter to accompany the site and location information). County staff should review the other submission requirements for minor proposals with the applicant, determine if any are not appropriate, and direct the applicant to appropriate sources for required information. The minimum requirements for minor actions are contained in the applicant's handbook, a copy of which should be

supplied to the applicant at the time of the initial meeting.

Applicants for major development actions should be initially processed in a similar manner as those for minor actions, including assistance in identifying data and technical assistance resources available through County and State agencies. The County may want to maintain a list of consultants and technical resource agencies which can be of assistance to the applicant in preparing and evaluating their site development proposal. Local education and private organizations, which may be a source of technical resources, may also be included on the list, provided they have expressed an interest in offering their services, advice and/or facilities for this purpose.

VII. Submission Requirements

This section outlines the minimum information requirements that an applicant for a minor or major development proposal should submit. The applicant's submission should include mapped and text information, which, in the opinion of the Somerset Critical Technical Advisory Committee, substantially meets the requirements herein suggested.

Specific existing site characteristics should be identified in applications for zoning map amendments, special exceptions, and variances. Analysis will require that the reviewing agencies be aware of soil characteristics, vegetative cover, and sensitive habitats on the site. In addition the applicant should indicate any sensitive habitat, or rare, threatened or endangered species of wildlife or plant habitat within one quarter mile of the site proposed for development.

Soil type, vegetative cover by type, and flood plain boundary information for the site, preferrably should be provided as overlays at the same scale the site development plan or sketch plan for the site. In addition the applicant should be required to make every effort to to specify the types of wildlife habitat on or near the site as indicated in the objectives and criteria in Section V.

Adequate site location information to enable the Maryland Heritage Program to review their data files for the area of the site should be submitted for all applications, regardless if it is an insignificant, minor or major action. The minimum submission should specify that evidence of coordination with the Heritage Program, e.g., correspondence between the applicant and the Heritage Program, be included.

The Heritage Program will note if their is any record of rare or unusual species or habitat on or near the site. The effort to identify these features should be supplemented with available data from other sources as required and, in the case of major development proposals, may be further supplemented with more detailed site investigations performed by the applicant. The good faith effort of the developer to meet the submission requirements should be judged by the County and additional information required if, in the opinion of the County, their is a possibility that site features and/or potential project impacts are not being adequately addressed.

Mapped Information

A. Existing Conditions Site Plan

Applications for minor and major development proposals, should include a site plan showing existing conditions including the following information:

Area location map

Site drainage characteristics (minor)

Topography survey (major)

100-year flood plain, if applicable

Sensitive areas

Valued habitats

Hydric soils

Built features, buildings, structures

Acess drives

Soils

Wetlands and Submerged Aquatic Vegetation

Upland Vegetation

Wildlife Habitat

Rare, threatened, or endangered species habitat

B. Post-Development Site Plan

Applications for minor or major development proposals should also include a post-development or concept plan, preferably at the same scale as the pre-development or existing conditions site plan, which provides the

approving authority with adequate information to determine proposed changes to existing conditions, increases in the level and nature of human activity on the site, and any proposed mitigation measures and their anticipated effect on water quality and wildlife habitat. The post development site plan should, at a minimum, include the following information:

Areas to be conserved

Property boundaries and proposed lot lines

Location of proposed structures

Post-development topography

Post-development site drainage patterns

Traffic circulation

Sewerag treatment facilities

Water supply and distribution

Erosion and sediment control structures

Stormwater management structures

Required yard setback lines

Narrative Report

The applicant should incorporate all of the required information and analysis they have prepared into a narrative report which supplements and explains the concept plan and site map information and which:

- Describes plant communities, associations, and diversity

- Describes rare, threatened, or endangered plant species, if present in the locality or the site

- Describes successional stages of vegetation

- Describes vegetation layers (overstory, mid-story, understory, and herbaceous layer)

- Approximate acreage of each habitat

- Describes wildlife and fish habitats in relationship to the plant habitats and in terms of the availabilty and suitablilty of food and cover

- Describes actual or potential coastal/Bay species present in the area of the sight

- Describes rare, threatened, or endangered wildlife species on or in the locality of the site, if present, to at least one quarter mile from the site

- Describes the quality of nesting, breeding, nursery, or migratory species of wildlife on or in the locality of the site

- Summarizes measures to minimize runoff, soil erosion, sedimentation, and the intrusion on wildlife habitat

- Discusses sediment control practices to be implemented including additional measures the applicant will be taking to protect water quality and critical habitats

General Notes on Map Information

The mapped and text information should meet the following criteria:

- Topography should be the same as reqired for the stormwater management plan, if required, or contour intervals of 0.5 feet.

- Built features should show proposed improvements including the location of buildings or other structures, impervious surfaces, and storm drainage facilities.

- The location of roads, streets, parking lots, paths and other traffic related structures should be included.

- Property boundaries and all proposed building lot lines should be shown on the post-develpment site plan.

- Soils information should include investigations and borings prepared as required for the County's Storm Water Management Ordinance, if applicable. Also included on the site plan should be the location of soil types and sensitive areas, including, steep slopes, highly permeable and erodible soils, and hyric soils.

- Location and area coverage of septic drain fields, and sewer lines, as applicable. If alternative sewerage treatment facilities are proposed, e.g., raised mounds, or infiltration ponds, the location and specifications should be included

- Wetlands and submerged aquatic vegetation from the Maryland State Wetland Boundaries Maps which are available at the Court House in Princess Anne.

- Additional on-site survey work required for determination of special wetland issues as determined by the County during the review and findings procedure should also be specified on the site maps.

- Vegetation and cover can be obtained from available sources, such as published maps, aerial photography, or

on-site survey. The County and applicant can agree on the types and extent of cover based on these sources or the County can require a survey be performed in special cases such as would be presented if, for example, eagle nesting habitat were at issue, and little data was available on the specific habitat area. Vegetation and ground cover should include the following categeories suggested by the State Department of Planning guidelines:

1 - Vegetation listing dominant species in :

Upland hardwood forest and woodland

Upland pine forest and woodland

Old field

Bottomland hardwood forest

Cypress gum swamp forest

Fresh water marsh

Brackish marsh

Salt marsh

2 - Water features including:

rivers streams and their drainage areas in non-tidal reaches ponds tidal channels

open bay waters

3 - Other types of cover including:

Barren areas

Filled areas

Fields for crops

- Wildlife habitat and species information is available from lists, publications, the Heritage Program, maps, and personal knowledge. Many organizations and individuals in Somerset County, undoubtedly have an interest in and a great deal of knowledge concerning wildlife and habitat in the County and their assistance in the review process should be encouraged by the County where feasible. Staff should check known sources of data concerning special habitats with each application. Examples of the types of habitats of special interest include:

Finfish spawning areas

Oyster bars

Submerged aquatic vegetation

Others as established the County

- In the case of major actions, topography for portions of site where changes will be prompted by development should be shown at contour intervals of one half a foot In the case of minor proposals, information adequate to reflect post development drainage patterns should be provided.

- Stormwater management plan and computations, as required by the County's Stormwater Management Ordinance

- Major proposals should show the location of water lines, wells, and treatment faclilities, if applicable.

- Applications for major proposals should include measures which will be include in the erosion and sediment control plan developed under the guidelines of the Soil Conservation Service.

- The applicant should describe the proposed land use for the site including the number of residential units, slips, industrial processes including potentially hazardous production materials, by-products and operations which create noise, dust, or result in the discharge of any industrial byproducts.

Site Plan Requirements, Zoning Map Amendments

An applicant for zoning map amendment may not have a specific site development plan for the subject property at the time the rezoning is sought. When the zoning map amendment, if granted, results in a change from one residential zoning classification to another, the TAC may place more emphasis on those submission requirements that relate to the identification of water quality and habitat features and issues presented by existing site characteristics. The TAC will have an opportunity to review the actual site development plan at the time of actual subdivision application.

When the rezoning application results in a change of land use, e.g., from agriculture or residential to commercial or industrial, and the final site developent plan will not be subject to further review under the Critical Area review process, the TAC should require the applicant to provide a post-development concept plan which reflects the most intense use of the land permitted under the new zoning classification. In any case, it is preferable to have an actual site development plan, which is included as part of the proceedings record, and which is assessed by the TAC, as opposed to an assumed site development plan.

APPENDIX I

Sample letter to the Maryland Natural Heritage Program

Sample Letter

Date

Re: County Application Identifier

Mr. Arnold Norden
Maryland Natural Heritage Program
Maryland Department of Natural Resources
Tawes Office Building
Annapolis, Maryland 21401

Dear Mr. Norden:

Enclosed find location information for a site currently being reviewed under the Somerset County Chesapeake Bay Critical Areas findings process. Please review the Heritage Program data base to determine if there is any record of rare species, unusual communities, or other significant natural features on or near the site which Somerset County should be aware of in the site review and findings process.

If you require any additional information in order to complete your review, please contact the Somerset County Department of Community and Technical Services as soon as possible to avoid any unnecessary delay. The contact person in Somerset County is _____ who can be reached at (telephone #).

Sincerely,

General Notes on Procedure

The submission to the Maryland Heritage Program should include, as applicable, a general location map, a vicinity map, and the site plan, if available. The Heritage Program staff need not have details of the proposed development, but must have adequate information to accurately locate the site within the County. To avoid delay, it is a better policy to send too much location information, as opposed to too little information.

If the application is on a fast track for review, the Heritage Program staff should be advised of the time factor. In such cases, County staff can determine from the Heritage Program staff if there is any record of rare species, unusual communities, or other significant natural features on or near the site by telephone if it looks like there may be some delay in recieving the written response. The Heritage Programs official written response can then be included in the record of proceedings when it is actually recieved. Considering the normal time period it takes to process most applications for zoning map amendments, variances, and special exceptions, and subdivisions, the Heritage Program staff should have adequate time to review the site and respond, provided they are given early notice and adequate site location information. The request for

information from the Heritage Program should be initiated immediately, preferably at the time the applicant contacts Planning and Technical Services.

The request for Heritage Program staff to review their data records should be signed by the applicant, although the Planning and Technincal Services staff can prepare the letter. Staff should also assist the applicant in preparing the location information to insure that the site can be accurately assessed.

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