

Calvert County Staff Report Findings of Fact

CAMA 09-5. Flag Harbor Yacht Haven Marina Request for Special Buffer Management Area Status

January 5, 2010

Summary of Request.

The owners of the Flag Harbor Yacht Haven Marina have requested that a portion of their property be designated a Special Buffer Management Area (SBMA). The Property (Tax Map 32, Parcel 64, 8.76 acres, see attached figures) is located at 1565 Flag Harbor Blvd., St Leonard, Maryland on Flag Harbor. The Zoning is Marine Commercial and the Critical Area Overlay is LDA. The site is served by a septic system. The land has been used as a commercial marina for the past 60 years. A subdivision is proposed on the property (see attached plat). The proposed SBMA would be located on Residue "A", which will remain a marina, and is restricted to the area along the harbor in front of the boat hoist area. A concrete approach pad, shed and structures associated with the boat hoist are located in the 100 ft. buffer. There is little to no existing vegetative habitat within the Buffer. Thus the existing pattern of development prevents the Buffer from fulfilling its function. Note that in the residential portion of the subdivision, the buffer will be established.

The Board of County Commissioners at the recommendation of the Planning Commission has approved this amendment to the Calvert County Critical Area Map. Below are the findings of fact concerning the proposed map amendment.

Requirements for Special Buffer Management Area (SBMA) mapping amendments:

Should the existing patterns of residential, commercial, industrial and institutional development prevent the Buffer from fulfilling its functions, the applicants must demonstrate each of the following:

- (a) That the parcel was created prior to December 13, 1988. This trailer park existed prior to adoption of the Critical Area Law. The parcel was created by condominium plat on May 11, 1981 (see attached condominium plat).
- (b) That the principal structures in the proposed Special Buffer Management Area are located within the one-hundred-foot Critical Area Buffer. No residential structures will be allowed in the residue.
- (c) That other development activities (i.e., accessory structures, access roads, septic systems, rip-rap and bulkheading, etc.) impact the one-hundred-foot Critical Area Buffer. The concrete ramp and associated outbuildings, structures and gravel access are located in the 100-ft Buffer.
- (d) That the one-hundred-foot Critical Area Buffer does not contain forest cover. The vegetation in the Buffer consists of a few trees and shrubs.

Flag Harbor Yacht Haven Marina Special Buffer Management Area Evaluation

Calvert County is requesting that a portion of the Flag Harbor Yacht Haven Marina (Parcel 64, Tax Map 32, 8.76 acres) be designated as a Special Buffer Management Area. Using the criteria set forth in COMAR 27.01.09; staff finds that the existing pattern of development prevents the Buffer from fulfilling its function.

1. The Buffer's ability to provide for the removal of sediments, nutrients, and potentially harmful or toxic substances has been compromised by the existing structures in the Buffer. The existing vegetation is primarily lawn grass and scattered trees and shrubs. The area is developed as a marina and is proposed for subdivision with the residue remaining a marina. Currently, the boat hoist with concrete approach pad and associated structures, outbuildings and boat storage exist in the 100 ft. Buffer.
2. The Buffer's effectiveness at minimizing the adverse impacts of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources is limited because human activities are taking place near the shoreline because of the location of existing development. There are minimal areas of natural vegetation within the Buffer along the harbor and the shoreline is improved with accessory structures within the Buffer.
3. The Buffer in the proposed SBMA does not function optimally as an area of transitional habitat between aquatic and upland communities because this area is developed with concrete, gravel and accessory structures and is actively influenced by human activity. There is little natural vegetation to provide food or cover for wildlife or to provide water quality protection or enhancement.
4. The Buffer's capacity for protecting wildlife habitat on this site is severely limited because of the existing development within the Buffer and the active use of the property by marina patrons. Human disturbance to wildlife would be unavoidable because of the intensity of the development in this area.