

Critical Area Submittal
1/29/2010

Critical Area Map Amendments
(See PowerPoint for Figures)

CAMA 09-1. State Lands Critical Area Overlay District

Remove the “State, County and Private Parks” designation and create a new Critical Area Overlay District called State Lands. This would include all State Lands including State Parks. The total acres of State Lands is 2,115 acres. Create new legend.

- A. Change Critical Area Overlay on Broadview Bluffs from LDA to State Lands and for all other state owned lands in Parkers Creek watershed change the overlay from RCA to State Lands (Figure 1, 588 acres).
- B. Change the Critical Area Overlay for the University of Maryland Center for Environmental Science, Chesapeake Biological Laboratory from either IDA or State, County and Private Parks to State Lands including the following parcels on Tax Map 46A: 51, 55, 57, 59-60,64,68-73, 75, 77-79 (Figure 2). Properties currently designated State, County and Private Parks in this area that are not owned by the State (Tax Map 46A, Parcels 58, 61, 62, 63, 65, 66, 67, 74 and 76) would be changed to IDA.
- C. Identify Molly’s Leg Island in Solomons Harbor as State Land (Figure 3).
- D. Change all lands that are currently designated State, County and Private Parks to State Lands except that the County’s Flag Ponds Nature Park (Tax Map 35, Parcels 3, 37, 54, 57, and 141) and the Nature Conservancy property on Helen Creek (Tax Map 42, Parcels 129, 212, and 219) are changed to RCA and the Calvert Marine Museum Property (Tax Map 44B, Parcels 107, 108, 109, 112 and 116) is changed to IDA.
- E. Re-designate the Hollowing Point Service Center and Boat Landing Property (Tax Map 26, Parcel 176, 6904 Hollowing Point Lane) from LDA3 to State Lands (Figure 4, 1.41 acres).

Staff Report. State owned lands are reviewed differently than privately owned or County owned property. All State lands are proposed to be designated, “State Lands”, including those State lands previously designated “State, County and Private Parks”. Parks do not warrant a special Critical Area overlay in the Critical Area Law and there are no regulations that identify parks for special consideration. Therefore, the “State, County and Private Parks” designation is proposed to be deleted. All County and private properties must have one of the Critical Area overlays, Intense Development Area (IDA), Limited Development Area (LDA & LDA3) or Resource Conservation Area (RCA). The two County properties that are currently designated “State, County and Private Parks” are Flag Ponds and the Calvert Marine Museum. As Flag Ponds’ land cover is dominated by forests, ponds, wetlands and beach it is proposed to change its designation to RCA. As the Calvert Marine Museum’s land cover is dominated by impervious surface, as the properties on three sides of the property are IDA, as it is designated as a Special Buffer Management Area and as there are few trees on the property, it is proposed to be

designated IDA. The Nature Conservancy Property on Helen Creek is dominated by natural areas, it is proposed to be designated RCA.

CAMA 09-2. Critical Area Map

Propose adopting a revised Critical Area Map with overlays; both hard copy and digital versions of the Map. The final map will include all of the proposed map amendments that are approved.

Staff Report. Amendments (above and below), editorial changes and updates (changes already approved but not reflected on current maps) have been made to the Calvert County Critical Area Map. These changes must be reflected on the revised map and this map adopted in hard copy and digital form (Critical Area Map and same map in digital format).

CAMA 09-3. Critical Area Habitat Protection Area Map

The Critical Area Habitat Protection Area Map displays the habitat protection areas, except for the 100 ft buffer and Forest Interior Dwelling Bird Habitat, for Calvert County. This map displays the location of Natural Heritage Areas, State-Listed Species Sites, Locally Significant Habitats, Eagle Nest Sites, Cliff Category Areas 1 and 2, and Anadromous Fish Propagation Waters. There are currently no Colonial Water Bird Nesting Sites in the County. If one is established and identified by the State, this map will be amended to include such sites.

Staff Report.

This map is a new compilation of various habitat protection area maps and documents that the county has been using. It has been updated to include the proposed changes listed above. If any of the proposed changes are not adopted, the map will be modified to reflect this. This map is a State requirement and will be kept in the Department of Planning and Zoning and made available to the public on an as requested basis. It will not be widely distributed or put on the County website as it identifies the location of rare, threatened and endangered species.

CAMA 09-4. Hallowing Point Trailer Park (Figure 5)

Establish a Special Buffer Management Area on the Hallowing Point Trailer Park Property (Parcel 20, Tax Map 26, 5.34 acres). The property address is 6790 Hallowing Lane. Currently the land is used as a trailer park.

Staff Report. This trailer park existed prior to adoption of the Critical Area Law and as can be seen in Figure 5, there is little vegetation in the buffer (no functional buffer) and portions of the buffer are intensely develop with a trailer park. The Zoning is part Marine Commercial and part Residential District and the Critical Area Overlay is LDA3. To qualify as a Special Buffer Management Areas (SBMA), the area must be moderately to intensely developed and without a naturally vegetated, functioning buffer. The site is served by several septic systems. A portion of the site is in the floodplain. See attached SBMA Report for the Hallowing Point Trailer Park.

CAMA 09-5. Flag Harbor Yacht Haven Marina (Figure 6)

The property owner is requesting to designate the shoreline along the marina portion of the harbor as a Special Buffer Management Area (SBMA) (Tax Map 32, Parcel 64, and Residue “A”, 8.76 acres). The Zoning is Marine Commercial with a Limited Development Area (LDA) Critical Area Overlay. The property is located at the SE corner of Flag Harbor Boulevard and Valley Drive. The land has been used as a marina for the past 60 years.

Staff Report. The property is zoned Marine Commercial and the areas proposed to be changed to SBMA status is currently developed with a boat lift and pier with gravel access. As can be seen in Figure 6, there is no vegetation and thus no functioning buffer in the area proposed for SBMA status. The site is served by a septic system. The Zoning is Marine Commercial. See attached SBMA Report for Flag Harbor Yacht Haven Marina.

CAMA 09-6. Add New Critical Area Measured From Rose Haven Harbor. Add new Critical Area at the northeast end of the County that is within 1000’ of Rose Haven Harbor in Ann Arundel County (Figure 7, 28.33 acres). This area will be designated RCA as it consists of forest, fields and wetlands and is adjacent to large areas of the same.

Staff Report. This area meets the definition of the Critical Area (Article 12, page 16) as it is within 1,000 ft. of tidal waters. This area had been overlooked in past maps as it was 1,000 ft off of tidal waters located in Ann Arundel County. The current land use, forest, fields and wetlands, fits the RCA overlay best. This map amendment corrects the oversight.

Natural Heritage Areas and State-Listed Species Sites

The Heritage Division of the Maryland Department of Natural Resources has requested that the County modify some of its Natural Heritage Areas (NHA) and State-Listed Species Sites (SLSS) and has added a new State-Listed Species Sites. Each site will be treated separately and will be identified by a letter (see A-J below). They have also requested changes in the Cliff Category designation for some of these sites.

CAMA 09-7A. Camp Roosevelt Cliffs Natural Heritage Area (NHA-10, Figure 8)

Currently the Cliff designation is Category 1 for the Roosevelt Cliffs subdivision, Category 2 for Camp Roosevelt subdivision and Category 3 for the area north of Camp Roosevelt Cliffs but still in the NHA. It is proposed to change the Cliff Category designation from 3 to 2 for the area in this NHA north of Camp Roosevelt cliffs (Tax Map 16, Parcel 201).

CAMA 09-7B. Plum Point SLSS (L-7, Figure 9)

The Plum Point SLSS is currently Cliff Category 3. Change the Cliff Category designation from 3 to 2 for this SLSS

CAMA 09-7C. Proposed Angelica Cliffs SLSS (Figure 10)

Adopt a new Angelica Cliffs SLSS based on the presence of endangered tiger beetles. The Angelica Cliffs SLSS is currently Cliff Category 2.

CAMA 09-7D. Proposed Bayside Forest/Kaufman Road Cliffs SLSS (Figure 11)

Adopt a new Bayside Forest/Kaufman Road SLSS. The Bayside Forest/Kaufman Road SLSS is currently Cliff Category 3 and is proposed as Cliff Category 2.

CAMA 09-7E. Scientists Cliffs SLSS expansion (L-5, Figures 12-15)

This SLSS is proposed to be expanded to the north and south. The expansion to the North covers only State lands with conservation easements. The expansion to the south covers private properties from the southern end of Scientists Cliffs to Governors Run. The Cliff Category for the existing SLSS is Category 2 from the southern limit to the north end of the Scientists Cliffs development, Category 3 for about 2000 ft north of this point and Category 1 north of this Category 3 area. The expansions to the north and south are already either Cliff Category 1 or 2. The Cliff Category 3 area within this SLSS is all State lands with conservation easements and is proposed to be designated Cliff Category 1. Based on comments at the public forum, the very southern end in front of the Governor's Run Condominium Association Property (Tax Map 28, Parcel 215) is proposed to be changed from Cliff Category 1 to Cliff Category 2.

CAMA 09-7G. Proposed New Camp Canoy North SLSS (Figure 17)

Recommend as proposed by DNR. Site is currently Cliff Category 1 except for the northern most approximately 200 ft. This northern area will also be proposed for Cliff Category 1.

CAMA 09-7H. Proposed New Camp Canoy South SLSS (Figure 18)

Recommend as proposed by DNR. Site is currently Cliff Category 1. This site extends from the north end of the Cove Point NHA north for approximately 2,500 ft.

CAMA 09-7I. Little Cove Point SLSS (L-4, Figure 19)

Expand the SLSS to the South to include all cliff areas just northeast of Seahorse Beach and Fresh Creek. The expansion area is already Cliff Category 2. The existing SLSS is Cliff Category 2 from its existing southern extent north to a point about midway through Park Chesapeake subdivision. It is proposed to extend the Cliff Category 2 designation to the north end of the existing SLSS.

CAMA 09-7J. Combine the Graham Creek and Middle Patuxent Marshes State Listed Species Sites (L-1 & L-10 become L-1, Figure 20). The state has requested this change. The combined Site will be called the Middle Patuxent Marshes.

Staff Report CAMA 09-7 A-J. The Critical Area Law and Calvert County Zoning Ordinance (Section 8-1.08.C.2) requires the County adopt, within one year, any new habitat protective areas and protective measures identified by the State. The State has

also recommended the County change some of its Cliff Category designations to provide additional protection for the endangered tiger beetles.

CAMA 09-9. LDA to IDA in Solomons Using Growth Allocation (Figure 23 and spreadsheet)

Proposed to change all land designated LDA between Lore Rd. and Solomons Landing from LDA to IDA using growth allocation (29.74 acres).

Staff Report CAMA 09-9. This area is located in the Solomons Town Center, which is a priority funding area for the County. The Solomons Town Center is also recognized in the Calvert County Critical Area Program as a priority for receiving growth allocation. The parcels are surrounded by IDA and LDA. The land to the west includes Rt. 2&4 and federal property, a naval recreation center. Except for one small field and a few residences at the north end, this area is intensely developed and includes an area greater than 20 acres (see attached Findings of Fact and List of Properties).

CAMA 09-10. LDA to IDA For Stoney's Banquet Facility in Broomes Island Using Growth Allocation (Figures 24 -26). Proposed to change Parcel 15, Tax Map 38C in Broomes Island from LDA to IDA using 1.49 acres of growth allocation. The current zoning is Marine Commercial with an LDA Critical Area overlay. The proposed use is a commercial banquet facility. Sewage disposal is proposed using portable sanitary facilities during banquet events. The Health Department has approved this approach.

Staff Report CAMA 09-10. The parcel was previously an oyster packing plant and much of the land is composed of oyster-shell fill. The parcel is adjacent to Stoney's restaurant which is IDA with Special Buffer Management Area status. The other adjacent parcels are LDA. There is very little vegetation on the parcel including the 100 foot buffer. There is currently a violation on the property for structures built without permits. The Department of Planning and Zoning is waiting for a planting plan to meet the mitigation requirements of the violation. The Site Plan and Building/Grading permits have not been approved to date. The applicant must meet all requirements of COMAR 27.01.02.05-1 Growth Allocation Submittal Requirements. See attached Growth Allocation Staff Report for the Stoney's Banquet Facility.

CAMA 09-11. Proposed Special Buffer Management Area Status For Stoney's Banquet Facility in Broomes Island Using Growth Allocation (Figures 24-26). Proposed to designate Parcel 15, Tax Map 38C in Broomes Island as a Special Buffer Management Area. The proposed use is a commercial banquet facility.

Staff Report CAMA 09-11. The parcel was previously an oyster packing plant and much of the land is composed of oyster-shell fill. The parcel is adjacent to Stoney's restaurant which is LDA with Special Buffer Management Area status. The other adjacent parcels are LDA. There is very little vegetation on the parcel including the 100

foot buffer. Thus there is not a currently functioning buffer. There is currently a violation on the property for structures built without permits. The Department of Planning and Zoning is waiting for a planting plan to meet the mitigation requirements of the violation. The Site Plan and Building/Grading permits have not been approved to date. See attached SBMA Report for the Stoney's Banquet Facility.

Editorial changes and updates:

- A. In the current Critical Area Map, LDA has no line around it and LDA-3 has a bold line around it. Scientists Cliffs is LDA but mistakenly had a very fine line around it. On the proposed Critical Area Map (see CAMA 09-5) LDA has a fine line and LDA-3 has a bold line. Scientists Cliffs subdivision has a fine line around it indicating that it is LDA.
- B. Correct Critical Area Line for Roosevelt Cliffs Subdivision (Figure 27). In 1990, the County Commissioners signed a resolution expanding the Critical Area to include all of the land included in the Roosevelt Cliffs subdivision (Resolution 6-90). The Critical Area Commission had previously (2-15-89) approved the map amendment. The current County Critical Area Map does not include part of Lot 1 of the subdivision. The proposed map makes this correction. The correction affects 5.18 acres of RCA land.
- C. Update the Special Buffer Management Areas for the Solomons Area as already shown in the Zoning Ordinance (Map 8-1.1 and 8-1.2, Article 8, pages 27-28).
- D. Update map based on previous changes (Allor property, CAMA 02-3, Resolution 32-03). In 2003, 0.43 acres of Parcel 211, Lot 1-R on Tax Map 33 was converted from RCA to LDA-3 using growth allocation. This change was never made on our official Critical Area Map, but is being made at this time. The change was approved by the Critical Area Commission on February 5, 2003.