

**COUNTY ORDINANCE NO. 05-19**

**A BILL ENTITLED**

AN ACT concerning the Repeal and Re-Adoption with amendments of the Local Public Laws of Queen Anne's County, Chapter 14, CHESAPEAKE BAY CRITICAL AREA ACT, Official Chesapeake Bay Critical Area Overlay Map Number 57.

FOR THE PURPOSE OF amending part of parcel 45, located on said Official Chesapeake Bay Critical Area Overlay Map 57 to redesignate 3.92 acres from Resource Conservation Area (RCA) to Intense Development Area (IDA); to redesignate 59.66 acres from Limited Development Area (LDA) to IDA; and, to redesignate 11.16 acres from LDA to RCA.

**SECTION I**

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Local Public Laws of Queens Anne's County, Chapter 14, CHESAPEAKE BAY CRITICAL AREA ACT, Official Chesapeake Bay Critical Area Overlay Map Number 57 is hereby repealed and Overlay Map Number 57 be and is hereby amended and adopted with the revisions set forth herein and depicted on Exhibit A, attached hereto.

**SECTION II**

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

INTRODUCED BY: Ben Cassell

DATED: August 23, 2005

PUBLIC HEARING HELD: September 27, 2005

VOTE:   3   YEA   2   NAY

DATE ADOPTED: October 18, 2005

RESOLUTION, FINDINGS OF FACT  
AND CONDITIONS RELATING TO  
THE APPLICATION OF WHITE'S HERITAGE  
PARTNERS, LLC (a/k/a GIBSON'S GRANT)  
FOR GROWTH ALLOCATION

WHEREAS, White's Heritage Partner's, LLC (herein "Petitioner") has petitioned the County Commissioners of Queen Anne's County ("the County") for an award of growth allocation in order to amend official Chesapeake Bay Critical Area Overlay Map No. 52 to redesignate 3.92 acres of land from Resource Conservation Area (RCA) to Intense Development Area (IDA); redesignate 59.66 acres from Limited Development Area (LDA) to IDA; and to redesignate 11.11 acres from LDA to RCA on property more particularly described in the Petition;

AND WHEREAS on December 9, 2004 the Queen Anne's County Planning Commission recommended approval of an award of growth allocation with conditions;

AND WHEREAS on March 8, 2005 following public hearing the County gave conceptual approval to the growth allocation petition, with certain conditions and requested that the same be forwarded to the Chesapeake Bay Critical Area Commission ("the Critical Area Commission") in accordance with Chapter 14:1-77 of the Code of Public Local Laws;

AND WHEREAS the Critical Area Commission held a public hearing on May 19, 2005 and on June 1, 2005 approved the growth allocation request and map redesignation with certain conditions;

AND WHEREAS on August 23, 2005 County Ordinance 05-19 was introduced to amend Chesapeake Bay Critical Area Overlay Map 57 in accordance with the request of the Petitioner;

AND WHEREAS a public hearing on County Ordinance 05-19 was held on September 27, 2005.

NOW THEREFORE, BE IT RESOLVED that the County Commissioners of Queen Anne's County make the following findings of fact, supported by substantial evidence in the Record (such "Record" shall include the record of proceedings, evidence, exhibits and findings made in connection with the various proceedings described above):

a. The County Commissioners have given specific consideration to the matters set forth in Section 14:1-77 D.(2) in connection with conceptual approval of the Petition. The Queen Anne's County Planning Commission Report, including their findings and recommendation are incorporated herein as well as the 'Gibson's Grant Consistency Statement' submitted in connection with conceptual approval.

b. The Petition for growth allocation is consistent with the Queen Anne's County Chesapeake Bay Critical Area Program (Chapter 14 of the Code of Public Local Laws), however the County shall impose a number of additional conditions all of which are designed to meet the concerns of County Citizens, minimize the environmental impact of the project, foster good land stewardship, insure the subject property will not be overdeveloped, assure that public facilities are not over burdened and generally to enhance the design and impact of the project.

BE IT FURTHER RESOLVED that the County shall approve the Petition for growth allocation specifically with and subject to the following conditions:

1. The development density of Gibson's Grant will not exceed 280 dwellings overall. This represents almost a 63% reduction in dwellings from the original approved sketch plan which contained 750 units.
2. Gibson's Grant will dedicate at no cost approximately 55 acres along Macum Creek and the southern portion of the Property for resource protection uses (Conservation Area).
3. The Conservation Area will be held by a recognized land trust or natural resource protection group and shall be restricted to open space use, resource and wildlife habitat protection use and passive recreation for the general public.
4. Gibson's Grant shall be designed to minimize impacts to the floodplain.
5. Gibson's Grant will include 10% of Moderate Price Dwelling Units (MPDU's) thereby creating at a minimum 28 dwellings for teachers, police, and other workforce professionals in Queen Anne's County in need of affordable housing and shall not utilize the "fee in lieu of" provisions contained in the County Code. The MPDU's shall be dispersed throughout the community. The subdivision plans for Gibson's Grant should provide a higher degree of mixed and attached housing type, than that reflected on the second amended sketch plan approved by the Planning Commission on October 14, 2004 ("Sketch Plan").
6. Sheet No. 2 of 6 of the Sketch Plan depicts several barn structures around a clustering of existing mature trees as "Existing Barns (To Be Razed)." The applicant shall make all reasonable efforts to incorporate the Existing Barns (either through renovation or reconstruction) as well as the mature trees around the Existing Barns, into the final design of Gibson's Grant.
7. Gibson's Grant will contain significant amenities such as waterfront access, parks, pedestrian trails, open space and community recreational facilities.
8. The applicant shall demonstrate that the final development plans for Gibson's Grant incorporate most of the "thirteen characteristics of traditional neighborhood

development" and shall demonstrate, by means of comparison to specific examples, that the development plan seeks to recreate these characteristics in a manner which has proven successful at established TNDs.

9. The applicant shall provide detailed renderings of all proposed architectural models, including housing types and all community amenities and all site architecture shall be "human scale" and of excellent design and high quality building materials ("Architectural Character Information"), at the time of final subdivision approval. This Architectural Character Information shall be substantially similar to that presented to the Planning Commission as part of the Sketch Plan approval.

10. The 55 acres of the Conservation Area and mature forest located along Macum Creek and in the southern portion of the development site shall be permanently protected.

11. No tree clearing shall be permitted within the Macum Creek 300 foot shore buffer.

12. Protective covenants for the development as well as the Conservation Area must be created and are subject to the review and approval by the Planning Commission and Planning Commission attorney.

13. The applicant shall develop legal documents which establish Gibson's Grant Community Association to be responsible for community maintenance, including the Conservation Area, all parks, playgrounds, community open space, private roads, recreation equipment and facilities and all community lands, property and amenities.

14. The applicant shall develop legal documents which establish personnel, mechanisms and procedures for the regulation of all site architecture and aesthetics.

15. Protective covenants for Gibson's Grant shall specify that no boats or recreational vehicles may be stored within the development site, except in garages.

16. The applicant must complete the Maryland Historic Trust's historical and cultural site inventory process prior to final subdivision approval.

17. A Buffer Management Plan for the Chester River and Macum Creek shall be submitted to Critical Area Commission staff, or if necessary, the full Critical Area Commission for review and approval. It shall include provisions for establishing the areas in natural vegetation as well as details of proposed trails and access to the water.

18. A plan for the Conservation Area shall be submitted to Critical Area Commission staff or, if necessary, the full Critical Area Commission for review and approval. The plan shall include details on design, implementation and long term maintenance of the Conservation Area.

19. Stormwater requirements, including the 10% Rule and County stormwater standards, shall be addressed within the development envelope or outside of the Critical Area.

20. The County Commissioners recognize that adjustments will occur to the Sketch Plan (particularly to address some of the conditions contained herein) and be reflected on the design of the preliminary and final subdivision plans. Nonetheless, the land uses, density limitation, land area in open space, amenities, Conservation Area, land area in public park, development envelope, and buffers shall remain substantially as that depicted on the approved Sketch Plan, unless otherwise specifically called for in these conditions.

21. Those thirteen (13) conditions contained in the Planning Commission Report on the Petition. Should any conflict exist between the Planning Commission conditions and the other conditions stated herein, the more restrictive conditions shall apply.

22. In the event of non-performance of any conditions, restriction or limitation imposed in connection with the award of growth allocation, Queen Anne's County may, in its discretion, amend, repeal, rescind, suspend, annul or revoke the award of growth allocation by introduction and adoption of a bill for that purpose. The County may immediately suspend consideration of further development approvals or permits upon introduction of such a bill. No formal development approval shall be given by the Queen Anne's County Planning Commission unless and until the Planning Commission is satisfied that all conditions are met.

AND BE IT FURTHER RESOLVED that this Resolution and Findings shall be a part of the legislative history of County Ordinance 05-19 and shall be fully effective and enforceable upon the adoption of said Ordinance.

Date: \_\_\_\_\_, 2005

THE COUNTY COMMISSIONERS OF  
QUEEN ANNE'S COUNTY

ATTEST:

Signed \_\_\_\_\_  
Joseph F. Cupani

Signed \_\_\_\_\_  
Benjamin F. Cassell

Signed \_\_\_\_\_  
Margie Houck

\_\_\_\_\_  
Michael S. Koval

\_\_\_\_\_  
Gene Ransom, III

Signed \_\_\_\_\_  
Richard A. Smith