

AMENDMENT NO 1 TO
COUNTY ORDINANCE NO. 16-14

AN AMENDMENT TO
A BILL ENTITLED

AN ACT CONCERNING Archeological Resource Investigations in
Queen Anne's County.

FOR THE PURPOSE of amending pending County Ordinance No.
16-14 to incorporate changes recommended by the Queen Anne's
County Planning Commission; requiring an applicant to make
inquiry regarding rather than being responsible for researching
archeological resources with the Maryland Historical Trust and
other agencies; removing a reference to "moderate" probability
of archeological resources; requiring the costs of Phase II
(Evaluation) or Phase III (Treatment Plan) be borne by a source
other than the applicant or property owner; requiring that such
Phase II or Phase III investigation has completed within 180
days from the date of notice to proceed with further
investigations; and removing provisions requiring week stoppage
in the event of unanticipated discovering's;

BY AMENDING Section 18:1-91.1C.(2)(4) and (7) of pending
County Ordinance No. 16-14.

SECTION I

BE IT ENACTED BY that pending County Ordinance No. 16-14 be
and is hereby AMENDED so that proposed Section 18:1-91.1 read as
follows (changes to County Ordinance 16-14 shown in blue):

Chapter 18:1
ZONING AND SUBDIVISION REGULATIONS

...

Article XVI: Historic Structures and Archeological Surveys
[Added 5-15-2007 by Ord. No. 06-20]

...

§18:1-91.1 Archeological Resource Investigation

A. Purpose. It is the policy of the Queen Anne's County Planning Commission to require the documentation and preservation of archeological sites in order to protect the county's cultural heritage. The purpose of this Section is to establish criteria for the preservation of archaeological resources and similar irreplaceable assets that shall be preserved, insofar as possible, through harmonious and careful design during the development review process.

(1) All archeological investigations and report preparation shall be based on the Maryland Historical Trust (MHT) publication, *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole 1994)¹, as well as accepted practices for archeology in the Mid-Atlantic Region.

(2) All work conducted in Queen Anne's County must be performed in accordance with *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole).

(3) The significance and integrity of all existing archaeological resources shall be evaluated and shall be part of a plan for the protection and preservation of such resources, which shall be reviewed and subject to the approval of the Planning Commission.

B. Applicability. Standards for the documentation of archeological resources apply to the following:

1. Applications for approval of all major site plans, major subdivisions, concept plans for solar arrays, concept plans for major extraction permits, and telecommunication towers that involve documented evidence of archeological resources.

2. These standards do not apply to minor subdivisions, minor site plans or administrative subdivisions.

C. Development Review Process. Prior to the approval of the application, review and documentation of any archeological resource shall be conducted in accordance with the following process:

(1) All plans submitted shall identify cemeteries, burial grounds, and known archaeological sites. Applicants are required to comply with Chapter 18: 1: Zoning & Subdivision Regulations and comply with the Planning Commission's Archeological Resource Investigation Guidelines adopted by Resolution of the County Commissioners of Queen Anne's County.

¹ Shaffer, Gary D. and Elizabeth J. Cole

1994 *The Standards and Guidelines for Archeological Investigations in Maryland*. Maryland Historical Trust Technical Report 2.

- (2) Applicant ~~is responsible for~~ should make inquiries to researching the Maryland Historical Trust, the Maryland Historical Trust Library, the Maryland State Highway Administration, the National Register of Historic Places, and other resources to determine whether archaeological resources are likely to exist on site.
- (3) Prior to the submittal of a plan, potential applicants are encouraged to arrange a pre-application meeting with the Planning Department to substantiate the presence or absence of archeological resources.
- (4) Staff will review the plans for archeological potential and based on this analysis, the Planning Department will make an evaluation of archeological potential and a finding as to whether an archeological investigation is needed. If staff concludes that there is a moderate or high probability that archeological resources could be located within the project area, staff will provide a memorandum that outlines the area where a Phase I archeological investigation will be required. If a known potentially significant or National Register of Historic Places-eligible archeological site is within the project area, a Phase II (Evaluation) or Phase III (Treatment Plan) investigation may be required. If staff finds that no further archeological investigations are necessary, the applicant will receive a memorandum stating that the applicant has met the Planning Department's archeological requirements. ~~If Phase II (Evaluation) or Phase III (Treatment Plan) is deemed necessary, the cost shall be borne by a source other than the applicant or property owner and shall be completed within 180 days from the time that notice was given to proceed with further investigations.~~
- (5) If staff recommends a Phase I, II, or III archeological investigation, the Archeological Resource Investigation Guidelines shall apply. An acceptable investigation report shall be submitted at least 45 days prior to the scheduled Planning Commission meeting date.
- (6) Staff's recommendations on the archeological review will be presented to the Planning Commission as part of the Staff Technical Advisory Committee report. Should the Planning Commission determine that additional archeological investigation is necessary; the additional study information shall be submitted and reviewed prior to any approval by the Commission.
- (7) ~~Should unanticipated discoveries be uncovered during soil disturbance, work in the immediate vicinity shall cease and the Planning Department notified. Construction activities in the vicinity shall not resume until~~

such time that all relevant parties have agreed upon a course of action :

Application of this section shall not result in the loss of otherwise buildable lots or buildable area. However, this provision shall not be interpreted or used as a means to recover base density or buildable area that may be lost due to the application of other County, State, or Federal requirements during the normal review process.

SECTION III

BE IT FURTHER ENACTED that this Amendment shall take effect immediately upon its adoption.

INTRODUCED BY: Commissioner Moran

DATE: February 28, 2017

VOTE: _____ Yea _____ Nay

DATE OF ADOPTION: _____