

**WORCESTER COUNTY  
NOTICE OF PUBLIC HEARING**

The Worcester County Commissioners will conduct a public hearing and will receive public comment on the following map amendment on **Tuesday, June 16, 2026, at 10:30 AM** in the Worcester County Government Center, Room 1101, One West Market Street, Snow Hill, Maryland:

**Rezoning Case No. 444**, filed by Hugh Cropper on behalf of Black Water Relics, LLC, property owner, for an amendment to the Official Zoning Maps to change approximately 0.78 acres of land located at 4432 Market Street, Tax Map 63, Parcel 106, 0.25 miles north of Moat Road, Snow Hill, in the Second Tax District of Worcester County, Maryland, from A-1 Agricultural District to C-2 General Commercial District.

A copy of the file on Rezoning Case No. 444 and the Planning Commission's recommendation, which will be entered into record at the public hearing, are available to view online at [www.co.worcester.md.us](http://www.co.worcester.md.us) or during normal business hours at the Department of Development, Review and Permitting, One West Market Street, Room 1201, Snow Hill, MD.

THE WORCESTER COUNTY COMMISSIONERS

To: Commissioners  
 From: Roscoe R. Leslie  
 Date: May 15, 2026  
 RE: Black Water Relics Rezoning Case

**Basic Timeline:**

August 2023	Initial Planning Commission hearing on Black Water Relics’ request to rezone property from A-1 to C-2
Oct/Nov 2023	County Commissioners hearing and denial
October 2024	Circuit Court ruling and remand
February 2026	Appellate Court ruling and remand

**Appellate Court Opinion**

The Appellate Court of Maryland:

1. Vacated the Commissioners’ denial of the rezoning request.
2. Denied Black Water Relics’ request to compel the rezoning request.
3. Remanded the case to the Commissioners for further proceedings to produce additional findings of fact regarding the denial of the rezoning request.

The Appellate Court seems to endorse the Circuit Court’s request for discussion on the following issues:

1. Whether the “known commercial nature and use” of the property was considered as evidence of a mistake.
2. Whether a statement in the record that the zoning maps “followed typ. ag. storage uses so downzoned” was considered.
3. Whether the Commissioners considered the Planning Commissions’ finding that A-1 zoning created “an unsuitable lot for agricultural purposes.”

**Agreement with Counsel**

The County and counsel for Black Water Relics have agreed to:

1. Re-open the hearing for this matter to allow both sides to present evidence and argument.
2. Limit the scope of the rezoning request to the 0.78 acre parcel of property originally in Black Water Relics' rezoning request and to exclude "parcel 89".

AMENDEDSTAFF REPORTREZONING CASE NO. 444

**TAX MAP/PARCEL INFO:** Tax Map 63, Parcel 106, Tax District 02

**SIZE:** The petitioned area consists of 0.78 acres.

**LOCATION:** 4432 Market St Snow Hill, MD (Approximately 0.25 Miles north of Moat Rd)

The Planning Commission's original recommendation included rezoning the adjoining 1.01-acre parcel (Parcel 89) to C-2 District to support on-site septic and parking for commercial uses. However, the applicant did not amend their application to include this parcel. Therefore, the current review solely pertains to Parcel 106.

**CURRENT USE OF PETITIONED AREA:** The property is currently improved with an 11,200 square foot commercial warehouse built by Shockley & Humphreys, Inc., according to the septic permit issued by the Health Department in 1959 (Staff Attachment #1). There are no building or zoning permits on record for any other use or tenants, and the building has been vacant/abandoned for many years.

**BACKGROUND:** On October 17, 2023, the Worcester County Commissioners held a public hearing on Rezoning Case No. 444, requesting a C-2 General Commercial District designation based on a mistake in the zoning of the property during the 1992 Comprehensive Rezoning. The County Commissioners voted to deny the requested map amendment and retain the A-1 Agricultural District designation. The applicant appealed the decision, and the case was ultimately remanded back to the County Commissioners for further consideration. A copy of the original Findings of Fact is attached as Staff Attachment #2.

**ACTION REQUESTED:** The County Commissioners must make findings of fact on the requested C-2 General Commercial District zoning classification.

**CURRENT ZONING CLASSIFICATION:** A-1 Agricultural District.

As defined in the Zoning Code, this district is intended to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare. This district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or nonagricultural commercialization.

**REQUESTED ZONING CLASSIFICATION:** C-2 General Commercial District.

As defined in the Zoning Code, this district is intended to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. The Code also states, in part, that site layout and design features within this district shall be compatible with the community and the County's character.

**Determining the applicable Comprehensive Plan and Comprehensive Rezoning:** The petitioned area had been annexed into the Town of Snow Hill at the time of the 2009 comprehensive rezoning. Therefore, the applicant is alleging that there was a mistake in the 1992 zoning of A-1 Agricultural District, following the 1989 Comprehensive Plan which designated the property as Agriculture on the Land Use Map. The applicant has previously alleged that it should be commercial because of the 2006 Land Use classification of Growth Area. However, one cannot argue a mistake in the 1992 zoning based on a 2006 land use designation.

**ZONING AND COMPREHENSIVE PLAN LAND USE HISTORY:**

- **1964 Zoning:** B-2 General Business District (Staff Attachment #3)
- **1965 Land Use:** General Business
- **1976 Land Use:** Rural
- **1978 Zoning:** B-2 General Business District (Staff Attachment #4)
- **1989 Land Use:** Agriculture (part of Staff Attachment #9)
- **1992 Zoning:** A-1 Agricultural District (Staff Attachment #5)
- **2006 Land Use:**
  - The petitioned area was annexed into the Town of Snow Hill as part of the original Summerfield development (Resolution signed December 2005 – Staff Attachment #6, effective January 2006, subject to referendum in March 2006).
  - The 2006 Comprehensive Plan was adopted in March 2006. The petitioned area was given a Growth Area land use designation, which is a precursor to annexation (Staff Attachment #7).
- **2009 Zoning:** This property was not considered during the 2009 Comprehensive Rezoning as it was part of the Town of Snow Hill municipal boundaries, consistent with the Growth Area designation.
- **2019:** All lands associated with the Summerfield development were de-annexed/ detached. The petitioned area reverted to the zoning classification that it was upon annexation (A-1 Agricultural District). At the time, the applicant argued that it should have reverted to a residential category, the zoning approved upon annexation (Staff Attachment #8).

**W at anged** The 1989 Comprehensive Plan took a hard look at commercial activity occurring and had concerns that the prior Plan was not sufficiently regulating development. The plan specifically called out for a need to take a detailed review of the commercial zoning around each town. These statements justify the County's decision to change the land use category from General Business/ Rural to Agricultural in 1989, and the subsequent 1992 zoning reclassification that followed. Despite the applicant's claim of a broadbrush elimination of commercial zoning,

the 1989 Comprehensive Plan explicitly focuses on the review of specific commercial corridors adjacent to the municipalities (Staff Attachment #9).

- The "in ease in esidentia and o e ia a ti ity in t e unin o o ated o tions o t e County as aised on e ns a out t e e e ti eness o t e 1 6 Co e ensi e P an and Land Use egu ations as guides o ne de e o ent" (page 1).
- The "four incorporated municipalities...are in a particularly good position to economically absorb new growth. Public services can next best be provided to locations adjacent to these areas of existing public service. The cost of providing public service in areas distant from existing public service is high. T is o e ensi e an e ognizes t ese u i se i es osts and suggests t at utu e de e o ent e o ated in a eas nea e isting de e o ent zones. Development beyond these areas should expect lower levels of public services" (page 13).
- Land Use Objective: "I e ent t e Co e ensi e P an s goa s, o e ti es, and e o endations t oug t e use o e e ti e zoning..."(page 15).
- "The Incorporated Towns of the County are not covered by this Comprehensive Plan, however, careful consideration is given to the distribution of land uses around each and the development trends occurring in each Town...For example, t e o ation and a ount o o e ia zoning a ound ea To n needs to e e a uated so as to su o t t e aintenan e and e ita ization o e isting To n o e ia a eas" (page 18).
- "County zoning for agriculture areas should be established with the express objective of making agriculture and forestry the preferred land use. This will limit future conflicts that may arise as a result of sprawling residential and commercial land uses" (page 21).
- In the Economic Development Chapter, objectives of the commercial services include:
  - "Assist...Snow Hill in fulfilling their roles as major county commercial centers through land use controls, and other measures. Use controls to establish standards and designate areas for commercial development within the County" (page 42).
- "St i o e ia de e o ent a ong ig ays a so on i ts it t e su ess o do nto ns o ing ente s and is also undesi a e from a traffic and aesthetic view-point" (page 44).
  - "The County can help avoid situations of this sort by:
    - En ou aging ne o e ia de e o ent to o ate it in e isting to ns
    - Re ie ing o e ia zoning assi i ations a ound e isting to ns and,
    - Grouping commercially-zoned property near natural activity centers and not stringing them out along high ways in strip fashion" (page 45).
- Implementation: "As soon as the Plan has been adopted (and as part of the current planning program) the [Planning] Commission should supervise the development of updated County zoning ordinance and subdivision regulations. These updated ordinances...will be specifically designed to reflect and implement the Plan's land use policies" (page 78).
- "The major concepts to be included in the [zoning] ordinance are:
  - ...restrictions on highway strip development,
  - Zoning adequate land for commercial and industrial uses..." (page 79).

**ONING CO E PRO ISIONS:** As outlined above, the 1989 land use designation (Agriculture) and 1992 downzoning of the petitioned area to A-1 Agricultural District was done to preserve community character and directly encourage the revitalization of the downtown areas. During a comprehensive rezoning process, it is generally accepted that there will be some nonconforming uses created because of changes in policy. Legal nonconformities may continue under certain provisions of the zoning code.

The applicant testified that they purchased the property with the specific intention to establish a retail antique store on the property. They based their assumption of zoning on the Maryland State Assessment and Taxation record, which listed the land use code as “commercial” without verifying the actual zoning of the property with the appropriate county office. Simply because the uses listed in the A-1 District do not match the applicants’ intended use does not mean that there was a mistake in the zoning of the property.

Due to the size of the petitioned area (0.78 acres), there are limited uses in the A-1 Agricultural District that would be permitted without the need for variances to lot area requirements. However, the applicant is not completely deprived of uses for the property. Both the 1992 and the 2009 Zoning Codes identify the following uses (P = Permitted, SE = Special Exception):

- (P) Crop production, no lot requirements apply
- (SE) Conversion of existing vacant or inactive structures previously utilized for commercial, industrial or agricultural processing purposes into uses consistent with the intent of the A-1 District and its permitted principal uses and with the general character of the surrounding area. Minimum lot requirements shall be as determined and approved by the Board of Zoning Appeals. Conversion of existing structures shall be established only with Health Department approval and shall be subject to the provisions of § ZS 1-325 hereof.
- (SE) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.

The applicant has not exhausted all available administrative remedies. For example, if the owner wanted to establish a roadside stand, they would require 40,000 square feet of lot area. However, if the Board of Zoning Appeals granted a variance, the use could be allowed on this parcel (33,977 square feet). Other uses that would need a variance include but are not limited to a garden center, sawmill, noncommercial recreational areas and centers, and commercial kennels.

Under the special exception of converting a vacant/ inactive structure, the applicant could potentially have retail uses similar to but not specifically listed in the A-1 District. The Department has processed several special exception applications under this use category in the past, several of which were approved for uses akin to contractor shops and automotive repair and storage. The Board of Zoning Appeals must determine consistency with the following: 1. The intent of the A-1 District; 2. The A-1 District permitted principal uses; and 3. The general character of the surrounding area. In addition, the Board has jurisdiction over the lot requirements, including the lot area and setback minimums, which allows a property owner more flexibility to convert existing buildings of this nature.

**FININGS OF FACT:**

1. **Regarding the definition of the neighborhood:** Since the requested zoning is based on a mistake in zoning, there is no defined neighborhood.
2. **Regarding population change.** There has not been significant population change within the Town of Snow Hill. Based on the US Census figures the population was smaller in 2020 (2,156 people) than in 1990 (2,217 people). The applicant’s original testimony that the petitioned area would be more suitable for commercial use because of the former Summerfield development continues to have no basis on this request because it never came to fruition and was de-annexed/ detached in 2019. While there has been discussion of another, smaller annexation request that would not include the petitioned area, the Worcester County Commissioners have not received any plans nor concurred with any requests for zoning upon annexation. Therefore, this potential development shall not be considered as part of this rezoning request.
3. **Regarding the availability of utilities.** This property is constrained by its limited on-site septic capacity and is unable to support septic replacement or expansion on-site. Testimony at the original Planning Commission meeting indicated that the septic tank was barely on the property, and the surveyor was unable to locate the septic lines. Additionally, any septic replacement to serve the petitioned area would have to occur off-site on the adjoining parcel (Parcel 89), which is not part of this rezoning request.
4. **Regarding easement and utility easements.** The petitioned area has access to West Market Street (US 113 Business/ MD Route 394), a state-maintained minor collector highway. The Maryland Department of Transportation State Highway Administration (MDOT SHA) would evaluate any potential development of the property and require access permits as may be applicable.
5. **Regarding compatibility with existing and proposed development and existing zoning conditions in the area, including a finding of no adverse impacts on the State’s natural resources and the State’s public health, safety and general welfare.** The Worcester County Commissioners previously found that commercial zoning on this property would not be compatible with the surrounding area. Less than one mile north of the petitioned area, there are adequate commercially zoned

lands improved with commercial services that can meet the needs of area residents and are located within the municipal limits of Snow Hill. The petitioned area is outside of the municipal boundaries and the core downtown area, with a lack of commercial zoning within the immediate vicinity. The surrounding lands are also zoned A-1 Agricultural District, with active agricultural fields. A commercial zoning designation in this location would be akin to spot rezoning.

The applicant testified that the petitioned area would be more consistent with a commercial designation because the 2006 Comprehensive Plan designated it as a Growth Area and would serve the original Summerfield development of 600 to 700 homes that never came to fruition. However, one cannot argue a mistake in the 1992 zoning based on a 2006 land use designation. The Growth Area designation was consistent with the petition for annexation under review at the same time as the development of the plan.

Even if this were the appropriate planning document to determine consistency (which it is not), such designation does not require that the Commissioners rezone the property in preparation for future annexation. The 2006 plan states that “[g]rowth area designation does not in and of itself require that such areas be rezoned from a less intense zoning to more intense growth area zoning. Rather the growth area designation is a necessary condition for growth-oriented zoning akin to individual rezoning case requirements demonstrating a substantial change in the character of the neighborhood or strong evidence of a mistake in the original zoning” (page 11, Staff Attachment #10). Therefore, the County Commissioners are not required to rezone the petitioned area simply because it carries a Growth Area land use designation.

6. **Re ating to o ati i ity it t e Co e nsi e P an.** The requested zoning of C-2 General Commercial District is not consistent with the applicable comprehensive plan. The 1989 Comprehensive Plan took a hard look at commercial activity occurring and identified concerns that the prior Plan was not sufficiently regulating development. The plan specifically called out a need to take a detailed look at the commercial zoning around each town. The result was an Agriculture land use designation in the Comprehensive Plan, and the subsequent 1992 rezoning to A-1 District, consistent with this designation and the surrounding land uses. Despite the applicant’s claim of a broadbrush elimination of commercial zoning, the 1989 Comprehensive Plan explicitly focuses on the review of specific commercial corridors adjacent to the municipalities.

Mr. Cropper testified at the County Commissioners’ meeting that Mrs. Wimbrow, a former county employee and current Planning Commission member, prepared the 1992 zoning maps, and voted in favor of the mistake in zoning, alleging that she acknowledged making a mistake during the rezoning process. However, Mrs. Wimbrow stated at the Planning Commission meeting that Mr. Kelly Shannahan, another former county employee, drafted the 1992 zoning maps, which is consistent with various Planning Commission meeting minutes from 1991. During a joint work session with the Planning Commission on March 28, 1991, the County Commissioners stressed the importance of implementing the 1989 Comprehensive Plan. The county attorney at the time asserted “that the zoning categories must be in accordance with the plan.” Both boards

acknowledged that this Comprehensive Plan took a big step in controlling growth over the previous plan, and reduced densities in many areas (Staff Attachment #11).

There is no documentation in the permit records or the Planning Commission minutes stating that the decision to downzone this property from commercial to agricultural was done because of confusion over the use of the property at the time of the rezoning, nor that it was a broadbrush decision. There are, however, many references in the work session minutes to managing zoning to be consistent with the 1989 Comprehensive Plan. During a comprehensive rezoning process, it is generally accepted that there will be some nonconforming uses created because of changes in policy. The creation of a nonconformity is not an indication that a mistake was made in the zoning classification when it was done consistent with the Comprehensive Plan.

Rezoning Case No. 444

Staff Report Attachment No. 1

1959 Worcester County Health Dept.

Septic Permit and sketch

Second Public Hearing: June 16, 2026

Permit No. 290-59

APPLICATION FOR WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM PERMIT

Property Owner Stockley and Humphreys Home Address Snow Hill

Property Location U.S. 113 Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_ Lot Size 0.62 AC

If Residence: No. Bedrooms \_\_\_\_\_ No. Baths \_\_\_\_\_ Automatic Laundry: Yes \_\_\_\_\_ No \_\_\_\_\_  
If Motel or Apts.: No. Bedrooms \_\_\_\_\_ No. Baths \_\_\_\_\_ No. Kitchens \_\_\_\_\_  
If Commercial: Number of persons using sanitary facilities 5-6  
If Trailer: Number of persons using sanitary facilities \_\_\_\_\_

Contractor R.M. Scott Address Snow Hill

Plumber Briggs Concrete Works Address Salisbury, Md.  
PROPOSED WATER SUPPLY SYSTEM

Dep't Geology, Mines and Water Resources Permit No. \_\_\_\_\_

Water Source: Public \_\_\_\_\_ Private  Driven  Drilled \_\_\_\_\_ Diameter 1 1/4" Depth \_\_\_\_\_  
Well Distance from: House \_\_\_\_\_ Disposal System 100' Nearest Prop. Line \_\_\_\_\_

WELL DRILLER OR DRIVER: \_\_\_\_\_ Address \_\_\_\_\_

PROPOSED SEWAGE DISPOSAL SYSTEM

Type of facility: Public Sewer \_\_\_\_\_ Septic tank system \_\_\_\_\_ Approved privy \_\_\_\_\_  
SEPTIC TANK: Water cap 628 gal. Type Concrete Length \_\_\_\_\_ Width \_\_\_\_\_ Water depth \_\_\_\_\_

EFFLUENT DISPOSAL:  
Tile field: Total Length 100 No. Trenches 21 Width 18" Depth 2'-2 1/2'  
Seepage pit: No. of Pits \_\_\_\_\_ Depth \_\_\_\_\_ Diameter \_\_\_\_\_  
Distance from: House \_\_\_\_\_ Well 75' Property Line \_\_\_\_\_

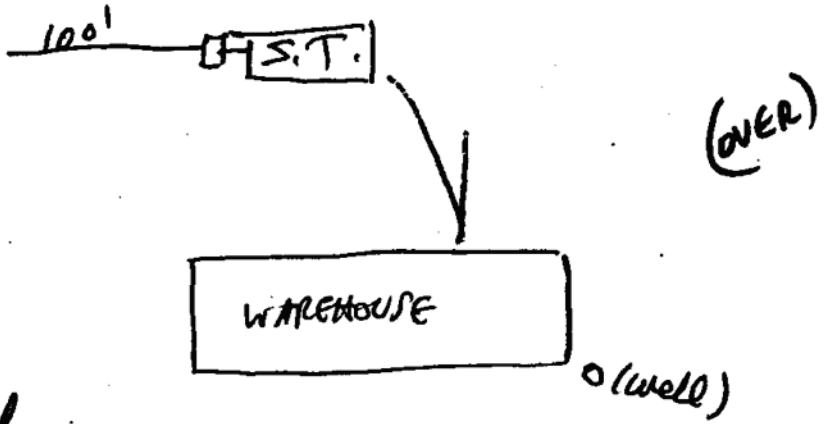
PERCOLATION TEST RESULTS: est. 3 min - Type of Soil sand

Care of System: Inspect at least once a year and clean generally every 2 or 3 years in the Spring or when sludge depth is one-third of tank depth.

INSTALLATION MUST NOT BE COVERED UNTIL AFTER INSPECTION BY HEALTH AUTHORITY.

Sketch:

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
MAP 63, PARCEL 106  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



APPROVED:  
Plans: [Signature]  
Installations: [Signature]  
Water Supply: \_\_\_\_\_

SOIL MAP 46

The undersigned agrees to adhere to the above approved plans and to regulations of the State Department of Health governing the installation of private water supply and sewage disposal systems.

Date 8/13/59 Signature R.M. Scott  
13-12

2

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P-20  
JOHN  
KUMAR

SANDY-WELL  
DRAINED -

8-114

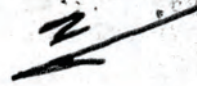
P-106



DRIVEN  
WEAR

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HOUND TOWN  
871.20  
CAD

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U.S. 113

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SNOW  
HILL  
7 MILE

8-89

Rezoning Case No. 444  
Staff Report Attachment No. 2

2023 Rezoning Case No. 444  
County Commissioner Findings of Fact

Second Public Hearing: June 16, 2026

IN THE MATTER OF \*  
 \*  
 THE REZONING APPLICATION OF \*  
 \* REZONING CASE NO. 444  
 BLACK WATER RELICS, LLC \*  
 \*

\*\*\*\*\*  
FINDINGS OF FACT

During a public hearing held on October 17, 2023, the Worcester County Commissioners considered Rezoning Case No. 444. The case requested the rezoning of two parcels of land totaling 1.79 acres located on the east side of Market Street, approximately 0.25 miles north of Moat Road in Snow Hill, from A-1 Agricultural District to C-2 General Commercial District.

The record of the Planning Commission’s deliberations and the staff file were incorporated into evidence at the hearing as Planning Commission’s Exhibit No. 1. A presentation was made on behalf of the applicant by Hugh Cropper, IV, Esquire<sup>1</sup>. In attendance on behalf of the application were the property owner, Amy Kelly (“Applicant”), Gregory Wilkins, professional land surveyor, Christopher McCabe, environmental consultant, Rick Pollitt, Manager for the Town of Snow Hill, Chuck Martin, former Worcester County Sheriff, and Mandy Gladden, Executive Director for the Snow Hill Area Chamber of Commerce.

At the conclusion of the Applicant’s case, the Worcester County Commissioners discussed the matter, and Commissioner Mitrecic made a motion, seconded by Commissioner Elder, to find that there was a mistake in the existing zoning of the petitioned area and adopt the Planning Commission’s Findings of Fact. The motion failed by a vote of three to four with Commissioners Abbott, Bertino, Bunting and Fiori opposed.

The Commissioners adopt the following Findings of Fact:

<sup>1</sup> The following exhibits were submitted and accepted by the Worcester County Commissioners as part of the Applicant’s testimony: Exhibit No. 1 – State Department of Assessments and Taxation real property sheet for Parcel 106 on Tax Map 63 of the petitioned area; Exhibit No. 2 – State Department of Assessments and Taxation real property sheet for Parcel 89 on Tax Map 63 of the petitioned area; Exhibit No. 3 – copy of the Comprehensive Plan Land Use Map for the petitioned area; Exhibit No. 4 – Page of the Comprehensive Plan describing Growth Areas; Exhibit No 5 – a copy of the zoning map of the surrounding area; and Exhibit No. 6 – letter from Hugh Cropper IV, dated January 30, 2019, regarding the pending de-annexation of the Summerfield properties.

The Worcester County Commissioners find that the Applicant’s assertion for a mistake in the current zoning classification was based on the prior, now abandoned, use of the building and the broadbrush downzoning of land in the 1992 comprehensive rezoning because of an

overabundance of commercially zoned lands. Applicant's counsel also argued that because the petitioned area was in the Growth Area on the Comprehensive Plan Land Use Map, a commercial zoning classification would be more appropriate to serve the unrealized Summerfield project of 600 to 700 residential units identified in the 2006 Comprehensive Plan.

The Worcester County Commissioners find that the testimony provided does not support this argument. The historical use of the building and its proximity to the Town of Snow Hill were known at the time of the comprehensive rezoning in 1992. In 2006, the petitioned area, along with hundreds of acres surrounding it, were annexed into the Town of Snow Hill and were therefore not considered in the 2009 comprehensive rezoning. As part of the planned Summerfield project, the former property owner requested a residential zoning classification for the petitioned area to allow for more residential development, not a commercial zoning classification. Applicant's counsel acknowledged that these lands, including the petitioned area, were de-annexed (aka detached) from the town in 2019. Mrs. Keener, Director of the Department of Development, Review and Permitting (DRP), testified that the any future residential development project would not be able to achieve the intended density of 600 to 700 units without being annexed into the town and served by public sewer. Commissioner Bunting noted that if approved, the petitioned area would be an isolated parcel of commercially zoned land, surrounded by other agriculturally zoned and farmed lands, which could set a precedence for future rezoning applications in the neighborhood.

Applicant's counsel opined that because of the limited septic availability on the petitioned area, the only use of the building that would be suitable is a retail antique store or some other type of retail, and therefore a rezoning to C-2 General Commercial District is appropriate. In addition, Applicant's counsel stated that the Applicant purchased the property strictly based on the commercial listing of the use category on Applicant's Exhibit No. 1 and assumed that they could establish an antique store on the petitioned area. Even though the Applicant alleged to have obtained the necessary permits and Certificate of Occupancy for their antique store in Pocomoke City, they purchased the petitioned area without confirming the current zoning and potential uses with Worcester County. In addition, the staff report states that Worcester County DRP had issued a stop work order for improvements done in the building without benefit of permits and had been advised that the Applicant was using the structure for retail sales on weekends without benefit of approvals. As it is currently zoned, Applicant's counsel opined that there was nothing that could be done with the property. Upon request, Mrs. Keener read several uses allowed in the A-1 Agricultural District, many of which include retail components, such as roadside stands and garden centers. Therefore, the Applicant is not completely deprived of the economically viable use of the property.

Because the rezoning is not approved, the Worcester County Commissioners do not make specific findings of fact related to population change, availability of public facilities, past and future transportation patterns, compatibility with existing and proposed development and

existing environmental conditions for the area, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan.


For purposes of the motion to deny the rezoning, the Worcester County Commissioners do not accept the Findings made by the Planning Commission. The Worcester County Commissioners find that there was not a mistake of fact leading to the existing zoning of the petitioned area because of the prevailing uses and conditions of the property at the time of the comprehensive rezoning in 1992 and at the time of this request, as the Summerfield Growth Area has not come to fruition, and the lands associated with it were de-annexed. Less than one mile to the north of the petitioned area are commercially zoned lands improved with commercial services to meet the needs of the area residents and are within the municipal limits of the Town of Snow Hill. The petitioned area is outside of the municipal boundaries and the core downtown area, with a lack of commercial zoning within the immediate vicinity. The surrounding lands are also zoned A-1 Agricultural District, with active agricultural fields, and therefore it is appropriate that the petitioned area maintain an A-1 District designation.

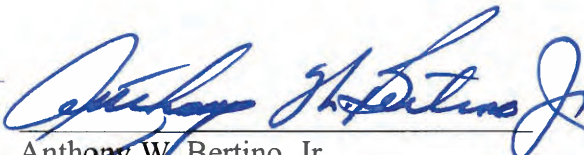
Even if the findings of the Planning Commission or assertions of the Applicant are accepted, the appropriate zoning for the petitioned area is A-1 Agricultural District for the reasons stated above. There is a strong presumption of the validity of the current zoning. The Worcester County Commissioners find that the Applicant did not meet the burden of proof showing a mistake of fact to warrant a change in zoning, particularly in view of the land uses in the immediate vicinity of the subject property, and the failure of the Summerfield project that led to the detachment of the petitioned area and surrounding lands from the Town of Snow Hill.

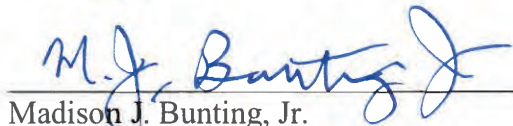
Adopted as of October 17, 2023. Reduced to writing and signed November 7, 2023.


Attest:

Worcester County Commissioners


  
\_\_\_\_\_  
Weston S. Young  
Chief Administrative Officer

  
\_\_\_\_\_  
Anthony W. Bertino, Jr.  
President

  
\_\_\_\_\_  
Madison J. Bunting, Jr.  
Vice President

  
\_\_\_\_\_  
Caryn G. Abbott  
Commissioner

\_\_\_\_\_  
Theodore J. Elder  
Commissioner

  
\_\_\_\_\_  
Eric J. Fiori  
Commissioner

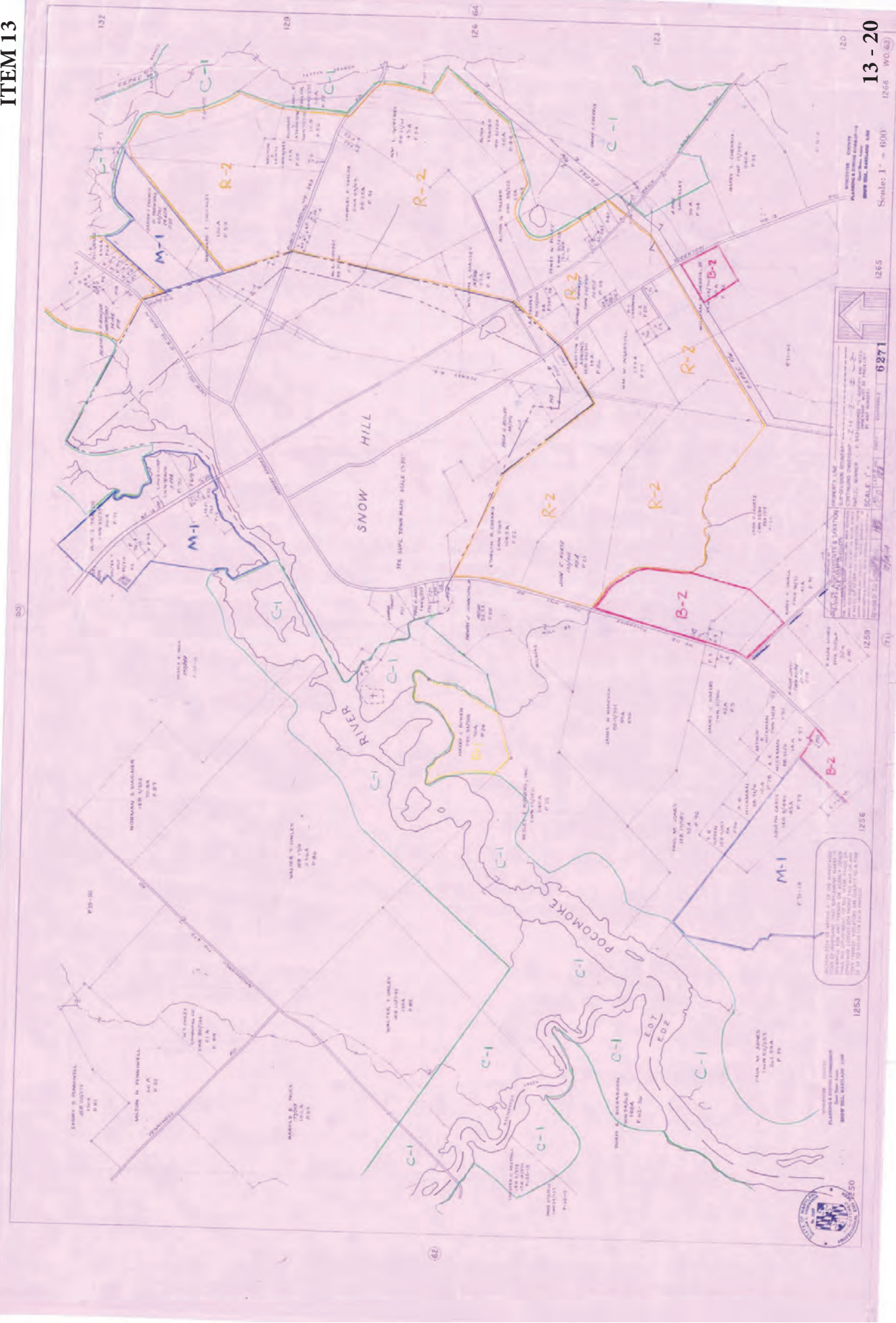
\_\_\_\_\_  
Joseph M. Mitrecic  
Commissioner

\_\_\_\_\_  
Diana Purnell  
Commissioner

Rezoning Case No. 444  
Staff Report Attachment No. 3

1964 Zoning Map  
Tax Map 63

Second Public Hearing: June 16, 2026



Scale: 1" = 600'

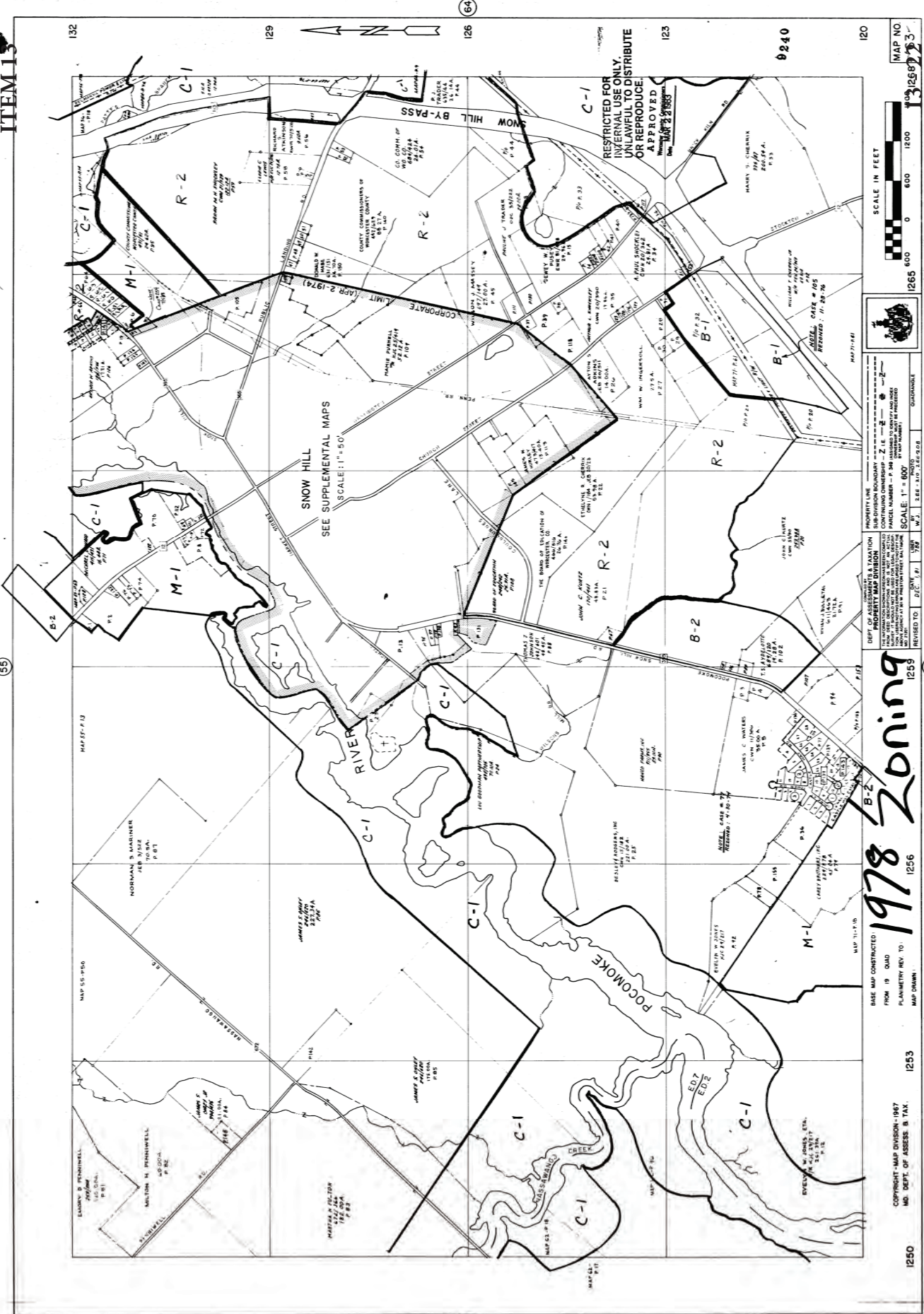
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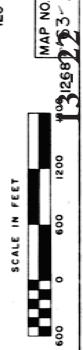
Rezoning Case No. 444  
Staff Report Attachment No. 4

1978 Zoning Map  
Tax Map 63

Second Public Hearing: June 16, 2026



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DATE: MAR 2 1983



DEPT. OF PLANNING AND ZONING  
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PROPERTY LINE  
SUB-DIVISION BOUNDARY - Z  
CITY OF POCOMOKE, MARYLAND  
PLANNING AND ZONING DEPARTMENT  
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# 1978 Zoning

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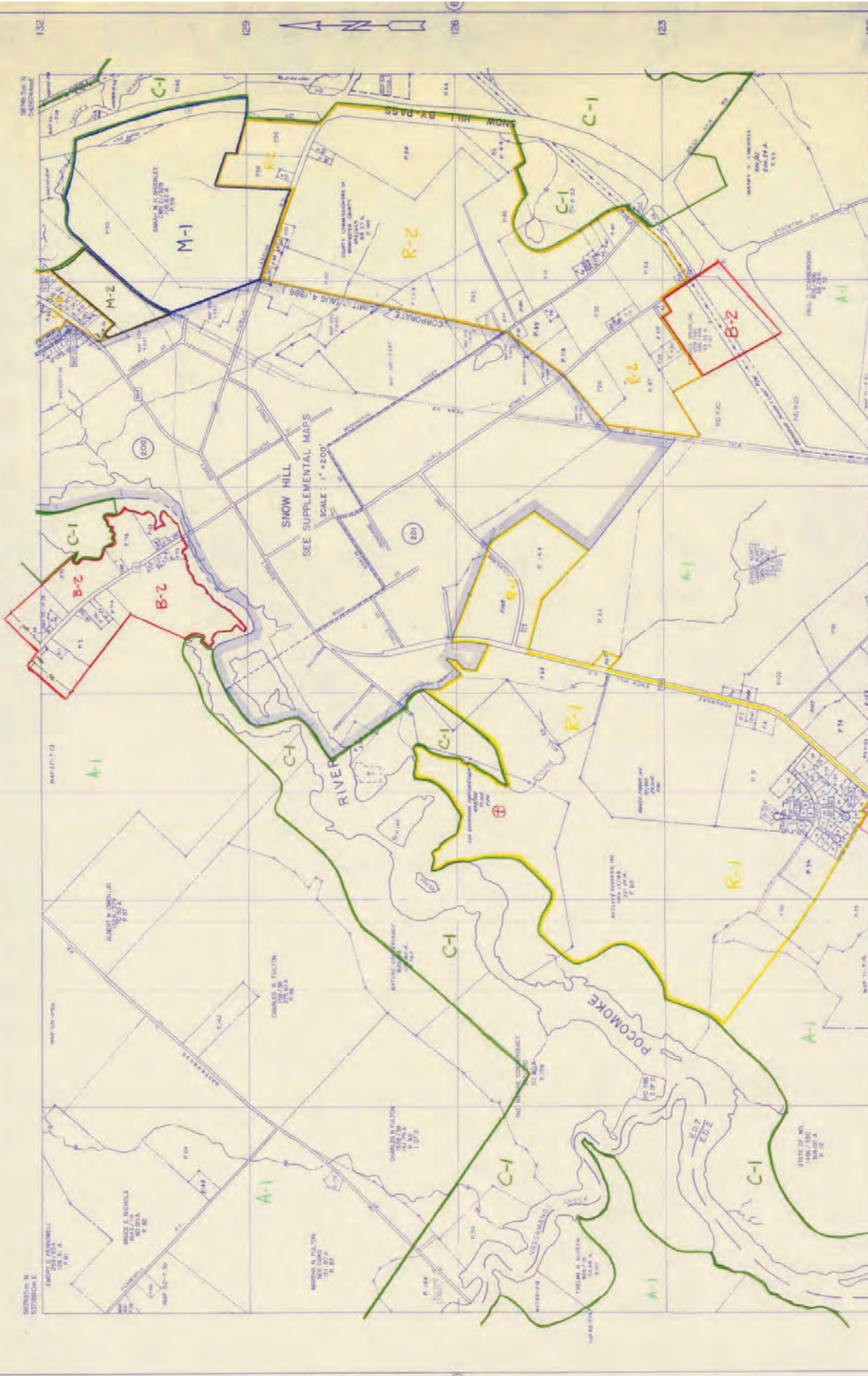
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MAP NO. 13-266-23

Rezoning Case No. 444  
Staff Report Attachment No. 5

1992 Zoning Map  
Tax Map 63

Second Public Hearing: June 16, 2026



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MAP NO. 63-24  
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WORCESTER COUNTY, MARYLAND 1250-1259

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Rezoning Case No. 444  
Staff Report Attachment No. 6

2005 Annexation Resolution

No. 2005-5

Town of Snow Hill

“Summerfield”

Second Public Hearing: June 16, 2026

## RESOLUTION NO. 2005-5

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF SNOW HILL TO ANNEX CERTAIN LANDS DESCRIBED HEREIN AND POPULARLY KNOWN AS "SUMMERFIELD" AND TO AMEND SECTION 3 "DESCRIPTION OF CORPORATE BOUNDARIES" OF THE CHARTER OF SNOW HILL.**

A RESOLUTION of the Mayor and Council of Snow Hill, Maryland proposing the annexation to the Town of Snow Hill of a certain area of land situated contiguous to and binding upon the southerly Corporate Limits of the Town of Snow Hill, popularly known as the "The Summerfield Annexation" generally bound on the north by the southern corporate limits of Snow Hill, bounded on the east and south by U.S. Route 113, bounded on the south and west by Castle Hill Road, Md. Route 394, and Castle Way, and on the west by the Pocomoke River.

WHEREAS, The Town of Snow Hill has received a petition for annexation, signed by at least twenty-five percent (25%) of the persons who are resident registered voters in the area sought to be annexed, and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed and being contiguous to and binding upon a portion of the Southerly corporate limits of the Town of Snow Hill and popularly known as the "The Summerfield Annexation" for identification; and

WHEREAS, the Town of Snow Hill has caused to be made a certification of the signatures on said petition for annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters, residing with the area sought to be annexed, and property owners of at least twenty-five (25%) of the assessed evaluation of the property in the area to be annexed, all as will more particularly appear on the Summerfield Annexation Certification, Exhibit "A" attached hereto; and

WHEREAS, it appears that the Petition for Annexation meets all the requirements of the law.

WHEREAS, Petitioner Mark R. Odachowski held a week long planning charrette in the Town of Snow Hill, with extensive public input, which resulted in a Concept Plan for a Traditional Neighborhood Project known as Summerfield on the Annexation Property. Summerfield is to be a Planned Unit Development with a variety of residential, commercial, and recreational amenities;

WHEREAS, Summerfield is based upon a wastewater allocation of 2,400 Equivalent Dwelling Units of flow, which are defined as 250 gallons per day, each ("EDU's");

WHEREAS, the total of 2,400 EDU's shall be allocated and conveyed to Petitioner Odachowski in accordance with the terms of the Annexation Agreement, the provisions of which are hereby incorporated by reference;

WHEREAS, the Summerfield Project generated at the charrette, and presented to the Town in concept form, contains 2,170 residential units, and associated commercial uses, which are estimated to require 230 EDU's.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF SNOW HILL, MARYLAND that it is hereby proposed and recommended that the boundaries of the Town of Snow Hill be changed and Section 3 of the Town Charter be amended so as to annex and include within said Town all that certain area of land together with the persons residing therein and their property, contiguous to and binding upon the southerly corporate limits of the Town of Snow Hill and being more particularly described in Exhibit "B" attached hereto and made a part hereof.

SECTION 2. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF SNOW HILL, MARYLAND, that the subject property to be annexed shall have a zoning classification of R-1 Low Density Residential upon annexation, however, development of the area annexed shall be pursuant to a PUD floating zone approved by the Town. The proposed PUD floating zone shall be submitted to the County Commissioners for concurrence, if within 5 years of the annexation.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF SNOW HILL, MARYLAND that The Town of Snow Hill shall permit Petitioner Odachowski to utilize 2,400 EDU's at the Summerfield Project on the Annexation Property; provided, that, such use shall meet all applicable Codes, and in accordance with the terms of the Annexation and Public Facilities Agreement.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF SNOW HILL, MARYLAND that the annexation of the said area be made subject to the terms and conditions as set forth in Exhibit "C" attached hereto and incorporated herein by reference, and subject to the terms and conditions of an Annexation and Public Facilities Agreement dated November 10, 2004, the terms of which are incorporated herein by reference.


SECTION 5. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF SNOW HILL, MARYLAND, that the Council of Snow Hill, Maryland hold a public hearing on the annexation hereby proposed on Tuesday, December 13, 2005, in the Snow Hill High School upon a public notice of the time and place of said hearing being published not fewer than four (4) times at not less than weekly intervals, in a newspaper of general circulation in the Town of Snow Hill, and the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify the time and place at which the Mayor and Council of The Town of Snow Hill will hold a public hearing on the Resolution.

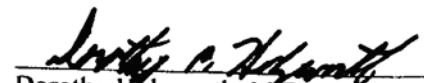
SECTION 6. AND BE IT FURTHER RESOLVED BY THE MAYOR AND COUNCIL OF SNOW HILL, MARYLAND, That this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code, as amended.

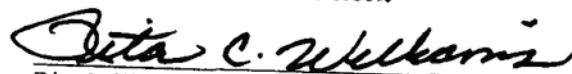
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The above Resolution was introduced and read and passed at a regular meeting of the Mayor and Council of the Town of Snow Hill held on the 11<sup>th</sup> day of October, 2005, and having been duly published as required by law in the meantime, was, after a public hearing at Snow Hill Volunteer Fire Department on December 13, 2005, finally passed on December 13, 2005

ADOPTED this 13<sup>th</sup> day of December, 2005, by the Mayor and Council of the Town of Snow Hill by a vote of 3 votes "for" and 0 votes "against" this Resolution.

  
Kelly C. Brown  
Town Clerk

  
Dorothy Holzworth, M.D.  
Central District Council Person

  
Rita Williams  
Western District Council Person

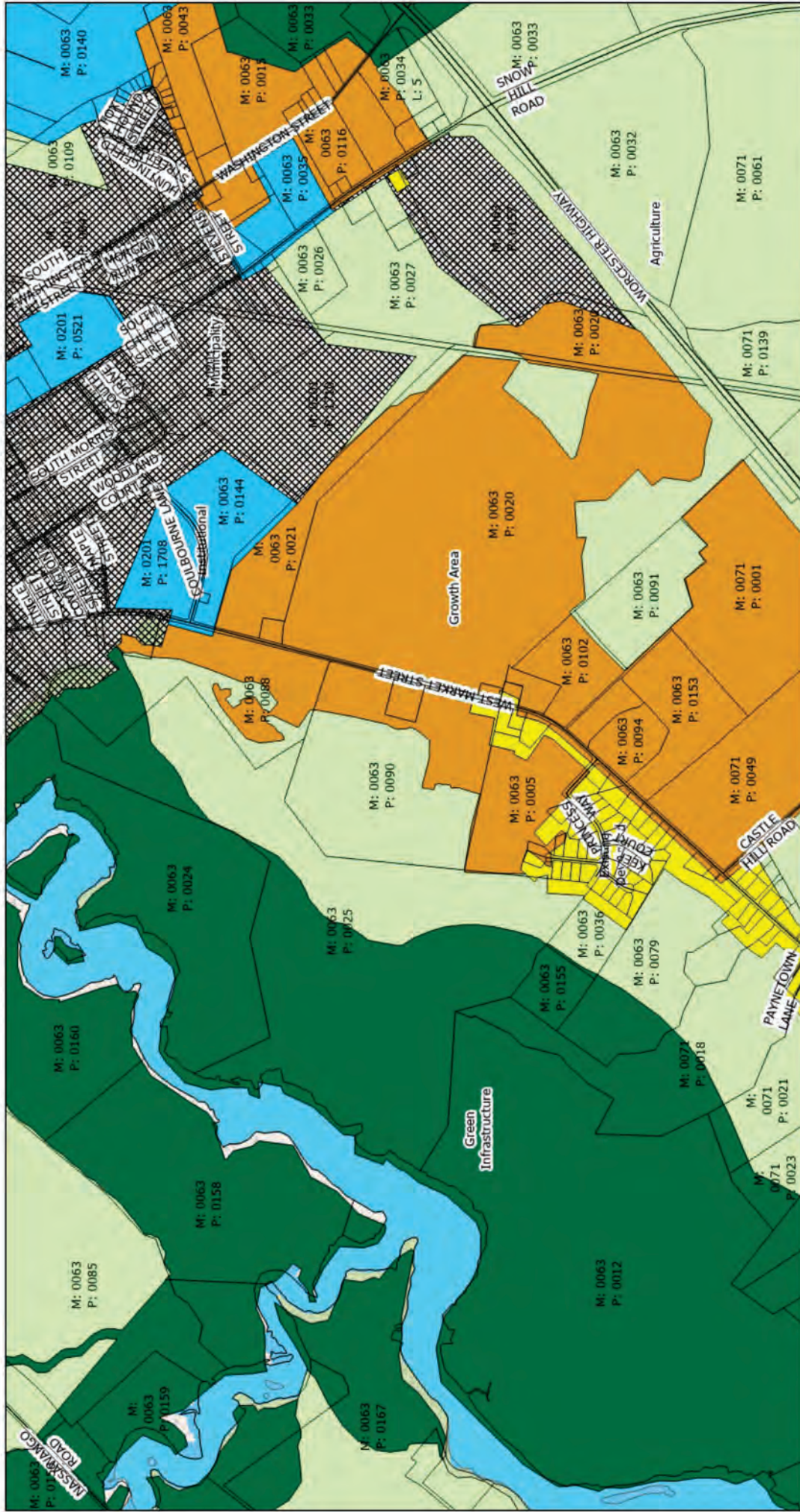
  
Eric Mullins  
Eastern District Council Person

Rezoning Case No. 444  
Staff Report Attachment No. 7

2006 Worcester County  
Land Use Map  
Snow Hill Growth Area

Second Public Hearing: June 16, 2026

Worcester County Land Use Map

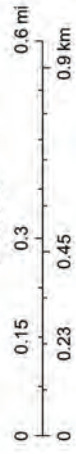


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Land Use Plan 06

- Agriculture
- Green Infrastructure
- Existing Developed Area
- Growth Area
- Institutional
- Municipality

1:15,658



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Rezoning Case No. 444  
Staff Report Attachment No. 8

2019 letter from Hugh Cropper, IV  
Re: County Zoning upon  
De-annexation/ Detachment  
“Summerfield”

Second Public Hearing: June 16, 2026

LAW OFFICES

**BOOTH BOOTH  
CROPPER & MARRINER P.C.**

CURTIS H. BOOTH  
BRYNJA MCDIVITT BOOTH  
HUGH CROPPER IV  
THOMAS C. MARRINER\*  
ELIZABETH ANN EVINS  
LYNDSEY J. RYAN

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WEBSITE  
[www.bbcmlaw.com](http://www.bbcmlaw.com)

January 30, 2019

Ms. Jennifer K. Keener  
Zoning Administrator  
Worcester County Department of  
Development, Review & Permitting  
One West Market Street, Room 1201  
Snow Hill, Maryland 21863

Dear Jennifer:

I represent Matthew J. Odachowski and Denise Odachowski, his wife, owners of several parcels on the west side of Market Street, currently in the town limits of Snow Hill. The properties are designated on Worcester County Tax Map 63, Parcels 88, 183, 5, 90, and 25, and comprise approximately 305.06 acres.

I also represent the Powell Family and Holland Family, owners of several parcels on the east side of Market Street.

These property owners have proposed a de-annexation of their property out of the Town of Snow Hill limits. Preliminarily, the Town of Snow Hill has agreed to de-annex these properties. The Town of Snow Hill is represented by Kevin Karpinski, and he is working on a proposed Charter Amendment for the Town of Snow Hill.

These properties were originally zoned agricultural (for the most part) by Worcester County. At the time they were annexed, they were brought into the Town of Snow Hill in a residential zone.

As you know, the law with respect to annexation states that if a property is rezoned as a result of an annexation within five years, it requires the concurrence of the County Commissioners. In this case, the Worcester County Commissioners did agree to the reclassification of these properties from agricultural to residential as part of the annexation process.

January 30, 2019

Page Two

Many of the properties appear as a Growth Area in the Worcester County Comprehensive Land Use Map.

The Odachowski Family would like to retain the residential zoning when the properties are de-annexed. I think this is appropriate, since the Worcester County Commissioners voted affirmatively (and unanimously, if I remember correctly) to agree to the residential zoning.

The purpose of this letter is two-fold. First, I wanted to give you a heads up with respect to the de-annexation process. I do not have anything right now, except the affirmative vote of the Town of Snow Hill. As soon as I see any draft documents, I will forward them to you and Maureen Howarth for further review and comment. Second, I would like to address the residential zoning issue, sooner as opposed to later. It seems to be clear that the properties should come back to Worcester County in a residential zone, because the Worcester County Commissioners voted affirmatively to agree to the rezoning of these properties. If there is some disagreement, I need to know that now, because that may impact my clients' decision to cooperate with the de-annexation.

Thank you, and have a great day.

Very truly yours,



Hugh Cropper IV

HC/tgb

CC: Maureen F.L. Howarth, Esquire  
Ed Tudor  
Phyllis Wimbrow  
Harold Higgins  
Kelly Shannanhan  
Matthew J. Odachowski  
Annette Powell  
James Holland

Rezoning Case No. 444  
Staff Report Attachment No. 9

1989 Worcester County  
Comprehensive Plan  
& Land Use Map

Second Public Hearing: June 16, 2026

RESOLUTION ADOPTING  
COMPREHENSIVE DEVELOPMENT PLAN

WHEREAS, the Worcester County Commissioners authorized the County Planning Commission to prepare a new Comprehensive Development Plan to replace the 1976 Plan; and

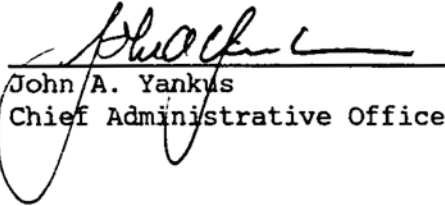
WHEREAS, the Planning Commission, with the aid of planning consultant Redman/Johnston Associates, prepared and presented to the Commissioners such a Comprehensive Development Plan; and

WHEREAS, the County Commissioners have conducted a public hearing and have considered public comment on the proposed Comprehensive Development Plan and have complied with all other requirements of law;

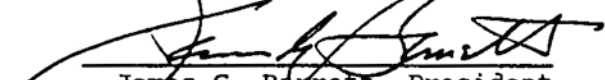
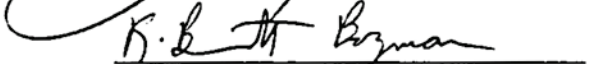
NOW, THEREFORE, the County Commissioners of Worcester County do hereby adopt the Comprehensive Development Plan for Worcester County, Maryland dated April 1989 and attached hereto.

EXECUTED under the seal of the County of Worcester, State of Maryland, this 11th day of April, in the Year of Our Lord, One Thousand Nine Hundred and Eighty-Nine.


ATTEST:

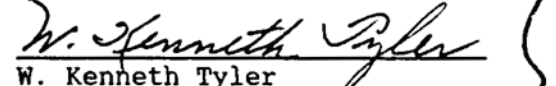
  
John A. Yankus  
Chief Administrative Officer

WORCESTER COUNTY COMMISSIONERS

  
James G. Barrett, President  
  
K. Bennett Bozman

  
Reginald T. Hancock

  
Carlton E. Massey

  
W. Kenneth Tyler



## ABOUT THE COVER:

"Brant Over Assateague" is an authorized copy of an original drawing done on scratchboard by H. Jon Janosik. The artist and his family reside in Oregon by the coast. Jon has had major showings at the Carnegie Museum and at the Smithsonian Institution Natural History Museum. He has done ornithological plates for National Geographic Magazine and is currently at work on illustrations for an issue of Reader's Digest.

**REDMAN/JOHNSTON ASSOCIATES, LTD.**  
416 Goldsborough Street  
Easton, Maryland 21601

**ACKNOWLEDGEMENTS**

**PLANNING COMMISSION**

*Edward P. Phillips, Chairman*

*R. Blaine Smith, Secretary*

*Vernon W. McCabe, Jr., Vice Chairman*

*Edward R. Bounds, Jr.*

*Paul L. Cutler*

*Jennings Brad Aaron*

*Lester Atkinson*

**PLANNING DIRECTOR**

*Harold W. Morris*

*This plan submitted by Redman/Johnston Associates, Ltd.*

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**INTRODUCTION**

## INTRODUCTION

Worcester County initiated its first comprehensive planning program in 1963. That program produced the County's first Comprehensive Plan and Zoning Ordinance. A decade later the County undertook a major review and update of its Comprehensive Plan and land use regulations. Since the last update of the County's Comprehensive Plan, development of Ocean City has continued at a rapid pace reaching the point where County officials have expressed their concerns about the capacity of that City to accommodate future demand for additional housing and recreational facilities. As Ocean City approaches its population ceiling, the effects of housing costs and capacity constraints will undoubtedly continue to create more demand for alternative living environments outside of the City proper. The spill-over of growth from Ocean City has resulted in numerous development projects (and proposals for development projects), most of which are located in the County's northern portion. This increase in residential and commercial activity in the unincorporated portions of the County has raised concerns about the effectiveness of the 1976 Comprehensive Plan and Land Use Regulations as guides for new development.

The 1986-1988 planning program is designed to provide Worcester County with a prospectus to guide and control its growth and development to the year 2005. However, it is recognized that during the twenty year period embodied in the Comprehensive Plan numerous variables which cannot presently be accounted for will certainly emerge. This Comprehensive Plan is organized with the consciousness that planning is a continuing process. To be truly useful the Plan will have to be periodically monitored and reevaluated.

The Comprehensive Plan provides the County with:

1. an official statement of Worcester's goals for future growth and development,
2. a set of guidelines for coordinating development and insuring that the County moves toward its goals for the future,
3. a positive plan of action for confronting the County's present problems and for anticipating future needs and,
4. guidelines for efficiently managing Worcester's natural and financial resources.

As new information and/or new issues arise the County will want to reconsider the policies and the regulatory responses contained in the Comprehensive Plan, the Zoning Ordinance and the Subdivision Regulations.

## **THE COMPREHENSIVE PLAN**

This document, The Worcester County Comprehensive Plan, is the focal point of the planning program and provides the basic policy guidance that will determine the County's future land use patterns. It contains goals describing what the County desires to achieve in the future, as well as a series of policies and recommendations outlining the steps to be followed in fulfilling its goals. If and when Worcester's goals and/or policies change, the Comprehensive Plan, like all official elements of the planning program, should be revised to reflect these changes.

## **ZONING ORDINANCE**

The Worcester County Zoning Ordinance specifies how privately-owned land may be developed and stipulates land use type and density. It also prescribes conditions for permitting land development. The purpose of the Zoning Ordinance is to preserve, improve or protect the essential character and beauty of Worcester's land. It includes the authority to approve or disapprove the design of buildings, building construction, landscaping, or other alterations made, or to be made, within the County.

## **SUBDIVISION REGULATIONS**

The Worcester County Subdivision Regulations control the subdivision of land. They address the control of sediment from shore erosion and protection from flooding. The Subdivision Regulations insure the proper arrangement of streets in relation to existing/planned streets in the Comprehensive Plan. They provide for consideration of adequate and convenient placement of public school sites, open spaces, traffic/utilities, and access for fire-fighting apparatus. Other considerations that are covered by the Subdivision Regulations include: recreation, light, air, the avoidance of population congestion, etc.

## **ORGANIZATION of the COMPREHENSIVE PLAN**

The Comprehensive Plan is organized into the following eight chapters--

Chapter One:	Development Philosophies
Chapter Two:	Land Use
Chapter Three:	Natural Resources
Chapter Four:	Economic Development
Chapter Five:	Housing
Chapter Six:	Public Services
Chapter Seven:	Transportation
Chapter Eight:	Implementation

The first chapter, "Development Philosophies", provides an overall framework for the Comprehensive Plan. It establishes the County's general attitude toward its future and sets the tone for the remaining portions of the Plan. Chapters Two through Seven specify details of the Comprehensive Plan and how they can be fulfilled. These chapters document, through text, maps, and tables, Worcester's plans to follow through on in its development philosophy. Each chapter includes the following:

### **Goals**

Each goal is a long-range policy guideline which the County will be striving to achieve. The conditions called for in a goal will be obtained only through sustained action over an adequate period of time. Each goal is objectively tailored so that it will remain valid through the life of the Plan. But as community standards change the interpretation of the goal may change accordingly.

### **Objectives**

The objectives are the set of small, concise steps to be taken to achieve a longer-range goal. They are the incremental series of actions, attitudes, or policies by which County officials and citizens progress toward the achievement of the County's goals. Some objectives may be fulfilled immediately, while others may not be satisfied for five, ten, (or more) years.

### **Recommendations**

The recommendations are specific proposals to implement the goals and objectives. Programs to be undertaken or adopted, and measures to be followed, are set forth in this portion of each chapter.

Chapter Eight, "Implementation", summarizes the actions necessary to achieve the aims of the Comprehensive Plan.

**CHAPTER ONE**  
**DEVELOPMENT PHILSOSPHERIES**

## CHAPTER ONE

### DEVELOPMENT PHILOSOPHIES

Worcester County was quiet and rural for two centuries after it was officially established as a county. Two factors contributed to its development: a plentitude of rich natural resources and isolation from large urban populations. Agriculture and seafood became Worcester's major industries as a direct result of its indigenous soils, forests, marshes, and waters. Its people strove for and attained self-sufficiency. Worcester's isolation kept the population small and stable and buffered the county from many of the ups and downs of the outside world.

In the last three decades, Worcester has undergone significant change. Access from the Chesapeake Bay Bridges and widespread automobile ownership have stripped away the County's isolation and brought it within an easy drive for thousands of East Coast vacationers. This new accessibility has combined with the County's natural resources, particularly its ocean beaches, to create a major recreation industry within the County. Today, recreation and tourism outweigh agriculture in terms of their overall contribution to the economy of the County. As a result, Worcester's life style is changing. Many residents are heavily dependent on tourism for their livelihood and on County government for needed public services. The physical manifestations of these burgeoning changes are most evident in the northern portions of the County, particularly in Ocean City.

These changes have provided new jobs and business opportunities in Worcester. Land values and local revenues have increased remarkably. It is the County's wish that this growth and development continue, but with proper controls which insure that today's land development is not tomorrow's liability to the County.

Worcester's natural environment is its principal attraction for population and economic growth. However, as more people move into or visit the County, more land must be converted to development. The County will continue to grow as long as it can maintain a plentiful supply of high quality natural resources. If excessive or improper development is permitted to exhaust or degrade the resources, the County will lose its traditional attractiveness--and its opportunity for additional growth.

Public facilities are important in much the same manner. An adequate level of reasonably-priced services will attract new people. But these new people will themselves require the provision of additional facilities and services. As long as the County can continue to expand its services economically, growth will continue. If burgeoning population density overcrowds services, or if uneconomical expansion of services increases their cost beyond an affordable level, then Worcester's growth will also be stifled.

Economic trends in the development history of Ocean City have shown that the ebb and flow of short term market variations will create periods of rapid development activity, followed by periods when development falls off. As such, the inventory of residential and commercial properties will likely swing between periods when there is a boom in the purchasing of building lots followed by tapering-off periods of relative quietude as demand approaches supply. In the County, these swings will be further affected by the continuing development of Ocean City. As a consequence, Worcester County will not be able to continually keep up with the demand for public facilities. To a large extent the County will have to require that developers bear some portion of the service costs associated with their projects.

Worcester County is being confronted by the future now. The success of the County's development program rests on finding a balance among these three factors: 1) population growth, 2) the natural environment, and 3) public services.

### **POPULATION GROWTH**

Worcester County wishes to achieve a moderate, population density which can be adequately accommodated. In planning for future population growth, two factors are very important: 1) knowing where the pressure for development is most likely to occur, and 2) knowing how many people will likely be attracted to these development pressure areas. The following discussion covers both of these points.

#### **Development Pressures**

The pressure for new development in Worcester County is, and will continue to be, a function of the proximity of land to the water--most particularly the ocean. Ocean City, which contains the only private land with ocean frontage, has also experienced the greatest development in the County. Ocean City is where most people would like to locate in the future, if possible. With the extensive residential and commercial construction that has taken place there over the last thirty years, land in Ocean City has become both more scarce and more expensive. As a result, people will continue to seek home sites outside of the corporate limits of Ocean City for year-round and seasonal housing. Consequently, those areas relatively close to Ocean City (where new development pressures are beginning to occur) are likely to experience the greatest demand for new development.

The County's bayfront areas also represent strong development demand areas. Large-scale developments, such as Ocean Pines illustrate the demand on the bayfront sections. The bays present special problems for Worcester because they are attractive for development and because they support fragile ecosystems which help insure the continued viability of the natural resources and features located in these areas.

It is anticipated that there will be increasingly strong development pressures placed on the bayfront sections in the central portions of the County. It is also anticipated that in the future, similar demand will be evident in the southern bayfront sections, (related perhaps to development around Chincoteague, Virginia). The entire bayfront is considered as an area of moderate development pressure which must be carefully monitored and controlled.

The County's inland sections will continue to present development opportunities, but on a limited level compared to the waterfront sections. By comparison, these are considered low pressure areas.

### **Future Population Levels**

The following discussion of population contains projections of the population growth that the county can expect by the year 2005. Development-pressure propensities have been used to estimate how this growth is likely to locate within Worcester County. These projections provide a basis for controlling environmental impacts and for programming the provision of new public facilities. Projections are made for two population groups: 1) year-round residents and 2) seasonal visitors.

Within the twenty year planning horizon, development may well occur in cycles, with periods of intense activity followed by slower growth periods. However, problems with the national economy may stretch these projections out (e.g., 1995 estimates may not be realized until 2005). On the other hand, population growth projections may be exceeded by reality, as was the case in the last Comprehensive Plan update: the projected population of 29,400 for 1985 was more recently estimated to have already reached nearly 33,000.

Population projections will have to be examined periodically to determine if they continue to represent a reasonable estimate. State and federal agencies publish population estimates and the Bureau of Census publishes a ten year census of the population. As the estimates from these sources are made available the County will want to review their projections for consistency and to update them as required.

### **Year-Round Resident Population**

The year round population in Worcester County was relatively stable for many years. In 1930, the County population was less than 22,000; the 1970 Census recorded 24,400 persons in Worcester; the 1975 population was estimated at about 25,000. This represents an average annual growth rate of less than one-third of one percent per year--a quite stable condition.

More recently, the year-round population growth in Worcester County has considerably accelerated. Over the period between 1970 to 1980 the population of the County increased by over 26 percent (a 2.37 percent average annual increase). The largest increase, 231 percent, occurred in Ocean City. The population of the Ocean City Election District (10) increased by over 109 percent and the population of the Berlin Election District (3) increased by 32 percent.

Current population projections for Worcester County do not expect a dramatic increase in the population (as was the case between 1970 and 1980) but the projected average annual increase of over one percent per year will be substantially more than was anticipated in the 1973 plan.

Several factors are seen as having an impact on the growth of the County's year-round population. Some of these factors will cause the population to grow while others will tend to cause the population to remain stable. The first growth factor is the County's attractiveness as a retirement community. From a national perspective, more persons are retiring, at an earlier age. Worcester County, with its rural life-style and varied opportunities for recreation, will be attractive to a significant number of these individuals. The County should encourage this trend since retirement folk contribute more to a community, both socially and economically.

A second factor is the continued growth of the resort industry. Increased tourism will continue to expand business and employment opportunities, a major cause of population growth. The seasonal character of the resort industry will somewhat limit the positive impact of this factor but, as the resort industry becomes more year-round in nature, its beneficial impact will increase.

The dramatic increase in the population of Ocean City and the surrounding election districts indicates that the resort industry is the main factor contributing to the increased rate of population growth in the County. Other sources, such as highway vehicle counts and personal observations, also indicate that the resort industry has become more year-round in nature. Of particular importance to the land use plan is the fact that much of the resort-related population growth is confined to the Ocean City area (i.e., the third and tenth election districts). Allocation of land for future growth should focus on these districts for the new development needed to accommodate the vacation/second home population and sustain the work force for resort-related industries and businesses.

The third source of population growth is spill-over from adjacent counties, particularly Wicomico County. Salisbury is the economic hub of the lower peninsula and its large employment base is expected to continue to grow. It is anticipated that many individuals who work in Salisbury will choose to live in Worcester to enjoy the county's pleasant environment and low tax structure.

In 1980 nearly 23 percent of the Worcester County labor force worked outside the County, (the predominant place of work for these workers being Wicomico County). Figures for 1970 show that approximately 20 percent of the labor force commuted to a place outside of Worcester to work. This number was 14 percent in 1960. Apparently this spill-over phenomena is another factor influencing the growth of the County.

The fourth growth factor will be an increase in the number of good paying year-round jobs in the County. Worcester County's prime employment opportunities have traditionally been in agriculture. They have been seasonal and low-paying. As a result, the trend of the past was for many of the young residents to leave the County in search of employment elsewhere. Worcester County should encourage a small amount of new, light industry and thereby increase local employment opportunities in this sector of the economy.

Agricultural employment has increased only slightly since 1970. But although farm related jobs have gone from approximately 1,700 in 1970 to 2,000 in 1980 they have decreased as a percentage of overall employment in the County. During the same period, manufacturing employment remained stable. The major employment growth sectors have been: 1) wholesale and retail trade, 2) services, and 3) finance, insurance, and real estate. These three sectors accounted for over 54 percent of the total County employment and can be attributed, to a great extent, to the growth of tourism. Within the working-age group of 20 to 64, the County population has increased from 12,347 in 1970 (50.6 percent of the total population) to 17,755 in 1980 (57.9 percent of the total population) indicating that an increased retention of the local labor force is occurring, most likely in the major employment growth sectors previously cited.

The four factors of growth discussed above will tend to increase the County's population. Factors which will tend to slow the County's growth rate and offset gains made by the first four factors are the national trend towards fewer children per family and the out-migration of teenagers and young adults. These trends will tend to limit the "home-grown" segment of the County's population. The following chart, Table 1.1, Projected Year-Round Population, illustrates how the population is likely to be distributed among the County's towns and election districts.

Table 1.1

**Projected Year-Round Population  
1985 - 2005**

	<u>1985</u>	<u>1990</u>	<u>1995</u>	<u>2000</u>	<u>2005</u>	<u>1985-2005</u>
COUNTY TOTAL	<u>35,171</u>	<u>39,453</u>	<u>41,799</u>	<u>43,937</u>	<u>46,000</u>	<u>10,829</u>
Election Districts						
1 Costens (Pocomoke City)	6,002 3,800	6,147 3,870	6,218 3,940	6,248 4,010	6,334 4,080	332 280
2 Snow Hill (Snow Hill)	4,910 2,296	5,110 2,400	5,206 2,500	5,292 2,600	5,426 2,700	516 404
3 Berlin (Berlin Town)	8,767 2,281	10,213 2,400	10,752 2,500	11,207 2,650	11,605 2,775	2,839 494
4 Newark	956	1,160	1,221	1,273	1,318	362
5 St. Martins	1,750	2,132	2,236	2,330	2,413	663
7 Atkinsons	740	898	946	986	1,021	281
8 Stockton	1,486	1,638	1,734	1,816	1,886	400
10 Ocean City (Ocean City)	10,561 7,500	12,137 8,666	13,486 9,832	14,785 11,000	15,997 12,164	5,436 4,664

County Projections: Redman/Johnston Associates, Ltd.

\*NOTE: The Maryland Board of Supervisors of Election has recently established Ocean Pines as a new precinct in the Berlin Election District (Election District 3, Precinct 2).

Based on the development pressures discussed earlier, the projection anticipates that greatest growth will occur in the northern portions of the County--election districts 3, 5, and 10. These areas now contain nearly 21,078 year-round residents (60 percent of the County population) and by 2005 they are expected to contain nearly 30,015. This growth will be concentrated in the Ocean City area and on the mainland between St. Martin Neck and the Sinepuxent Neck. This area will also experience significant seasonal population growth as well.

The southern County election districts (1, 2, 4, 7, and 8) will experience much less growth than the northern portions of the County. These areas contain approximately 14,700 year-round residents today and by 2005 will contain nearly 18,000 persons, a 22 percent increase. This growth is expected to be distributed throughout the area, but the Pocomoke City area should experience the greatest development activity.

### Peak Seasonal Population

The peak seasonal population is an estimate of the maximum number of visitors that will be in the County at any one time (usually during major three-day holidays, such as the Fourth of July, or Labor Day). In the early 1950's, before the first span of the Bay Bridge was opened, there was only a small number of tourists compared to today's visiting population. It is estimated that the peak population now reaches approximately 300,000 persons.

Two factors have a strong growth effect on the size of the tourist population. The first factor is the increase in the population in the metropolitan areas from which Worcester County draws its tourist population. Nearly 50 percent of Ocean City's visitors are drawn from the Baltimore and Washington regions. This "market area" has been increasing in population by 18 to 22 percent per decade and is expected to grow for the foreseeable future at about the same rate. The result will be that significantly more people will wish to spend time in Worcester County. The second growth factor is the national increase in time as well as money available for leisure activities. This trend will work in combination with the population increase factor and will produce an estimated peak visitor population of nearly 400,000 people by 2005.

The following chart, Table 1.2, Projected Peak Seasonal Population portrays the estimated population and its distribution within the County.

**Table 1.2**

#### Projected Seasonal Population 1985 - 2005

	<u>1985</u>	<u>1990</u>	<u>1995</u>	<u>2000</u>	<u>2005</u>
COUNTY TOTAL	300,000	327,400	353,000	375,250	400,000
<u>ELECTION DISTRICT</u>					
1 Pocomoke	900	980	1,100	1,200	1,300
2 Snow Hill	5,500	6,000	6,500	6,900	7,300
3 Berlin	26,000	28,400	31,000	33,000	35,000
4 Newark	3,800	4,100	4,500	4,800	5,100
5 St. Martins	12,000	13,000	14,000	15,000	16,000
7 Atkinsons	4,300	4,700	5,100	5,400	5,700
8 Stockton	2,500	2,700	2,900	3,100	3,300
10 Ocean City	245,000	267,520	287,900	305,850	326,300
(Ocean City)	(227,100)	(232,000)	(238,000)	(241,000)	(244,500)

Source: Redman/Johnston Associates, Ltd. Worcester County Solid Waste Study, Ocean City Demi-flush study, and Town of Ocean City Department of Planning and Community Development.

The projection estimates that Ocean City will remain the center of the County's recreation industry; its seasonal population will increase to a maximum of 244,500 people by 2005 . The projection also anticipates that recreation development will strongly take hold on the mainland, particularly in the third and tenth election districts of the County. The seasonal growth projected for the other election districts will occur along the Chincoteague Bay shoreline and to a lesser degree in the state forest.

Distribution of the County's seasonal population could be subject to change. For example, a new large-scale residential project (on the order of Ocean Pines) or a major recreational complex (such as a new state park) could cause the population to locate in a different geographic pattern than the one presented. The overall growth however, should not be significantly affected.

### **PRESERVATION OF THE NATURAL ENVIRONMENT**

The natural environment is Worcester's most valuable resource and the key element in its growth potential. Clean waters, clean beaches, and restful forests are the basis for the resort industry. Productive soils support farming and timber production. The County's continuing population growth and economic well-being depends on the preservation of these resources. The County should establish appropriate design and management controls in its zoning and subdivision controls that insure the continuation of its natural resources.

Much technical material has been prepared on Worcester's natural resources. However, two documents in particular provide the County with an excellent framework for evaluating areas on the basis of environmental value. The first is the Soil Survey of Worcester County, Maryland (May 1973), prepared by the United States Department of Agriculture Experiment Station. The second is the Natural Soil Groups Technical Report (December 1973), with it's companion map for Worcester County prepared by the Maryland Department of State Planning. Based on the data contained in these reports the County's land and water areas can be thought of in three broad ranges:

1. Level #1: High Value Areas,
2. Level #2: Moderate Value Areas, and
3. Level #3: Low Value Areas.

**Level #1: High Value Areas**

The following five areas are included in this category: 1) the ocean beaches (Maryland Department of State Planning Natural Soil Group A2), 2) the salt and fresh water wetlands (Natural Soil Group G2 and G3), 3) the tidal bays, 4) the Pocomoke River, and 5) the stream valleys (Natural Soil Groups G2 and G3 and Soil Conservation Service Types My and Mz).

Each of these zones represent natural areas of the highest ecological value to the County. Because of their value and their sensitive nature, they should be utilized in such a manner so as to preserve their desirable features. In general, recreational activities such as hiking, swimming, boating, fishing, and hunting may be permitted. However, development and use should be carefully scrutinized regardless of development pressure so as not to seriously degrade these areas. Failure to protect these areas would lead to serious environmental and economic consequences.

**Level #2: Moderate Value Areas**

This category is composed of the County's better farm and timber lands. It includes Soil Conservation Service Class I and II farmland (generally Natural Soil Groups Bla, E3a, and E1) and Class II timberland (generally Natural Soil Groups F1, F2, and E1). This category occurs throughout the County and covers the majority of Worcester's land area.

Most of this land is currently in active farm or timber production and therefore represents land which has been altered from its original natural state. However, in this altered state, the land is of greater economic importance to the County and gives it much of its open rural character. In order to protect these important industries, as well as their open character, it is important that the County retain as much of these lands as possible. Low-intensity development, such as occasional single-family homes, minor County roads, and farm structures will not detract from the usefulness of the land and should be permitted. On the other hand, intensive development of either a residential or commercial nature is likely to create problems. Such development could reduce farm parcels to a size too small to efficiently operate or could force curtailment of farm operations because of resident complaints about farm-generated noise, odor, or dust.

**Level #3: Low Value Areas**

This third (and final) level covers the remainder of the County. It is covered by Natural Soil Group F3, and also includes all existing developed areas, man-made lands and borrow pits. In general, these lands are not the most productive for farm or timber purposes nor are they the best wildlife areas.

Development in these areas will have the least damaging effect on the environment. Therefore, wherever market conditions justify it, development in these areas should be permitted provided that adequate public facilities are available and the proposed development is compatible with the Comprehensive Plan. Accommodation of future development in Level #3 will reduce the environmental economic impacts on Level #1 and #2.

### The Chesapeake Bay Critical Area Program

Worcester County has instituted the Pocomoke River Critical Natural Area Program to comply with the State of Maryland's Chesapeake Bay Critical Area Program. The County's program is designed to protect the water quality of tidal waters and tidal wetlands within the Pocomoke River drainage area. The planning area has been established to include a 1000 foot zone beyond the tidal waters shoreline and wetlands. Within this zone, the County has designated three types of development areas:

1. Intensely Developed Areas
2. Limited Development Areas
3. Resource Conservation Areas

### PUBLIC SERVICES

Worcester's residents and visitors require a variety of public services including education, roads, recreation, solid waste disposal, police and fire protection, health services, and, in some cases central water and sewer services. The quality of County life is dependent, to a large degree, on the quality of these County services. However, public services are expensive and the County must set priorities for providing these services to fulfill legitimate public needs.

Additional public services can generally be provided most effectively within the geographic area of existing public services. Therefore, the four incorporated municipalities, plus the area near Ocean Pines and West Ocean City, are in a particularly good position to economically absorb new growth. Public services can next best be provided to locations adjacent to these areas of existing public service. The cost of providing public service in areas distant from existing public service is high.

This comprehensive plan recognizes these public services costs and suggests that future development be located in areas near existing development zones. Developments beyond these areas should expect lower levels of public services.

Development should pay its own way and developers should be required to provide for public service needed by that development. Impact fees and zoning exactions should be considered and implemented to minimize negative fiscal impact on the County from new developments.

#### **SUMMARY**

In summary, the Worcester County development philosophy accommodates growth, but in a manner which balances high environmental standards with adequate public services. However, from the above discussion of these factors, it is clear that this is a complicated task because environment, growth and utility are often in conflict with one another. For example, in some areas of the County, high growth pressures and low public service costs suggest that development should be encouraged, but environmental criteria prohibits development. In other areas, environmental concerns indicate development is permissible and public service costs are estimated to be moderate, but market pressure adequate enough to justify intensive development is lacking.

It seems clear that compromises must be allowed for and made. The remaining chapters of this plan present specific guidelines for achieving the best overall balance of these factors.

**CHAPTER TWO**  
**LAND USE**

## CHAPTER TWO

### LAND USE

#### LAND USE GOAL

The goal of the Land Use Plan embodied in the County's Development Philosophy is to locate the major portion of the County's future population in the northern portion of Worcester County (around Ocean City) while maintaining the overall rural nature of the County and safeguarding its environment for future generations. The management of land use by the County should limit growth in the rural areas of the County to conserve land resources while maintaining modest growth in existing towns and villages.

The recommended pattern of land use expressed in the goals of the Comprehensive Plan is shown on Map 2.1, Land Use Plan (note: the Land Use Plan Map contained herein is not official; the official Land Use Map is located in the Worcester County Planning Office). As can be seen, the Land Use Plan provides for:

- o higher densities in the northern portion of the County and near the towns,
- o moderate densities in and near the villages.
- o low densities in the agricultural areas, and
- o a conservation area and a 1,000 foot critical natural area surrounding the tidal portions of the Pocomoke River drainage.


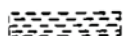






#### LAND USE OBJECTIVES

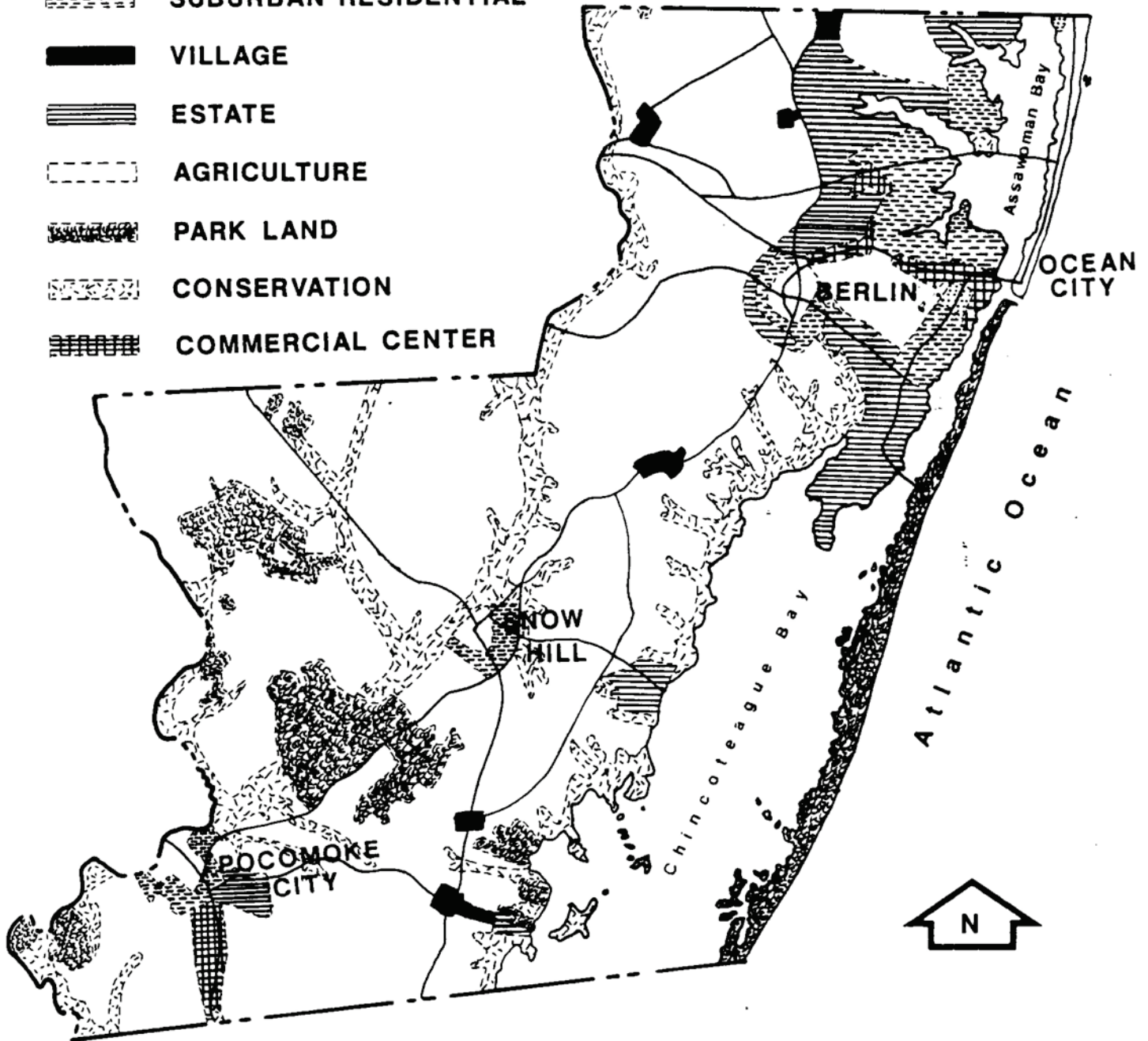
The objectives of the Worcester County Comprehensive Plan are as follows:

- o Maintain the rural open character of the County;
- o Implement the Comprehensive Plan's goals, objectives, and recommendations through the use of effective zoning and land subdivision controls;
- o Encourage new development projects to locate in or near the existing population centers and service centers (where planned) but also discourage development of the rural areas of the County;
- o Maintain the rural community character of Worcester and its existing population centers, small towns and villages;

ITEM 13  
COMPREHENSIVE DEVELOPMENT PLAN

APRIL 1989

-  SUBURBAN
-  SUBURBAN RESIDENTIAL
-  VILLAGE
-  ESTATE
-  AGRICULTURE
-  PARK LAND
-  CONSERVATION
-  COMMERCIAL CENTER



**WORCESTER COUNTY  
MARYLAND**

**LAND USE PLAN**

MAP 2.1

- o Restrict major development to areas having access to the County's existing or proposed arterial road system;
- o Establish site planning standards (including landscape and site design standards and criteria) to insure public safety, environmental quality and compatibility with adjacent properties;
- o Establish restrictions to control all types of highway strip development and institute access management controls along major arterials; and
- o Promote programs that encourage maintenance of rural open space, establish scenic easements, and encourage voluntary land owner participation in such programs as the Maryland Agricultural Land Preservation Program and the Critical Natural Area Program.

#### **LAND USE RECOMMENDATIONS**

The land use plan divides the County into the following major land use categories:

- o Incorporated Areas
- o Commercial Centers
- o Suburban (which includes West Ocean City and the Cape Isle of Wight areas)
- o Suburban Residential (which includes Ocean Pines and surrounding areas)
- o Villages (which includes Whaleysville, Stockton, Girdletree, Bishopville, Newark and Showell).
- o Rural Estate
- o Agriculture
- o Parkland
- o Conservation
- o Critical Areas, including:
  - Intensely Developed Areas
  - Limited Development Areas
  - Resource Conservation Areas

### **Incorporated Areas**

Ocean City has remained the fastest growing area of Worcester and continues to be the hub of economic activity for much of the County. To the extent that its physical carrying capacity and infrastructure can support additional seasonal population growth Ocean City desires to continue to meet the future demand for seaside recreation. The County should continue to support Ocean City's efforts to achieve its planned potential. The incorporated towns of Berlin, Pocomoke City, and Snow Hill and the unincorporated town of Newark are all well-established residential communities, each with a distinct history and character. Historically they have served as residential, economic and social centers for surrounding agriculture areas. To some extent, these towns have also served as centers for new residential areas.

The Incorporated Towns of the County are not covered by this Comprehensive Plan, however, careful consideration is given to the distribution of land uses around each and the development trends occurring in each Town and Ocean City. For example, the location and amount of commercial zoning around each Town needs to be evaluated so as to support the maintenance and revitalization of existing Town commercial areas.

### **Commercial Center**

Commercial Centers are designated to indicate the general location of concentrations of retail, service and office activities in the County. The location of Commercial Centers is influenced primarily by road access and proximity of residential markets and existing commercial areas. Commercial Centers should be developed as Commercial Parks with adequate standards for commercial clustering service roads, reverse frontage parking, landscaping, bufferyards, signage controls, etc. Typical strip commercial development should be discouraged in Commercial Centers and throughout the County. In general, smaller neighborhood business centers should be located in appropriate areas throughout the County to serve nearby communities. Commercial areas along major highways should be significantly setback from the highway, served by a service road and buffered with a landscaped strip.

### **Suburban**

Ocean City will not be able to accommodate all of the growth that is projected to occur as a function of the resort industry in Worcester County. It is anticipated that a significant portion of future development will continue to occur outside the corporate limits of Ocean City in areas such as West Ocean City, Cape Isle of Wight and Ocean Pines. The extension of the Ocean City sewer system to serve the West Ocean City and Cape Isle of Wight

area has removed one of the major impediments to development in these areas. Resolution of problems with the Ocean Pines sewer treatment facilities will result in renewed growth in this area of the County.

The growth that is anticipated in these areas will be at the highest permitted densities and intensities. It will require major capital investment in public facilities and services to support this burgeoning. It will also require that the county prepare and adopt design standards and guidelines that are keyed to higher density development, while bearing in mind that these proposed standards may not be appropriate for development in the rural portions of the County.

The types of development that will occur in these areas will include suburban residential (townhouse, apartment, condominium), highway commercial and shopping centers, and support service industry for Ocean City. Design standards for these areas should permit residential development at moderate densities with a suburban character. Planned and cluster forms of development should be encouraged in this area. Residential densities where adequate public facilities are available should be six dwelling units per acre.

#### **Suburban Residential**

The Suburban Residential Area, which extends west from Herring Creek to MD 589 and includes Turville and Jenkins Necks, is intended to accommodate a large portion of the future county population. The area is intended for sewered residential densities where community systems are provided and septic densities in other areas. Moderate-density residential development and suburban commercial uses are intended for these areas also with consideration for maintaining open spaces which are consistent with the predominantly suburban residential character of the area. Planned and cluster development forms should also be encouraged in these areas. Suburban Residential differs from Residential in that Suburban Residential is characterized by a lower residential density of four units per acre.

#### **Rural Estate**

The area south of MD 376 fronting on Sinepuxent Bay to South Point, the St. Martin Neck area, along MD 376 west to Berlin, and the area east of U.S. 113 are designated for a Rural Estate form of development in order to maintain an open character. A Rural Estate form of development would also be best for the environmentally sensitive nature of the inland bays. The predominant type of development that should occur in these areas is low-density residential on lot sizes larger than those for suburban and suburban residential areas. The potential for development in the Rural Estate areas on land disposal sewage systems indicates higher densities are feasible but in the main these areas are not planned for public sewer service. Land

disposal sewage systems not withstanding, in consideration of the environmental conditions in these areas the maximum density should be no more than one unit per two acres.

Site planning guidelines should encourage cluster development as a means of maintaining large open-space areas, to provide for the extensive buffering of sensitive aquatic habitats, and to protect and improve water quality. Reforestation of vacant lands and the buffer areas bordering tidal and wetlands areas should also be encouraged. In this way effective buffers for non-point runoff can be established.

### **Villages**

The unique character of the crossroads villages scattered throughout Worcester is an asset that the County should attempt to protect. Communities like Bishopville, Stockton, Girdletree, Newark, Whaleysville, and Showell, are the architectural and development history of the County. New development in and around these villages should be on a scale and of such a nature that it does not overwhelm the charm of these communities.

Worcester should provide for special treatment of these areas through its implementation programs. The County should support an objective which insures that future development is carefully considered for its impact on the existing community character. The density and scale of new development, should be controlled. The mixing of land uses should not be permitted unless such practice is deemed to be consistent with the existing community character.

Special village zones should be established to assist in the fulfillment of the housing, public services and land use objectives of the Worcester County Comprehensive Plan. The village zoning classification should provide for, and preserve, the character of the existing non-incorporated population centers in the County. It should channel the configuration of new development into reasonable and effective service areas to insure proper and efficient provision of water, sewerage, fire and police protection, and other public services (when such services are planned). The Village Zone classification should also assure the character of development does not create a need for such services when they are not available nor planned to be provided.

In general, it is intended that the village zones should be used to preserve the existing non-incorporated population centers. In addition, the village zones may be used for lands where the creation of a new population center would be appropriate and where such new center or centers would be consistent with the overall land use/community facilities provisions of the County Comprehensive Plan.

**Agriculture**

The agricultural heartland of Worcester should be preserved for the continuation of the farming and forestry industries. Other land uses, such as residential development is potentially conflicting with day-to-day farm operations and should be discouraged from locating in the agriculture areas of the County. Productive agriculture lands in the agricultural land use category should be preserved. County zoning for the agriculture areas should be established with the express objective of making agriculture and forestry the preferred land use. This will limit future conflicts that may arise as a result of sprawling residential and commercial land uses. The means by which this should be achieved is through maintenance of the current limits on residential densities in the agriculture areas. Only minor subdivisions of not more than five (5) lots are permitted in agricultural districts. Furthermore, consideration should be given to the form and impact of the limited residential development that is permitted (e.g., limited residential development might be located on less productive soils or on the wooded portions of farms). The impact of limited residential development on agricultural lands can further be minimized through provisions in the zoning/subdivision regulations that are designed to concentrate and cluster homesites. Incentives should be created that encourage both clustering of homesites permitted on farms and the transfer of lotting privileges between commonly held/owned properties. Efforts should be made to identify and conserve those areas of the County which are prime agricultural lands.

**Parkland**

Worcester County already has numerous acres of land in the Parkland Category, including Assateague Island-- approximately 29,000 acres of state and federally owned land which is open for camping and beach use. In addition, Isle of Wight (a proposed natural park and boat ramp), Pocomoke State Forest, Milburn Landing and Shad Landing provide recreational opportunities for numerous visitors to the County. Although it is not anticipated that the State will need to add to state forest lands in Worcester however, the County will want to consider the adequacy and distribution of neighborhood and regional park facilities. These areas provide space for ballfields, tennis courts, etc., where recreation and sporting activities can be proliferate. Of particular concern for Worcester's park planning is the ability of these facilities to accommodate the needs of future populations in those areas of the County designated for substantial growth over the next twenty years.

## Conservation

The conservation category covers those areas of Worcester which pose constraints for development and also those areas where development could have a significantly adverse environmental effect. These sensitive areas generally include wetlands, muck and alluvial soils in the Pocumoke River, stream valleys, and drainage ways. Worcester's conservation policies must also allow for the continued viability of upland and aquatic wildlife. More detailed recommendations for the Conservation areas are contained in the Natural Resources chapter of the Comprehensive Plan.

## Critical Natural Area

Worcester County has established a Critical ~~Natural~~ Area surrounding the Pocumoke River drainage area. The Critical ~~Natural~~ Area is designed to protect the habitats and water quality of tidal waters and tidal wetlands within the Pocumoke River drainage. The Critical ~~Natural~~ Area has been established to include a 1000 foot zone extending landward from the mean high water mark of the tidal waters shoreline and wetlands. Within the Critical ~~Natural~~ Area the following land use classifications have been established: (Maps of the County's Critical ~~Natural~~ Area are available for inspection in the office of the County Planning Department)

1. Intensely Developed Areas. Intensely Developed Areas are those where residential, commercial, institutional, and/or industrial developed land uses predominate, and where relatively little natural habitat occurs. These activities are concentrated in at least 20 adjacent areas, and have at least one of the following features:
  - Housing density equal to or greater than four dwelling units per acre;
  - Industrial, institutional, or commercial uses are concentrated in the area; or
  - Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre.
2. Limited Development Areas. Limited Development Areas are defined as those areas which are currently developed in low or moderate intensity uses. They contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired. They have one of the following features:

- Housing density ranging from one dwelling unit per 5 acres up to four dwelling units per acre;
  - Areas not dominated by agriculture, wetland, forest, barren land, surface water or open space;
  - Areas which, except for the 20 acre density requirement, meet all of the other requirements for Intensely Developed Areas;
  - Areas which have public sewer or public water or both.
3. Resource Conservation Areas. Resource Conservation Areas are defined as those areas which are dominated by natural environments (wetland, forests, abandoned fields, etc.) or by resource utilization activities (agriculture, forestry, fisheries, aquaculture, etc.). Resource Conservation Areas shall have at least one of the following features:
- Density less than one dwelling unit per 5 acres;
  - A dominant land use of agriculture, wetlands, forest, barren land, surface water, or open space.
4. Habitat Protection Areas. Habitat Protection Areas are defined as specific areas set aside within the Critical ~~Natural~~ Area to protect the habitat of endangered or threatened fish, wildlife or plants. In addition, a 100 foot wide buffer zone along the Pocomoke River has been designated as a Habitat Protection Area.

## LAND USE CONTROLS

### Zoning

Zoning is Worcester County's primary means of controlling and guiding private land development. Through the governance which zoning allows, the intent of the land use element of the Plan, can come to fruition.

After the Comprehensive Plan is reviewed and officially adopted a new County zoning ordinance (or revisions to the existing ordinance) should be developed, reviewed, and officially enacted by the Worcester County Commissioners. In this way the urgent policies of the Plan can be implemented.

The major County concerns to be addressed in revisions to the Worcester County zoning ordinance include: 1) establishment of a variety of zoning use districts to insure that future development locates in those areas planned for

growth, 2) that future development is compatible with existing communities and their character, 3) that the intensity of development does not exceed the natural carrying capacity of the natural environment, 4) Critical Natural Areas and 5) development standards. In general, the zoning districts should include agricultural, residential, commercial, industrial, and resource conservation districts as follows--

**Agriculture:** The land base resources for the County's agricultural industry should be protected from the disruptive effects of premature subdivision. The agriculture district should keep to a minimum the number of permitted residential lots, thereby maintaining the existing residential density provisions in the current Agriculture District (A-1).

**Residential:** The land use recommendations of the Comprehensive Plan suggest that the zoning districts should provide for a variety of residential densities, ranging from high density suburban areas served by adequate sewer and water (including also other public facilities) to the low-density rural residential areas in those portions of Worcester which are not planned for substantial population growth.

**Commercial:** The zoning should provide for neighborhood commercial areas strategically based to serve the convenience shopping needs of local communities. The zoning should also provide for more intense commercial development near the larger population centers and areas with adequate vehicular access. Central commercial areas should include land areas large enough for the development of commercial parks where a variety of shopping establishments (as well as office concerns) can be clustered to minimize highway access points. Worcester should avoid strip commercial forms of development.

**Industrial:** Industrial zones should be provided bearing in mind that industrial uses vary in the type and amounts of land areas required. The potential impacts that they can have on adjacent areas is also critical. Industrial parks are appropriate for many manufacturing/warehousing uses and should be encouraged. Other industrial uses, particularly agricultural and seafood related industries, have special location considerations which should be accommodated by the county when specifying industrially zoned lands for said uses.

**Conservation:** Zoning and subdivisions regulations should insure that provisions are made for conserving and protecting the numerous natural resources of the County, particularly in coastal areas of Worcester. Where development is planned the zoning should impose standards and limitations that insure that development is done in a manner sufficiently sensitive to the existing natural environment on the site and visual character. A height limit of forty feet or three stories without exception should be imposed. Special site planning/design provisions should be imposed in the Conservation Areas shown on the Land Use Plan and in other environmentally sensitive areas that supplement the basic

requirements of the underlying zone. In general large portions of these areas consist of wetlands, alluvial and muck soils which less are suitable for development.

### **Critical ~~Natural~~ Area**

Zoning and subdivision regulations should be prepared to assure that provisions are made for conserving and protecting the habitat and water quality of the Critical ~~Natural~~ Area established within the Pocomoke River drainage. For those areas within this area where development is planned, specific development standards should be imposed to insure that the new or expanded development meets the guidelines and goals established under the Worcester County Critical ~~Natural~~ Areas Program.

### **Subdivision Controls/Development Standards**

Effective control of land subdivision can guard against such undesirable conditions as 1) unsanitary waste disposal or water supply systems, 2) inadequate drainage, 3) poor drainage, 4) poorly designed, located or constructed roads, 5) badly sited building lots, and 6) inadequate recreational facilities, etc. Worcester County's existing subdivision regulations should be reviewed and revised to insure compatibility with the goals, objectives and recommendations of the Comprehensive Plan. These regulations should provide clear minimum standards and guidance for development.

When referring to subdivision of land it is necessary to adhere to certain basic principles and standards to assure that the County residents have adequate and safe access to their properties, provision of the necessary public services, and an attractive area in which to live. With this aim in mind, the following general guidelines have been developed for residential subdivisions:

- o The roadways should be of adequate construction, (as defined by the County's specifications).
- o The road network should be configured so as to minimize through traffic.
- o Provisions must be made for adequate storm drainage and sediment control.
- o Sidewalks should be provided where traffic conditions warrant.
- o Easements must be provided to adequately serve present and potential utility needs.

- o All utilities should be underground.
- o Subdivision layout should recognize the natural features of the site. It should seek to preserve and capitalize on the favorable features while at the same time minimizing the effects of unfavorable features.
- o Sufficient open space should be provided to accommodate localized recreational and institutional needs.
- o Existing healthy trees should be preserved wherever possible.
- o Sufficient landscaping should be provided and maintained for a pleasant visual appearance, to screen undesirable features, and to control erosion.
- o Provisions should be made for adequate automobile parking.

The cost of site improvements, whether they be new streets, widening of existing County or State roads, landscaping, provision of easements, or whatever is required to insure that the proposed development complies with all requirements established by the County, are the sole responsibility of the developer. The zoning conferred on properties in no way obligates the County to upgrade or provide public facilities in and of itself and if County facilities must be upgraded to accommodate the proposed development, the cost of upgrading should be completely born by the developer.

The Maryland Planning and Zoning Act (Articles 25A and 66B) which permit the County to zone and regulate subdivisions, also allows the County to adopt an official map of planned streets and prevent construction within proposed road rights-of-way. The prohibition of building in the beds of streets or highways shown on the official map insures that the future development of proposed highway facilities can be undertaken at minimum cost to the County and will be coordinated with private development plans. Use of this device is possible only after the transportation element of the Plan has been adopted.

In order to achieve the Plan's transportation and land use goals, the County should prohibit development (as allowed within the provisions of Articles 25A and 66B, the Maryland Planning and Zoning Act) within planned highway rights-of-way. Furthermore, to regulate and control development in the county's agricultural and conservation areas, new roads or major road improvements which would open up an area exposing it to increased development pressure should be intensively reviewed. Finally, restrictions should be placed on the use of lands adjacent to major roads. Strip development, including all types of residential development should be limited through County land use controls. Direct access to major roadways should be limited and directed towards local "feeder" or collector streets.

Beyond the basic requirements already established in the existing Worcester County Subdivision Regulations the County should generate and implement specific design standards for new development. The need to establish design standards is particularly important for the areas of the county which are planned for suburban densities, central commercial developments, and industrial lands. A distinction should be made between design standards for these areas and the areas of the County which will remain essentially rural in character.

Within the ascertained growth areas design standards should be prepared and administered by the appropriate County departments which provide for the following: 1) minimum open space, 2) parking, 3) paving, 4) location and design of access drives, 5) landscaping, 6) building treatments, and 7) lot coverage, particularly for multi-family residential, commercial and industrial uses.

#### **AREAS OF CRITICAL STATE CONCERN**

The 1974 session of the General Assembly amended Article 66B of the Code of Maryland to require local jurisdictions to designate, within their comprehensive plans, geographic areas of a critical state concern. An area of critical state concern is defined as one that deserves special planning attention and involves or affects more than one local jurisdiction.

The Plan recommends that eight areas be so designated. This listing should be reviewed and, if necessary, revised annually--

#### **St. Martin River, Assawoman Bay, Turville Creek, Herring Creek, and Mankin Creek.**

These important County waterways are susceptible to pollution. The sources of pollution have not been clearly identified and may include sources in Sussex County, Delaware. Critical Area designation is proposed to increase state assistance in identifying and correcting the problem.

#### **Ocean Beaches**

Worcester County's 31 miles of Atlantic ocean beach represent Maryland's total supply--a resource enjoyed by millions of Maryland citizens each year. Three major issues currently impact on this unique asset. First, ownership of the beaches on Assateague Island is split between the state and the federal government. In Ocean City, ownership is being legally contested. Second, the beaches (and the ocean inlet channel) are constantly being changed through natural forces thus periodic beach restoration is necessary for the continued use of the

beaches by the public. The third area of concern is the pollution danger resulting from ocean oil spills. Designation of a critical area should help the County to deal more effectively with each of the above areas of concern by generating increased state and federal interest.

### **Assateague Island**

As mentioned above, Assateague Island is jointly owned by the state and federal governments and is a major tourist attraction. Decisions made by these higher levels of government regarding the use of the island could have major environmental and economic impacts on Worcester County, (including Chincoteague Bay and the Sinepuxent Neck in particular). However, Worcester has no direct control over the future of Assateague Island. Designation as a critical area will permit Worcester to play a more active role in the future of the Island.

### **Route 50**

Route 50 is Worcester's major link with the outside world. It is one of the major routes used by tourists in traveling to the County. There is limited capacity along several sections of Route 50 between the Bay Bridge and Ocean City (including Vienna Bridge). Worcester's continued growth depends on removing these bottlenecks. Construction on a new Choptank River Bridge is now completed and construction of the Vienna Bypass is currently underway.

### **Route 113**

Route 113 is the spine of Worcester County and connects the County with Delaware (to the north) and Virginia (to the south). While portions of this important road have been dualized, substantial portions remain as two-lane. As a Critical Area, dualization of this route should be given the highest state priority. As part of its program of continuing improvements, the state should also make the timely refinements to the Route 113/13 intersection which will improve its safety.

### **The Railroad**

There are two railroad lines in Worcester County. The Conrail main line runs to Pocomoke City to connect with the Accomac/North Hampton Railroad Authority and the Carfloat to Norfolk. The County should encourage the State and Federal Governments to maintain this rail line as a vital transportation link through the Delmarva Peninsula. The Snow Hill Shippers' Association owns and operates, with the Maryland/Delaware Railroad, a spur line from Dagsboro, Delaware to

Snow Hill. The County should support the continued economic viability of this rail line and its operation by private enterprise.

**Areas of Failing or Inadequate Sewage Disposal Systems**

Several areas of the County suffer from failing septic systems. Other County areas suffer from inadequate sewage treatment. These areas are vulnerable to create health and environmental problems. Critical Area designation is proposed to increase the timeliness and amount of state and federal financial assistance needed to correct these problems.

**Pocomoke River**

The Pocomoke River with its adjacent wooded or emergent wetlands is an important migratory pathway for birds traveling along the East Coast. With its wealth of rare and endangered species, the Pocomoke is the northernmost area along the East Coast shore many southern species such as the bold cypress, resurrection fern and croisvine can be found. It is an important anadromous fish spawning area. The Pocomoke drains portions of three states and five counties. In addition to its natural attributes, it is an important commercial and recreational link to the Chesapeake Bay.

**CHAPTER THREE**  
**NATURAL RESOURCES**

## CHAPTER THREE

### NATURAL RESOURCES

#### INTRODUCTION

The natural resources of Worcester provide benefits for all people who live in or visit the County and they form a major component of the County's economic base, particularly for farming, tourism and the resort trades. The intrinsic landform, soils, and indigenous plants combine naturally to provide desirable sites on which to construct homes and conduct businesses. They form a base for the production of agricultural products (such as livestock, corn, wheat, soy beans, vegetables and forestry products) as well as for the extraction of mineral resources (sand and gravel). The County's natural setting is a habitat for numerous plant and wildlife species. It offers spaces for people to enjoy a variety of recreational activities; each year, thousands of visitors come to Worcester County.

People's use of the natural resources has some common requirements and effects. People require adequate amounts of clean water and suitable land areas for living. People affect the quality of their natural resources through their usage rates of the available amounts of nutrients, water and energy flowing across the land. Managing the natural resources of the County is, for the most part, a matter of wisely managing people's use of the land. Ultimately, the quality of Worcester's natural resources will determine the quality of life within the County. Wise management will assure that benefits from natural resources will be available for future residents.

The natural environments of Worcester support an abundance and variety of wildlife. These diverse environments greatly enhance the overall beauty of the landscape. The "rural character" of Worcester County, attractive to residents and visitors alike, depends on the presence of the County's significant natural features--namely, its bays, islands, beaches, woodlands, marshes and streams. The natural areas provide visual ambience that underscores the predominantly undeveloped appearance of the County. In addition to the positive psychological effects of Worcester's natural environment, the diversity and quality of these areas provides the basis for the recreation and resort industry that is so important to the County's economic well-being.

Although managing its natural resources will be of county-wide importance, the greatest challenges will occur along the shores of the County. The shoreline areas will present the greatest challenges for resource management because: 1) they are very attractive and have development sites of high economic value, 2) they contain very fragile natural systems, each with different management requirements and, 3) they naturally perform important and strategic water quality and pollution control functions. The

County's extensive bayfront and the Pocomoke River marshes are important natural assets which must be conserved. These wetlands are the spawning, nursery and feeding grounds for many forms of aquatic life.

#### **NATURAL RESOURCES DESCRIPTION**

Worcester County contains four principal tidal bays: Chincoteague, Sinepuxent, Isle of Wight, and Assawoman. Feeding these bays are several major tributaries including the St. Martin River, the creeks (Greys, Turville, Herring and Trappe) and numerous small streams. The bays cover over 60,000 acres. The bays are shallow, generally only a few feet in depth, and are slow to flush, which makes them especially susceptible to pollution from point and non-point sources. Furthermore, evidence suggests that some man-made canals constructed for waterfront developments can contribute to bay pollution by building up concentrations of algae, bacteria, and trash.

Worcester County has many miles of shoreline composed of ocean beaches, barrier islands, embayments, rivers, creeks, and coves. These natural land forms are located along the Atlantic Ocean, the Pocomoke River, Assawoman Bay, Sinepuxent Bay, and Chincoteague Bay. The shorelines are highly varied. For example, dunes and sandy beaches are located along Assateague Island and low wetlands and marshes are most abundant in the upper reaches of the Pocomoke River.

The County has 24,156 acres of tidal wetlands which represent approximately 9 percent of the total emergent tidal wetlands in the State. An additional 3000 acres of non-tidal wetlands are located in Worcester. Coastal beaches and mudflats comprise 639 acres of this figure. A less visible resource, some 1,590 acres of submerged aquatic vegetation (nearly 7 percent of the area submerged aquatic vegetation statewide), also provides food/habitat for animals and stabilizes drifting sediments. Approximately 17 percent of these wetlands are in public ownership and the remaining 83 percent are privately owned. About 43 percent of the total wetlands area consists of wooded areas adjacent to the upper reaches of the Pocomoke River (Type 7). Submerged aquatic vegetation (e.g., widgeon grass and eel grass) is predominant in the inland bays where water depths are shallow enough (2 meters) for light penetration.

When settlement of Worcester County began, the upland portions of the County consisted almost entirely of hardwood climax forest. Oaks dominated in the moderately drained forests and mixed stands of oak/maple/sweetgums dominated the more poorly drained soils. Loblolly and Virginia Pines grew in some of the most coarse-textured, and drought prone soils. In 1976, of the total 306,500 acres of total land area in Worcester County, approximately 160,600 (52 percent) of the County was forested, 159,600 acres of which were commercial forest lands. By comparison, Worcester County had 187,000 acres of forest land (approximately 60 percent of the total land area) in 1963. These forested

areas are located along stream corridors, on poorly drained soils, and in large tracts in inland areas.

According to the 1982 Census of Agriculture over 113,000 acres of the County were in farm use, 80,000 acres of which were croplands, and 3000 acres of which were pastures or grazing lands. An additional 30,000 acres were classified as woodlands on farms.

Obviously, the predominant land use in Worcester County is forestry and farming. The total of these two uses accounts for well over 75 percent of the total land area of the County. Including the wetlands, resource areas account for over 85 percent of the land area of the County.

Within the category of natural resources are sand and gravel deposits which underlay parts of the County. Sand and gravel are very important non-fuel commodities. They provide the basic raw materials which support the paving and construction industries and activities.

Lands in Worcester County containing sand and gravel resources are located predominately in an area from east of Berlin to east of Newark. The geological formations in this area are Parsonburg Sand (Upper Wisconsin), Ironshire Formation (Upper Sangamon) and the Omar Formation (Lower Sangamon). It appears that the majority of the deposit areas are located in the Ironshire Formation.

### **RESOURCE MANAGEMENT GOALS**

The resource management issues in Worcester County are similar to those that exist throughout the nation. In order to form a rational approach to addressing these issues, a resource management goal should be established which will set the basis for a rational management program. The resource management aim is to preserve the following resources components:

- |   |                  |   |                      |
|---|------------------|---|----------------------|
| o | Clean Air        | o | Forest Lands         |
| o | Clean Water      | o | Biological Diversity |
| o | Productive Soils | o | Fisheries Resources  |
| o | Buildable Lands  | o | Ecosystem Functions  |

Worcester County's Comprehensive Plan and its implementation should address land use and resource management issues related to preserving air and water quality and the conservation of its natural resources. Resource management techniques and land use controls should focus on point and non-point pollution which can substantially degrade surface/subsurface water quality and soil erosion which results in loss of productive soils and also contributes to the decline of water quality.

Site design requirements should minimize the loss of the valuable forested lands which provide wildlife/plant habitats and landscape benefits (e.g., visual buffers and scenic diversity). Site design requirements establish the appropriate locations and sizes of the forested areas to be conserved in the development process. They should also control the loss of biological diversity (which results in a loss of genetic diversity) and non-renewable resources since the decline of biological diversity often results in additional costs for the public to restore, e.g., the fisheries decline. As part of its regulatory approach the County should attempt to control pollution generation, while concurrently minimizing the loss of pollution trapping pathways.

### **RESOURCE PROTECTION OBJECTIVES**

For purposes of establishing management objectives which fit the resource being managed (and its location) the land environment has been divided into three physiographic complexes: 1) coastal, 2) upland, and 3) agricultural. The purpose for designating these three physiographic complexes is to establish discrete land areas in which management objectives that emphasize use versus protection can be devised. This practice makes it simpler to take into account the County's natural diversity and its growth and development patterns. In addition, these three areas can be mapped for the purpose of implementing strategies.

Coastal areas are located within 250 feet of tidal waters or tidal wetlands. Uplands comprise the balance of County. The distinction between uplands and agricultural areas is based on the premise that utilization of farm land is of greater importance than preserving all resources. By definition, agricultural resources require utilization and are therefore somewhat unique among the resource components. In non-agriculture upland areas resource protection is an important objective in the development process.

Some natural features or resources may occur in each of the physiographic complexes while others are unique to the coastal complex (e.g., tidal wetlands and riparian habitats). Again the distinction between the physiographic complex will establish the basis for varying degrees of protection afforded the resource. For example, some non-tidal wetlands in coastal areas will be treated differently than the same non-tidal wetlands occurring in agricultural areas.

Implementation objectives need to be developed to achieve the land use and natural resource goals of the Comprehensive Plan and to preserve resource values and availability for the County. The natural resources which should be considered in the context of land utilization include:

- |                                      |                |
|--------------------------------------|----------------|
| o Floodplain, coastal and riverine   | o Bays         |
| o Wetlands, tidal and non-tidal      | o Bay bottoms  |
| o Drainageways                       | o Beaches      |
| o Soils with Development Constraints | o Bluffs       |
| o Erosion hazard areas               | o Forest Lands |

Managing these resources will require procedural and prescriptive provisions in Worcester's zoning and subdivision ordinances (i.e., requiring identification of resources present on a site and assessment guidelines for the types and level of protection needed. In general, these protection measures should be directed toward protecting receiving waters by limiting point sources of pollution into the bays through storm water, sanitary sewer or other outfalls. In conjunction with other regulations, the County's zoning and subdivision regulations should also limit or mitigate the impact of non-point sources of pollution including runoff and failed septic system effluent.

Worcester recognizes that much of its population and economic growth will concentrate in the coastal areas, near the bays and their tributaries. Obviously, the point and non-point pollution impacts to the bays must be addressed if clear environmental benefits are to be achieved. In terms of the issue of land use impacts on point and non-point pollution the underlying resource management approach is based on the results of studies which have compared the relative impacts of development. With respect to point sources of pollution, the type of treatment is the variable considered. In terms of water quality land treatment (commonly called spray irrigation) is less detrimental because there is no direct discharge of effluent to the water. Equally important, is the fact that land treatment which has a zero point discharge, is less costly to install and operate than tertiary treatment.

Any comprehensive planning objective should protect existing forest land, particularly in or near shorefront areas and in drainageways. Even for higher density developments, these areas are particularly well equipped to reduce non-point pollution and, at the same time, contribute to the overall diversity of native plant and wildlife habitat.

Studies of non-point pollution loadings as a function of land use in the watershed have demonstrated that forest cover is clearly the most effective land use for protecting water bodies from pollution run-off. Agriculture, and intense urban development (with associated impervious surfaces) generate the highest pollutant loadings. While conventional residential uses have intermediate effects, it is possible through clustering of units to tailor the residential development form and function so that it will maintain environmental impacts within acceptable levels. Some land uses (marinas

for example) are water-dependent uses and must locate in shoreline areas, albeit a range of impacts to resources may result from their site location, design and operational features.

The natural resource goals and objectives of the Worcester County Comprehensive Plan recognize the need to evaluate the different natural resources within the County before establishing protection measures. Residential land uses can have a desirable environmental impact if density and strategic open space standards are included in the County zoning regulations.

The underlying assumption from which the natural resource objectives have evolved is that residential development in and of itself need not be injurious or detrimental to various resources, but the form of development must be given careful attention to assure that resource protection objectives are achieved. In reviewing development proposals the County should evaluate all resources independently for each of the three environmental areas of the County: a) coastal, b) upland and, c) agricultural. Future land development in all districts should strive for reductions in pollution loads from existing conditions and for utilization which represents the best county-wide balance of economic development and resource management objectives achievable. Means of mitigating the impacts of agricultural runoff should be encouraged through the installation of best management practices in the agricultural areas of the county as recommended by the Soil Conservation Service. The management of individual natural resources should include an identification of the resources present, an evaluation of the impacts of proposed development on the resource if warranted and the application of performance objectives designed to conserve the resource for its beneficial values (including wildlife habitat, pollution mitigation, and the enhancement of life in general).

The recommended resource protection objectives will for the most part be achieved through site design and environmental impact assessment procedures. Performance objectives are recommended as a guide to developers in the site planning process and as a basis for County review of development proposals. They are as follows:

1. Shown in Table 3.1 are the recommended percentages of resource protection for development sites in the County. They are expressed in terms of percentages of the resources present. These should be maintained as open space in their natural state where possible.
2. In both the coastal and upland environments buffer and landscaping requirements should be established which will reduce the total pollutant loadings from non-point sources. In the case of coastal areas, maximizing forest cover (either through retention of existing forest land or reforestation) should be encouraged.

3. In all areas incentives should be established for the clustering of units to minimize impervious surfaces and to provide the greatest possible design flexibility. Development should be permitted while at the same time providing adequate protection of resources (i.e., meeting the performance objectives).
4. The use of natural storm drainage systems, rather than systems that accelerate runoff, should be encouraged and established.

Table 3.1

## Resources Protection Performance Objectives

<u>Resource/ Natural Feature</u>	<u>Percentage In Each Category to be Protected</u>		
	<u>Coastal</u>	<u>Upland</u>	<u>Agriculture</u>
Floodplain			
Riverine	95%	95%	95%
Coastal	50%	na	na
Wetlands			
Tidal	100%	na	na
Non-Tidal	50%	100%	30%
Drainageways	50%	30%	30%
Forested Lands	50%	50%	0%
Erosion Hazard Areas	100%	na	na
Beach	100%	na	na
Bluff	100%	na	na
Buffer	100%	50%	25%

## RESOURCE MANAGEMENT RECOMMENDATIONS

## Land Use

The historic land use development pattern of Worcester has placed varying degrees of stress on the natural resources of the County depending on their location. In the northern portions of the County, land development is perceived as the major contributor to the loss of or degradation of natural resources. This is particularly true for coastal areas, which are most sought after for building sites. Other portions of the County are more at-risk due to the use of natural resources (e.g., agricultural runoff which results from tillage of the land and poor forestry practices). Again, it is the coastal areas and the major drainage ways which course through watersheds that are the most affected. Consequently managing the natural resources of the County implies varying controls as function of the resource and its location.

The Land Use Plan identifies the streams and creeks draining into the Pocomoke River and the bays as "Conservation" areas. The stream valleys are defined as drainage areas with mixed alluvial land, ("My") and muck ("Mz") soils as defined by the U.S. Soil Conservation Service. These areas are generally wet or saturated soils, not suited for development, and will not support septic systems. They are the essential drainageways for Worcester County. Development, in these stream valleys, runs the risk of causing flood damage, increasing the sedimentation of streams and further endangering valuable wildlife habitats. Accordingly, the County's zoning and subdivision ordinances should strictly control the development or alteration of these areas.

The County's natural drainage system divides itself into 51 sub-watershed areas. With the sponsorship of the Worcester County Soil Conservation District, a number of these drainage areas have been organized under government subsidy programs to improve and maintain drainage, particularly in agricultural areas. The County should endorse such projects and insure, through its subdivision controls, that new development does not hamper natural surface water drainage.

The Pocomoke River has been designated as a scenic river under the State's 1968 Scenic Rivers Program. The purpose of the program (administered by the Department of Natural Resources) is to protect the water quality and natural character of the river. The Pocomoke River represents a unique and scenic resource which should be conserved in a near-natural state for recreational use.

### **Water Quality**

As an overall goal for water quality the County should work to carefully maintain its bays safe for shellfish harvesting. Prime recreation areas, including the Ocean City Harbor, Bishopville Prong, Herring Creek, Saint Martins River, Manklin Creek, Turville Creek and Trappe Creek, should be kept safe for seafood harvesting and human contact.

### **Sand and Gravel Resources**

Mineral extraction, like agriculture, is another resource utilization use. Plans for site reclamation and reuse of extraction sites are very important considerations when identifying possible candidate sites. Abandoned pits leave behind infertile land. Identifying future uses of the sites and organizing methods for site reclamation help to enhance the development potential of the site. With care and planning, sites can have the potential to be used as farmland, future building sites, farm ponds or recreational/wildlife areas.

When determining suitable areas for the extraction of sand and gravel resources, a number of issues should be addressed. These issues include: 1) the importance, location and availability of these resources, 2) the production operation itself and the resultant impacts and, 3) the reclamation of abandoned sites.

Worcester County currently permits surface mining in agricultural and industrial zones A-1, M-1 and M-2 by special exception. Applicants seeking approval of mining operations must meet provisions concerning lot requirements, design standards and review procedures. Operations are conditional for a two (2) year period and bonding may be required by the Board of Appeals. Other considerations include:

- o the proximity to market being served,
- o the existing development/expansion,
- o the areas of public ownership,
- o the areas planning for sewer and water facilities within the next ten years,
- o floodplain,
- o special easements,
- o tidal wetland restrictions and,
- o private recreational facilities.

The operational issues which need to be addressed can be put into two categories: external or internal. Internal issues for consideration are on-site groundwater levels, surface water supply, mineral processing and site reclamation/reuse plans. The issues labeled "external" would cover the availability of adequate transportation facilities, the impact of encroaching development, off-site impacts of soil erosion/water runoff, and visual impacts.

When locating suitable lands for mining, the quality and quantity of the deposit must be considered. Mining on a site is not justifiable if the economical, environmental and physical aspects are not adequately addressed and considered.

Because sand and gravel extraction operations can adversely affect the environment, can adversely affect neighboring property values and can increase the public cost of maintaining access roads, each proposed site should be carefully considered; appropriate safeguards should be required by the County. At the same time, there will be a continuing need for sand and gravel resources in the region and therefore new extraction sites will need

to be opened from time to time. The County should continue to permit these operations in the A-1, M-1 and M-2 zones on a site-by-site review basis. The County should work with the owner/operators of sand and gravel extraction businesses to establish reasonable standards, guidelines and safeguards which protect the County and its neighboring counties' residents. Worcester should establish an acceptable basis on which extraction operations can continue and on which new extraction sites can be developed.

### **Zoning and Subdivision Controls**

The resource management objectives stated earlier should be incorporated into the County's zoning and subdivision ordinances. At a minimum, the County should establish procedures and requirements for the identification of each resource-type on a proposed development site. The County should also evaluate the potential impacts of the proposed site development on these resources. Proposed site-design plans should be assessed against the resource protection objectives established in the Comprehensive Plan.

The following definitions related to the Resource Protection Objectives should be added to the Zoning Ordinance:

**Drainageways** -- minor watercourses that are defined either by soil type or by the presence of intermittent or perennial streams or topography that indicates a swale where surface sheet flows join, including: the land, except where areas are designated as floodplain, on either side of and within fifty (50) feet of the centerline of any intermittent or perennial stream shown on the U.S. Geological Service's 7 1/2 minute Quadrangle sheets covering the unincorporated areas of the County.

**Buffer** -- a naturally vegetated area or vegetated area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from man-made disturbances. The buffer is a continuous area located immediately landward of tidal waters (measured from the Mean High Water Line), tributary streams in the County, and tidal wetlands and has a minimum width of one hundred (100) feet.

**Forest** -- a biological community dominated by trees and other woody plants covering a land area of one (1) acre or more. This also includes forests that have been cut but not cleared.

**Erosion hazard areas** -- the landward area along reaches of unprotected tidal shoreline that are subject to severe erosion. The landward area is determined by multiplying the annual erosion rate times twenty-five.

Beach -- the strip of land between the edge of the bays or a tributary which extends from the mean high waterline to the upland line of stabilized vegetated soils, or the elevation of two (2) feet above mean high water line, whichever comes first.

Bluff -- a landform found along the bays or tributary shorelines with a slope in excess of thirty (30) percent and a vertical drop of five (5) feet. The bluff shall also include an area extending fifty (50) feet inland from the top of the bluff.

In addition, the County should establish maximum densities in zoning districts which are consistent with the carrying capacities of natural systems and provide incentives for clustering units to minimize the loss of natural resources and reduce pollution loadings on local bodies of water.

**CHAPTER FOUR**  
**ECONOMIC DEVELOPMENT**

## CHAPTER FOUR

### ECONOMIC DEVELOPMENT

#### ECONOMIC DEVELOPMENT GOAL

The County's economic development goal is to expand Worcester County's economy so that it will realize its full potential--for employment, business, tourism, light industry, and commercial service opportunities.

#### ECONOMIC DEVELOPMENT OBJECTIVES

To implement the above goal, the following objectives are presented:

##### General

- o Raise the Worcester County median income to parity with the State of Maryland through the addition of well paying year-round employment.
- o Reduce the level of unemployment throughout the year.
- o Encourage and support retirement and retirement opportunities within the County.

##### Resort Industry

- o Encourage the development of a healthy, assertive, high caliber resort industry consistent with the other goals and objectives of the Comprehensive Plan.
- o Designate areas for a variety of recreational and resort activities.
- o Designate areas for tourists services designed to support public parks and other attractions.
- o Encourage support of Ocean City and its resort industry, and the resort industry throughout the County.

##### Industrial Development

- o Diversify the economic base and reduce the County's dependence on tourism for economic opportunity.

- o Establish a County industrial development program to retain existing industries and to expand Worcester's research, development, manufacturing, and other industrial activities.
- o Establish standards and designate areas for industrial activities through the County's land use controls.
- o Encourage industrial development to locate in industrial parks.

#### **Agriculture and Seafood Industries**

- o Encourage a viable agricultural industry.
- o Enforce protection of the seafood industry's harvest areas, landings and processing plants through the reasonable implementation of land use controls and water quality regulations.
- o Participate in programs designed to help the poultry industry.

#### **Commercial Services**

- o Assist Ocean City, Berlin, Pocomoke City, and Snow Hill in fulfilling their roles as major county commercial centers through land use controls, and other measures.
- o Use controls to establish standards and designate areas for commercial development within the County.

### **ECONOMIC DEVELOPMENT RECOMMENDATIONS**

#### **Employment Outlook**

Table 4.1 forecasts year 2000 employment opportunities in Worcester County based on the growth policies articulated by the development philosophy and the land use plan. It predicts continuing substantial growth in recreation oriented industries, and more modest growth in industries serving the year-round population. It means that the County will rely increasingly on the recreational sector of the economy and less on its manufacturing and agricultural sectors. While the anticipated growth of the recreational/resort concerns can be beneficial to the County, the increasing dominance by this industry leaves the County economy extremely vulnerable to economic cycles in which a recession can occur. Unchecked resort industry growth could have disastrous county-wide effects. For its own protection, therefore, the County should seek a more balanced economy with a variety of industries capable of riding out economic storms.

### Location Strategies

When accommodating new industries care must be taken to preserve the natural and developed features which continue to attract tourists to the County. Easy highway access to ocean and bay, attractive surroundings, fresh air, and clear water are some of Worcester's attractions. Although modern technology has largely eliminated the environmental hazards and visual blight associated with the industry, truck traffic generation and the psychological impact of industrial development is not conducive to nearby resort development. New industrial development should be encouraged to locate away from resort areas. This suggests a policy of discouraging industrial and manufacturing activities in the northern part of the County and bay front areas where the largest recreational demand occurs, and of locating and assisting in the development of industrial sites in non-agricultural and environmentally suitable areas of the southern part of the County. The area around the vicinity of Pocomoke City is designated as the primary area for industrial development.

**Table 4.1**  
**Worcester County**  
**Employment Forecast**  
**Year 2000**

<u>Employment Category</u>	<u>1980</u> Number of Employees	Percent of Total	<u>2000</u> Number of Employees	Percent of Total	Percent Change 1980-2000
Manufacturing	2,400	13	2,700	11	13
Construction	800	4	1,200	5	50
Transportation/ Utilities	500	3	400	2	-20
Wholesale/Retail					
Trade	5,400	29	7,900	33	46
Finance, Insurance, Real Estate	900	5	1,400	6	56
Services	3,800	20	5,000	21	32
Other, Non- Agriculture	3,000	16	3,600	14	20
Agriculture	2,000	10	2,000	8	0
Total	18,800	100	24,200	100	28

Source: Redman/Johnston Associates, Ltd.

## Recreation/Resort Development

Worcester County's primary tourist attractions are its Atlantic Ocean beaches. Its secondary, important attractions are the saltwater bays and inland forests and scenic areas. Worcester's ocean beaches are accessible only at Ocean City and Assateague Island. The largest recreational demand is expected to occur in the northern area of the County, and particularly in the 10th election district (including Ocean City, Assateague Island, and Sinepuxent Neck) where peak daytime visitors can be expected to reach 400,000 by the year 2005. An additional 155,500 peak daytime visitors can be expected in the remainder of the County at this same time. The influx of summertime visitors will foster an increase in the number of overnight accommodations and an increase in commercial activity in support of tourists.

The seasonal overnight population is expected to increase to nearly 400,000 on a county-wide basis by the year 2005. This will result in a peak demand for a total of 100,000 to 133,000 seasonal overnight accommodations (including hotel/motel units, single family homes, owned and rented apartments, and camp sites). Because accessibility to the ocean beaches is so important to demands, the County should seek to satisfy 95 percent of this demand (95,000 to 126,000 units) within northern election districts #3, #5, and #10.

Competition among resort communities will always be intense. Worcester County can ensure its ability to respond to rapid changes of demand in a volatile market and protect its share of the recreational market by respecting environmental constraints to development and by adopting a flexible policy toward the construction of public facilities (which permits incremental expansion, when desired, in advance of need).

Commercial facilities are required to support and cater to both seasonal visitors and year-round residents. Retail sales in Worcester County will increase to \$153.6 million annually by the year 2000, based upon the population projection. This will require that at least 380 acres of land be designated for commercial use. As a general rule, this means that the County should allocate one to two acres of land to commercial development for every 1,000 overnight residents (year-round plus seasonal).

New commercial development should supplement existing commercial activities, not replace them. Regional shopping malls can have severe impacts on towns by drawing customers away from existing downtown shopping districts. Strip commercial development along highways also conflicts with the success of downtown shopping centers and is also undesirable from a traffic and aesthetic view-point.

The County can help avoid situations of this sort by:

- o encouraging new commercial development to locate within existing towns whenever such development would further town land use plans,
- o reviewing commercial zoning classifications around existing towns and,
- o grouping commercially-zoned property near natural activity centers and not stringing them out along high ways in strip fashion.

The following standards should be applied to new commercial developments and shopping centers:

- o adequately paved and lighted on-site parking must be provided,
- o access to highways must not impede highway traffic,
- o centers should be attractively landscaped and buffered from surrounding uses by landscaped perimeter zones and,
- o signs and advertising displays must be controlled by size and type.

### **Industrial Development**

In order to achieve its objectives of reduced unemployment and increased family incomes, Worcester County must increase its base of industrial employment. Such work could provide year-round employment to offset the seasonal fluctuations of the resort industry and balance the wide economic swings to which the resort industry is prone. Attracting new industry is largely a matter of advertising to make potential plant owners aware of Worcester's attributes. Accordingly, Worcester's economic development program should include:

- o an active advertising campaign in appropriate trade publications,
- o active lobbying in the Maryland and U.S. legislatures for preservation of the Delmarva railroad line, and
- o continued support of and participation in a county wide Economic Development Program to attract light industry.

Poultry and other types of food processing are currently the largest manufacturing industry in Worcester County. There are plants at Pocomoke City, Showell, and Berlin. Increasingly strict federal water pollution control standards are threatening economic disaster to a number of Worcester's processors. The county should:

- o assist these industries in acquiring adequate sewage disposal (including connection to municipal treatment systems, if appropriate) and,
- o actively lobby for sewage treatment plant funding assistance at both the state and federal levels.

Industrial employment in Worcester County is expected to rise in proportion to the year-round population. It is expected that there will be 3,500 to 3,600 workers by the year 2000 (representing 16 percent of the total employed work force). In a typical cross section of industrial development, approximately five workers are employed per acre for 700 to 800 acres of industrial land by the end of the planning period. In order to provide a choice of sites, the County and its towns may choose to make more land available.

From a location standpoint, the Pocomoke City area is an ideal location for siting industrial activities in Worcester. It possesses the following attributes:

- o Access via main-line rail, barge, and highway.
- o Minimal conflict with recreation activities in the northern part of the County.
- o Available or extendable utilities.
- o Abundant vacant lands which might be used for siting new industries.

To a lesser degree, Snow Hill also possesses these attributes. The highway system into Snow Hill is not as highly developed as that at Pocomoke City and north-south industrial traffic has more potential for conflict with resort traffic. The areas northwest of Newark and around Berlin also have potential for light industrial use or warehousing to serve the resort community. However, north of Newark there is potential for conflict with resort traffic. To sum up, the County should:

- o ensure that an adequate amount of land is zoned for industrial parks, with a significant portion in the Route 13 corridor at Pocomoke City.

As a general guide in the layout and development of industrial parks, the following standards are recommended:

- o the industrial park should have a generous open space buffer around its perimeter.
- o interior roads should have adequate right-of-ways and pavement widths.
- o building setbacks from road right-of-ways within the site should be adequate for traffic sight distances and aesthetic appeal.
- o parking should be to the rear or sides of buildings.
- o parking lots should be covered with an acceptable all weather surface.
- o loading docks should be on the backs or sides of buildings.
- o rail sidings should be to the backs or sides of buildings.
- o outside storage should be screened on all sides by fences, landscaping, and/or earthworks.
- o setback areas should be generously landscaped.
- o it should be demonstrated that proper controls have been placed on the architecture and construction of facilities.
- o stormwater management and drainage regulations should be incorporated into project design.

### **Agriculture and Seafood Development**

Little, if any increase in agricultural employment is anticipated by the year 2005. Much of the decline in agricultural employment is due to increasing land productivity (greater yields per acre under cultivation) and increasing mechanization. These factors together have resulted in a need for fewer farm workers in spite of a net increase in overall farm production. It is expected that this long-term trend will continue through the planning period, but to a lesser degree than in the past. Poultry products have been and will continue to be Worcester County's agricultural staple. Most field crop production is geared to producing poultry feed which is used largely by local poultry growers. National demands for poultry products will tend to increase in proportion to population growth and Worcester can therefore expect a slightly increased commitment of its land to farm acreage by the end of the planning period.

Large farm operations generate noise, dust, and odors which can be incompatible with residential and other non-farm land uses. To avoid conflicting land uses within agricultural areas and to permit Worcester County farmers to mechanize their operations as competitive conditions warrant, the County should (as recommended in the Land Use Chapter) provide special agricultural zoning which gives preference to farm operations above all other uses.

The seafood industry has historically been another significant contributor to the Worcester economy. Production and employment increases during the planning period will be dependent on a number of factors including; 1) increases in mechanization; 2) limited yield rates established by state legislation, and; 3) natural ocean productivity. In addition, aquaculture has the potential to add another dimension to traditional seafood production. It is highly important to protect the seafood industry and the County's bays.

**CHAPTER FIVE**

**HOUSING**

**CHAPTER FIVE****HOUSING****HOUSING GOAL**

Utilizing the development philosophy, the following housing goal is adopted: the opportunity for all Worcester County Residents to live in comfortable, safe, and affordable housing should be provided.

**HOUSING OBJECTIVES**

To implement the above goal, these objectives are recommended:

- o a housing and building code to insure high standards of quality in new construction should be adopted and municipalities should be encouraged to participate in the code,
- o a variety of housing types should be provided for within the County's land use controls,
- o federal and state programs should be utilized when appropriate to help meet Worcester County's housing needs (particularly those of the County's lower income citizens), and,
- o regulations for mobile homes and mobile home parks should be maintained.

**HOUSING RECOMMENDATIONS****Seasonal Housing**

Worcester County's housing needs should be planned for in a two- part program, one part relating to year-round housing. Table 5.1 shows the number of housing units (by type) needed to accommodate the projected seasonal population. The "private dwellings" category includes single-family homes, condominium apartments, and mobile homes permanently affixed to foundations on individual lots. Many of these homes are used by their owners for only a few weeks of the year and are rented out for the majority of the summer season. The "hotel/motel" category includes standard motel/hotel accommodations as well as rooms in boarding houses and individual rooms rented in year-round dwellings. The "campsites" category includes simple sites rented to tent campers and more elaborate camp grounds (which may include water, sewer and electrical hook-ups) for trailers and recreational vehicles.

Table 5.1

## Projected Seasonal Housing Demand

	<u>No. of Units</u>	
	<u>1985</u>	<u>2005</u>
Private/Dwellings (at 6 persons/unit)	21,700	40,000
Hotel, Motel, Guest House Accommodations, Condominiums and Townhouses (room units at 2.4 persons/unit)	28,400	54,000
Campsites, temporary Trailer hook-ups, recreational vehicles sites, etc. (at 4 per site)	2,900	6,000

Source: Redman/Johnston Associates, Ltd.

For private dwellings, this will require construction at an average rate of 1,000 to 1,100 units annually, although short range variations in supply and demand may result in individual years higher or lower than this figure. This is below the 2,000 unit per year rate experienced in the 1970- 1974 period, but still represents a very active construction program. The mix of needed transient accommodations may vary considerably, depending primarily upon the national economy. If private automobile and recreational vehicles become uneconomical for example, the need for hotel/motel/guest house facilities are the preferred means of accommodating visitors, since these facilities add to the real estate tax base and their guests are likely to spend money at restaurants, shops, and amusements. Camping accommodations, on the other hand, do not increase the real estate tax base as much, and their guests are less likely to purchase food or other retail services in the County. When carelessly designed and sited, moreover, roadside vehicular camping facilities can be unsightly and inconvenient for their patrons. The County should: establish strict standards for vehicular camping facilities in its zoning and subdivision regulations, including:

- o the prohibition of overnight parking of campers on public roads and parking lots,
- o the provision for adequate sewage, water, and lighting facilities in campgrounds,
- o the establishment of maximum permitted densities, and
- o the establishment of road setbacks and screening standards.

For permanent dwellings, including private homes and hotel/motel units, the County should encourage the construction of attractive, high quality dwellings within a range of values that will continue to make vacation and second homes in Worcester available to moderate income families, and yet still attract a number of high cost, high revenue developments. This can be achieved by:

- o the adoption of a County building code.
- o provision in the County zoning ordinance for a broad mix of residential densities in northern Worcester County and,
- o the adoption of a County housing code.

As housing costs continue to climb, more and more emphasis will be placed upon mobile homes and modular housing units to satisfy the demand for recreational living quarters at modest income levels. The challenge to the County is to permit this form of lower cost construction without allowing it to become unattractive, low-quality housing.

#### **Housing Assistance**

The Community Development Administration, part of the State Department of Economic and Community Development, provides assistance to local communities for the development of housing programs, for the determination of needs and the generation of housing strategies. Worcester County should utilize State and Federal assistance when available and deemed appropriate by the County.

**CHAPTER SIX**

**PUBLIC FACILITIES AND SERVICES**

**CHAPTER SIX****PUBLIC FACILITIES AND SERVICES****INTRODUCTION**

Public facilities are those minimum facilities and services the County provides for the common good. Generally, public facilities include land, buildings, equipment and whole systems of activity provided by the County on the behalf of the public. The quality of public facilities contributes to the quality of life in the County. Some facilities, such as clean drinking water and adequate sewage disposal, are necessities, while others such as theaters and parks are highly desirable for cultural and educational enrichment.

**GOAL**

Building upon the development philosophy, the following public services goal is adopted: at a minimum cost to the County government, a complete system of economical public facilities should be provided that are responsive to the needs of Worcester County residents (including both year-round and seasonal).

**PUBLIC FACILITIES OBJECTIVES**

To implement the above-stated goal, the following objectives are presented:

**General**

- o Meet the public facilities needs of existing development as a first priority.
- o Permit development to occur only as rapidly as it can be fully supported by services.
- o Require developers to pay for or provide the added public facilities necessary to support their developments when normal County facilities programming will not result in the timely provision of the services that will support the proposed development, including, but not limited to, schools, parks, roads and, sewer/water facilities.

**Recreation**

- o Establish a county-wide system of recreational facilities (including boat landings, waterfront parks, regional parks, town and village parks, and in high-density areas, children's play lots), which meet year-round recreation desires.
- o Permit development to occur only as rapidly as it can be adequately supported by services.
- o Require developers to pay for or provide the added public facilities necessary to support their developments.

**Education**

- o Locate educational facilities in or near the major population centers.
- o Maintain Worcester County's vocational and technical education programs to fulfill the needs of the County's students and businesses.
- o Maintain existing County library facilities and programs.

**Public Safety**

- o Insure that the County's safety needs are adequately serviced by law enforcement and fire organizations.
- o Maintain a disaster control program capable of responding to major hurricanes, public disturbances, fires, medical emergencies, and hazardous waste spills.
- o Discourage development away from high hazard areas.

**Health Care**

- o Encourage the development of a health-care system in Worcester County which should include a new hospital in the County.
- o Maintain a system of medical care centers to serve both the County's year-round and seasonal populations (including the capability of emergency transport to a major medical facility).
- o Provide for the establishment of long-term facilities adequate to fulfill the needs of the County's elderly.

- o Encourage physicians, dentists, and other medical professionals to locate in Worcester County.
- o Assist in meeting the County's health needs by encouraging private industry to provide services.

#### **Solid Waste**

- o Insure that the County is served by an adequate county-wide waste disposal site.
- o Require trash collection to be done by municipalities and private collectors.
- o Establishment of Solid Waste Management regulations.

#### **Water and Sewer**

- o Upgrade existing public central water and sewer service facilities to meet appropriate standards.
- o Require developers to provide central public water and sewer service to designated development areas.
- o Permit no shared facilities except where supervised by or operated by the Worcester County Sanitary District.

### **PUBLIC FACILITIES AND SERVICES RECOMMENDATIONS**

#### **Sewer Service**

The provision of sewerage and sewage disposal facilities is one of the most powerful growth management tools available to County policy makers. This is especially true in Worcester county, where so much of the desirable residential property is unsuitable for development on septic tank disposal systems.

The County's ability to grow depends, to a large extent, upon its ability to provide economical sewer service. As the development philosophy acknowledges, growth will be stifled unless the environment can be preserved and protected. At present, some very desirable areas in the County cannot be developed because sewer service is not available. Growth will also suffer if the price new residents must pay for vital services, such as sewerage, is too high. Worcester must therefore establish a policy for sewer systems which will: 1) eventually sewer enough land to accommodate the

desired amount of growth, and yet, 2) not sewer so much land that resulting service costs per lot owner will be prohibitively high.

The following principals should govern sewer service policy:

- o Service should be provided wherever required to correct an existing public health hazard or environmental threat.
- o New service should be extended only to those areas where central sewer facilities are required to accommodate anticipated higher density growth.
- o Service area populations must be great enough to support entirely the costs of sewer service to that area.
- o New central sewer service should not be extended to areas where the land is capable of supporting the anticipated or desired amount of residential growth with on-lot disposal systems (unless central service can be shown to be more economical).
- o New sewer service should not be extended to areas where high density growth is not desired.
- o To the greatest possible extent, effluent should be discharged through ocean outfalls or treated/disposed on land (but not discharged into coastal bays, regardless of the level of treatment). Long-term discharges into the coastal bays should be prohibited.
- o The sewage system should be sized only for the anticipated population.

Land use controls that permit only low density development in non-sewered areas will also channel residential growth into sewered areas and thereby promote service that must be financially self-supporting. Because of the great capital investment required, sewage collection and disposal systems are most economical for high density service populations. Low density populations cannot financially support the planning or the equipment costs.

In the southern portion of Worcester County, existing sewer treatment plants are located in Snow Hill, Pocomoke City and Newark. The Snow Hill and Pocomoke City systems discharge to the Pocomoke River. Newark's system discharges ultimately into the Chincoteague Bay. There are no practical alternatives to these discharge points. Continual upgrading of these systems to meet state and federal water quality standards is now the responsibility of Worcester's incorporated towns, with the exception of the Newark sewer system which is the responsibility of the Worcester County Sanitary Commission. The County should assist in the orderly growth of

these areas by endorsing the efforts of the incorporated towns to annex new areas before extending public utilities to them. This permits the towns to expand their property tax rolls and revenues in proportion to the increased cost of serving the new areas.

For new areas sewered by the County, special sanitary district service areas should be created, so that all service costs, including debt service for capital construction can be assumed as user charges to residents of each service area. All large-community sewerage treatment plants should be owned or operated by the Worcester County Sanitary District. Ocean Pines has recently become a service area of the Worcester County Sanitary Commission. The Worcester County Sanitary District should also supervise and/or operate all shared facilities.

Due to existing health hazards and the anticipated population growth in the northern part of the county, the county should consider:

- o utilizing, if practical and necessary, the Ocean Pines plant to serve both Ocean Pines and the immediate surrounding areas designated for growth in the Land Use Plan,
- o investigating alternatives to having the Berlin treatment system discharge into Trappe Creek and Newport Bay, and
- o accepting land treatment of sewer effluent as a desirable alternative to discharging into County waters.

Villages (such as Stockton, Girdletree, Whaleysville, Newark and Bishopville) and parks (such as Assateague and the state forest) may require sewage treatment facilities to correct existing failed septic systems or to serve expanding populations. These villages and parks should be serviced by small local treatment systems, and should perhaps utilize land treatment facilities for the effluent to avoid discharge into local waters. With the foregoing principals in mind, the county should consider: revising its County Water and Sewer Master Plan so that it can develop a realistic capital improvements program and utilize available funding sources.

### **Water Systems**

Worcester County relies solely on ground water for its potable water supply. The ground water resources within Worcester County are capable of meeting the expected demand for the year 2005. However, ground water resources specifically available to the Ocean City area are limited, and as stated earlier in this plan, it is possible that in the future a large summertime demand may cause salt water intrusion. Because of the anticipated concentration of population in the Ocean City area, the county should, in cooperation with the Maryland Geological Survey and the Department of Natural Resources, continue to monitor the Manokin ("Ocean City") aquifer to insure against overdraw and salt water intrusion.

In the southern part of the county, Newark, Snow Hill, and Pocomoke City presently have central water systems. So do two state Parks: Milburn Landing and Shad Landing. These systems do not come under the county's purview (except for the enforcement of health standards). In areas where tests of existing potable water supplies indicate contamination, public potable water supply systems should be considered. In the northern part of the County, there are existing water distribution systems for Berlin, Ocean City, the Mystic Harbour Subdivision, the Ocean Pines area and on Assateague Island.

The high-density populations areas, particularly those expected to locate in northern Worcester County, will require complete municipal water distribution systems both to insure water adequate for drinking and fire protection. A water distribution system should be considered in West Ocean City and in other high density development areas.

The Maryland Department of Natural Resources, Water Resources Administration and the Delaware Department of Natural Resources and Environmental Control, Division of Water Resources are currently working together to produce a Water Supply Resources Development and Management Plan for Northeastern Worcester County, Maryland and Southeastern Sussex County, Delaware. Results of this plan will provide Worcester County with detailed information and direction on the following items:

- o Major ground water and surface water management, development and conservation issues (i.e., problems, concerns, and opportunities);
- o Regional surface water and ground water availability and capability under various levels of investment in the development of alternative resources;
- o Current and projected water use by user category;
- o Alternative strategies for resolving major issues, including the evaluation of economic, social and environmental benefits and costs associated with each alternative;
- o A selected future strategy or strategies to pursue in resolving northeastern Worcester County, Maryland water supply problems; and
- o A schedule of specific activities that will be pursued to implement the selected strategy or strategies.

**Recreation**

One of the most important public facilities in Worcester County is the parks and recreation program. It is the mainstay of the County economy to the extent that the tourist industry depends upon the availability of a variety of outdoor activities. Blessed at present with an abundance of unstructured and unspoiled open space, Worcester will be challenged within the planning period to meet the often conflicting demands of a seasonal population two to three times greater than today's. In many cases, county officials and private entrepreneurs will be able to provide additional facilities to meet the expected demand. At existing facilities where resources are limited, users will be faced with increased overcrowding.

**Ocean Beaches**

The ocean beach is Worcester's primary tourist attraction. As the peak seasonal population approaches 400,000 persons by the year 2005, adequate and accessible ocean beach area will be required. the county supports beach replenishment efforts to maintain this valuable resource.

Assateague State and Federal Parks currently contain approximately 8,600 acres of accessible beach area which could be expanded. The County should encourage the State and Federal Governments to expand the use of Assateague Island to a level consistent with the carrying capacities of the natural systems present.

**Bay Access**

Worcester's coastal bays provide fishing and recreational activities which are distinctly different from ocean oriented activities. The anticipated growth in the northern part of the County area will limit public access to Assawoman, Cape Isle of Wight, and Sinepuxent Bay as more and more of the shoreline is consumed by private development. In order to assure adequate public access to the bays the County should anticipate increased need for public access to the coastal bays and acquire appropriate amounts of bay front land for marinas and public landings through zoning requirements and park acquisition.

Private waterfront developers should not be relied upon for provision of adequate facilities. Their facilities do not serve the public at large. The anticipated year 2005 population will own approximately 12,500 small boats and will require 40 boat launching ramps, the majority of which will be located on Isle of Wight, Assawoman, and Sinepuxent Bays. About half of these ramps should be provided by commercial marina operators and half by public acquisition. A large number of small facilities is the preferred allocation solution in order that the boating population can be

accommodated without congestion. Recommended minimum standards for bay access parks should address:

- o a minimum size,
- o boat ramps and piers,
- o parking, and
- o sanitary facilities.

Commercial unloading and loading of fin fish and shellfish is permitted in the area of the West Ocean City Commercial Harbor. The West Ocean City Commercial Harbor is designated to facilitate the commercial harvesting of fin fish and shellfish.

**Inland Parks**

The Pocomoke River represents a unique recreational resource. Worcester County should place emphasis on maintaining the river's natural character and assets. The County also has a continuing need for structured park space near developed areas for picnics, children's playgrounds, and sports such as baseball and tennis. The county should seek funding to complete parks currently under construction. As a guide to future park projects the county should maintain a recreation and parks master plan which includes candidate sites for acquisition and development.

Although year-round residents are the primary users of park facilities, seasonal residents can also benefit from them, especially when their stays exceed one week's time. Furthermore, visitors can be encouraged to stay in the county longer if complete recreational facilities are available. Accordingly, inland parks should be sized for the year-round population, but also planned so that they will be used by the seasonal population as well.

The following standards for inland parks should be adopted:

<u>Type of Facility</u>	<u>Service Area</u>	<u>Standard</u>	<u>Provided By</u>
1. Play Lots	Neighborhoods and small developments	(as needed)	Towns or developers
2. Neighborhood Parks	Neighborhoods and large developments	*	Towns or developers
3. Village Parks	Small Villages	*	County
4. Town Parks	Towns	*	Towns
5. County Parks	County-wide	*	County

Note: \* The standard is 20/acres/1000 people with these four (4) categories. 20.0 acres/1,000 standard is derived from the Worcester County 1982 Recreation Plan. Worcester should continue to offer financial assistance where needed to help its towns achieve these standards. The County and the Towns reserve the right to determine the need and mix of park types.

### **Camping Facilities**

The County should continue to rely on private enterprise to provide facilities for vehicular camping. The low economic return from such facilities does not justify County provision for them.

### **Education**

Worcester County now has five elementary schools, three middle schools, three high schools, one special school and one vocational school all of which have either been built or updated since 1970. Along with the expected increase in the year-round population, increases in school enrollments may be expected to emerge as shown in the following table, Table 6.1.

**Table 6.1**

### **Projected School Enrollments**

<u>School</u>	<u>Year 1985 Enrollments</u>	<u>Year 2005 Enrollments</u>
Elementary	2,034	2,700
Middle	1,425	1,500
High School	<u>1,653</u>	<u>2,100</u>
Total	5,112	6,300

SOURCE: Redman/Johnston Associates, Ltd.

This predicts a smaller total high school enrollment as the current peak passes and an increase in total elementary school enrollment due to a larger, young adult, working population of child bearing/raising age. Worcester should, therefore plan for:

- o an addition to the Showell Elementary School for 250 additional elementary students,

- o an addition to the Pocomoke Elementary School for 125 additional elementary students, and
- o an addition to the Snow Hill Elementary School for 125 additional elementary students.

As concerns higher education, the County should continue to support WorWic Tech, the two-year community vocational college for the Lower Shore. This school has programs in business management, accounting, building trades, law enforcement, agricultural management, auto repair and hotel management.

### **Public Libraries**

With the Snow Hill Library, Worcester County has sufficient building space to serve the year-round population. It is recommended that any future library facilities be located near growing population areas. Attention during the planning period should be directed toward increasing and improving library collections and increasing library patronage.

### **Public Safety**

**Fire Protection.** The County is now adequately served by ten volunteer fire companies. By and large, modest expansion of most of these companies will keep pace with projected new development. Some places in the north county, however, may experience large increases in seasonal populations, without a commensurate increase in year-round population. These areas may lack the traditional nucleus of manpower that would support a volunteer fire company. Areas of northern Worcester County could be especially problematical with respect to shortages in volunteer firemen. The County should encourage the expansion of existing volunteer fire companies to serve all areas of the County.

Higher density housing developments will increase risks from fire. To reduce these risks and minimize costs to the County, County subdivision regulations should specify the installation of fire mains and hydrants where central water distribution systems are provided. There should be exactions from developers for firehouses, fire fighting equipment, etc.

**Police Protection.** The incorporated municipalities are served by municipal police forces. Police protection in the unincorporated areas of the County is provided by the Maryland State Police and the County Sheriff's Department. As the unincorporated areas of the County continue to develop, the County will need to consider the possible

creation of a County Police Department to serve the unincorporated areas as a compliment to the Maryland State Police.

Correctional Services. The County operates a modern, well equipped and well staffed County Jail which is presently capable of housing 200 inmates. A 64 bed addition to the Jail is currently being planned which should meet the County's needs through the year 2000.

Ambulance Service. Ambulance services are provided by 6 volunteer fire companies (Ocean City, Berlin, Snow Hill, Pocomoke City, Ocean Pines, Bishopville). The County will need to continue to provide financial support for these volunteer ambulance companies. The strain on ambulance service in the northern part of the County during the summer months can be greatly alleviated if a hospital is constructed in the Berlin area. The County is also supported by the Maryland State Police medivac helicopter service.

Worcester County needs to maintain contingency plans, and cooperative agreements with neighboring jurisdictions and the State of Maryland, for emergency ambulance services in the event of major accidents or natural disasters.

### **County Offices**

The new County offices in Snow Hill are adequate for existing needs but they must keep up with demands. The County Commissioners should insure that adequate parking is provided to serve these new facilities.

### **Health Care**

Hospitals. Worcester's major health care needs are provided by Peninsula General Hospital in Salisbury. The County currently needs to have an improved health-care system and a hospital in the County. The County should encourage the development of a new hospital in the County.

Private Physicians. There will be a continuing need to retain and attract private physicians to serve the medical needs of the county residents. Provision of nearby, quality medical facilities in the County will help attract more private physicians to the County.

Health Department. The County Health Department operates clinics in Ocean City, Berlin, Snow Hill, and Pocomoke City. As additional development occurs in the northern part of the County the Health Department facilities in the Berlin and Ocean City areas may need to be expanded.

**CHAPTER SEVEN**  
**TRANSPORTATION**

## **CHAPTER SEVEN**

### **TRANSPORTATION**

#### **TRANSPORTATION GOAL**

In adherence to the development philosophy, the following transportation goal is adopted for Worcester: provision for the safe and efficient movement of people and goods within the County should be made by insuring that its roads are adequate to support, without congestion, the growing population.

To insure that adequate transportation facilities are built when and where required the county will need to take a constructive role in the planning and programming of future highway improvements within the County. Reforming the manner in which State and County highway improvements are planned and executed will require that the County adopt a new perspective on the quality of highway service expected and the manner in which this will be achieved. In this fashion the County will circumvent the kind of issues and problems that result in congestion as exemplified during the peak summer traffic in Ocean City.

The policies and objectives of the County's transportation plan will require that the way in which highways have been viewed within the development process will change considerably. Most importantly, in order for the County to meet its transportation, land use, resource protection and community character objectives, improvements must be made when and where they are required.

#### **IMPLICATIONS OF THE LAND USE PLAN ON HIGHWAYS**

As it is implemented in Worcester County, the land use plan will result in development and population increases which will mean ever increasing traffic volumes. The congestion which results when traffic volumes exceed the capacity of the highway system not only means inconvenience and added cost for travelers, but it also detracts from the peacefulness of life for the residents and merchants affected. Therefore it is important that the transportation implications of planned growth are understood so that needed improvements are implemented when required.

Major factors that will influence the form of the County's highway transportation system are the proposed improvements to the MD 90 corridor and the possible erection of another bridge spanning across to Ocean City (north of the existing bridges). The additional lanes added to MD 90 will increase the capacity of the highway system to satisfy east-west traffic flows and will make both Ocean City and the northern portion of the county more accessible.

These improvements will help alleviate the summer congestion problems that plague the County, but summer travel will continue to be difficult. Heavy traffic volumes on the U.S. 50 corridor will be a hinderance to the efficient movement of traffic in the county, particularly within the northern part of Worcester County. For this reason, MD 589 and other north-south connectors between MD 90 and U.S. 50 will be important to local travel. Access control and the location of major commercial facilities along the MD 589 corridor (and on other collectors) and arterials should be considered in light of the overall travel needs of residents and visitors alike.

The Land Use plan also provides for substantial growth in the northern area of Worcester County. Planned growth areas, i.e. West Ocean City and Cape Isle of Wight, straddle the U.S. 50 corridor. The development of these areas, along with the development already underway (White Marlin Mall), will create an increase in turning movements on U.S. 50. Meeting the highway objectives of the Comprehensive Plan requires that the County work very closely with the State to resolve conflicts between through and turning traffic movements.

Anticipated development of West Ocean City will substantially increase traffic conflicts on MD 611. As a consequence, it is likely that the intersections of MD 611 and Sunset Avenue will have to be signalized at some point in the planning period. In effect, MD 611 will function much like an urban street once West Ocean City is developed. The problems that will arise will be as a result of conflicts between local and through-traffic headed for points south of West Ocean City. Upgrading MD 611 would help alleviate these problems. Perhaps a better approach will be to provide an alternative route for traffic (e.g., upgrade MD 376).

Intersections of collectors and other lesser roads with major arterials throughout the County will need to be upgraded during the planning period. This is particularly true along U.S. 50, U.S. 13 and MD 90.

Although the rural portions of the County outside the northern part of Worcester are not expected to mushroom dramatically within the twenty year plan period, transportation issues exist here as well. The highway systems in these areas, although they do not presently experience major capacity or safety problems, have limited options for additional growth. If the County wishes to maintain reasonable speeds on these rural segments, then further planning will be necessary.

Rural routes which serve agricultural areas are for the most part narrow roads with limited capacity for additional traffic. In addition, farmers are dependent on these rural roads for moving their goods to market, for transporting their heavy equipment from farm to farm and for the delivery of the bulk products from their agricultural practices and operations. Many of these rural routes are already in need of improvements, even with the current low traffic volumes. On routes which include substandard widths of bridge and culvert crossings, upgrading is particularly necessary.

The land uses planned for these areas, which are predominantly agricultural, can be adequately followed without making substantial improvements other than to address local safety problems (e.g., bridge upgrading and intersection widening and realignments and other improvements). However, even on rural routes the County will want to consider implementing access control standards that insure that the quality of service is consistent with the land use needs served by these roads.

### **HIGHWAY POLICIES**

In order to capably address its long-range transportation planning and programming needs, it is recommended that the County implement a highway transportation management approach that includes the pre-planning highway improvements required to support the Land Use Plan. As part of this approach, the County should establish highway service quality measures as policy for evaluating the adequacy of existing and proposed highway and road facilities. In general, these measures (referred to as Level of Service) relate the capacity of the road or intersection to existing or planned volume.

Level of Service (LOS) on highways is measured in terms of volume to capacity ratios (V/C Ratio). On urban and suburban arterials, which are differentiated from multi-lane suburban highways and rural roads, a major determinant of capacity is intersection capacity which is measured in terms of composite v/c ratios of the approaches, but actual level of service measures are based on average stopped delay.

Level of service reflects driver satisfaction with a number of factors that influence the degree of congestion, including speed and travel time, traffic interruption, freedom to maneuver, safety, driving comfort and convenience, and delays. Six level of service are used to describe highway flow conditions. Commonly accepted definitions for each category are:

**LOS A**, represents a free flow where individual users are virtually unaffected by others in the traffic stream. LOS A describes a condition with low traffic volumes and high speeds with little or no delays. There is little or no restriction in maneuverability due to the presence of other vehicles. Drivers can maintain their desired speeds and can proceed through signals without having to wait unnecessarily;

**LOS B**, is in the range of stable flow, but the presence of other users in the traffic stream begins to be noticeable. LOS B affords above average conditions, and is typically used for design of rural highways;

**LOS C**, is also in the range of stable flows, but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream. LOS C is normally utilized as a measure of "average conditions" for design of facilities in suburban and urban locations. It is also considered acceptable in rural locations;

**LOS D**, represents high density, but stable flow. Speed and freedom to maneuver are severely restricted and the driver experiences a generally poor level of comfort. Small increases in traffic flow will generally cause operational problems at this level. LOS D is considered acceptable during short periods of time and is often used in large urban areas;

**LOS E**, represents operating conditions at or near the capacity level. Operations at this level are usually unstable, because small increases in flow or minor perturbations within the traffic stream will cause breakdowns.

**LOS F**, is used to define forced or breakdown flow. This condition exists wherever the amount of traffic approaching a point exceeds the amount which can traverse the point and queues form behind the point. LOS F is characterized by demand volumes greater than the roadway capacity as complete congestion occurs and, in an extreme case, the volume passing a given point drops to zero. Under these conditions motorists seek other routes in order to bypass congestion, thus impacting adjacent streets.

Level of service are often utilized as measures of system performance and to define public policy concerning highway performance. They are also used in traffic impact analysis to determine local traffic impacts of proposed developments. Definitions of level of service differ for intersections and roadway segments, for city streets, and for controlled access highways. In urban and suburban areas, where intersections are closely spaced, traffic signals usually govern arterial and street capacity. Thus, in urban and suburban locations roadway adequacy is assessed at intersections as part of the traffic impact analysis.

For the rural two-lane roads, which comprise the vast majority of highway miles in Worcester County, level of service policies correspond with the following vehicle volumes/road capacity relationships:

<b>Volume to Capacity Ratio (V/C)</b>	<b>Level of Service</b>
.20	A
.40	B
.55	C
.72	D
1.00	E
1.00+	F

As part of this approach, the County should establish functional classifications for the highway system which conforms to the dominant transportation role of the highway. Functional classification should then be related to the desired level of service as recommended in the chart which follows:

**Highway Level of Service Policies**

<b>Highway System Functional Classification</b>	<b>Level of Service Policy</b>
Arterial	C
Major Collectors	C
Minor Collectors	C
Rural Collectors	C
Local Access	C

These level of service policies are applicable to major intersections (i.e., intersections of higher order highways, such as arterial and collectors, along the route).

**Current and Projected Traffic Volumes**

Table 7.1 shows the growth of traffic volumes on Worcester County's major highways. As can be seen, since the last Plan update in 1976, traffic volumes on these routes have increased at rates between 3 and 8 percent.

Under average daily traffic conditions most of the roads in Worcester County operate at acceptable levels of service (C or better). Although capacity and level of service measures are not the only indicators of potential highway needs (safety being another important consideration) it does provide a basis for evaluating the adequacy of highway facilities.

Under summer traffic conditions many of the highways listed above which serve the northern end of Worcester County, operate well below their normal level of service due to the heavy increases in traffic volumes. Under summer traffic conditions these highways have traffic volumes that are equal to or exceed the projected 2005 average daily volumes. For example, U.S. 50 has a summer average daily traffic load which is 183 percent of the daily traffic volumes averaged over the entire year.

**Table 7.1**  
**Highway Traffic**

<u>Route</u>	<u>1986 Yearly Average Daily</u>	<u>1985 Summer Average Daily</u>	<u>2005 Projected Average Daily</u>
U.S. 50	16,500	24,200	25,300
U.S. 13	15,800	18,300	24,500
U.S. 113	10,000	20,000	20,200
MD 528	26,000	36,000	38,800
MD 90	12,200	29,400	40,000
MD 589	6,775	9,200	9,500

Source: Maryland Department of Transportation and Redman/Johnston Associates, Ltd.

#### **Access Control**

In areas outside of the northern area of Worcester County major highway improvements are not anticipated before the year 2005. However, the County will want to consider enactment of access control policies in these areas as well as in the developing areas. This is particularly important for routes that are currently serving or are planned to serve, an arterial or collector function. Without access control the level of service may deteriorate (as a result of the unchecked proliferation of individual access drives).

Access control policies should encompass all roads. Access standards for all State and County roads should limit the number of residential units served by a single access point and the location and spacing of nonresidential

access drives, particularly those near intersections. To avoid stripping County roads with individual drives, the County will want to insure that the design and ultimate build-out of proposed residential subdivisions is done in a manner that limits, within reason, the number of permitted curb cuts.

Without regard to commercial and other nonresidential developments Worcester will want to protect the capacity of the intersections of major roads (arterials and collectors) by requiring a minimum setback for access drives and by requiring a minimum spacing between access drives. In general, the county should encourage major commercial and industrial developments to locate in planned parks. These parks should be of large enough size so that they can internalize conflicting traffic movements and so that they can be adequately served with a minimum of curb cuts. This approach will help minimize strip commercial development which results in an inefficient allocation of highway capacity and which often results in the demand for major unplanned improvements to the road segment (or forces a need to build bypasses around congested areas).

### **TRANSPORTATION OBJECTIVES**

For implementation of the transportation goals, the following points should be considered:

#### **Highways**

Safety hazards should be eliminated and the County's arterial regional highway system should be upgraded, including the following routes: 1) U.S. 50, 2) MD 528, 3) U.S. 13, 4) MD 113 and, 5) MD 90. The County's collector highway system should be upgraded, including the following routes: 1) MD 346, 2) MD 354, 3) MD 364, 4) MD 366, 5) MD 367, 6) MD 368, 7) MD 374 8) MD 376, 9) MD 589, 10) MD 610, 11) MD 611, and 12) MD 12.

A program of upgrading local roads and bridges should be maintained to eliminate safety hazards and improve traffic flow. The development pattern proposed in the Comprehensive Plan (and the zoning regulations) should be assessed and a list of anticipated highway capital improvements that insure that the County and State roads can operate at the desired level of service should be developed as input to the County's and State's capital improvements programs. All roads should be kept at a level of service that permits reasonable low speeds to be maintained through the more urban areas and reasonable high speeds in rural areas.

The possible need for amending the Land Use and Transportation elements of the Comprehensive Plan should be assessed as the State is completing its study of MD 90 (and the feasibility of a new bridge crossing into Ocean City). A final alternative acceptable to the County and Ocean City should be developed.

The number of individual lots permitted access to State and County roads should be restricted for all developments to preserve road capacity.

### **Rail Service**

Continued rail service to Worcester County on the Berlin/Snow Hill line (and the main line at Pocomoke City) should be supported. At such time as it appears that rail service to Worcester County will be discontinued and/or abandoned appeals should be made to the State for land banking of rail right-of-ways.

### **Air Transport**

Airport facilities which are capable of meeting Worcester County's long term air transport needs and which stimulates additional commercial and industrial development should be supported.

### **Water Transport**

Within the land use controls, standards should be established for the regulation of boating activities and facilities. The continued functioning of the Ocean City harbor facility for commercial boats should be insured through zoning and other land use controls. The development of recreational marina facilities on all County waterways should also be provided for.

## **TRANSPORTATION RECOMMENDATIONS**

The following policies are recommended as a framework for developing the County's highway systems:

- o Within Worcester County, and in conjunction with Ocean City, a mass transit system to serve the seasonal and year-round populations should be evaluated.
- o Worcester County should work with the State of Maryland to develop a plan of improvement for MD 90 and U.S. 113 that meets the needs of the County. Once plans are developed, the State should be pressed to implement improvements which add capacity to the U.S. 113 and MD 90 corridors.
- o A list of short-range and long-range highway capital improvements for County roads should be generated and submitted annually to the County Commissioners.

- o In incorporated towns and villages the roads should be maintained in their historic character, and by-passes should be built rather than allow defilement of the character of the areas.
- o The minimum level of service desirable on all roads should be at least level of service "C", based on the yearly daily average--except US 50 and MD 90 which should be level "D" based on the summer daily average.
- o Wherever possible, no curb cuts should be permitted within 200 feet of an intersection which involves a collector or an arterial road.
- o Access controls on all collectors and arterial roads should be instituted, even in rural areas.
- o The minimum right-of-way for all new County roads, should be fifty (50) feet.
- o A priority list of transportation improvements on State roads should be reviewed annually by County Officials and submitted to the State Secretary of Transportation.

### **Regional Highways**

Worcester County's highway network is the most important element in its transportation system. If railroad service to the County is curtailed, the highway network will be called upon to support an increasing amount of truck freight traffic in coming years (in addition to a two to three fold increase in passenger automobile traffic resulting from the anticipated growth in tourism).

To a large extent, the provision of adequate highways to and from Worcester County is beyond the County's control. Because bottlenecks occurring fifty miles or more outside the County may severely restrict a regional highway's ability to serve Worcester's tourist industry and inhibit the growth of Worcester's other industries, the County should closely monitor the State of Maryland's highway improvements program, (particularly as it affects Maryland Routes 12, 90 and 528 and U.S. Routes 13, 50, and 113), and participate in regional efforts to upgrade these important routes (both in Worcester proper and in the neighboring jurisdictions as well).

Specific improvements to the arterial highway network that will be required by the year 2005 are discussed below. In order to realize the transportation goal the following highway improvements should be a priority for the County:

Maryland Route 528 (including Route 378 up to 15th Street):

MD 528 is already at or near capacity and operates well below level of service "C" and at times reaches level of service "F" in the summer months. Most of what can be done to improve the operation of this highway has already been done. Due to physical limitations additional capacity cannot be built in Ocean City. Route 528 is Ocean City's main street. Ocean City's growth will soon be stifled by congested streets and lack of parking. A dramatic increase in the availability of off-street parking and the use of mass transit will be required to support the projected year-round 2005 population.

A joint transit system study should be initiated to explore the various means of solving the traffic and parking problems connected with Ocean City. Such a study should result in a definitive capital improvements plan for the purpose of implementation. Perhaps this study could be done by a joint city/county transit authority.

Improvements to Maryland Routes 528 and 368 are listed in the current HNI. Several special project improvements, including resurfacing, signalization, and drainage, have recently been completed or are planned for Maryland Route 528. These special projects are directed at alleviating existing drainage and traffic problems in Ocean City.

To address the existing traffic and parking problems in Ocean City during the summer months, a park and ride service, initiated by the SHA, began operation in June, 1987. This operation provides parking at a designated area adjacent to the White Marlin Mall and shuttle bus service to downtown Ocean City. The service operates between the hours of 9 a.m. and 12 midnight and will be open through the summer tourist season. This service at this location should only be viewed as temporary. A permanent public park and ride facility should be built at an appropriate location on the U.S. 50 corridor.

The solution to the Ocean City traffic problems will require cooperation between the County and Ocean City, particularly if a transit/mainland parking option is deemed financially feasible. The County should continue to work with Ocean City to resolve its traffic problems.

U.S.Route 113:

This major north-south spine should be upgraded to four-lanes throughout its length. Such a project is contained in the Maryland State Highway Needs Inventory. Because turning movements onto roadside developments will be the major factor limiting capacity on

this uncontrolled access highway, zoning controls as provided should be carefully used to limit commercial development to selected areas along the right-of-way.

Maryland Route 90:

Route 90 will be the major highway serving Ocean Pines and St. Martin Neck and will replace U.S. Route 50 as the major highway serving Ocean City. Because adding additional lanes to U.S. 50 will be nearly impossible, MD 90 will have to be upgraded to provide additional east-west capacity between U.S. 50 and Ocean City. A four-lane capacity will be adequate for year 2005 service requirements. The MD 90 corridor is currently being studied by the Maryland Department of Transportation. Included in the study will be the examination of the need and feasibility of building a new bridge crossing to Ocean City. Access to Route 90 should be provided only at interchanges with Route 50, 113, 589, and St. Martin Neck Road.

U.S. Route 13/U.S. Route 113 Interchange:

The U.S. Route 13/113 intersection at Pocomoke City should be reconstructed to a full, grade - separated interchange in order to improve the traffic flow and safety of these two highways as they merge to form the major southbound arterial route from the County.

U.S. Route 13:

As the Pocomoke area grows, particularly with commercial and industrial development, Route 13 will be required to handle ever increasing amounts of traffic. To improve the traffic flow and safety of this vital highway, the State should study the feasibility of providing interchanges between Route 13 and Routes 364, 366 and/or 113, as well as providing service roads along Route 13's undeveloped portions.

U.S. Route 50:

This highway's basic four-lane capacity will be adequate to serve anticipated year 2005 needs, except for that portion west of the Route 90 interchange where it should ultimately be widened to six lanes. Improved signalization and increased access control will be required, particularly in the segment between Berlin and Ocean City where strip commercial development has severely restricted roadway capacity. Appropriate zoning restrictions should control new development on Route 50. It should be noted that U.S. Route 50 is included in an ongoing statewide access control study to limit access points along major primary corridors.

Traffic on the Route 50 bridge into Ocean City now exceeds the capacity of the city's streets to accommodate it. The proposed use of the Route 50 bridge for shuttlebus service to Ocean City would be helpful.

Additional Route into North Ocean City:

Access to north Ocean City should be increased to relieve pressure on U.S. 50 and to provide more lane capacity for moving people in and out of Ocean City during peak use times and in the event of an emergency.

Anticipated growth in population will also create new demands on local highways, principally in northern Worcester County. Maryland Routes 376, 589, and 611, and St. Martin Neck Road will be most affected. The specific highway improvements needed are recommended as follows:

Maryland Route 611:

The major road to Assateague, Route 611 should be expanded from Route 50 to Assateague so that it will accommodate high-density growth in West Ocean City, as well as other developments south of this area. Because the lower Sinepuxent area is planned for low density development on septic tank systems, and because dead-end peninsulas are difficult to serve at high densities, Route 611 should remain at its present two-lane capacity south of the intersection with Route 376. Route 611 will be adequate to serve the low-density development planned in the lower Sinepuxent Neck. A program to improve Route 611 is contained in the Maryland State Highway Needs Inventory. It should be revised in accordance with these recommendations.

Maryland Route 589:

MD 589 (Ocean Downs Road) is already functioning at level of service "C" under average daily traffic conditions. During the summer months it operates well below this level. Over the planning period, MD 589 will have to be upgraded to a four-lane highway (between U.S. 50 and U.S. 113). This project is perhaps the most important project for local travel needs because it provides north-south mobility between U.S. 50, MD 90 and U.S. 113. It will also continue to provide access to the anticipated residential growth at Ocean Pines, including the other local communities and commercial properties which will be located within northern Worcester County. Left turn lanes at critical intersections such as Beauchamp Road, North and South Gate of Ocean

Pines, Cathell Road and the Route 90 interchange. This project is included in the Maryland State Highway Needs Inventory.

St. Martin Neck Road Route 368:

This two-lane county road should be adequate through the 2005 period. Zoning should strictly limit commercial activity and points of access on St. Martin Neck Road between Bishopville and Isle of Wight. This will protect the area against unsightly strip commercial development.

With regard to the review of new subdivisions, the County should require that developers first demonstrate that at build-out their proposed developments will not exceed the level of service policies established by the County. If projected traffic exceeds the level of service policies for the capacity of roads in the County, and if the State and/or County does not anticipate making adequate capacity improvements to the road when needed, then the developer should be required to meet some of the responsibility for unplanned costs.

When transacting approval of all developments, the County should require, at least, the dedication of an appropriate amount of frontage property to insure adequate right-of-way, and to allow for the incorporation of plans for improvements to the road as part of the approval process.

As regards roads and streets in new subdivisions, the developer should construct the roads to County specifications before they are accepted by Worcester for maintenance. These standards should not only specify standards for road construction but should also include standards for parking lots in nonresidential uses.

In addition, the following generalized guidelines for street layout within subdivisions should be followed:

- o Through-traffic should be separated from local traffic as efficiently as possible.
- o The number of access points to and from collector and arterial streets should be minimized. Service roads should be encouraged when they could reduce safety hazards.
- o Street layouts should discourage unlawful high-speed driving and provide for the safety of residents.
- o Pedestrian/vehicular conflict points should be minimized.
- o All properties should be accessible by car, pedestrian and service traffic.

- o Adequate provision should be made for safe pedestrian movement.
- o Adequate storm water drainage should be provided and easements dedicated for drainage systems should be granted when deemed necessary.
- o Driveway and roadway intersections should be as close to a 90 degree angle as feasible.

#### Air Transport

*Pocomoke Airport*

Worcester County is served by two airports. Salisbury- Wicomico County Airport is, and will continue to be, the major facility serving the County. It has scheduled flights to both Baltimore and Washington. Connection from Salisbury to the ocean resorts requires a 30 mile automobile trip.

Ocean City Airport will remain the general aviation center. Located on the upper Sinepuxent Neck, it is within 5 miles of Ocean City. It's major improvements include: 1) extension of the east-west runway to 4,700 feet and 2) installation of a 3,600 foot north-south runway. Worcester County should give strong support to the continued development of the Ocean City Airport in order to further the economic development of the County.

#### Water Transport

Due to its proximity to Ocean City, and the recent installation of public sewer collection, the West Ocean City area will undoubtedly experience increased development activity. As West Ocean City develops it will become more difficult to maintain the Harbor as a facility for commercial seafood vessels. Existing seafood handling and processing businesses may be replaced by other uses. Access will be constrained by increased traffic. The function of Ocean City Harbor as a maritime commercial port should be maintained. The County should carefully consider the type and density of land use permitted in the immediate areas of the harbor. To insure more compatibility with surrounding land uses buffer yard requirements should be established along the Harbor area perimeter. With effort, the function and character of the Harbor can be retained in the midst of the development of West Ocean City.

The County should actively seek the regular dredging of the Pocomoke River by the U.S. Army Corps of Engineers to insure that this important County transportation facility is fully usable at all times. If rail service is lost, increased barge service on the Pocomoke could be an attractive transportation alternative.

**CHAPTER EIGHT**  
**IMPLEMENTATION**

## CHAPTER EIGHT

### IMPLEMENTATION

#### IMPLEMENTATION GOALS

It is recommended that the following implementation goals (which have been generated with the development philosophy in mind) be adopted: 1) sufficient financial resources to maintain needed governmental programs should be secured, 2) citizen participation in government should be maintained and, 3) effective cooperation between the County and its municipalities should be maintained.

#### IMPLEMENTATION OBJECTIVES

To implement the goals stated above, the following objectives are presented:

- o Local revenues should be used to fulfill identified public needs. Federal and State grants should be considered, where appropriate, as a supplement or to fund special, additional projects.
- o A capital improvements program which incorporates the recommendations of the Comprehensive Plan should be established by the County Commissioners.
- o Citizen participation should be utilized when appropriate in developing solutions to County problems.
- o Formal and regular communication on a regional basis should be established between County and municipal officials and staffs so that ideas can be exchanged and solutions to local problems can be developed.

#### IMPLEMENTATION RECOMMENDATIONS

As mentioned in the Introduction, the Plan is a policy statement describing what Worcester County would like to achieve in the future. The Plan is not an implementation document: other measures must be taken to implement the plan's policies and recommendations. The purpose of this chapter is to summarize the Plan's projects and to identify the steps to be taken that will insure their implementation. Thus, the chapter serves as a bridge between the Plan and follow-up actions.

**THE PLANNING COMMISSION**

The County's Planning Commission has the basic responsibility for fostering the Plan. It is this Commission which has supervised the Plan's preparation and review. The Commission also has a continuing responsibility to monitor the Plan and, when appropriate, make recommendations for its improvement.

There are five basic tools that the Commission can use in fulfilling its task:

- o The Commission's principal tool is public support. In order to implement them, many of the Plan's recommendations will require years of significant effort and financial commitment. Only with strong citizen backing can such a sustained effort be maintained. Accordingly, the Commission should actively publicize the Plan and its importance for Worcester County residents.
- o The Commission's second major tool is zoning and subdivision control. As soon as the Plan has been adopted (and as part of the current planning program) the Commission should supervise the development of updated County zoning ordinance and subdivision regulations. These updated ordinances, which should replace the existing ordinances, will be specifically designed to reflect and implement the Plan's land use policies.
- o The Commission's third tool is a workable comprehensive water and sewer master plan. This is the tool that will shape growth in northern Worcester County and permit new development to be economically provided (with municipal services) in an orderly, time-phased sequence.
- o Cooperation with other jurisdictions is the Commission's fourth implementation tool. These jurisdictions include the State of Maryland, the County's incorporated towns, the adjoining Maryland counties (Somerset and Wicomico), Sussex County, Delaware, and Accomack County, Virginia. Worcester County has land use interests in common with these jurisdictions, with its incorporated towns, and with the State of Maryland.
- o The County's fifth and final tool is a continuing plan review program. At least once a year the Commission should formally review both the Plan and the County's implementation progress. The results of this review and the renewed program should be forwarded to the County Commissioners for their information and action. The County files an annual development report with the Department of State Planning and a plan review could serve as a basis for that State report.

In approximately five years, the Commission should conduct an in-depth review of the Plan. It is anticipated that changing circumstances and attitudes will require that minor revisions be made to the Plan at this time. The Commission might choose to establish an ad hoc citizen group to assist in this review and update.

In about ten years, perhaps about 2000, the Plan will likely need substantial revision. At this time, Worcester County should completely upgrade the Plan (just as this Plan completely revises the 1976 Plan).

## **SUMMARY OF ACTIONS REQUIRED TO IMPLEMENT THE PLAN**

### **Zoning Ordinance**

The first step to be taken after adoption of the Plan is to revise the County zoning ordinance so that it will reflect the Plan's land use concepts. **The major concepts to be included in the ordinance are:**

- o provision for sewerage treatment commensurate with planned densities,
- o **restrictions on highway strip development,**
- o **zoning adequate land for commercial and industrial uses,**
- o the placement of mobile homes and,
- o design standards and guidelines for development.

### **Subdivision Regulations/Design Standards**

Along with the zoning ordinance, revised subdivision regulations should be adopted. Major provisions should include:

- o special provisions for cluster and planned developments,
- o a requirement that developers provide community services at their expense, designed to County standards,
- o procedures to guide the identification of significant natural resource areas on development sites, design objectives to protect these resources and,
- o development standards.

**Construction Code**

The County has adopted the BOCA Building code for all commercial, industrial and multi-residential construction excluding agricultural buildings meant for non-human occupation. The County should consider expanding the BOCA code provisions to include detached single family residential units.

**Sewer and Water Master Plan**

Implementation of the Comprehensive Plan requires that the Sewer and Water Master Plan reflect the Land Use Plan adopted by the County. The County water and sewer master plan should be revised to be consistent with the revised County Land Use Plan contained herein, and take into consideration the State's Water Quality Management Plans for the Ocean and Pocomoke River Basins.

**Open Space and Park Plan**

The County Recreation and Parks Master Plan should be updated to reflect changes in projected growth and County policies.

**County Offices**

County offices should remain centralized and should be monitored for adequacy in accommodating the new services required by an increasing population.

**Growth Measurement**

In order to provide adequate public facilities in advance of need, Worcester must be able to measure the rates at which the County year-round and seasonal populations and dwellings are increasing. The County staff should report at least semi-annually on the following:

- o the number of approved subdivisions, lots, and their location within the County,
- o the number, type and location of building permits issued and,
- o the number and location of hotel/motel units, mobile home park sites and campground sites in the County.

**Financial Management**

The County Commissioners should develop a capital improvements program consistent with the objectives contained in the County Comprehensive Plan.

**Citizen Participation**

Many issues of importance to Worcester County can be effectively explored by citizen task forces. The County should appoint and promote such task forces on an as needed basis so that major development issues can be sufficiently explored.

**Revenue Sources**

Basic County services to fulfill public need should be funded by local taxes and revenues. When additional revenue is needed for special projects or services, the following should be considered:

- o Impact fees on developers to pay for additional required public services.
- o Federal and/or State funding assistance for major capital improvements and for special programs to meet special needs beyond basic public services where such funding may be available and appropriate.
- o User fees for projects or services which benefit only specific users besides the general public at large.
- o Creation of special taxing districts for certain local facilities such as sewer, water, street lighting, and drainage.

**FUNDING OF THE PLAN**

Certain capital improvement projects will have to be accomplished in order to attain the objectives contained in the various elements of the Comprehensive Plan. These capital improvements include State and County funded projects which will be needed to meet the demands of population growth and economic development.

Specific projects which should be programmed into the capital improvements process of state agencies and the County, are contained in the Plan (e.g., highway improvements which are directly related to the Land Use Plan). Other projects will be contained in planning documents which focus on functional areas such as the Comprehensive Sewer and Water Plan and the Open Space and Recreation Plan. The County Commissioners should have a menu of capital projects representing a five-year attainment goal for Plan implementation.

Rezoning Case No. 444  
Staff Report Attachment No. 10

2006 Worcester County  
Comprehensive Plan  
Chapter Two: Land Use

Second Public Hearing: June 16, 2026

## Chapter Two: Land Use

Worcester County has succeeded in maintaining its rural and coastal character, preserving the integrity of its agricultural areas, concentrating its development and meeting many of its other planning objectives. To continue this success, this chapter recognizes what has changed as well as what remains the same. It provides a land use strategy to implement the plan's overall goal and objectives. This chapter begins with the land use goal and objectives, which is followed by recommendations for action.

### Goal, Objectives, and Recommendations

#### Goal

The land use goal follows:

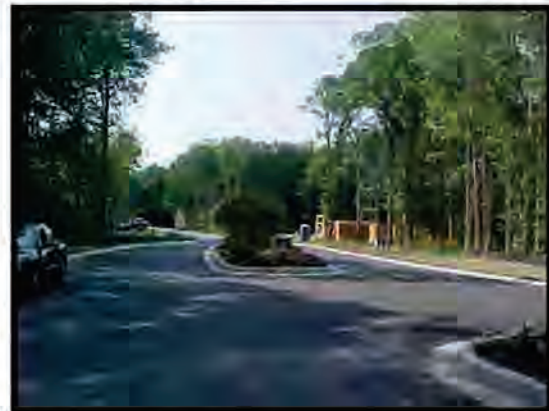
Worcester County will maintain its rural and coastal character, protect its environment and natural resources, and locate planned development for approximately 18,000 new residents in designated growth areas at appropriate intensities and by infilling existing communities.



Rural and coastal character will be an increasingly valuable asset to the county

Determination of growth area suitability shall be based on the following criteria:

1. To limit environmental damage
2. To reduce land consumption outside existing communities
3. To minimize negative impacts on natural, economic, and social resources
4. To efficiently provide adequate public facilities and services
5. To minimize adverse impacts on existing communities and to foster a cooperative approach to land use planning and development



Environmentally sensitive development implements the plan's land use goal

It is the goal of the Commissioners in adopting this Plan and in the creation of growth areas immediately adjacent to or in close proximity to incorporated towns to foster a solid and constructive working relationship between the county and each of the individual towns. The county and the towns should work together on future growth plans using a cooperative planning approach. The county has designated growth areas adjacent to or in close proximity to the towns but has also established growth limitations for those areas. Growth

Areas should be annexed into the town prior to or at the time of development and at that time limitations shall be established on the development. Those limitations along with other appropriate matters should be the subject of an annexation agreement to which the town, the county, and the developer are parties.

It is the County Commissioners' intent to limit the overall and the individual growth area population and dwelling units to an amount not to exceed the Residential Unit Targets (RUT) contained in Table 2-1. The Commissioners recognize that while the growth areas may be of sufficient size to allow more development than the RUT; the RUT shall set the total number of dwellings in each growth area.

**Table 2-1 Growth Area Residential Unit Targets (RUT)**

<u>Growth Area</u>	<u>Acres</u>	<u>RUT</u>	<u>Potential Additional Population</u>
Berlin	1,326.1	2,910	6,781
Pocomoke	495.1	1,606	3,743
Showell	359.6	1,000	2,333
Snow Hill	<u>680.3</u>	<u>2,207</u>	<u>5,143</u>
Totals	2,861.1	7,723	18,000

When growth areas<sup>5</sup> are annexed into towns, the town shall be primarily responsible for determining the specific development locations and RUT allocations within a growth area, but this shall be done in cooperation with the county.

<sup>5</sup> The Showell growth area includes the lands currently identified on tax map 15 as parcels: 34, 35, 38, 39, 40, 41, 50, 168, 169, 178, 243, and 272.

Growth area designation does not in and of itself require that such areas be rezoned from a less intense zoning to more intense growth area zoning. Rather the growth area designation is a necessary condition for growth-oriented zoning akin to individual rezoning case requirements demonstrating a substantial change in the character of the neighborhood or strong evidence of a mistake in the original zoning<sup>6</sup>.

The County Commissioners make the residential unit targets part of this plan, and they shall be implemented by amending the county zoning ordinance or the towns' zoning when annexed.

In order to promote orderly growth and foster a cooperative relationship between the towns and the county, development in growth areas, which are located adjacent to or in close proximity to the corporate limits of a municipality, shall be contingent upon all of the following conditions.

1. Annexation by the municipality.
2. Water, sewer, and other services shall be provided to the development by the municipality.
3. The developer shall be responsible for all impact fees, excise taxes, adequate public facilities fees, and other impositions including those payable to the County.
4. The annexation shall be subject to an annexation agreement to which the county shall be a party.

<sup>6</sup> *Stratakis v. Beauchamp*, 268 Md. 643, 652-53, 304 A.2d 244, 249 (1973).

It is the intent of the County Commissioners and this plan that development in such growth areas only occur if the four conditions are satisfied, but the Commissioners recognize that in some cases the conditions may not be applicable, rational, or in the interest of good planning. In such cases, the Commissioners may permit development in such growth areas without the conditions being met. Therefore, in the event a municipality refuses to annex the property under terms satisfactory to the County Commissioners, then development in the growth area may proceed in the county outside of the town's corporate limits if approved by the County Commissioners in accordance with and governed by all legal requirements and procedures without satisfying the contingencies in this provision.

#### Objectives

The land use objectives below provide intermediate actions necessary to achieve the land use goal:

1. Establish population and residential unit targets to control the amount and rate of population and housing growth
2. Continue the dominance of agriculture and forestry uses throughout the county's less developed regions
3. Maintain the character of the county's existing population centers
4. Provide for appropriate residential, commercial, institutional, and industrial uses
5. Locate new development in or near existing population centers and within planned growth centers
6. Infill existing population centers without overwhelming their existing character
7. Work with municipalities to develop annexation guidance policies that encourage infill within a municipality and then provide for logical community extensions
8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic
10. Locate employment centers close to the potential labor force
11. Set high environmental standards for new development, especially in designated growth areas
12. Develop green infrastructure system
13. Expand the protection of the Coastal Bays and the Pocomoke River drainage basins through watershed plans and their implementation
14. Encourage the use of mass transit and non-motorized transport
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors
16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads
17. Discourage highway strip development to maintain roadway capacity, safety, and character
18. Update commercial development standards to reflect changes in

- scale and intensity (big box development)
19. Limit rural development to uses compatible with agriculture and forestry
  20. Direct new development in growth areas to planned communities
  21. Promote mixed use development
  22. Design new development's architecture and landscaping to visually improve its surroundings
  23. Protect and promote the understanding and appropriate use of the county's cultural resources through the implementation of the *Lower Eastern Shore Heritage Plan* and its Priority Preservation Areas (PPAs)
  24. Recognize and foster existing traditional black communities
  25. Implement the comprehensive plan through existing and appropriate additional regulations and policies along with public education and public investments



Snow Hill has a rich heritage

Recommendations

The Plan classifies the county into ten land use categories. These categories distinguish between existing and future land uses and provide suitable recommendations to implement the

above goal and objectives and to create an orderly development pattern.

Municipalities—Although outside the county's land use jurisdiction, the incorporated towns (Berlin, Ocean City, Pocomoke, and Snow Hill) will play a vital role in the county's land use strategy. The towns with their existing public services are expected to take up much of the county's projected growth. This will occur through infill and through logical annexations. To minimize unnecessary land consumption, the majority of the towns' growth should occur through infill. Appropriate public service expansions should be planned. Mutual agreement on growth projections and locations should be coordinated between the county and the municipalities.

Existing Developed Areas (EDA)—This category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation. Appropriate zoning providing for densities and uses consistent with this character should be instituted.

Surrounding areas have been mapped with one of the other land use designations as appropriate and should not be considered for rezonings by virtue of their proximity to an EDA. Further, the EDAs are anticipated to remain as mapped at least until the next plan review period. This will provide for orderly infill development within EDAs and new community-scale growth in the growth areas.

Not designated as growth areas, these areas should be limited to infill

development. Density, height, bulk, and site design standards should also be consistent with the EDA’s existing character.

Examples include Ocean Pines, West Ocean City, South Point, Libertytown, Briddletown, and Germantown. Other small crossroad clusters are included in this category as appropriate.

Caution should be exhibited within these areas to protect green infrastructure and sensitive areas. An example of this is much of the area south of Ocean Pines and north of Gum Point Road. This area is too small to be designated green infrastructure, but it is none-the-less significant for its forests and wetlands. These resources should be protected.

Village—This category is a special case of an EDA. It designates traditional villages that serve as rural centers. Their character should be retained, so they are planned for infill and only limited expansion. Villages are not growth areas. Such areas are not planned for sanitary services or average densities of greater than one unit per acre. Any additional growth should be of very limited scope. Villages include Whaleyville, Public Landing, Girdletree, and Stockton.

Growth Areas (GA)—This category designates areas outside incorporated areas that are suitable and desirable for future planned growth. These areas include new and existing locations, which meet the following criteria:

1. Contains limited wetlands, hydric soils, floodplains and contiguous forest
2. Comprised of generally larger parcels (100 or more acres)
3. Located outside of aquifer recharge, source water

protection, and other critical areas

4. Situated to be cost-effectively served with adequate public sanitary and other services
5. Located near employment, retailing and other services
6. Served by adequate existing roadways (Level of Service C or better) or can be readily served

Growth areas identify generalized locations for planned new development. These areas will accommodate most new growth. Densities of up to ten dwelling units per acre should be provided for to reduce consumption of “greenfields” (currently undeveloped sites). Such density will require public water and sewer service. These areas would be “receiving areas” for the transfer of development rights program. Location, layout, and densities should facilitate mass transit service. Adequate transportation and other public facilities must be in place at the time of development.

As noted earlier, Residential Unit Targets have been established for the growth area. These targets have been established to provide orderly growth countywide and for appropriate amounts of growth within each growth area.

A growth area overlay or floating zone requiring best development practices should be developed. These “best” practices will:

1. Identify and protect key environmental features (wetlands, source water<sup>7</sup> and aquifer recharge protection areas, woodlands, habitat, etc.)

<sup>7</sup> Source water protection areas provide a buffer around drinking water wells to protect them from contamination.

2. Reduce “greenfield” consumption and impervious surfaces
3. Promote street, trail, and sidewalk connectivity to reduce vehicle miles traveled and improve community “walkability”
4. Provide “greenways” within and around developments for environmental and recreational purposes
5. Cluster development to maximize open space
6. Promote mixed-use community centers with declining density toward the perimeter, thus creating a “center”, an “edge”, and a variety of housing types in between
7. Prescribe architectural compatibility standards

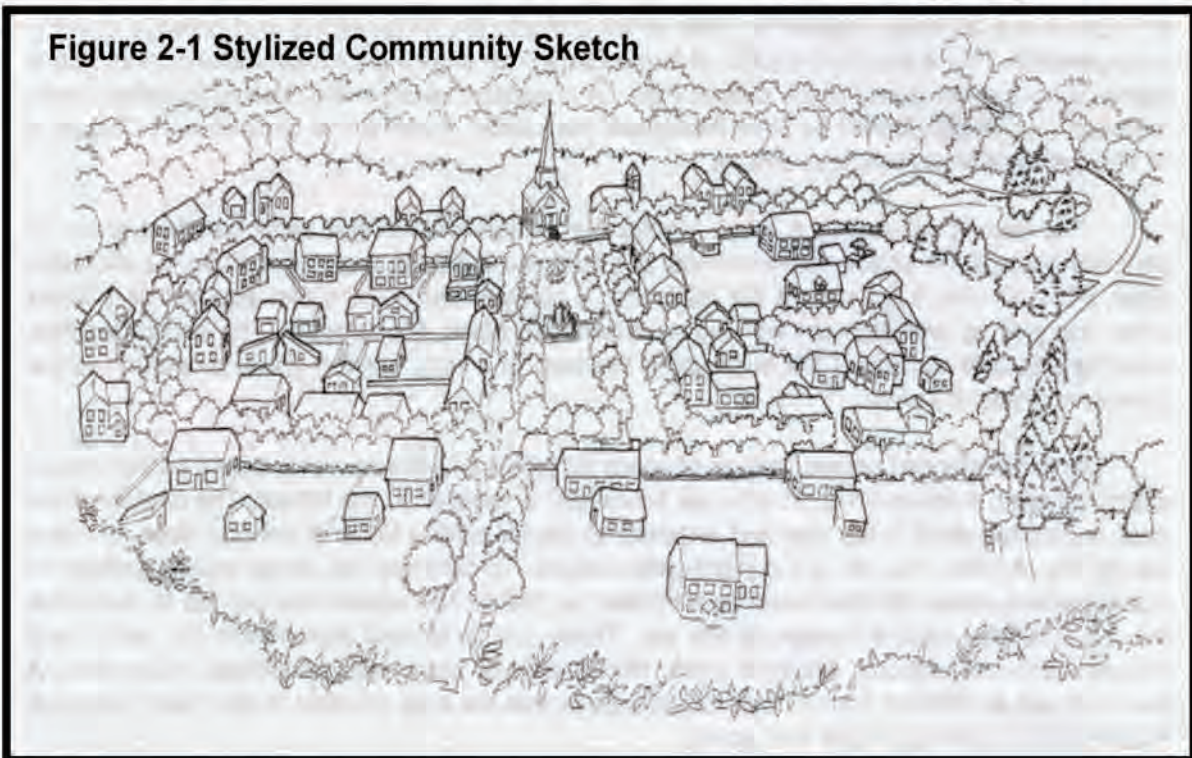
These practices will create communities rather than standard tract housing subdivisions. This mixed-use, pedestrian-scale, sustainable

environment with a defined design vocabulary will engender a “sense of place.” This effort should take its design guidance in terms of scale, layout, mixed uses, architectural style, and landscape design from existing county towns and villages. To accomplish this, urban design guidelines should be adopted.

Within growth areas, individual communities or “growth nodes” will be identified. These nodes are sub-areas that:

1. Contain land without serious development constraints. Wetlands, large continuous forests, sensitive species habitat, and the resource conservation areas within the state critical areas are considered serious development constraints. Secondary development constraints include headwater areas, and productive farmlands.
2. Have sufficient undeveloped land with enough large land

**Figure 2-1 Stylized Community Sketch**



- parcels (100 or more acres). This provides sufficient raw material for community-scale land assembly
3. Locate constrained lands (wetlands, forests, waterways, and highways) along the node's edge and integrate this land into the "greenway" system
  4. Place nodal centers at intersections of minor roadways for improved accessibility
  5. Can locate nodes where they can be readily served by sewer, mass transit, and appropriate scale roadways

Growth area development will provide for a variety of densities with the average density greater than three and one-half dwelling units per acre and a maximum core density of up to ten dwelling units per acre. Densities decrease out from the higher density core to a lower density "edge."

Typically, nodes will accommodate from 100 to 700 homes with supporting commercial and institutional uses.

The node's primary development area density residential uses blend with the greenway and surrounding landscape. Growth nodes should have a diameter of about 2,500 feet; this distance is a comfortable five-minute walk from the edge to the core. The core itself should have a diameter of about 1,000 feet. An approximate 1,500-foot band for residential neighborhoods would surround the core.

To blend the node into the landscape, a perimeter of low-density development should be created. This outer band can vary from 400 to 2,500 feet in diameter with densities from two dwellings per acre to lots of several acres or more. Site conditions will dictate the exact width

and configuration of these bands, as they must work around primary and secondary conservation features to minimize environmental disruption. Beyond this band of lower density development, a surrounding natural forested or agricultural greenway should complete the node.

Figure 2-1 above depicts an idealized community layout as envisioned by the plan. It contains a higher density, mixed used core with residential density decreasing toward the perimeter. At the edge, lower density housing is bounded by a greenway.

Commercial Centers—This category designates sufficient area to provide for anticipated needs for business, light industry, and other compatible uses. Retail, offices, cultural/entertainment, services, mixed uses, warehouses, civic, light manufacturing and wholesaling would locate in commercial centers.

Commercial areas by their nature locate on prominent sites and can visually dominate a community. For this reason, special attention must be given to the volume, location and design of these uses. The first step is to balance supply with demand. With oversupply, many communities have experienced a succession of commercial developments overtaking their predecessors, resulting in underused and poorly maintained "commercial cinders." Such "cinders" become a blighting influence. They can be avoided through good planning and development standards that provide for adaptable reuse.

Strip commercial centers are discouraged. These centers are characterized by:

- A linear series of stores strung together by a one-story, curtain

walled building of little or incompatible character



Adaptive reuse suits in-town commercial development

- Expanse of unscreened parking between the building and the roadway
- Minimal landscaping
- Incongruous and incompatible architecture and signage

Strip centers combined with “franchise” architecture can negate local sense of place, be visually destructive, and adversely affect property values.

Commercial areas provide important services, but they should be developed to enhance community character. This approach has a track record of success for the property owner and for the community.

Commercial centers are planned to occur at three scales, which will be reflected in their zoning and site plan requirements: neighborhood, community and regional/highway.

- *Neighborhood* commercial provides convenient food, gas and other day-to-day products. Neighborhood commercial should take a central place within growth node developments. They may contain mixed uses and they should be provided with

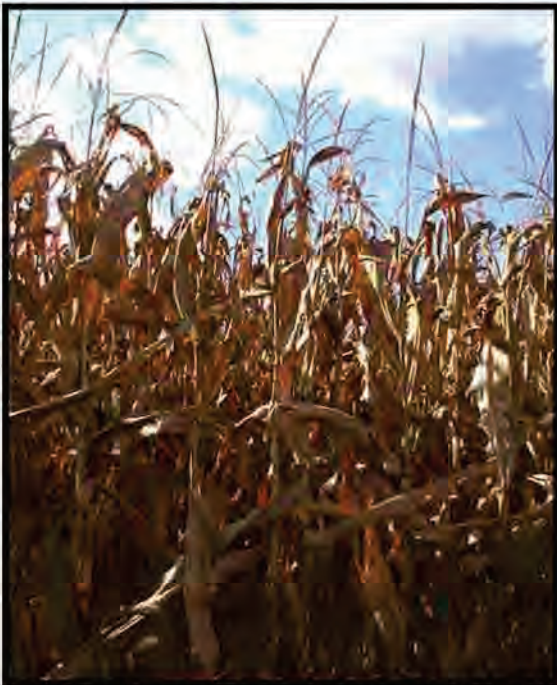
sidewalks, landscaping, and other amenities. Local institutional uses such as schools, libraries, post offices and community buildings are also desired uses. It is especially important that neighborhood commercial uses blend visually into the surrounding community.

Incorporating ancillary residential uses above the street level is encouraged. Such areas may also be appropriate additions to existing underserved population centers. These centers serve populations of 1,000 or more within a five-to-ten minute travel time.

- *Community* commercial centers provide for larger scale commercial uses with higher volume parking demand. Groceries, pharmacies, and support services are located at these centers. Careful attention to signage, landscaping, perimeter buffers, site layout and architectural design is necessary for these uses to be compatible with the community’s and the county’s character. Again, design standards are important for these high-visibility uses. Community commercial centers serve populations of 3,000 or more within about a ten-to-twenty minute travel time.
- *Regional/highway* commercial centers are designed for the most intense commercial uses, including “big-box” retailers. Such uses will be restricted to sites with access to Routes 50, 113 and 13. Specific zones prescribing appropriate setbacks,

landscaping, lighting, signage, screening and other site and architectural standards should guide the location and development of these centers. Use of service roads and/or interparcel connectors will help to mitigate transportation impacts. Regional centers serve populations of 25,000 or more within a 30-minute travel time.

The land use plan map locates major commercial areas.



Corn and soybeans adorn Worcester's rich fields

Agriculture—The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county's way of life. Agriculture faces challenges from international commodity prices, local development pressure, and the aging farm population to name a few. The county must do all it can to preserve farming as a viable industry.

This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses. Dust, odor, chemical applications, noise, and extended hours of operation create conflicts with incompatible uses.

Residential and other conflicting land uses although permitted are discouraged. Only minor subdivisions of five lots or less are permitted. This restriction has been the strongest component of the county's agricultural preservation strategy, and it should be maintained as is. Also as a general policy, the practice of not rezoning agricultural land for other uses should continue.

The strong "right-to-farm" law should remain in force. Compatible uses providing additional farm income, e.g. tourism and development of "value added" products/processing facilities should be explored. The implementation of a transfer of development rights (TDR) program could help maintain farming and direct growth away from productive farming areas.

Standards for rural cluster housing should be adopted to discourage minor subdivisions from locating along roadways. Such development leads to "suburbanization" of rural roadways. Incentives to provide shared drives, landscape buffers and larger setbacks should be implemented.

Agricultural land preservation should be pursued to maintain a critical mass of farms.

Industry—Traditionally a limited land consumer in Worcester County, light industry is a desirable addition to the

county's land use mix. Heavy industry with its environmental and transportation impacts may be compatible in selected locations. Pocomoke City has and will continue to be the focus for the county's most intense industrial uses. To balance the employment base, a light industry location should be developed in the northern county.

Industrial uses need good road access, large sites, sufficient electricity and public water and sewer services. Rail, port facilities, and natural gas are also desired. Selective economic development efforts focused on high-wage, low-impact industries and their supporting infrastructure will benefit the county. Industrial uses should be located in the county's designated industrial zones/parks and within appropriate areas in the municipalities.



Greenways provide wildlife and recreation benefits

**Green Infrastructure**—This category addresses state and locally designated natural and open spaces. These areas are designated to preserve environmentally significant areas and to maintain the environmental functionality of the county's landscape. Greenways improve water quality, provide flood control and

maintain the county's rural and coastal character.

This category includes conservation zones, which are highly restricted due to their special sensitivity. Conservation areas are defined by their soils (muck), state owned natural areas, existing conservation zoning, tidal wetlands, selected riparian corridors. Greenway and conservation areas have distinct physical characteristics, which make them special habitat areas or place extreme limitations on development. Such areas are "place dependent", that is, they only occur at specific locations. Their identification and preservation must be proactively addressed. After-the-fact mitigation and restoration is expensive and often of limited effect. Open space uses include:

1. Environmental process, e.g., hydrology, aquifer recharge areas, larger contiguous forests
2. Hazard areas (floodplains)
3. Environmental resources (wetlands, threatened and endangered species habitat)
4. Cultural resources
5. Outdoor recreation sites
6. Areas defining edge between urban and rural uses

The green infrastructure system is designed to maintain existing resource areas and where absent, create sufficient natural "corridors" linking larger green "hubs." Parks, other public and dedicated private open spaces should be included. This network provides essential wildlife food, shelter, and cover. It also provides a rural tone to developed areas and works with conservation site planning to minimize development's cumulative impact. Green infrastructure is addressed in more detail in the natural resources chapter.

The initial green infrastructure contained in this plan will be reviewed and refined further in the future.



Sensitive areas should be protected

Critical Conservation Areas—The Pocomoke River and Coastal Bays watershed areas have been provided with special land use and natural resource protection through state critical area legislation. Prescribed buffers, habitat protections and special review procedures are mandated. These areas are mapped on separate specific program maps. These maps are kept on file at the Departments of Comprehensive Planning and Development, Review, and Permitting.

Institutional—Institutional land uses are major public properties and facilities, county parks emphasizing active recreation are identified in this category; county passive recreation facilities are identified as green infrastructure.

General Land Use Recommendations

*Agricultural land*—Do not rezone agricultural land other than through the comprehensive rezoning process.

*Growth location*—Locate growth inland. The critical area program is a manifestation of the innate environmental value and sensitivity of

the lands bordering the Coastal Bays and their tributaries. This program greatly reduced the permitted development for undeveloped land within 1,000 feet of tidal waters and wetlands.

Long-term this will help ensure the county’s viability as a tourist destination and therefore the county’s economic security. This plan takes this cue and reinforces it by locating, to the maximum extent feasible, growth areas inland and away from the Coastal Bay tributaries and their headwaters. This strategy will limit water quality and wildlife impacts. Further, by planning for concentrated growth, the impact on working farms will also be minimized.



Excellent design can blend tradition with contemporary elements

*Large-lot Zoning*—Delete the Estate land use category and associated zoning district. Designed as a transition zone between urban/suburban development and the rural landscape, this category has:

- Consumed excessive amounts of land per housing unit, taking working farms out of production
- Been overtaken by the requirements of the Coastal Bays Critical Area Program<sup>8</sup>, and

<sup>8</sup> Estate zoning districts allowable density in the Coastal Bays Critical Area was reduced from one dwelling unit (DU) per two acres to one DU per 20 acres in the Resource Conservation Area.

- Failed to achieve truly clustered open space development.

Large lot zoning is incompatible with this plan's approach to new growth. Extensive areas of large lots result in sprawl, which is expensive to serve, damaging to water quality and wildlife, and incompatible with increased mass transit service.

However, large lots will be appropriately integrated into the floating zone/residential planned community-zoning district of the growth areas. Larger lots will fit along greenways at the community's urban/rural boundary.

*Urban Design*--Challenge the development and design community to a higher standard of quality. Individual and larger-scale developments should be compatible with their neighborhood and further the county's sense of place. Designs should be sensitive to Eastern Shore vernacular architecture.

*Scenic Corridor Plans*--Complete scenic corridor plans for the remaining unplanned segments of Routes 113, 13, 611, 589, 12 and 50.<sup>9</sup> These plans should include bike and hiking links countywide.

*Access Management*--Continue access controls to maintain roadway safety and capacity.

*Land Consumption*--Reduce land consumption by encouraging compact design and/or by regulating maximum lot sizes in areas served by public services.

*Land Preservation*--Purchase development rights, scenic easements, and parcels in fee simple to maintain

<sup>9</sup> Corridor plans have been completed by the county for sections of US 50 and 113 and the state has designated the "Blue Crab Scenic Byway" and "The Beach to Bay Indian View Trail"

rural and coastal character and preserve farming.

*Rezoning*--Consolidate review of rezoning proposals and consider biannually in a comprehensive manner. *Development Standards*--Incorporate best management practices for new and existing land uses to reduce their environmental impacts and energy consumption.

*Total Maximum Daily Loads (TMDLs)*--Develop land use strategies to help meet the TMDLs standards.

The above goal, objectives and recommendations are designed to address the State Planning Act of 1992's original "seven visions" and the vision added in 2000. They are listed below as they apply to Worcester County<sup>10</sup>:

1. Development should be concentrated in suitable areas.
2. Sensitive areas should be protected.
3. In rural areas, growth should be directed to existing population centers and resource areas should be protected.
4. Stewardship of the Chesapeake Bay, the Coastal Bays, the lands, the waters and other important natural resources is a universal ethic.
5. Conservation of resources, including a reduction in resource consumption should be fostered.
6. Economic growth is encouraged and regulatory mechanisms should be streamlined.
7. Adequate public facilities and infrastructure under the county's control are available or planned in growth areas.

<sup>10</sup> The Coastal Bays have been added to vision 4 and vision 7's reference to municipalities has been deleted.

8. Funding mechanisms should be addressed to achieve these objectives.

### Land Use Mapping

The policies noted above are established to accomplish the plan's land use mission. The next step in the plan-making process determines land volume requirements and maps the location of the land use categories. Future land demand relates to expected future population levels, the per-household land requirement, and the amount of land required for commercial development, employment, and other support services.

After the volume of land required is determined, potential growth areas are located. The first step in locating such areas identifies land with severe development constraints and other areas not suited for development. The plan's environmental and land use policies help identify such lands. Examples include tidal and non-tidal wetlands, productive agricultural lands, and large contiguous forests.

Once these unsuitable lands have been eliminated from consideration, the six growth area criteria were considered. As noted before, population and housing demand expectations were factored into the plan to determine acreage needs. Next, areas suitable for commercial and industrial facilities were identified.

The last step was to review the amount of and rationale for designated land use categories and to ensure that a sufficient volume of additional land beyond the expected amount needed was identified. This additional or contingency area

provides sufficient developable land supply to prevent artificial land value inflation. In other words, if land supplies are too constricted, land values "overheat" and prevent orderly development.

### Residential Land Demand

Table 2-1 contains historic population and housing statistics and Table 2-2 contains projected population and household change through the next twenty years. Table 2-1 indicates recent rapid population growth and a substantial increase in the percent of occupied year-round housing.

The projections are based on recent and long-term trends, and they represent a reasonable estimate of year-round and total housing unit demand. Population has grown over the last dozen years at a rate of about 1,000 persons per year and



Townhouse developments provide relatively affordable housing

housing production has nearly equaled household growth. In the past, housing production outpaced household formation due to seasonal housing production exceeding year-round household formulation.

It is expected that retirees will increasingly occupy second homes year-round. This trend has brought household growth and housing unit production roughly in alignment. It is assumed this

The per housing unit acreage assumption is higher than the desired consumption per unit, but is used here to overestimate land needs. This overestimate's purpose is to be sure land values are not

**Table 2-1 Historic Population and Housing Statistics**

	1990	2000	Percent Change
Population	35,028	46,543	33
Housing units	41,800	47,360	13
Occupied units	14,142	19,694	39
Percent Occupied	34	42	24

**Table 2-2 Projected Population and Projected Household Change**

Year	2000	2005	2010	2015	2020	2025
Population	46,543	51,543	55,543	59,043	62,043	64,543
Projected Annual Change		1,000	800	700	600	500
Total Population Change		5,000	9,000	12,500	15,500	18,000
Households Change*		435	348	304	261	217
Total Household Change		2,146	3,863	5,365	6,652	7,725

\*Household size is assumed to be of 2.33 persons per household (Census 2000).

latest trend will hold throughout the planning period.

The expected change in year-round population will be about 18,000 persons and total housing production will be about 7,723 residential units. For analysis purposes, land consumption per household is assumed to average a little less than one acre per housing unit (.9 acres per unit). This assumption is conservative for two reasons: first, it is larger than experience, (average consumption equaled about one-half acre per unit) and second, the plan's proposed higher density zoning will accommodate more units per acre. It is the plan's policy to bring actual land consumption per unit below one-half acre including open space, roads, and common areas. planned densities will tend to decrease the average consumption per unit.

artificially affected.

Therefore, to accommodate the projected future residential development outside the municipalities and existing developed areas, a total growth area of 2,861 acres has been designated. This assumes that 4,565 residential units located within the municipalities or on vacant parcels within the county's vacant land zoned for development.

Supply Contingency Factor

A land use contingency factor will prevent distortion of the land market. The plan's residential land use category requires a contingency factor. The other categories have a sufficient supply to prevent market problems, and they are discussed later in more detail.

The residential contingency factor has two components: the conservative

assumption for land consumption per housing unit and the fact that existing vacant developable land can accommodate more growth than the planned amount. The first component, per unit land consumption, is explained above and discussion of the second follows.

The Maryland Department of Planning completed a development capacity analysis for Worcester County. This analysis inventoried vacant land and deducted undevelopable lands, e.g., wetlands. This analysis lowered the potential zoned capacity to account for the fact that development seldom achieves maximum-zoned density.

This analysis relied on several assumptions applied by a computer model to develop an order of magnitude estimate of existing development capacity.

To refine this model, county and state staff undertook a parcel-by-parcel review of development capacity. This analysis confirmed the ability of existing zoned development areas to assimilate future growth substantially beyond the anticipated amount.

To be conservative, this plan assumes of the 7,723 new homes planned; only about 4,600 will use this existing capacity.

#### Commercial Land Supply

Based on industry standards for the relationship of commercial land to market size, an excessive amount of commercial zoning exists in Worcester County. Discounting half the vacant land<sup>11</sup> in this category as unbuildable,

the remaining land if developed would have the capacity to serve a population of over 2 million people; the county's peak seasonal population is less than 25 percent of this number.



Commercial land uses should be strategically located

The area of greatest concern is the US 50 corridor. This vital transportation link has a seven-mile long ribbon of intense commercial zoning. As a first step, additional commercial zoning along US 50 should not be permitted. Use of down zoning or commercial transfer of development rights should be explored. Developing a more concentrated commercial core off the Holly Grove Road to MD 589 portion of the service road would greatly reduce traffic impacts.

#### Industrial Land Demand

Standard practice for determining the demand for industrial land does not work well in Worcester County. This method relates industrial land demand to population. In Worcester County with its high proportion of retirees, this relationship breaks down. For this plan, past experience shows existing industrial areas will be sufficient to meet future demand.

<sup>11</sup> This is a conservative estimate as recent commercial properties have lot coverages significantly higher than 50 percent.

### Land Suitability Analysis

Growth area locations were based on the six basic growth area criteria and a detailed review of potential sites. This analysis began with the mapping of areas meeting the criteria. This was followed by a detailed site-by-site review by the Planning Commission to determine final growth area suitability. The following section contains the growth area location analysis in detail. Again, the land volume designated for growth areas exceeds the anticipated need by over 500 acres and sufficient contingency development capacity was built into the assumptions to prevent artificial land value increases.



Industrial uses must be carefully sited

Figure 2-2 maps the existing land cover for Worcester County and Figure 2-3 is the land use plan map.

### **Land Use Analysis**

Land use location choices relate to a site's physical character and its proximity to transportation, markets, and resources. In Worcester County, early settlements abutted rivers and roads, the dominant transportation links.

Today, improved technology has weakened this link between a use's physical characteristics and its location. Advances in transportation, site engineering, and wastewater disposal

technology overcame previously limiting factors. These changes dispersed development and often located it in unsuitable areas and in the process; vital natural resources and habitats were destroyed. The effects of sprawl, natural hazards and environmental damage are well documented.

Now, policymakers understand that past practices unnecessarily depleted resources, destroyed habitat, and replaced productive farmland with characterless subdivisions. This plan contains a development philosophy design to avoid these pitfalls and meet other important objectives.

As an aid to understanding the plan's land use proposals, this section reviews the analysis and justification for the specific land use designations. This is intended to help future policy makers understand how the plan's development philosophy applies to specific parcels, as well as, large areas of the county.

Each land use category has specific criteria noted earlier. These criteria were used to analyze and designate land within the county. Beyond these specific criteria, several more general factors affected a parcel's designation. These factors are discussed below:

1. *Demand for land*--Consideration was given to the expected land demand needed for a particular area's planned growth. This volume includes the estimated amount plus a generous contingency factor. The contingency's purpose is to prevent artificial land price inflation. Balancing land demand and supply will prevent sprawl and under-use of sites and public facilities.

2. *Current conditions*—Potentially temporary conditions, such as transportation access or lack of public services, may disqualify for the planning period an otherwise desirable growth area. Such areas will be considered in future plan updates.
3. *Land consumption*—Recent trends show that more land per dwelling unit has been consumed than in the past. To address this concern land demand was considered as noted above and large-lot residential use has been greatly reduced. Extensive large lot development leads to sprawl and its negative impacts. The previous plan's Estate category created an over supply of such residential lands. Additionally, many Estate designated lands were located in environmentally sensitive areas and the Coastal Bays Critical Area. Some Estate areas were changed to Agriculture or incorporated into a growth area.
4. *Shared development benefits*—The land use plan works to bring development land supply into balance with planned growth. It also seeks to continue the county's concentrated growth pattern. Achieving these aims requires a reduction in area designated for certain types of growth. To correct for these changes and to share development benefits with agricultural areas facing development pressure, the plan contains a transfer of development rights program. This program provides a market for development rights, which

enables the transfer of such rights from certain locations to others more desirable for orderly development.

### **Watershed Analysis**

Below each area of the county is discussed and its land use designation reviewed. For discussion purposes, the county is divided into subwatersheds; Figure 2-4 displays subwatershed boundaries.

#### Assawoman Bay Subwatershed

This area contains several existing developed centers (EDA), agricultural lands, and forest. Relatively isolated from the rest of the county with limited transportation facilities, and significant Critical Area Resource Conservation Area<sup>12</sup>, this area other than the EDAs, is planned for agriculture.

#### Isle of Wight Bay Subwatershed

This subwatershed contains Ocean City, Ocean Pines, some of West Ocean City, and most of the Route 50 commercial corridor. The headwaters are near Selbyville, Delaware north of Bishopville and contain agricultural lands and a planned industrial area. Transportation access and mobility are excellent for the most part. This area has been the traditional focus of population growth and development in Worcester County. This fact reflects employment opportunities and access to Ocean City and the near-by state and national parks.

Ocean City will redevelop and infill throughout the planning period. Ocean City like the entire county's

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<sup>12</sup> Critical Area Resource Conservation Area limits development to maintain the critical water quality and habitat values of undeveloped and open space lands within 1,000 feet of tidal waters.

municipalities is responsible for determining its internal land use pattern. This plan attempts to coordinate with the individual municipalities' comprehensive plans.

The subwatershed's previously planned growth areas approach build-out; this growth is having severe transportation impacts. For this planning period, the location of growth has been shifted away from the MD 589 corridor to avoid more transportation problems. During the summer season, the State Highway Administration classifies the intersections from US 113 to Gum Point Road level of service (LOS) in one case as "E" (failure) and the rest as "D/E" (approaching failure).<sup>13</sup> For this reason, MD 589 has been designated as currently "impacted" and unsuitable for development beyond infill of existing lots in accordance with current zoning.

One area within the subwatershed has been designated for additional community-scale residential growth. The growth area is located south of the Village of Showell. This area is in transition with the closing of the Perdue chicken processing plant. This change may make available one million gallons of wastewater treatment capacity to the area. This area meets all the growth area (GA) criteria.

The US 113 corridor north of the Village of Showell is planned for industrial development. This site meets the criteria for industrial sites, i.e., larger parcels, flat topography, potential sewer service, and excellent transportation access (road and rail).

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<sup>13</sup>Snowden, Wayne, Personal Correspondence, Transportation Planner, State Highway Administration, Salisbury, Maryland, February 16, 2005.

The "quadrangle" as bounded by MD 90 on the north, MD 589 on the east, US 50 on the south and US 113 on the west is an area that may be appropriate for future development, but for the initial planning period will remain predominately in agricultural uses. This area may become the core of a growth area once MD 589's traffic capacity is improved sufficiently to handle the traffic volume associated with such growth. This area should be limited to infill development until conditions change.

The Holly Grove Swamp has been designated as a conservation area. This large forested wetland serves as a critical stopover point for the Atlantic Flyway, contains a Sensitive Species Project Review Area, and is designated as a state Green Infrastructure Hub. This area should remain in its current land use and not be developed.

The remainder of the watershed is limited by such factors as; critical area status, proximity to water bodies, headwaters location, forest coverage, lack of public services, and modest transportation access. Therefore, these parcels should remain in their current land uses.

#### Newport Bay Subwatershed

This subwatershed includes the Town of Berlin on the west, and it is bounded by MD 611 on the east. On the north, it is bounded by US 50 and on the south by the Marshall Creek drainage. Other than the vicinity of the Town of Berlin, these lands are planned to remain in their current land uses. Again, the non-GA locations do not now fit the criteria for a GA or they are not expected to be needed to meet land demand during the planning period.

East of Berlin this subwatershed contains the traditionally African-American communities of Briddletown, Germantown and several evolving African-American communities along MD 376. The remaining lands are forested, agricultural, or wetlands and have only adequate transportation access.

These areas east of Berlin with their physical constraints, Green Infrastructure status, and limited transportation access are not priority areas for development. Therefore, these areas are designated predominantly Agriculture.

GAs have been designated west and north of the Town of Berlin. These areas will need to be served with public water and sewer service to achieve the growth area development intensity. A western Berlin collector road will be required to provide adequate transportation access to the Berlin GA. With this improvement providing good access to US 50 and US 113, these areas meet the GA criteria. These GAs also provide good access to employment, commercial, and recreation facilities and will build on the growing Berlin community.

The Village of Newark splits the Newport Bay Subwatershed and the Upper Pocomoke subwatershed. It is discussed in the Upper Pocomoke portion of this section.

#### Sinepuxent Bay

The Sinepuxent Neck contains the MD 611 corridor, which on the north connects to US 50 in West Ocean City. The subwatershed's West Ocean City portion is highly developed with commercial development along US 50. Further south, several residential communities and two large campgrounds

exist. Below Sunset Avenue, to MD 376 on MD 611's east side, eight residential communities have been developed. Mystic Harbor and Assateague Pointe are the largest. Another community is under construction. On the west side of MD 611, two residential communities are located just south of the MD 707 intersection. The West side of MD 611 contains significant amounts of Sensitive Species Project Review Area (SSPRA) and wetlands.<sup>14</sup>

Further south the land to the west of MD 611 is wet and forested. Large estates border the bay until the entry to the parks. Below the state and national park entrance, a series of large lot, residential communities blanket "South Point."

The Sinepuxent Neck's undeveloped lands are predominately wet, forested, or in agriculture. MD 611 provides adequate access, but it can be congested in summer. MD 611 LOS is nearing the "impacted" category. The entire subwatershed other than its West Ocean City (northern) portion should not be further developed due to its traffic, environmental sensitivity, and high storm hazard vulnerability characteristics along with its value as a gateway to the parks.

#### Chincoteague Subwatershed

This rural subwatershed borders the Chincoteague Bay and contains the Villages of Public Landing, Girdletree

<sup>14</sup> Sensitive Species Project Review Areas are generalized areas primarily containing rare, threatened, and endangered species as designated by the Maryland Department of Natural Resources. These areas may also designate the general location of Critical Area Habitat protection Areas, Nontidal Wetlands of Special State Concern, Natural Heritage Areas, Colonial Water bird Sites and Waterfowl Concentration and Staging Areas.

and Stockton; much of the county's rural legacy area; the EA Vaughn Wildlife Management Area; forest; and agricultural lands. Outside the villages, the remaining lands are designated Agriculture or Conservation.

This areas' sensitivity as evidenced by numerous Sensitive Species Project Review Areas, critical area, Green Infrastructure status and large contiguous forest and agricultural land, along with its rural and coastal character dictate that the area remain in its current resource use and open space land uses. GAs have been designated for the Towns of Snow Hill and Pocomoke, which will be adequate to absorb the region's planned development.

#### Upper Pocomoke Subwatershed

This subwatershed covers the northwest quadrant of the county. It contains the Village of Whaleyville, the GAs west of Berlin and a portion of the Village of Newark. The remainder of the watershed is dominated by cropland with some forested areas. The GAs in Berlin and Showell will accommodate the anticipated growth for the county's northwestern quadrant. The remaining area should maintain its rural character by continuing its agricultural and forestry uses.

Newark will remain a small village with only infill type development planned.

#### Lower Pocomoke Subwatershed

This subwatershed is the central southern spine of the county beginning at the Virginia State Line, passing through Pocomoke City and ending just north of Snow Hill. Outside the two towns, existing land uses are dominated by agriculture and forestry. The Pocomoke State Forest serves as a major Green Infrastructure hub and links up

with the county's rural legacy area to form a large contiguous forested and open space area.

Two GAs are designated for this subwatershed, one is in Snow Hill and the other is near Pocomoke City. These areas will accommodate the region's planned growth.

The Snow Hill GA rims the southern and eastern portions of town. This avoids the river's flood plain, Critical Area and prime agricultural soils to the west of town. Interspersed within the GA are county owned land and wet areas that will not be available for development. The GA provides for unprecedented growth in the Snow Hill vicinity. This will require a significant increase in the town's sanitary service capacity.

The MD 12 corridor west of town has several constraints, which make it inappropriate for further development. As noted above this area has flooding, wetland and critical area issues. West of the existing commercial uses along MD 12, are some of the most productive farmlands in the county. Future development along MD 12 should focus on improvement of existing uses without creating additional flood risk, wetland damage, or intrusion of development into prime farmlands.

The Pocomoke City GAs provide for the town's logical extension. The individual GAs are intended to be annexed and developed. This encourages the town to grow in a cohesive manner rather than extending tentacles into rural areas. This will make for efficient town services and preserve the surrounding rural integrity. The amount of GA will provide for the town's planned growth.

Nassawango and Dividing Creek  
Subwatersheds

These two subwatersheds contain the county's most rural and agricultural areas. Development is limited to the Nassawango Hills/Village EDA along MD 12. The Pocomoke State Forest and the Nassawango Creek Conservancy/Wildlife Preserve anchor the largest contiguous forested area in the county. Other than the seashore

parks, this area has the largest assembly of Sensitive Species Project Review Areas and Green Infrastructure. These subwatersheds, other than the EDA on MD 12, are assigned Agriculture and Conservation designations. These subwatersheds are the core of the county's agricultural and forestry "critical mass" and are therefore especially important for preservation efforts.

Rezoning Case No. 444  
Staff Report Attachment No. 11

March 28, 1991 Worcester County  
Planning Commission Meeting Minutes

Second Public Hearing: June 16, 2026

MINUTES  
OF  
THE WORCESTER COUNTY PLANNING COMMISSION

MARCH 28, 1991

9:00 A.M.

The Worcester County Planning Commission held a special meeting in the office of the Commission at the above date and time. Members in attendance were R. Blaine Smith, Chairman; Vernon W. McCabe, Jr., Vice-Chairman; Edward P. Phillips, Secretary; Carolyn Cummins, Member; Louie J. Paglierani, Member; C. D. Hall, Member, and Terry Bashore, Member. Also present were Harold W. Morris, Planning Director; Phyllis H. Wimbrow, Chief Planner; Kelly L. Henry, Planner; W. Kelly Shannahan, Planner; Richard L. Wells, Chief Sanitarian, and Jeff Cropper, Attorney to the Commission.

As the first item of business the Planning Commission met with the County Commissioners to discuss potential revisions to the current Worcester County Comprehensive Plan. County Commissioners Reginald T. Hancock, George M. Hurley, Floyd F. Bassett, John E. Bloxom and Jeanne Lynch were present for this discussion, as was Edward H. Hammond, Jr., County Attorney. In attendance as interested parties were Ilia Fehrer, Chairman of the Worcester Environmental Trust, and Carol Critchlow, an attorney representing the Operating Engineers Local 37 Pension Fund, owners of the Lighthouse Sound property. Mr. Hancock commented that he viewed the potential revisions as essentially a "tidying up" of certain portions of the Plan as opposed to a reopening of the Plan in its entirety. Mr. Phillips concurred that any revisions should concentrate on specific areas but Mr. McCabe questioned the feasibility of only permitting certain areas to be considered. Mrs. Lynch commented that concentration should be placed on reducing permitted densities and the amount of land planned or zoned for growth, asserting that there are enough residential units in either existing or approved developments to serve the projected population over the next 30 to 40 years. She also suggested that, to a large degree, strip commercial zoning should be removed from highways such as US Route 50 and that protection of Ocean City as the major tourism center must be of primary concern. Mrs. Lynch also tendered that all waterfront areas should be placed within a conservation category for a distance of at least 1000 feet as measured from the shoreline, that all of the inland bays should be included in the Areas of Critical State Concern listing within the Comprehensive Plan and that efforts should be made to have these bays or at least the St. Martins River placed within the Environmental Protection Agency's National Estuary Program as a protective measure. Mrs. Lynch indicated that the design manual to be completed in conjunction with the revisions to the Zoning and Subdivision Control Article was of major importance and that the implementation portion of the Comprehensive Plan should be strengthened by some means such as mandatory dates or deadlines for bringing the planning and zoning process into conformity with the Plan. Mr. Hammond advised that

the needed reductions in density and lot size should be achieved through the zoning ordinance. Mr. Bloxom noted a constituent's concern that a property opposite the Captain's Cove subdivision be considered as part of the anticipated comprehensive rezoning for reclassification to a commercial zoning category in order to provide service areas to the Captain's Cove community. Mr. Bloxom stated that the Pocomoke City Mayor and Council, currently reviewing the County Comprehensive Plan, have indicated a need for expansion of the town's industrial park into areas which are not predominated by non-tidal wetlands and concern that growth not be limited and that the comprehensive rezoning not negatively impact potential areas for expansion. Furthermore, having concluded that the US Route 13 corridor lends itself well to strip commercial development, the Mayor and Council anticipate future annexation of this corridor to the Virginia state line and wish to see it develop in a commercial manner. Members of the Planning Commission noted that there may potentially be a need for service roads adjacent to US Route 13 and possible restrictions of access. Noting that the current Comprehensive Plan was adopted in April, 1989, Mr. Hurley pointed out that the plan is not an enforcement document and expressed concern regarding the potential to create an overly restrictive plan and the subsequent difficulties that would arise. Mr. Hurley also suggested that no further developments utilizing groundwater injection wells as the method of wastewater disposal should be approved until such time as the injection well system at the Mystic Harbor subdivision has been proven to operate effectively. Ms. Cummins suggested that revisions to the Comprehensive Plan should be delayed until the revisions to the Zoning and Subdivision Control Article and the associated implementation of design standards are complete and that the amendments to the Comprehensive Plan should be addressed as part of the planned five year review called for in the document. Mr. Hammond pointed out that the land use categories shown on the Comprehensive Plan's land use map simply reflect the general character of land use planned for an area, not the zoning within that area, but also asserted that the zoning categories must be in accordance with the plan. Mr. Smith stated that the current Comprehensive Plan constitutes a tremendous step towards controlled growth over the previous plan, adopted in 1976, and noted the significant reduction in densities contained in the current plan and proposed in the draft zoning code. Mrs. Lynch again asserted the need for design standards in order to accommodate growth without substantially changing the landscape. Mr. Bashore suggested that the County Commissioners establish a commission to review projects and applications to ensure that natural resources are protected and preserved and that performance standards to accomplish such protection are needed. Mr. Bloxom commented that an environmental impact assessment should be required for all development projects, with consultants hired at the expense of the developer to review such assessments on behalf of the county. Mr. Bassett and Mr. Hurley both indicated a belief in the need for a regional sewer system to serve portions of northern Worcester County. Mrs. Lynch suggested that regulations pertaining to campgrounds and RV parks be examined closely during review of the Zoning and Subdivision Control Article; Mr. Hammond asserted that standards regarding such uses should be tightened and properly enforced. Following further discussion, the County Commissioners and Planning Commission ended their joint work session. The

County Commissioners asked the Planning Commission to take their comments into consideration in formulating a recommendation pertaining to the Comprehensive Plan.

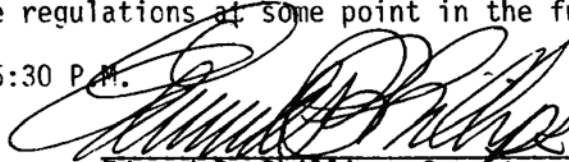
The Planning Commission then discussed the issues and concerns raised by the County Commissioners and Planning Commission and the need to revise the Comprehensive Plan at this time. Subsequently, it was moved by Mr. McCabe, seconded by Mr. Hall and unanimously carried to advise the County Commissioners by letter that these concerns can be suitably addressed in the revisions to the Zoning and Subdivision Control Article, including the zoning maps and design guidelines, without amending the Comprehensive Plan, that the Planning Commission does not find there to be an inordinate need to amend the Comprehensive Plan at this point in time and recommends that it not be revised at present and furthermore stating that through the implementation of the revised Zoning and Subdivision Control Article and the updated zoning maps, the Planning Commission will strive to uphold and carryout the goals and objectives of the Comprehensive Plan as it is presently written.

As the next item of business the Planning Commission continued its review of the draft Zoning and Subdivision Control Article by discussing the revised Purpose and Intent statements prepared by Mr. Shannahan for each of the zoning districts. With regard to the proposed purpose and intent statement for the A-1 Agricultural District, it was moved by Ms. Cummins and seconded by Mr. Phillips to accept the statement as proposed by the staff with two minor revisions. The motion carried when voted upon, with Members McCabe, Phillips, Cummins, Paglierani and Hall voting in favor and Member Bashore voting against the motion. It was subsequently moved by Ms. Cummins, seconded by Mr. Phillips and unanimously carried to adopt the purpose and intent statement for the E-1 Rural Estate District as proposed by staff with two minor revisions. As it pertained to the V-1 Village District, the purpose and intent statement was amended by consensus to delete reference to the zone's appropriateness for creation of new villages and subsequently adopted by the Planning Commission. The purpose and intent statement for the R-1 Rural Residential District as proposed by staff was accepted by consensus of the Planning Commission as was the purpose and intent statement for the R-4 General Residential District. The purpose and intent statement for the R-2 Suburban Residential District was accepted with a minor insertion by unanimous vote, upon motion of Mr. Phillips and seconding by Ms. Cummins. Upon motion of Mr. Bashore and second of Mr. Phillips, it was unanimously carried to accept the purpose and intent statement for the R-3 Multi-Family Residential District with a minor insertion as well. With regard to the B-1 Neighborhood Business District, it was moved by Ms. Cummins, seconded by Mr. Bashore and unanimously carried to accept the purpose and intent statement as revised to add reference to service needs and to delete reference to development of commercial parks. The statement of purpose and intent for the B-2 General Business District was adopted by consensus of the Planning Commission with the addition of a statement discouraging strip commercial forms of development. The statements of purpose and intent for both the M-1 Light Industrial District and M-2 Heavy Industrial District were accepted by

consensus of the Planning Commission as amended to delete references to clustering of industrial uses. With regard to the purpose and intent statement for the C-1 Conservation District, it was moved by Ms. Cummins, seconded by Mr. Phillips and unanimously carried to adopt the statement as revised to qualify the reference to alluvial soils by stating that such soils are less suitable for development and to include coastal bays and public and private lands which have been set aside for conservation of the natural environment in the list of potentially sensitive areas.

As the next item of business the Planning Commission reviewed the proposed regulations pertaining to the AP Airport Protection District. It was the consensus of the Planning Commission that this section be approved as revised to strictly reference Federal Aviation Administration standards regarding obstruction of navigable air space and to amend the regulations in such a manner as to permit the inclusion of additional county or municipal airports within these regulations at some point in the future.

The meeting adjourned at 5:30 P.M.



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Edward P. Phillips, Secretary

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Phyllis H. Wimbrow, Secretary Pro Tem

Rezoning Case No. 444  
Staff Report Attachment

Public Hearing Transcript  
Worcester County Commissioners  
October 17, 2023

Second Public Hearing: June 16, 2026

1 Public Hearing held before \* Commissioners present:  
 2 The Worcester County Commissioners held \* Anthony W. Bertino, Jr.  
 3 on the \* Caryn Abbott  
 4 17th day of October, 2023, \* Joseph M. Mitrecic  
 Worcester County, Maryland \* Madison J. Bunting, Jr.  
 \* Theodore J. Elder  
 \* Diana Purnell  
 \* Eric Fiore

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REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

8

IN RE: Rezoning case No. 444  
 In the matter of Black Water Relics, Amy Kelly

9

10

APPEARANCES:

11

On behalf of the Worcester County Commissioners:

12

ROSCOE LESLIE, ESQUIRE

13

On behalf of the Applicant:

14

HUGH CROPPER, IV, ESQUIRE

15

16

Also present: Weston Young, Chief Administrative officer

17

Candace Savage, Deputy Chief Admin Officer

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Jennifer Keener, Director DRP

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Matthew Laick, Deputy Director DRP

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Court Reporter:  
 Valerie M. Dawson  
 443-783-3113

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T A B L E O F C O N T E N T S

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WITNESSES:	PAGE:
Amy Kelly	11
Greg Wilkins	14
Chris McCabe	22
Rick Pollitt	27
Chuck Martin	29
Other speaker:	
Mandy Gladden	35

## P R O C E E D I N G S

1  
2 MR. LAICK: So I'm here to present to you findings  
3 of rezoning case 444. I believe we need to get sworn in for  
4 that before we start.

5 MR. LESLIE: Would everybody who's going to be a  
6 witness in today's proceedings please stand up?

7 Do you swear to tell the whole truth and nothing  
8 but the truth at today's hearing?

9 (Answers in the affirmative.)

10 MR. LAICK: Thank you, Roscoe.

11 Good morning, everybody. As I said, I'm here to  
12 present you case 444. The Applicant is Black Water Relics,  
13 LLC. And they are represented by Mr. Hugh Cropper.

14 The petitioned area consists of 1.79 acres and is  
15 located at 4432 Market Street in Snow Hill. This is  
16 approximately a quarter mile north of Moat Road.

17 In the 1960's this property was zoned B-2 General  
18 Business. In 1978, it remained B-2 General Business. In  
19 1992, it was rezoned to A-1 Agricultural District. In 2006,  
20 it was annexed into the Town of the Snow Hill as part of the  
21 Summerfield annexation and remained with Snow Hill until

1 2019. Because of that it was not evaluated in the 2009  
2 rezoning.

3 They are requesting a reclassification to C-2  
4 General Commercial District based on a mistake made in the  
5 1992 rezoning, and that's because it was not re-evaluated in  
6 2009.

7 In consideration with the findings and testimony  
8 provided by the Commission, the Planning Commission  
9 concluded that there was a mistake in the 1992 rezoning.  
10 This mistake was kept intact when the property was  
11 de-annexed from the Town of Snow Hill. Rezoning the  
12 property will correct a mistake that was made and the  
13 property conforming -- and would make the mistake and the  
14 property would conform in the C-2 District.

15 The proposed rezoning is consistent with the  
16 growth area land use category of the comprehensive plan.

17 Therefore, based on their review, the Planning  
18 Commission concludes the change in rezoning would be more  
19 desirable in terms of the objectives of the comprehensive  
20 plan and gave a favorable recommendation to the rezoning  
21 case number 444 seeking a rezoning from A-1 Agricultural

1 District to C-2 General Business, or General Commercial  
2 District.

3 That's my presentation to you.

4 COMMISSIONER BERTINO: Are there any questions  
5 from the Commissioners?

6 What does C-2 allow, if you could just be...

7 MR. LAICK: Jen, could you help up me with that?

8 MS. KEENER: C-2 is our Primary Commercial  
9 District and allows a variety of uses from retail, office,  
10 warehousing, contractor jobs, there's a threshold on  
11 commercial retail but it's our most prevalent commercial  
12 zoning district in Worcester County.

13 COMMISSIONER BERTINO: So it would be more heavily  
14 commercial than, say, C-1?

15 MS. KEENER: Correct, yes, C-1 has thresholds on  
16 the amount of commercial you could have --

17 COMMISSIONER BERTINO: Okay.

18 MR. KEENER: -- how many uses.

19 COMMISSIONER BERTINO: Any further questions?

20 (No response.)

21 COMMISSIONER BERTINO: Okay. At this time I'll

1 open the floor for public comment. If you wish to speak,  
2 please come to the podium and state your name and address  
3 for the record.

4 MR. CROPPER: Good morning.

5 COMMISSIONER BERTINO: Good morning.

6 MR. CROPPER: The delay wasn't too bad, we got a  
7 lot solved out in the hallway as well. Hopefully you got a  
8 lot solved in the back room.

9 For the record, my name is Hugh Cropper. I  
10 represent Black Water Relics, Amy Kelly, who is here with  
11 me, who's the managing member of that LLC.

12 We originally applied to rezone .78 acres, about  
13 eight-tenths of an acre. That property is improved by  
14 another ten thousand square foot former commercial  
15 structure. Its small drain field and the rest of it is  
16 essentially asphalt right out to the road.

17 So, by just a little bit of explanation I'm going  
18 to use as an exhibit the, this is just the county tax  
19 printout on the property, and you'll see why I need this in  
20 a second.

21 COMMISSIONER BERTINO: Thank you.

1 MR. CROPPER: Yes, sir.

2 To follow-up on what Matt said, and I'd ask that  
3 the staff package, the complete package, be offered into  
4 evidence as a joint exhibit and be part of the record in  
5 this case.

6 So, to follow-up on what was said, this .78 acres  
7 was zoned B-2 General Business District in 1965.

8 Consistent, the testimony will show, with its commercial use  
9 at the time. In 1978 it was again zoned B-2 General  
10 Business District. March 10, 1992, and I was here for that  
11 rezoning, it was down-zoned to A-1. So it was commercial  
12 for 27 years, it was commercial consistent with its  
13 commercial use.

14 I was here in 1992, and I can tell you, in 1992  
15 there was broad brush elimination of commercial zoning in  
16 Worcester County because Worcester County was overloaded  
17 with commercial zoning.

18 I remember as a young lawyer there was, I was  
19 shocked to know, in Mr. Fiore's district I was shocked to  
20 know that where the road splits to go to Assateague, there  
21 was 25 acres of commercial that was there, for example, was

1 B-2 that was eliminated.

2 So, in 1992, the staff broad brush eliminated a  
3 lot of commercial out of the county. And I suggest that the  
4 baby got thrown out with the bath water, and this property  
5 got down-zoned to A-1 at the time, despite the fact that it  
6 was probably still in commercial use.

7 In 2006 it was annexed into Snow Hill as part of  
8 Summerfield. And to just give you more description of that,  
9 I was also here for that, at the time of annexation the Town  
10 of Snow Hill rezoned it to Residential District and  
11 required, which required the consent of this Commission and  
12 the Commissioners voted unanimously to allow Snow Hill to  
13 rezone it to residential.

14 So, from 2006 to 2019 it was not -- it was part of  
15 the Town of Snow Hill governed by their zoning code as  
16 residential. When it came back in in 2019, I suggested that  
17 it should come in as residential because the County  
18 Commissioners had voted to make it residential. Quite  
19 frankly, I represented a number of clients at the time, most  
20 of whom were farmers, and they told me that they were happy  
21 to see their farmland come back as A-1 for property tax

1 purposes.

2 So, again, a broad brush approach, everything that  
3 got de-annexed came back as A-1 except for the east side,  
4 I'm sorry, the west side of Market Street, which came back  
5 as R-1 Residential.

6 So, this property was commercial B-2 for 27 years.  
7 It was residential for 13 or 14 years. It has been either  
8 commercial or residential longer than it's been ag. It was  
9 only ag from 1992 until 2006, and then again from 2019 to  
10 the present.

11 So, it has a short history of being agriculture.  
12 And, again, it was both commercial for twice as long as it's  
13 been agricultural and residential for at least as long.

14 As I said, the property is .78 acres.

15 And I'm glad you asked that question, Mr. Bertino,  
16 what can you do in a C-2 use? There's a lot you can do in a  
17 C-2 use. But there's not much you can do on .78 acres that  
18 is not connected to public sewer right now. Very, very  
19 limited use.

20 But there's even less that you can do in an A-1  
21 District. I've been accused before of trying to rezone poor

1 farmland and using that as an excuse to rezone, but I'll  
2 tell you what, you can't farm this property. It is  
3 completely consumed by a building, asphalt, and a drain  
4 field. It is not suitable for farming in any way, shape, or  
5 form, or really any of the A-1 uses.

6 When we appeared at the Planning Commission, not  
7 only did they support this, not only support this rezoning,  
8 they saw it as a positive in terms of the comprehensive  
9 plan. And the Planning Commission recommended that the one  
10 acre next door be rezoned as well to accommodate parking,  
11 any potential expansion of the drain field or that sort of  
12 thing.

13 What I'll mark as the next exhibit is the  
14 information sheet on the next property.

15 So, I just -- we accepted the Planning  
16 Commission's amendment and the Planning Commission's desire  
17 for economic growth and for a successful business at this  
18 location. But I can tell you that, here today, we are only  
19 asking, or I should say we would be satisfied with the  
20 rezoning of the .78 acres, which is what we originally asked  
21 for.

1           If you see fit to allow for expansion, that would  
2     be great. I thought the Planning Commission had a great  
3     idea, that one acre that's sitting really doing nothing, it  
4     would be great to have parking on it, it would be great to,  
5     if they ever needed reserve area or to expand the septic, it  
6     would be great if they have to do forestry, landscape, all  
7     the kinds of things you have to do when you do a site plan,  
8     but it's not, their true use is an antique store, and  
9     they're happy with the .78 acres.

10           With that, I'd like to call Amy Kelly to come up  
11     and talk a little bit.

12           EXAMINATION OF MS. KELLY BY MR. CROPPER:

13     BY MR. CROPPER:

14           Q.     Now, you and your husband own Black Water Relics,  
15     correct?

16           A.     That's correct.

17           Q.     And you have a store in Pocomoke. Could you tell  
18     us about that?

19           A.     We purchased a building in Pocomoke that was  
20     vacant for over 15 years, rehabbed it, and turned that into  
21     a successful antique store, Black Water Relics. We're open

1 three days a week, and we've been open for three years  
2 serving the area selling antiques and also buying antiques  
3 from the community.

4 Q. And that is located in the corporate limits of  
5 Pocomoke?

6 A. That's correct.

7 Q. And you've been through the permit process with  
8 the Town of Pocomoke and you're all set there?

9 A. Yes, we worked with Brenda Lee and got all the  
10 needed permits, have an occupancy permit, and everything has  
11 been okay.

12 Q. Now, we've had the discussion, you understand if  
13 this property is rezoned, somebody could put anything that  
14 would fit there in the commercial zoning, but it's your  
15 strong desire and intent to put an antique store?

16 A. That's correct, the Black Water Relics antique  
17 store is, mostly our items that we are presenting to  
18 purchase, we are approached by the community many times  
19 about people wanting to have consignment antiques, so they  
20 would rent a space on the floor from us, pay us rent, place  
21 their own items that are priced, and we would sell them and

1 pay them for the items that are sold each month.

2 So we have a long list of people who would be  
3 interested in a consignment antique store at this location,  
4 keeping up with the progress of how things are going, along  
5 with our process.

6 Q. And this is why, although you would be happy if  
7 the Commissioners rezoned the entire 1.7 acres, which  
8 includes the acre next door, you're okay with the .78 acres?

9 A. That's correct.

10 Q. Because it is your -- and we've been through the  
11 code and about the only thing you can fit on there given the  
12 constraint is an antique shop --

13 A. That's correct.

14 Q. -- or some type of retail?

15 A. Yes.

16 Q. And it does have limited septic?

17 A. Exactly.

18 MR. CROPPER: Okay. I might need you again, but.

19 MS. KELLY: Okay. Thank you.

20 MR. CROPPER: Next I'd like to call our surveyor

21 Greg Wilkins.

1 EXAMINATION OF GREGORY WILKINS BY MR. CROPPER:

2 BY MR. CROPPER:

3 Q. Would you give us your name and tell us what you  
4 do for a living?

5 A. Gregory P. Wilkins. I'm a professional land  
6 surveyor.

7 Q. Are you registered in the State of Maryland?

8 A. I am.

9 Q. And how long have you been a surveyor?

10 A. Professional surveyor since 2009.

11 Q. And how long have you been in the surveying  
12 business?

13 A. 35 years.

14 Q. And did you survey this property?

15 A. I did.

16 Q. Okay. And in your 35 years of experience you've  
17 worked with the comprehensive plan?

18 A. I have.

19 Q. And you've worked on hundreds, if not thousands,  
20 of surveys in Worcester County?

21 A. I have.

1 Q. And you've worked on many, many surveys in this  
2 area?

3 A. I have.

4 Q. And you've done site plans for many, many site  
5 plans for commercial uses?

6 A. I have.

7 Q. And in those site plans you deal with well  
8 locations, septic locations, forestry, and that sort of  
9 thing?

10 A. That's correct.

11 Q. And you work almost daily with the zoning code and  
12 the comprehensive plan?

13 A. I do.

14 Q. With that being said, this property is located in  
15 a growth area under the comprehensive plan; is that correct?

16 A. That's correct.

17 Q. And it's the growth area that's south of the Town  
18 of Snow Hill?

19 A. Correct.

20 Q. It's in your package but I'd like to offer a  
21 little bigger version. And I'll represent to you this is a

1 Xerox of the actual land use map that I bought at the County  
2 Commissioners office back in 2007.

3 And, Greg, the orange is the growth area; is that  
4 correct?

5 A. Yes, sir.

6 Q. And this property is squarely, squarely in the  
7 center of the growth area?

8 A. It is.

9 Q. And under the comprehensive plan, bear with me  
10 here a second, the growth area designates areas outside of  
11 incorporated areas that are suitable and desirable for  
12 future planned growth?

13 A. Correct.

14 Q. They also include the repurposing of existing  
15 locations?

16 A. Correct.

17 Q. These areas of the county are for planned new  
18 development and will accommodate most of the new growth?

19 A. Correct.

20 Q. Do you think that the growth area designation is  
21 consistent with the proposed rezoning?

1           A.    I do.

2                   MR. CROPPER:  I'll show you the page out of the  
3           comprehensive -- this is the page out of the comprehensive  
4           plan that describe growth areas.

5           BY MR. CROPPER:

6           Q.    Greg, the property is currently zoned A-1  
7           Agricultural District?

8           A.    That's correct.

9           Q.    And it's your testimony and opinion that it is  
10          really not suitable for any A-1 Agricultural District Use?

11          A.    It is not.

12          Q.    Particularly by virtue of its 30 plus year use as  
13          a, what appears to be a previously commercial use?

14          A.    That's correct.

15          Q.    And what I'm going to show you next is the zoning  
16          map.  And we see the small parcel on the zoning map.

17                   But as I discuss this, and I'll go ahead and pass  
18          it out so the Commissioners can follow along.

19                   It is directly across from several hundred acres  
20          of R-1 Residential zoning, would you agree?

21          A.    Yes, I do.

1 Q. And do you think that some, when you have several  
2 hundred acres of residential zoning like that, do you agree  
3 that some commercial is necessary to serve that area?

4 A. I believe so.

5 Q. And do you agree that the comp plan says that the  
6 Summerfield growth area is designed and planned for six to  
7 seven hundred residential units?

8 A. I do.

9 Q. And do you agree that accessory commercial would  
10 be necessary for those six or seven hundred units?

11 A. Yes, I do.

12 Q. And if we look at --

13 MR. CROPPER: Did I give everybody one? I've got  
14 an extra one.

15 BY MR. CROPPER:

16 Q. And if we look at with this, I know that the  
17 zoning map is in the package, but, again, this came right  
18 off the county website, which is a larger view, we see that  
19 not only is it adjacent to R-1, there's all types of zoning  
20 around here.

21 A. That's correct.

1 Q. And we even see, as we move north we even see a  
2 spot of, the little parcel to the north, that's R-1, that  
3 little square, presumably because it's not suitable for A-1?

4 A. That's correct.

5 Q. These two little pieces are really, and I think  
6 this is an important point, these are the only small little  
7 pieces of A-1 zoning near Snow Hill on this map?

8 A. That's correct.

9 Q. That everything else is either R-1 or, again,  
10 it's, even as we move, the very next property when we move  
11 north on West Market Street, we see the little one-acre  
12 piece is R-1?

13 A. That's correct.

14 Q. And you agree with my history and Matt's history  
15 of the zoning, that it was C-2 in 1965, C-2 in 1968, and  
16 then down-zoned in 1992?

17 A. I do.

18 Q. And based on your experience in Worcester County  
19 and your opinion, was that a mistake?

20 A. Yes, I do.

21 Q. Should the property have stayed commercial?

1           A.    I believe so.

2           Q.    And, again, I've talked about the property, but  
3 tell me what's on the property right now.

4           A.    It's a large warehouse and an asphalt parking lot  
5 and then a narrow strip of raw ground in the back which has  
6 a drain field.

7           Q.    And based on your site planning experience and the  
8 size of the parcel, if it is rezoned back to commercial  
9 zoning, C-2, would it accommodate really anything other than  
10 retail or an antique shop?

11          A.    I don't believe so.

12          Q.    Really, you can't put a restaurant there, you  
13 can't put a Royal Farms?

14          A.    No, no.

15          Q.    All those things would require, any expansion  
16 would require forestry and landscape and parking?

17          A.    And more sewer.

18          Q.    And more sewer.   And storm water management?

19          A.    That's correct.

20          Q.    Now, it is, interestingly it is S1-W1 in the water  
21 and sewer plan?

1 A. Correct.

2 Q. But the sewer line does not make it there yet?

3 A. No, it does not.

4 Q. And you and I had the discussion and you suggested  
5 that this was an ideal place for business because it's not  
6 out on the highway and it would serve the Town of Snow Hill?

7 A. That's correct.

8 Q. It would bring, people would go here and they'd go  
9 into the Town of Snow Hill and spend money and that sort of  
10 thing?

11 A. Correct.

12 Q. So it would be consistent with the comp plan where  
13 it talks about economic development, and particularly  
14 economic development in our towns that do need the money?

15 A. It would.

16 Q. And under the Worcester County code, to even  
17 qualify as a farm you've got to have five acres?

18 A. That's correct.

19 Q. And we're not even close.

20 A. No, sir.

21 MR. CROPPER: That's all I have for now. I may

1 need to call you back up, but if you want to have a seat.

2 Next I'd like to call Chris McCabe.

3 While I do that, I just want to remind you of  
4 another letter, I got the package and it may have shown up  
5 in your package, but this is the letter I wrote that just  
6 describes -- and we'll mark this as an exhibit -- describes  
7 when the property came back in, when the property came back  
8 in to Worcester County. And I guess the purpose of this is  
9 to show that it was really five parcels, five parcels came  
10 back in in 2019. And the majority of it was owned by my  
11 farmer clients, and it was 305.56 acres.

12 So, this all, this, again, the baby got thrown out  
13 with the bath water. This came in with 305 acres.

14 EXAMINATION OF CHRIS MCCABE BY MR. CROPPER:

15 By MR. CROPPER:

16 Q. Chris, tell us about your background and what you  
17 do.

18 A. I am Coastal Compliance Solutions. We do land use  
19 and environmental permitting.

20 Q. And in doing that, have you testified before the  
21 Board of Zoning Appeals, the Planning Commission, and County

1 Commissioners?

2 A. Oh, yeah.

3 Q. Both with respect to environmental issues and  
4 comprehensive plan issues?

5 A. Yes.

6 Q. And you were employed formerly by Worcester  
7 County?

8 A. I was.

9 Q. And what was the date of that employment?

10 A. February of 2003 through 2012.

11 Q. And you were born and raised in Snow Hill?

12 A. I was.

13 Q. Went to high school in Snow Hill?

14 A. I did.

15 Q. And I've asked you to do some research about the  
16 background of this property?

17 A. Yes.

18 Q. Okay. What did you find out?

19 A. So I was -- I remember some of it growing up, but  
20 I was able to ask questions of some folks who have history  
21 here, and it was, and one of those folks is my uncle who is

1 97 years old and has lived here his whole life. He said  
2 that it was the Shockley Humphrey's grocery outlet when it  
3 was originally built. So it was a baby Lankford Sysco to  
4 begin with in, well, somewhere around 1959 to 1960. And it  
5 was that into the 1970s when it was used as a shirt storage  
6 warehouse for the Eli Cleaner folks in town. And then it  
7 eventually ended as an airplane storage parts warehouse, was  
8 the last of the knowledge that we could find out through,  
9 not only him, but Mayor Mike Pruitt, who's also, is my  
10 cousin, and some other folks in town. So, that's the  
11 history that I have.

12 I remember driving by it my whole life and seeing  
13 activity there, but at the time I was young, I didn't  
14 realize what it was.

15 Q. And for part of the time Mr. Bill Blanks sold  
16 chemicals and that sort of thing?

17 A. That's what, that's what we think, too, which is  
18 Helena Chemicals now, or was Helena Chemicals, it was his  
19 warehouse that we understand for some period of time.

20 Q. But even that wouldn't be an agricultural use as  
21 defined by the code, that was a commercial sale of chemicals

1 to farmers?

2 A. Correct.

3 Q. That's like selling a farmer a tractor or a farm  
4 implement or that sort of thing?

5 A. Correct.

6 Q. We have never in our research found that it has  
7 been used as an ag accessory building to a farm?

8 A. Not that I could find out.

9 Q. And you've seen the property, obviously?

10 A. Yes.

11 Q. And as an environmental consultant, I know this is  
12 probably a silly question, but for the record, there's no  
13 non-tidal wetlands on the property?

14 A. No.

15 Q. And there is no environmental conditions that  
16 would prevent the property from being developed as a  
17 commercial property?

18 A. No, not in its current state, no.

19 Q. And you worked for the county in 2006 when we were  
20 doing the Summerfield annexation?

21 A. I did.

1 Q. And that involved a lot of issues which involved  
2 you and your office?

3 A. Yes.

4 Q. And you remember the 2006 annexation and the vote  
5 to change the zoning from ag to residential?

6 A. I do.

7 Q. And that did happen and you were here, you were  
8 part of the county at that time?

9 A. I was, yes.

10 Q. And do you believe that the, based on your  
11 background, that the agricultural, the A-1 zoning is a  
12 mistake?

13 A. I do.

14 Q. It's a mistake that occurred March 10, 1992?

15 A. Yes.

16 Q. And that the C-2 General Commercial District would  
17 be more consistent with the objectives of the comprehensive  
18 plan?

19 A. Yes.

20 Q. Which include its growth area designation as well  
21 as many, many other features of the plan?

1           A.    Yes.

2           Q.    And as somebody who grew up in Snow Hill, I just  
3 want to say this for the record, there's no traffic issues  
4 on West Market Street?

5           A.    Not that I'm aware of.

6           Q.    As a matter of fact, they could benefit from a  
7 little traffic with people spending money?

8           A.    Yes.  As a matter of fact, I used to ride my bike  
9 to Shad Landing State Park on that road.

10           MR. CROPPER:  Thank you.

11           Next, if Mr. Rick Pollitt, the Town Manager, wants  
12 to come back up?  Well, he wasn't up the first time, but.

13           And I notice, Mr. Pollitt, that when they swore  
14 people in you were a little shy, so you may need to be --  
15 I'm not sure if you got sworn in or not.

16           MR. POLLITT:  I wasn't sure, as public testimony  
17 then --

18           MR. CROPPER:  Let Mr. Leslie swear you in.

19           MR. POLLITT:  -- but I'm here at your disposal.

20           MR. LESLIE:  Do you swear to tell the truth, the  
21 whole truth, and nothing but the truth?

1 MR. POLLITT: I do.

2 MR. LESLIE: Thank you.

3 MR. CROPPER: I'm going to let you speak on your  
4 own, but go ahead.

5 MR. POLLITT: Well, thank you.

6 I'm Rick Pollitt. I'm the Town Manager here in  
7 Snow Hill. Mayor Pruitt would be here, but he's attending a  
8 Municipal League Fall Conference at College Park today;  
9 otherwise, he would be here giving you his enthusiastic  
10 recommendation in favor of this rezoning. He asked me if I  
11 would come and just share his sentiment that, as a born and  
12 raised native of Snow Hill, been here all his life, he's  
13 intimately familiar with the history of the property, the  
14 various uses, the different zoning iterations that it's gone  
15 through over time, and he just wanted me to share that he is  
16 totally in support of a new business coming to our area.

17 He feels that it's an appropriate use of the  
18 property. It's something that would be appealable to the  
19 folks here in town. And thinking forward, that any money  
20 that would come to be spent supporting this business could  
21 come right in, as Mr. Cropper said, people would come into

1 Snow Hill and support our economy. And, frankly, in that  
2 light, what better way to recognize Economic Development  
3 Week than to open up a new opportunity for economic  
4 development for our town and our area?

5 So, that was the sentiment of the Mayor and I'm  
6 pleased to offer that to you.

7 MR. CROPPER: Thank you, Mr. Pollitt.

8 And then, if I could ask Sheriff Chuck Martin to  
9 come on up.

10 MR. MARTIN: It might take a minute.

11 MR. CROPPER: Take your time.

12 Sheriff Martin needs no introduction, so I'll just  
13 move out of the way. He's a very capable public speaker on  
14 his own.

15 COMMISSIONER BUNTING: Good to see you, Sheriff.

16 MR. MARTIN: Good morning to all of you.

17 I come today to let you know that this building  
18 has a place in history in this county. It was during my  
19 grade school years that my uncle worked at this warehouse.  
20 He was one of the controllers of it, he came in and then he  
21 came out of it. I can recall when they opened it up that I

1 was in there as a guest of his, and it didn't quite look as  
2 big as it is right now. It is huge when you look at it from  
3 the inside.

4 In 1973 I joined the State Police and was given  
5 the responsibility of patrolling that area on many, many  
6 days. Never have I seen anything in the way of criminal  
7 activity within that area. It was always well-disciplined  
8 by the neighbors, and they enjoyed it being a part of their  
9 livelihood. Frequently people were able to get in there and  
10 buy whole canned lots of goods straight from the warehouse  
11 to subsist their smaller incomes.

12 In 1994 I left the State Police and was fortunate  
13 enough to be elected sheriff of this county for four terms,  
14 sixteen years is the longest tenure of any sheriff ever in  
15 the history of this county.

16 Again, there were no problems at this building.  
17 It's an area that is patrolled by a common good that the  
18 neighbors have for each other.

19 I am fortunate enough to ask you to approve the  
20 work of this couple, the Kellys, in that I don't even, I  
21 think about it now but some time back I found that she is a

1 worker at the State Police Forensic Lab in Pikesville. She  
2 plans to retire in the near future, and I'm thinking that  
3 she would make a welcome addition for this county.

4 And Howard, her husband, deals with antique cars,  
5 has always rebuilt them, and provided a very well-known  
6 product to the public for purchase. And that's a part of  
7 what will be going on in this building.

8 Thank you ever so much for considering it. I hope  
9 we will have a positive response from you. And I wish you  
10 all the best of luck in your tenures in your present  
11 positions.

12 Thank you.

13 COMMISSIONER BERTINO: Thank you, Sheriff.

14 MR. CROPPER: Thank you, Sheriff.

15 That's it for our testimony, unless you have any  
16 questions. If there's any questions about the annexation or  
17 the de-annexation, I have lots of comment so I don't want to  
18 bore you with those because I think it's pretty clear, it's  
19 pretty clear what happened.

20 I think it's pretty clear that there was a mistake  
21 on March 10, 1992. Again, at that time it was, the county

1 got rid of lots of commercial rezoning as a very broad  
2 brush. The comp plan believed there was too much commercial  
3 for the county, and this got thrown out as part of that  
4 broad brush approach, and it should have remained  
5 commercial.

6 This property has eleven thousand, a ten or an  
7 eleven thousand square foot building on it that's in good  
8 shape, not falling down, but it's not being used. That  
9 property needs to be, it needs to be repurposed. For 40  
10 years this property has not been zoned agricultural, of its  
11 tenure it's been zoned 27 years commercial, it's been zoned  
12 13 years residential.

13 At the very beginning I passed out the, my very  
14 first exhibit, other than the staff report, was the SDAT  
15 information sheet for this .78 acres. And you'll see, it  
16 says up in the upper left-hand column the use is still  
17 listed, and I circled for you, still listed as commercial.

18 Ms. Kelly said when she bought the property, she  
19 went on the county, or went on the State website and saw the  
20 use as commercial. She had bought an old abandoned building  
21 in Pocomoke and fixed it up, looked at this and saw it was

1 commercial. She did not, there was not a realtor involved,  
2 she wrote and found the property and approached the people  
3 and bought it and relied on that and believed she could do  
4 the same thing she did in Pocomoke.

5 That's important for two reasons. Number one,  
6 that's why she did it. It's really not here nor there  
7 because the real issue is, was it a mistake and is it  
8 consistent with the comp plan?

9 But I just want to say, in these challenging, you  
10 know, economic times that you're dealing with, here is an  
11 opportunity to take a piece of property, you change the  
12 zoning and this assessment is going to go way up, it's going  
13 to go to 225 that she paid for it. And when she fixes up  
14 the building, it's going to go more than that and you're  
15 going to have money to spend on other things.

16 If the property stays A-1, I assure you the next  
17 thing I'm going to do is write a letter to SDAT and  
18 challenge these taxes and they're going to go down to about  
19 ten thousand dollars. This is a real, these are real  
20 opportunities to repurpose a piece of property.

21 I'll tell you, in 35 years I don't think I've had

1 a rezoning in a growth area other than the annexation. It  
2 was a mistake. It had a large commercial building on it.  
3 It's asphalt all the way to the road. There's nothing about  
4 it agricultural.

5 If you look at the large scale zoning map which  
6 came off the county website, you'll see on that side of the  
7 road, these are the only two small parcels that are A-1.  
8 There's some scattered out in the country where people  
9 subdivide off their farm; but, you know, even the other  
10 small parcel is zoned residential.

11 And I suggest to you, this has been widely  
12 supported, I bet if you went to 99 out of 100 of your  
13 constituents they would support this. I've never had one  
14 that's been so well supported. Not only the Planning  
15 Commission unanimously support it, Mrs. Wimbrow who wrote  
16 the zoning map in 1992, I mean, this is pretty, this is  
17 pretty strong, Mrs. Wimbrow who wrote the zoning map voted  
18 that it was a mistake, and it was her idea to add the other  
19 one acre.

20 We don't need the other one acre. The other one  
21 acre would be nice. My client wants to put her antique

1 store there. And I suggest to you that's --

2 Mr. Bertino, you asked about what you could do in  
3 a C-2, it ain't gonna be much. But there's nothing you can  
4 do right now.

5 And we think we've clearly met the legal standard.  
6 It's absolutely consistent with the comp plan. Ag is not  
7 consistent with the comp plan. And we appreciate your  
8 patience.

9 COMMISSIONER BERTINO: Thank you.

10 Is there anyone else who would like to make public  
11 comment?

12 MANDY GLADDEN: I would.

13 COMMISSIONER BERTINO: Okay.

14 MANDY GLADDEN: Good morning, Commissioners.

15 COMMISSIONER BERTINO: Good morning. Were you  
16 sworn in?

17 MANDY GLADDEN: I was.

18 COMMISSIONER BERTINO: State your name.

19 MANDY GLADDEN: My name is Mandy Gladden. I am  
20 the Executive Director for the Snow Hill Area Chamber of  
21 Commerce. The Snow Hill Area Chamber of Commerce is

1 actively engaged in supporting the rezoning of the warehouse  
2 at 4432 Market Street for the Black Water Relics business.  
3 And we believe this kind of development can have several  
4 positive effects on the community, one being economic  
5 growth. The establishment of a new commercial business,  
6 Black Water Relics, will likely create more jobs and  
7 stimulate economic growth in Snow Hill. And this means  
8 there's going to be more opportunity to local residents and  
9 a boost to the Town's economy and increased revenue.

10 With more businesses and increased economy,  
11 economic activity, the County and Town can expect to see a  
12 rise in tax revenue, which can be used to fund various  
13 public service and infrastructure projects.

14 Community attraction, new businesses can attract  
15 more people to Snow Hill, whether they're residents or  
16 tourists. This can lead to increased foot traffic for other  
17 local businesses and potentially foster a sense of community  
18 pride and engagement.

19 Utilization of vacant space, repurposing the  
20 existing warehouse to commercial use can help utilize vacant  
21 and underutilized space, preventing urban sprawl and

1 contributing to efficient land use.

2 We believe the more business and housing that we  
3 can bring to Snow Hill, the more the Town can grow and  
4 businesses can prosper. Therefore, the Snow Hill Area  
5 Chamber of Commerce is in support of this rezoning.

6 Thank you so much for your consideration.

7 COMMISSIONER BERTINO: Thank you.

8 Is there anyone else that would like to speak on  
9 this subject?

10 Seeing none, this public hearing is now closed.

11 Commissioners. Commissioner Mitrecic.

12 COMMISSIONER MITRECIC: So, to get this straight  
13 they paid 225 for each of the two properties?

14 MR. CROPPER: No, sir, together.

15 COMMISSIONER MITRECIC: Okay. Because the SDAT  
16 has it 225.

17 MR. CROPPER: But it's under a single deed, that's  
18 how they do it.

19 COMMISSIONER MITRECIC: Okay. Thank you.

20 I would make a motion that we approve the request  
21 and accept the findings of fact by the Planning Commission.

1                   COMMISSIONER BERTINO: Okay. We have a motion to  
2 accept.

3                   Commissioner Elder.

4                   COMMISSIONER ELDER: Second.

5                   COMMISSIONER BERTINO: We have a motion and a  
6 second to accept the change.

7                   Commissioner Bunting.

8                   COMMISSIONER BUNTING: Just to clear something up  
9 here, what could be built on this property with a special  
10 exception?

11                  MS. KEENER: A-1 or C-2, which district?

12                  COMMISSIONER BUNTING: As it's zoned currently.

13                  MS. KEENER: Okay. So in the A-1 district we have  
14 commercial grain dryers, feed mills, grain fertilizer,  
15 agricultural processing plants, storage, wholesale retail  
16 local grown vegetable field crops, livestock purchase and  
17 sales yards, commercial repair, seafood harvesting and ag  
18 equipment, landing, storage and processing of seafood,  
19 aquaculture, roadside stands and garden centers for fresh  
20 agricultural products, saw mills, agritourism, firehouses,  
21 government offices, we could move down there if we wanted

1 to, assisted living facilities, day care, surface -- not  
2 really surface mining, but commercial riding or boarding  
3 stables, churches, temples and mosques, those sorts of  
4 things.

5 COMMISSIONER BUNTING: I guess I should've asked,  
6 would the use that they testified to be able to be done on  
7 this property?

8 MS. KEENER: Not as it currently stands. We view  
9 that as a retail use, so it would require a commercial  
10 zoning district.

11 COMMISSIONER BUNTING: Since the property across  
12 the street is all R-1, acres and acres, and this is in the  
13 middle of A-1, would R-1 be more appropriate?

14 MS. KEENER: Being in the growth area, I think it  
15 would depend upon what the ultimate plan would be for  
16 annexation, even though it's R-1 on the other side of the  
17 road, without public sewer you can't subdivide more than  
18 five lots, so it would be very limited.

19 And to say six hundred or seven hundred, you know,  
20 units is true in the comp plan if Summerfield were developed  
21 and realized, but it wasn't at the time.

1                   COMMISSIONER BUNTING: What happens if this is  
2 changed to C-2 and then the next property, next door, next  
3 door, next door, does that C-2 set a precedent?

4                   MS. KEENER: It could. You know, you could be  
5 looking at the comprehensive plan and land use map within  
6 the next year, and you just approved the RFP for that, so  
7 all of this, including Summerfield and the growth area, can  
8 be re-evaluated in that process.

9                   COMMISSIONER BUNTING: Okay. Thank you.

10                  COMMISSIONER BERTINO: Commissioner Fiore.

11                  COMMISSIONER FIORE: I had a few questions as  
12 well, actually these are going to be for Mr. Cropper.

13                         Thanks, Jen.

14                         Mr. Cropper, when your client purchased this  
15 property, what year did they purchase this property?

16                         MR. CROPPER: Recently.

17                         MS. KELLY: February.

18                         MR. CROPPER: It's on the, February, it's on the  
19 sheet.

20                         COMMISSIONER FIORE: And what was the zoning when  
21 they purchased this property?

1 MR. CROPPER: A-1.

2 COMMISSIONER FIORE: It was purchased as an A-1  
3 piece of property?

4 MR. CROPPER: Yes, sir.

5 COMMISSIONER FIORE: In your opinion, with the  
6 225,000 in, I'm adding up the acreage here, which is around  
7 1.5 between two parcels, about accurate, what would you,  
8 being that's a commercial land, what would you, if it got  
9 rezoned to commercial, what would you give the assessed  
10 value of that property with such a large warehouse on that  
11 property?

12 MR. CROPPER: So --

13 COMMISSIONER FIORE: In other words, how much  
14 increase in property value are we looking at from, going  
15 from A-1 to C-2?

16 MR. CROPPER: I'm not trying to avoid your  
17 question, but I don't know the answer to that.

18 COMMISSIONER FIORE: Substantial? Could we agree  
19 on substantial?

20 MR. CROPPER: Well, not all -- I think if the  
21 property had been C-2, and with all due respect, they wildly

1 overpaid for it even if it is in zone C-2, because to do any  
2 kind of commercial development you need sewer, you need  
3 forestry, you need landscaping, you need parking, there's  
4 enough sewer line probably there for the bathroom for the  
5 antique shop and that's about it. So, I mean, I see where  
6 you're going, would a rezoning increase the property value?  
7 Certainly it would increase the property value. But I can't  
8 put a, I can't put a range on it.

9 This is a very, it's a tough piece of property.  
10 Even if it was zoned C-2, again, respectfully, I think they  
11 would've overpaid for it.

12 COMMISSIONER FIORE: And the other question would  
13 be, why C-2 over C-1?

14 MR. CROPPER: Because C-1 has a, each business has  
15 to be 2,500 square feet and can go up to 5,000 square feet  
16 by special exception, and the building that's there is  
17 10,000 square feet, so it would create a non-conformity.

18 COMMISSIONER FIORE: Okay. And what --

19 MR. CROPPER: And I will tell you, and the staff  
20 can support me, I came in and originally asked for C-1. And  
21 they were kind enough to advise me that it wouldn't work.

1                   COMMISSIONER FIORE: And what are the surrounding  
2 properties currently being used as?

3                   MR. CROPPER: There's a couple houses, but the  
4 rest is farmland.

5                   COMMISSIONER FIORE: All being currently farmed?

6                   MR. CROPPER: It is.

7                   COMMISSIONER FIORE: Okay. Thank you.

8                   MR. CROPPER: I do need to answer, though,  
9 Mr. Chairman, that of the A-1 special exceptions, and I  
10 think Ms. Keener will support me, this property doesn't meet  
11 the lot requirements or setbacks for any of those. So none  
12 of the -- you can't do any of those, because we don't have  
13 enough land. Even if you do R-1, the density in an R-1 is  
14 one acre, we don't have enough to meet the, it's not -- if  
15 you zone it to R-1, it's even non-conforming.

16                   So, it really, the size of this property really  
17 restricts it. Thank you.

18                   COMMISSIONER BERTINO: Thank you.

19                   MR. CROPPER: We tried, look, we tried to do it as  
20 A-1. Thank you.

21                   COMMISSIONER BERTINO: Thank you.

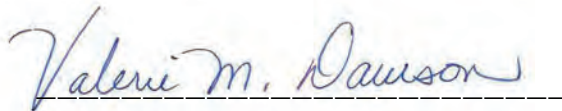


1                                    COURT REPORTER'S CERTIFICATE

2                    I, Valerie M. Dawson, Registered Merit  
3 Reporter, certify that I recorded verbatim by  
4 stenotype the Proceedings in the above-entitled cause  
5 before the Worcester County Commissioners, on the  
6 17th day of October, 2023.

7                    I further certify that to the best of my  
8 knowledge and belief, the foregoing transcript  
9 constitutes a true and correct transcript of the said  
10 proceedings.

11                    Given under my hand this 16th day of November,  
12 2023, at Salisbury, Maryland.

13  
14  
15  
16  
17                    A handwritten signature in blue ink that reads "Valerie M. Dawson" is written over a horizontal dashed line.

18  
19                    Valerie M. Dawson, RMR

20                    Court Reporter

21  
22                    \$202.50

Rezoning Case No. 444 Staff  
Report Attachment

Original Record

Rezoning Case No. 444

Public Hearing October 17, 2023

Second Public Hearing: June 16, 2026

IN THE MATTER OF \*  
 \*  
 THE REZONING APPLICATION OF \*  
 \* REZONING CASE NO. 444  
 BLACK WATER RELICS, LLC \*  
 \*

\*\*\*\*\*  
FINDINGS OF FACT

During a public hearing held on October 17, 2023, the Worcester County Commissioners considered Rezoning Case No. 444. The case requested the rezoning of two parcels of land totaling 1.79 acres located on the east side of Market Street, approximately 0.25 miles north of Moat Road in Snow Hill, from A-1 Agricultural District to C-2 General Commercial District.

The record of the Planning Commission’s deliberations and the staff file were incorporated into evidence at the hearing as Planning Commission’s Exhibit No. 1. A presentation was made on behalf of the applicant by Hugh Cropper, IV, Esquire<sup>1</sup>. In attendance on behalf of the application were the property owner, Amy Kelly (“Applicant”), Gregory Wilkins, professional land surveyor, Christopher McCabe, environmental consultant, Rick Pollitt, Manager for the Town of Snow Hill, Chuck Martin, former Worcester County Sheriff, and Mandy Gladden, Executive Director for the Snow Hill Area Chamber of Commerce.

At the conclusion of the Applicant’s case, the Worcester County Commissioners discussed the matter, and Commissioner Mitrecic made a motion, seconded by Commissioner Elder, to find that there was a mistake in the existing zoning of the petitioned area and adopt the Planning Commission’s Findings of Fact. The motion failed by a vote of three to four with Commissioners Abbott, Bertino, Bunting and Fiori opposed.

The Commissioners adopt the following Findings of Fact:

<sup>1</sup> The following exhibits were submitted and accepted by the Worcester County Commissioners as part of the Applicant’s testimony: Exhibit No. 1 – State Department of Assessments and Taxation real property sheet for Parcel 106 on Tax Map 63 of the petitioned area; Exhibit No. 2 – State Department of Assessments and Taxation real property sheet for Parcel 89 on Tax Map 63 of the petitioned area; Exhibit No. 3 – copy of the Comprehensive Plan Land Use Map for the petitioned area; Exhibit No. 4 – Page of the Comprehensive Plan describing Growth Areas; Exhibit No 5 – a copy of the zoning map of the surrounding area; and Exhibit No. 6 – letter from Hugh Cropper IV, dated January 30, 2019, regarding the pending de-annexation of the Summerfield properties.

The Worcester County Commissioners find that the Applicant’s assertion for a mistake in the current zoning classification was based on the prior, now abandoned, use of the building and the broadbrush downzoning of land in the 1992 comprehensive rezoning because of an

overabundance of commercially zoned lands. Applicant's counsel also argued that because the petitioned area was in the Growth Area on the Comprehensive Plan Land Use Map, a commercial zoning classification would be more appropriate to serve the unrealized Summerfield project of 600 to 700 residential units identified in the 2006 Comprehensive Plan.

The Worcester County Commissioners find that the testimony provided does not support this argument. The historical use of the building and its proximity to the Town of Snow Hill were known at the time of the comprehensive rezoning in 1992. In 2006, the petitioned area, along with hundreds of acres surrounding it, were annexed into the Town of Snow Hill and were therefore not considered in the 2009 comprehensive rezoning. As part of the planned Summerfield project, the former property owner requested a residential zoning classification for the petitioned area to allow for more residential development, not a commercial zoning classification. Applicant's counsel acknowledged that these lands, including the petitioned area, were de-annexed (aka detached) from the town in 2019. Mrs. Keener, Director of the Department of Development, Review and Permitting (DRP), testified that the any future residential development project would not be able to achieve the intended density of 600 to 700 units without being annexed into the town and served by public sewer. Commissioner Bunting noted that if approved, the petitioned area would be an isolated parcel of commercially zoned land, surrounded by other agriculturally zoned and farmed lands, which could set a precedence for future rezoning applications in the neighborhood.

Applicant's counsel opined that because of the limited septic availability on the petitioned area, the only use of the building that would be suitable is a retail antique store or some other type of retail, and therefore a rezoning to C-2 General Commercial District is appropriate. In addition, Applicant's counsel stated that the Applicant purchased the property strictly based on the commercial listing of the use category on Applicant's Exhibit No. 1 and assumed that they could establish an antique store on the petitioned area. Even though the Applicant alleged to have obtained the necessary permits and Certificate of Occupancy for their antique store in Pocomoke City, they purchased the petitioned area without confirming the current zoning and potential uses with Worcester County. In addition, the staff report states that Worcester County DRP had issued a stop work order for improvements done in the building without benefit of permits and had been advised that the Applicant was using the structure for retail sales on weekends without benefit of approvals. As it is currently zoned, Applicant's counsel opined that there was nothing that could be done with the property. Upon request, Mrs. Keener read several uses allowed in the A-1 Agricultural District, many of which include retail components, such as roadside stands and garden centers. Therefore, the Applicant is not completely deprived of the economically viable use of the property.

Because the rezoning is not approved, the Worcester County Commissioners do not make specific findings of fact related to population change, availability of public facilities, past and future transportation patterns, compatibility with existing and proposed development and

existing environmental conditions for the area, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan.


For purposes of the motion to deny the rezoning, the Worcester County Commissioners do not accept the Findings made by the Planning Commission. The Worcester County Commissioners find that there was not a mistake of fact leading to the existing zoning of the petitioned area because of the prevailing uses and conditions of the property at the time of the comprehensive rezoning in 1992 and at the time of this request, as the Summerfield Growth Area has not come to fruition, and the lands associated with it were de-annexed. Less than one mile to the north of the petitioned area are commercially zoned lands improved with commercial services to meet the needs of the area residents and are within the municipal limits of the Town of Snow Hill. The petitioned area is outside of the municipal boundaries and the core downtown area, with a lack of commercial zoning within the immediate vicinity. The surrounding lands are also zoned A-1 Agricultural District, with active agricultural fields, and therefore it is appropriate that the petitioned area maintain an A-1 District designation.

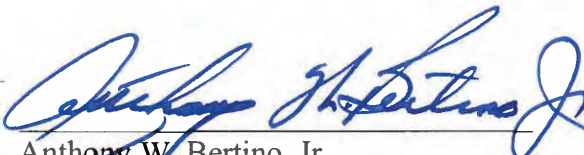
Even if the findings of the Planning Commission or assertions of the Applicant are accepted, the appropriate zoning for the petitioned area is A-1 Agricultural District for the reasons stated above. There is a strong presumption of the validity of the current zoning. The Worcester County Commissioners find that the Applicant did not meet the burden of proof showing a mistake of fact to warrant a change in zoning, particularly in view of the land uses in the immediate vicinity of the subject property, and the failure of the Summerfield project that led to the detachment of the petitioned area and surrounding lands from the Town of Snow Hill.

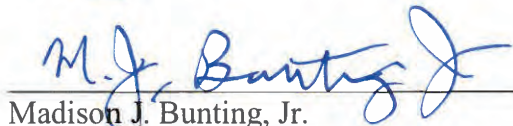
Adopted as of October 17, 2023. Reduced to writing and signed November 7, 2023.


Attest:

Worcester County Commissioners


  
\_\_\_\_\_  
Weston S. Young  
Chief Administrative Officer

  
\_\_\_\_\_  
Anthony W. Bertino, Jr.  
President

  
\_\_\_\_\_  
Madison J. Bunting, Jr.  
Vice President

  
\_\_\_\_\_  
Caryn G. Abbott  
Commissioner

\_\_\_\_\_  
Theodore J. Elder  
Commissioner

  
\_\_\_\_\_  
Eric J. Fiori  
Commissioner

\_\_\_\_\_  
Joseph M. Mitrecic  
Commissioner

\_\_\_\_\_  
Diana Purnell  
Commissioner



TO: *The Salisbury Daily Times and The Ocean City Today Group*  
FROM: Candace Savage, Deputy Chief Administrative Officer  
DATE: September 14, 2023  
SUBJECT: Public Hearing Rezoning Case 444

.....  
Please publish the notice below in *The Salisbury Daily Times* and *Ocean City Digest/Ocean City Today* on September 28, 2023 and October 5, 2023.

NOTICE  
OF  
PROPOSED CHANGE IN ZONING  
  
EAST SIDE OF MARKET STREET  
NORTH OF MOAT ROAD  
  
SECOND TAX DISTRICT  
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 444 has been filed by Hugh Cropper, IV on behalf of Black Water Relics, LLC, property owner, for an amendment to the Official Zoning Maps to change approximately 1.79 acres of land located on the east side of Market Street, approximately 0.25 miles north of Moat Road, in the Second Tax District of Worcester County, Maryland, from A-1 Agricultural District to C-2 General Commercial District. The Planning Commission has given a favorable recommendation to the rezoning application as amended.

Pursuant to Sections 1-113 and 1-114 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

**PUBLIC HEARING**  
on  
**TUESDAY, OCTOBER 17, 2023**  
**at 10:30 a.m.**  
IN THE COUNTY COMMISSIONERS' MEETING ROOM  
WORCESTER COUNTY GOVERNMENT CENTER – ROOM 1101  
ONE WEST MARKET STREET  
SNOW HILL, MARYLAND 21863

At said public hearing the County Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 444 and the recommendation of the Planning Commission, any proposed restrictions on the rezoning, other appropriate restrictions, conditions or limitations as may be deemed by them to be appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned or rezoned or of the surrounding or adjacent lands and improvements, and the advisability of reserving the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of applicable State laws and regulations and the County Zoning Ordinance.

Maps of the petitioned area, the staff file on Rezoning Case No. 444 and the Planning Commission's recommendation, which will be entered into record at the public hearing, are on file and available to view electronically by contacting the Department of Development, Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863 Monday through Friday from 8:00 A.M. and 4:30 P.M. (except holidays), at (410) 632-1200 as well as at [www.co.worcester.md.us](http://www.co.worcester.md.us).

THE WORCESTER COUNTY COMMISSIONERS

**APPROVED**

WSY 09/05/23



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

**Worcester County**

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1201  
SNOW HILL, MARYLAND 21863  
TEL: 410.632.1200 / FAX: 410.632.3008

<http://www.co.worcester.md.us/departments/drp>

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

MEMORANDUM

To: Weston S. Young, Chief Administrative Officer  
From: Jennifer K. Keener, AICP, Director  
Date: August 28, 2023  
Re: Rezoning Case No. 444 – Black Water Relics, LLC, applicant, Hugh Cropper, IV, Esquire attorney for the applicants

I am requesting that the Worcester County Commissioners schedule the required public hearing associated with Rezoning Case No. 444. A draft public hearing notice is attached.

Mr. Cropper, on behalf of his client, has filed Rezoning Case No. 444, seeking to rezone approximately 0.78 acres of land located on the east side of Market Street, approximately 0.25 miles north of Moat Road, from A-1 Agricultural District to C-2 General Commercial District. The case was reviewed by the Planning Commission at its meeting on August 3, 2023, and was given a favorable recommendation. In addition, the Planning Commission also recommended that the adjacent Parcel 89 (1.01 acres) also owned by Black Water Relics, LLC, which is also currently zoned A-1 District, be considered for a C-2 District zoning designation, since it would serve as the land area needed for septic replacement, and potential parking area for a commercial use. Mr. Cropper has confirmed that his clients wish to include this parcel in their amended request.

Attached you will also find the Planning Commission’s written Findings of Fact and Recommendation as prepared by Matthew Laick, Deputy Director. Please advise our department at your earliest convenience as to the public hearing date so that our department can ensure that the mandatory public notice of 15 days is met via posting on the site and mailings to adjoining property owners.

Thank you for your attention to this matter. Should you have any questions or require additional information, please do not hesitate to contact me.

NOTICE  
OF  
PROPOSED CHANGE IN ZONING

EAST SIDE OF MARKET STREET  
NORTH OF MOAT ROAD

SECOND TAX DISTRICT  
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Pursuant to Sections 1-113 and 1-114 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

**PUBLIC HEARING**

on

**TUESDAY,**

**AT**

IN THE COUNTY COMMISSIONERS' MEETING ROOM  
WORCESTER COUNTY GOVERNMENT CENTER – ROOM 1101  
ONE WEST MARKET STREET  
SNOW HILL, MARYLAND 21863

At said public hearing the County Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 444 and the recommendation of the Planning Commission, any proposed restrictions on the rezoning, other appropriate restrictions, conditions or limitations as may be deemed by them to be appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned or rezoned or of the surrounding or adjacent lands and improvements, and the advisability of reserving the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of applicable State laws and regulations and the County Zoning Ordinance.

Maps of the petitioned area, the staff file on Rezoning Case No. 444 and the Planning Commission's recommendation, which will be entered into record at the public hearing, are on file and available to view electronically by contacting the Department of Development, Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863 Monday through Friday from 8:00 A.M. and 4:30 P.M. (except holidays), at (410) 632-1200 as well as at [www.co.worcester.md.us](http://www.co.worcester.md.us).

THE WORCESTER COUNTY COMMISSIONERS

**PLANNING COMMISSION  
FINDINGS OF FACT  
AND  
RECOMMENDATION**

**REZONING CASE NO. 444**

**APPLICANTS:**

**Black Water Relics LLC  
537 Old Westminster Road  
Hanover, MD 17331**

**ATTORNEY FOR THE APPLICANTS:**

**Hugh Cropper, IV  
9927 Stephen Decatur Highway, F-12  
Ocean City, Maryland 21842**

**August 3, 2023**

**WORCESTER COUNTY PLANNING COMMISSION**

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I. INTRODUCTORY DATA

- A. **CASE NUMBER:** Rezoning Case No. 444, filed on May 25, 2023.
- B. **APPLICANT:** Black Water Relics LLC  
537 Old Westminster Road  
Hanover, MD 17331
- APPLICANT’S ATTORNEY:** Hugh Cropper, IV  
9923 Stephen Decatur Highway, F-12  
Ocean City, Maryland 21842
- C. **TAX MAP/PARCEL INFO:** Tax Map 63, Parcels 89 &106, Tax District 02
- D. **SIZE:** The petitioned area is Approximately 1.79 acres in size.
- E. **LOCATION:** 4432 Market St Snow Hill, MD (Approximately 0.25 Miles north of Moat Rd)
- F. **CURRENT USE OF PETITIONED AREA:** The property is currently improved with an 11,200 square foot storage warehouse with a concrete pad.
- G. **CURRENT ZONING CLASSIFICATION:** A-1 Agricultural District.
- H. **REQUESTED ZONING CLASSIFICATION:** C-2 General Commercial District.
- I. **APPLICANT’S BASIS FOR REZONING:** The application indicates that a mistake was made in zoning the property A-1. This property was not considered for rezoning in 2009 but this was a mistake in the 1992 Rezoning.
- J. **ZONING HISTORY:** At the time zoning was first established in 1964, the petitioned area was given a B-2 General Business District classification, and the B-2 zoning was retained in comprehensive rezoning held in 1978. In the 1992 rezoning the property was given a zoning of A-1 Agricultural District. In 2006 the property was annexed by the Town of Snow Hill as part of the Summerfield Annexation and remained in the town until 2019. When this property was de-annexed in 2019 it reverted to the same zoning classification as which it left. This property was not rezoned in the 2009 rezoning because it was part of the Town of Snow Hill. Attached are the memos which discuss this topic in more detail.
- K. **SURROUNDING ZONING:** Adjoining properties on the East side of Market St are zoned A-1 Agricultural District. Properties on the West side of Market St are zoned R-1 Rural Residential District and 1,300 ft to the South is zoned R-2

Suburban Residential District. The Town of Snow Hill is approximately 3,700 feet to the North.

- L. **COMPREHENSIVE PLAN:** According to the 2006 Comprehensive Plan and associated land use map, the petitioned area lies within the Growth Area Category.
- M. **WATER AND WASTEWATER:** According to the response from Mr. Mitchell, the property is not currently connected to public sewer and/or water at this time. The subject property has a designation of a Sewer and Water Service Category of S-1/W-1 (Immediate to 2 years) in the Master Water and Sewerage Plan.
- N. **EMERGENCY SERVICES:** Fire and ambulance service will be available from the Snow Hill Volunteer Fire Company approximately four minutes from the subject property. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately twenty-four minutes away, and the Worcester County Sheriff's Office in Snow Hill, approximately four minutes away.
- O. **ROADWAYS AND TRANSPORTATION:** The petitioned area has frontage on US Business Route 113 (West Market Street), The Maryland Department of Transportation State Highway Administration (MDOT SHA) has no objection to the request.
- P. **SCHOOLS:** The petitioned area is within Zone 4 of the Worcester County Public School Zones
- Q. **CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS:** The petitioned area is located outside of the Chesapeake Bay Critical Area (CBCA). And is not subject to the Forest Conservation Law, Per NR 1-403(a).
- R. **FLOOD ZONE:** The FIRM map (24047C0242H, effective July 16, 2015) indicates that this property is located outside of the floodplain in Zone X (Area of Minimal Flood Hazard).
- S. **PRIORITY FUNDING AREAS:** The petitioned area is not within a designated Priority Funding Area (PFA).
- T. **INCORPORATED TOWNS:** This property is within 3,500 feet of the incorporated town of Snow Hill.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

- A. Hugh Cropper, IV, applicant's attorney, and Howard and Amy Kelly (Black Water Relics LLC), were present for the review. Mr. Cropper reviewed the zoning history of the property including the annexation into the Town of Snow Hill. When it was annexed into Snow Hill, the former property owner petitioned to the County Commissioners that it be rezoned to a Residential designation which was granted. When it was de-annexed, it was requested by Mr. Cropper that it retain a residential zoning classification, as described in a letter submitted as Applicant's Exhibit #1. However, it reverted to the same zoning classification as which it left – A-1 Agricultural District. Mr. Cropper then stated that this property was not considered during the 2009 comprehensive rezoning, as it was annexed into the town at the time. Therefore, he is arguing that there was a mistake in the March 10, 1992 rezoning that changed the designation from B-2 General Business District to A-1 Agricultural District, and that the property should go back to C-2 General Commercial District.

Mr. Gregory Wilkins, land surveyor, and Mr. Cropper presented Applicant's Exhibit #2 which is the plat of the property. Mr. Wilkinson then described the property as containing asphalt from the building up to the road. The building is large with doors on the front facade and the property has a small rear yard with a septic tank that is on the property by less than 8 inches. The septic lines were unable to be located.

The petitioned property is identified as within a Growth Area on the Land Use Map as described in the comprehensive plan. Mr. Cropper therefore claimed that the existing zoning was a mistake because it is in a growth area and is now directly across from 200 acres that are zoned residential. This parcel, because of its size, cannot be used for agricultural purposes, making it unusable under the current zoning designation. Mr. Cropper described how this road was an extension of Business 113 and any commercial development would be used by residents of Snow Hill.

Mrs. Wimbrow raised concerns about traffic flow, parking requirements for commercial uses and septic capacity. Mr. Cropper explained that Black Water Relics, LLC also owned parcel 89 which is adjacent to the petitioned area, and consists of 1.01 acres. Mr. Mitchell stated that adequate septic replacement area was found on adjoining parcel 89. Mr. Church noted that he was originally concerned about the rezoning, but in reviewing the site and surrounding area, he thought commercial would be a good use for the property. The Planning Commission also found that the use of the adjoining parcel 89 for services such as septic replacement and parking for the large commercial building on the petitioned area would be appropriate, and should also be considered as part of the rezoning request.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

- A.* Regarding the definition of the neighborhood: The Planning Commission noted that this was not applicable since Mr. Cropper's testimony was based solely on a mistake in the current zoning classification.
- B.* Regarding population change: The Planning Commission concluded that population change in the immediate area has been minimal since the last comprehensive rezoning that occurred on November 3, 2009, nor would this application contribute to an increase in population.
- C.* Regarding availability of public facilities: The Planning Commission found that there would be no impact upon public facilities as it pertains to wastewater disposal and the provision of potable water, since this property would be served by private sewer and a private well. Mr. Mitchell's memo stated that the subject property has a designation of a Sewer Service Category of S-1 (Immediate to 2 years) in the Master Water and Sewerage Plan. Additionally, fire and ambulance service will be available from the Snow Hill Fire Company, approximately four minutes away. No comments were received from the fire company with regard to this review. Police protection will be available from the State Police Barracks in Berlin, approximately twenty-four minutes away, and the Worcester County Sheriff's Office in Snow Hill, approximately four minutes away. No comments were received from either the Maryland State Police or the Worcester County Sheriff's Department. The petitioned area is served by the following schools: Snow Hill Elementary School, Snow Hill Middle School, and Snow Hill High School. As a commercial use, there will be no impact on the school system. In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning.
- D.* Regarding present and future transportation patterns: The Planning Commission found that the petitioned area has access to West Market St, a state-maintained road. The Maryland Department of Transportation State Highway Administration (MDOT SHA) District 1 stated that they have no objection to the rezoning and that development would require review and approval from District 1 Access Management and obtain any permits as needed.
- E.* Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: The Planning Commission found that a rezoning of the subject property to C-2 would be compatible with existing and proposed development. The Planning Commission also found that the proposed rezoning would not have an impact on environmental regulations as the property is already paved. As for any future sewer expansion the property owners also own parcel 89 and could be used for obtaining additional sewer flow.

- F. Regarding compatibility with the Comprehensive Plan: The Planning Commission found that according to the Comprehensive Plan and associated land use map, the petitioned area lies within the Growth Area (GA) Land Use Category. This category designates areas outside incorporated areas that are suitable and desirable for future planned growth. The Planning Commission found that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

IV. PLANNING COMMISSION RECOMMENDATION

- A. In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there was a mistake in the existing zoning of the petitioned area. The Commission found that the 1992 comprehensive rezoning from B-2 General Business District to A-1 Agricultural District created an unsuitable lot for agricultural uses. The Planning Commission acknowledged that the petitioned area was not considered as part of the 2009 comprehensive rezoning as it was annexed into the Town of Snow Hill at the time. Based upon its review, the Planning Commission concluded that the C-2 zoning would be more desirable in terms of the Comprehensive Plan and gave a favorable recommendation to Rezoning Case No. 444, seeking a rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. In addition, the Planning Commission recommended that the adjoining Parcel 89 also be included for rezoning to C-2 General Commercial District.

V. RELATED MATERIALS AND ATTACHMENTS

- A. Exhibit 1
- B. Exhibit 2

LAW OFFICES

CURTIS H. BOOTH  
 BRYNJA MCDIVITT BOOTH  
 HUGH CROPPER IV  
 THOMAS C. MARRINER\*  
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January 30, 2019

Ms. Jennifer K. Keener  
 Zoning Administrator  
 Worcester County Department of  
 Development, Review & Permitting  
 One West Market Street, Room 1201  
 Snow Hill, Maryland 21863

Dear Jennifer:

I represent Matthew J. Odachowski and Denise Odachowski, his wife, owners of several parcels on the west side of Market Street, currently in the town limits of Snow Hill. The properties are designated on Worcester County Tax Map 63, Parcels 88, 183, 5, 90, and 25, and comprise approximately 305.06 acres.

I also represent the Powell Family and Holland Family, owners of several parcels on the east side of Market Street.

These property owners have proposed a de-annexation of their property out of the Town of Snow Hill limits. Preliminarily, the Town of Snow Hill has agreed to de-annex these properties. The Town of Snow Hill is represented by Kevin Karpinski, and he is working on a proposed Charter Amendment for the Town of Snow Hill.

These properties were originally zoned agricultural (for the most part) by Worcester County. At the time they were annexed, they were brought into the Town of Snow Hill in a residential zone.

As you know, the law with respect to annexation states that if a property is rezoned as a result of an annexation within five years, it requires the concurrence of the County Commissioners. In this case, the Worcester County Commissioners did agree to the reclassification of these properties from agricultural to residential as part of the annexation process.

January 30, 2019

Page Two

Many of the properties appear as a Growth Area in the Worcester County Comprehensive Land Use Map.

The Odachowski Family would like to retain the residential zoning when the properties are de-annexed. I think this is appropriate, since the Worcester County Commissioners voted affirmatively (and unanimously, if I remember correctly) to agree to the residential zoning.

The purpose of this letter is two-fold. First, I wanted to give you a heads up with respect to the de-annexation process. I do not have anything right now, except the affirmative vote of the Town of Snow Hill. As soon as I see any draft documents, I will forward them to you and Maureen Howarth for further review and comment. Second, I would like to address the residential zoning issue, sooner as opposed to later. It seems to be clear that the properties should come back to Worcester County in a residential zone, because the Worcester County Commissioners voted affirmatively to agree to the rezoning of these properties. If there is some disagreement, I need to know that now, because that may impact my clients' decision to cooperate with the de-annexation.

Thank you, and have a great day.

Very truly yours,



Hugh Cropper IV

HC/tgb

CC: Maureen F.L. Howarth, Esquire  
Ed Tudor  
Phyllis Wimbrow  
Harold Higgins  
Kelly Shannanhan  
Matthew J. Odachowski  
Annette Powell  
James Holland



STAFF REPORTREZONING CASE NO. 444

**PROPERTY OWNER:** Black Water Relics LLC  
537 Old Westminster Toad  
Hanover, MD 17331

**ATTORNEY:** Hugh Cropper, IV  
9927 Stephen Decatur Highway, F-12  
Ocean City, Maryland 21842

**TAX MAP/PARCEL INFO:** Tax Map 63, Parcel 106, Tax District 02

**SIZE:** The petitioned area is Approximately 0.78 acres in size.

**LOCATION:** 4432 Market St Snow Hill, MD (Approximately 0.25 Miles north of Moat Rd)

**CURRENT USE OF PETITIONED AREA:** The property is currently improved with an 11,200 square foot storage warehouse with a concrete pad. Historically the structure is thought to have been an agricultural storage building. Most recently a stop work order was placed on the building for work not being done with a permit. We also believe that the building is being used on weekends as an indoor yard sale, which is not allowed under its current zoning. This use was confirmed in the applicants' reason for rezoning.

**CURRENT ZONING CLASSIFICATION:** A-1 Agricultural District.

As defined in the Zoning Code, the intent of this district is to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. The Code also states, in part, that this district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or nonagricultural commercialization.

**REQUESTED ZONING CLASSIFICATION:** C-2 General Commercial District.

As defined in the Zoning Code, the intent of this district is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. The Code also states, in part, that site layout and design features within this district shall be compatible with the community and the County's character.

**APPLICANT'S BASIS FOR REZONING:** The application indicates that a mistake was made in zoning the property A-1 on November 3, 2009.

**ZONING HISTORY:** At the time zoning was first established in 1964, the petitioned area was given a B-2 General Business District classification, and the B-2 zoning was retained in comprehensive rezoning held in 1978. In the 1992 rezoning the property was given a zoning of A-1 Agricultural District. In 2006 the property was annexed by the Town of Snow Hill as part of the Summerfield Annexation and remained in the town until 2019. When this property was de-annexation in 2019 it went back to the same zoning classification as which it left. This property was not rezoned in the 2009 rezoning because it was part of the Town of Snow Hill. Attached are the memos which discuss this topic in more detail.

**SURROUNDING ZONING:** Adjoining properties on the East side of Market St are zoned A-1 Agricultural District. Properties on the West side of Market St are zoned R-1 Rural Residential District and 1,300 ft to the South is zoned R-2 Suburban Residential District. The Town of Snow Hill is approximately 3,700 feet to the North.

**COMPREHENSIVE PLAN:**

The County's Comprehensive Plan was adopted by the County Commissioners on March 7, 2006, and is intended to be a general guide for future development in the County. Whether a proposed rezoning is compatible with the recommendations of the Comprehensive Plan is one of the criteria that is considered in all rezoning requests, as listed in § ZS 1-113(c)(3) and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and the associated land use map, the petitioned area lies within the Growth Area (GA) Land Use Category. With regard to the Growth Area Land Use Category, the Comprehensive Plan states the following:

“This category designates areas outside incorporated areas that are suitable and desirable for future planned growth.” (Page 14)

Pertinent objectives cited in Chapter 2 – Land Use state the following:

2. Continue the dominance of agriculture and forestry uses throughout the county's less developed regions.
3. Maintain the character of the county's existing population centers.
4. Provide for appropriate residential, commercial, institutional, and industrial uses.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
10. Locate employment centers close to the potential labor force.
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
19. Limit rural development to uses compatible with agriculture and forestry.

(Pages 12 & 13)

In Chapter 4, Economy, pertinent objectives under the heading Commercial Services state the following:

1. Locate commercial and service centers in major communities; existing towns should serve as commercial and service centers.
2. Provide for suitable locations for commercial centers able to meet the retailing and services needs of population centers.
3. Encourage mixed-use commercial, office and residential development.
4. Bring into balance the amount of zoned commercial locations with the anticipated need, with sufficient surplus to prevent undue land price escalation.
5. Locate commercial uses so they have arterial roadway access and are designed to be visually and functionally integrated into the community.

(Page 60)

**WATER AND WASTEWATER:** According to the attached response memo from Mr. Mitchell, the property is not currently connected to public sewer and/or water at this time. The subject property has a designation of a Sewer and Water Service Category of S-1/W-1 (Immediate to 2 years) in the Master Water and Sewerage Plan. Mr. Mitchell's well and septic records indicate a septic tank serves the existing building for the property with a very old driven well. A survey would be needed to confirm if the septic system were on the property and the well will need to be replaced for any future uses. The property was included in the proposed Summerfield development area that was not built. It has been annexed and de-annexed by the Town of Snow Hill. There are no current plans we are aware of that would re-annex this property back into the corporate boundaries of Snow Hill which would provide eligibility to connect to public water and sewer.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

FmB - Fort Mott loamy sand (56.1% of site), moderate limitations to on-site wastewater disposal  
 HbB - Hambrook sandy loam (35.7% of site), severe limitations to on-site wastewater disposal  
 SadA - Sassafras sandy loam (8.2% of site), severe limitations to on-site wastewater disposal

**EMERGENCY SERVICES:** Fire and ambulance service will be available from the Snow Hill Volunteer Fire Company approximately four minutes from the subject property. No comments were received from the fire companies with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately twenty-four minutes away, and the Worcester County Sheriff's Office in Snow Hill, approximately four minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff's Office.

**ROADWAYS AND TRANSPORTATION:** The petitioned area has frontage on US Business Route 113 (West Market Street), a State-owned and maintained road. It is considered a two-lane secondary highway. This location is 3,200 feet south of Coulbourne Lane. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has no objection to the request. They note in their comments that any future development proposal will require review and approval from District 1 Access Management and any permitting as needed. As this parcel is not located on a county owned and maintained road, no comments were received from the County Roads Division of the Department of Public Works.

**SCHOOLS:** The petitioned area is within Zone 4 of the Worcester County Public School Zones and is served by the following schools: Snow Hill Elementary, Middle and High Schools. No comments were received from the Worcester County Board of Education (WCBOE).

**CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS:** Mr. Mitchell also notes in his memorandum that the petitioned area is located outside of the Chesapeake Bay Critical Area (CBCA). This property is not subject to the Forest Conservation Law, Per NR 1-403(a), as the property is less than 40,000 square feet in size. No comments were received from the State Critical Area Commission relative to this request.

**FLOOD ZONE:** The FIRM map (24047C0242H, effective July 16, 2015) indicates that this property is located outside of the floodplain in Zone X (Area of Minimal Flood Hazard).

**PRIORITY FUNDING AREAS:** The petitioned area is not within a designated Priority Funding Area (PFA). The closest PFA is Snow Hill (including several parcels that were subject to the de-annexation of the Summerfield development that was never built) about 1,000 feet away

**INCORPORATED TOWNS:** This property is within 3,500 feet of the incorporated town of Snow Hill.

**ADDITIONAL COMMENTS RECEIVED:** N/A





Worcester County Commissioners  
Worcester County Government Center  
One W. Market Street, Room 1103  
Snow Hill, Maryland 21863

**APPLICATION FOR AMENDMENT OF THE OFFICIAL ZONING MAP**

(For Office Use Only – Please Do Not Write in this Space)

Rezoning Case No. 444

Date Received by Office of the County Commissioners 5/25/23

Date Received by Development Review and Permitting \_\_\_\_\_

Date Reviewed by the Planning Commission \_\_\_\_\_

I. Application: Proposals for amendments to the Official Zoning Maps may be made only by the property owner, contract purchaser, option holder, lease, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. Governmental Agency: \_\_\_\_\_
- B. Property Owner: \_\_\_\_\_
- C. Contract Purchaser: \_\_\_\_\_
- D. Option Holder: \_\_\_\_\_
- E. Leasee: \_\_\_\_\_
- F. Attorney for X (insert A, B, C, D or E) B
- G. Agent for \_\_\_\_\_ (insert A, B, C, D or E) \_\_\_\_\_

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 63
- B. Parcel Number(s): 106
- C. Lot Number(s), if applicable: N/A
- D. Tax District Number: 02

III. Physical Description of Property

- A. Located on east side of Market Street, approximately ±1300 feet ( 0.25 miles) to the north side of Moat Road.
- B. Consisting of a total of 0.78 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area: currently improved by an 11,200 square foot structure as a storage warehouse with a concrete pad. The property is surrounded by farmland.
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and other such information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): A-1, Agricultural District  
(name and zoning district)
- B. Acreage of zoning classification(s) in "A" above: 0.78
- C. Requested zoning classification(s): C-2, General Commercial District  
(name and zoning district)
- D. Acreage of zoning classification(s) in "C" above: 0.78

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the zoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:


This rezoning is based upon a mistake in the original November 3, 2009, Comprehensive Rezoning, per the attached.

VI. Filing Information and Required Signatures

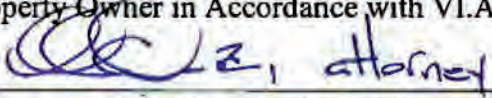
## A. Every application shall contain the following information:

1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.
2. If the applicant is a corporation, the names and mailing addresses for the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest in the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.


## B. Signature of Applicants in Accordance with VI.A. above.

Signature(s):   
 Printed Name(s): Hugh Cropper IV and Kristina L. Watkowski  
 Mailing Address: 9927 Stephen Decatur Hwy, F-12, Ocean City, MD 21842  
 Phone Number: 410-213-2681 Email: hcropper@bbcmlaw.com  
 Date: May 24, 2023

## C. Signature of Property Owner in Accordance with VI.A. above.

Signature(s):  attorney  
 Printed Name(s): Black Water Relics LLC  
 Mailing Address: 537 Old Westminster Road, Hanover, Maryland 17331  
 Phone Number: 410-259-3652 Email: akelly537@gmail.com  
 Date: May 24, 2023

## D. Signature of Attorney in Accordance with VI.A. above.

Signature(s):   
 Printed Name(s): Hugh Cropper IV and Kristina L. Watkowski  
 Mailing Address: 9927 Stephen Decatur Hwy, F-12, Ocean City, MD 21842  
 Phone Number: 410-213-2681 Email: hcropper@bbcmlaw.com  
 Date: May 24, 2023

(Please use additional pages and attach to the application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1<sup>st</sup> to January 31<sup>st</sup>, May 1<sup>st</sup> to May 31<sup>st</sup>, and September 1<sup>st</sup> to September 30<sup>th</sup> of any calendar year.
- B. Applications for Map Amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case, including but not limited to the following matters: population change; availability of public facilities; present and future transportation patterns; compatibility with existing and proposed development and existing environmental conditions for the area including having no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement; the recommendation of the Planning Commission; and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there was a substantial change in the character of the neighborhood where the property is located since the last zoning of the property or (b) there is a mistake in the existing zoning classification and a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for a map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

REZONING FINDINGS OF FACT FORM

Applicant shall provide information with regard to the following items:

- A. Is the request for rezoning based upon a claim that there has been a change in the character of the neighborhood where the property is located since the last zoning of the property or upon a claim that there is a mistake in the existing zoning and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The request for the rezoning is based upon a mistake in the existing zoning.

- B. What is the definition of the neighborhood in which the subject property is located, as determined by the applicant.

In terms of the neighborhood, the property is located on the east side of Market Street just outside of the Town of Snow Hill. To the west are properties zoned R-1, Rural Residential. To the north, east and south are large parcels of farmland zoned A-1, Agricultural. The Snow Hill municipality is less than a mile north on Market Street. The subject property, as well as the R-1 zoned parcels across the street, were once annexed into the Town of Snow Hill. The properties were subsequently de-annexed. Less than a mile to the north there are various commercial properties zoned B-2, General Commercial, by the Town of Snow Hill. These properties include a medical office building, governmental offices, a convenience store, and a gas station.

- C. Findings of Fact as to Section 1-113(c)(3) of the Zoning Code:

1. Relating to population change: A rezoning from A-1, Agricultural District, to C-2, General Commercial District, of the property less than 1 acre by itself is not expected to change the year-round population in the surrounding community.
2. Relating to the availability of public facilities: A rezoning of the property from A-1, Agricultural District to C-2, General Commercial District will not limit or affect the availability of public facilities.
3. Relating to present and future transportation patterns: It is anticipated that a rezoning of the property from A-1, Agricultural District, to C-2, General Commercial District, will not adversely impact present or future transportation patterns. Market Street has been an outlet to Route 113 that serves the population and community well as it currently exists.

4. Relating to the compatibility with existing and proposed development and existing environmental conditions for the area: A rezoning of the property from A-1, Agricultural District, to C-2, General Commercial District, will be compatible with the existing development, as well as the environmental conditions. Whether Agricultural, Residential, or Commercial, the surrounding community would not be adversely affected either way.
  
5. Relating to compatibility with the Comprehensive Plan: A rezoning of the property from A-1, Agricultural District, to C-2, General Commercial District, is compatible with the Comprehensive Plan. The rezoning allows the property to contribute to the expansion of the local economy with respect to employment, business and tourism. The rezoning would do so without compromising the county's rural character and its sustainability. A commercial use on this property has close access to an arterial roadway and could be designed to be visually and functionally integrated into the community. The Comprehensive Plan acknowledges that activities like antiquing broaden the county's allure with respect to the tourism industry.

**Attachment in Support of Rezoning Application**

This is a request to rezone Worcester County Tax Map 63, Parcel 106, 0.78 acres, from A-1, Agricultural District to C-2, General Commercial District, based upon a mistake in the November 3, 2009, Comprehensive Rezoning.

The property is located on the east side of Market Street just outside of the Town of Snow Hill. To the west are properties zoned R-1, Rural Residential District. To the north, east and south are large parcels of farmland zoned A-1, Agricultural District. The Snow Hill municipality is less than a mile north on Market Street.

The property is currently improved with an 11,200 square foot storage warehouse with a concrete pad. Historically the structure is thought to have been built as a potato storage building. At some point the property was believed to have been an icehouse for distribution, a grocery outlet, a t-shirt factory, and even a storage for airplane parts. Most recently the property was used as an "indoor yard sale" location on weekends. According to SDAT, the property is assessed as Commercial.

Considering the size of the parcel, 0.78 acres, it is not suitable for the A-1, Agricultural District. Many of the permitted principal uses and structures enumerated in the Code under A-1, Agricultural District have lot requirements that far exceed the 0.78 acres of this parcel. It is not suitable for agriculture, poultry operations, or aquaculture as the lot does not meet the minimum requirements of five (5) acres. Also, the property does not meet the 40,000 square foot minimum requirement for a single-family dwelling, or manufactured home.

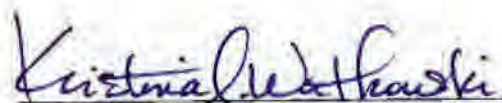
The subject property, as well as the R-1, Rural Residential zoned parcels across the street, were once annexed into the Town of Snow Hill. The properties were subsequently de-annexed. Less than a mile to the north there are various commercial properties zoned B-2, General Commercial, by the Town of Snow Hill. These properties include a medical office building, governmental offices, a convenience store, and a gas station.

The Comprehensive Plan recognizes Snow Hill's transition from "Main Street" to an antiquing center with restaurants and other services. As C-2, General Commercial District, this small property would enhance the community, while being consistent with the Plan. The Land Use Plan Map indicates this property is located within a designated Growth Area in Worcester County.

Due to the small size of the parcel, less than 1 acre, and the fact that the existing structure of approximately 11,200 square feet with a history of commercial use, the property is more suited as C-2, General Commercial District. Improvements to the property and its use would be compatible with the community and the County's character. An antique shop, or other small retail, would blend visually into the surrounding community. Market Street is a common ingress and egress out of town; thus, a commercial use offers convenience to the surrounding community. Again, given the size of the parcel and the existing structure, a retail store such as an antique shop really would be the best use of this property and would require C-2, General Commercial zoning.

The rezoning of the property to C-2, General Commercial District, would be consistent with the Land Use Plan Map, as well as the written Comprehensive Plan. The property owner and applicant respectfully request the rezoning be granted.

Respectfully submitted,



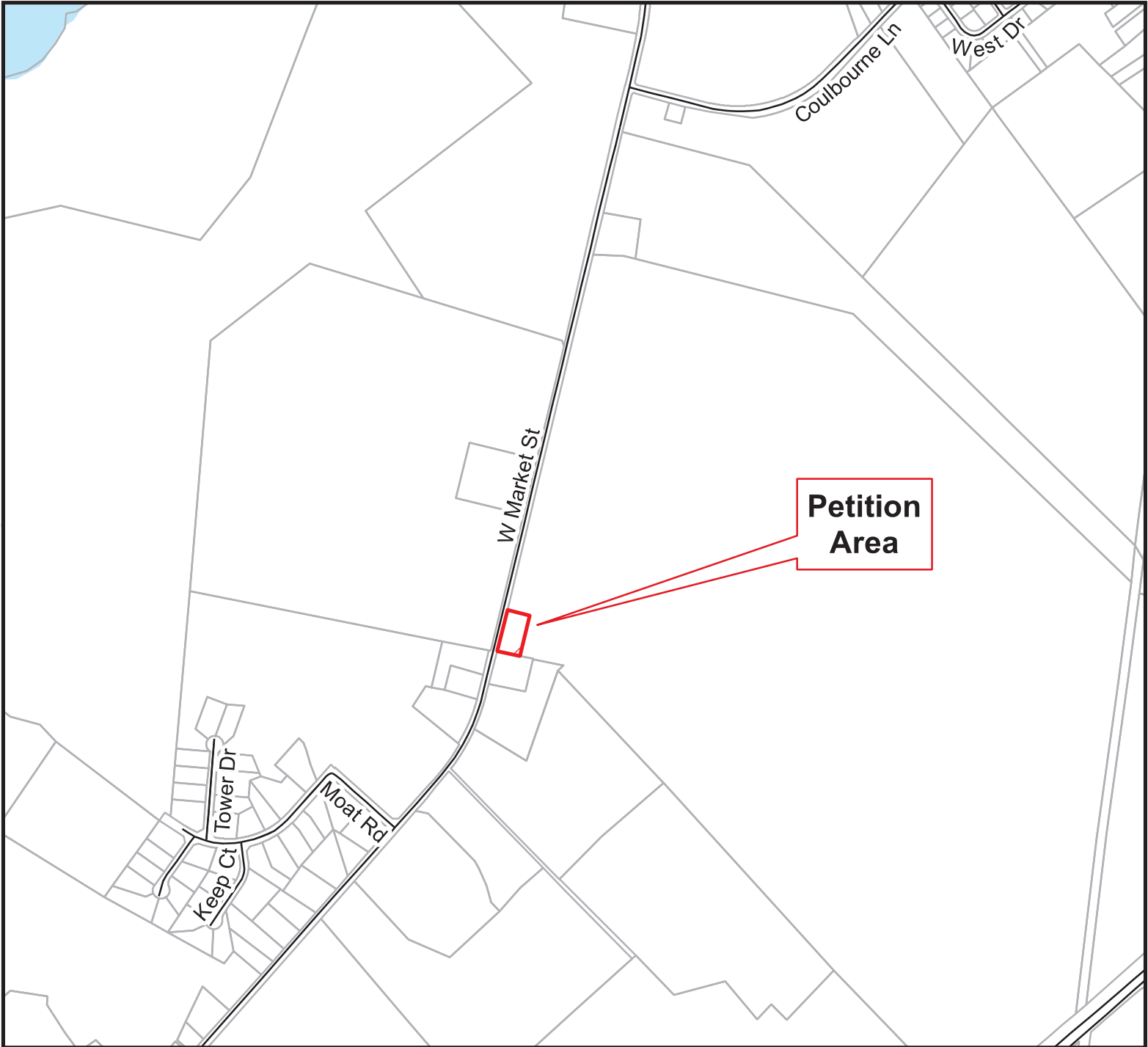
Kristina L. Watkowski, Attorney for Owners  
Black Water Relics, LLC



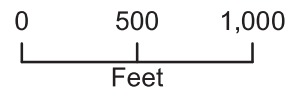
REZONING CASE NO. 444  
A-1 Agricultural to C-2 General Commercial  
Tax Map: 63, Parcel 106



LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



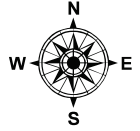
Source: GIS Data Layers  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

13 - 240  
14 - 28



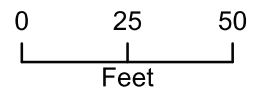
REZONING CASE NO. 444  
A-1 Agricultural to C-2 General Commercial  
Tax Map: 63, Parcel 106



AERIAL IMAGERY



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



Source: 2022 Aerial Imagery  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

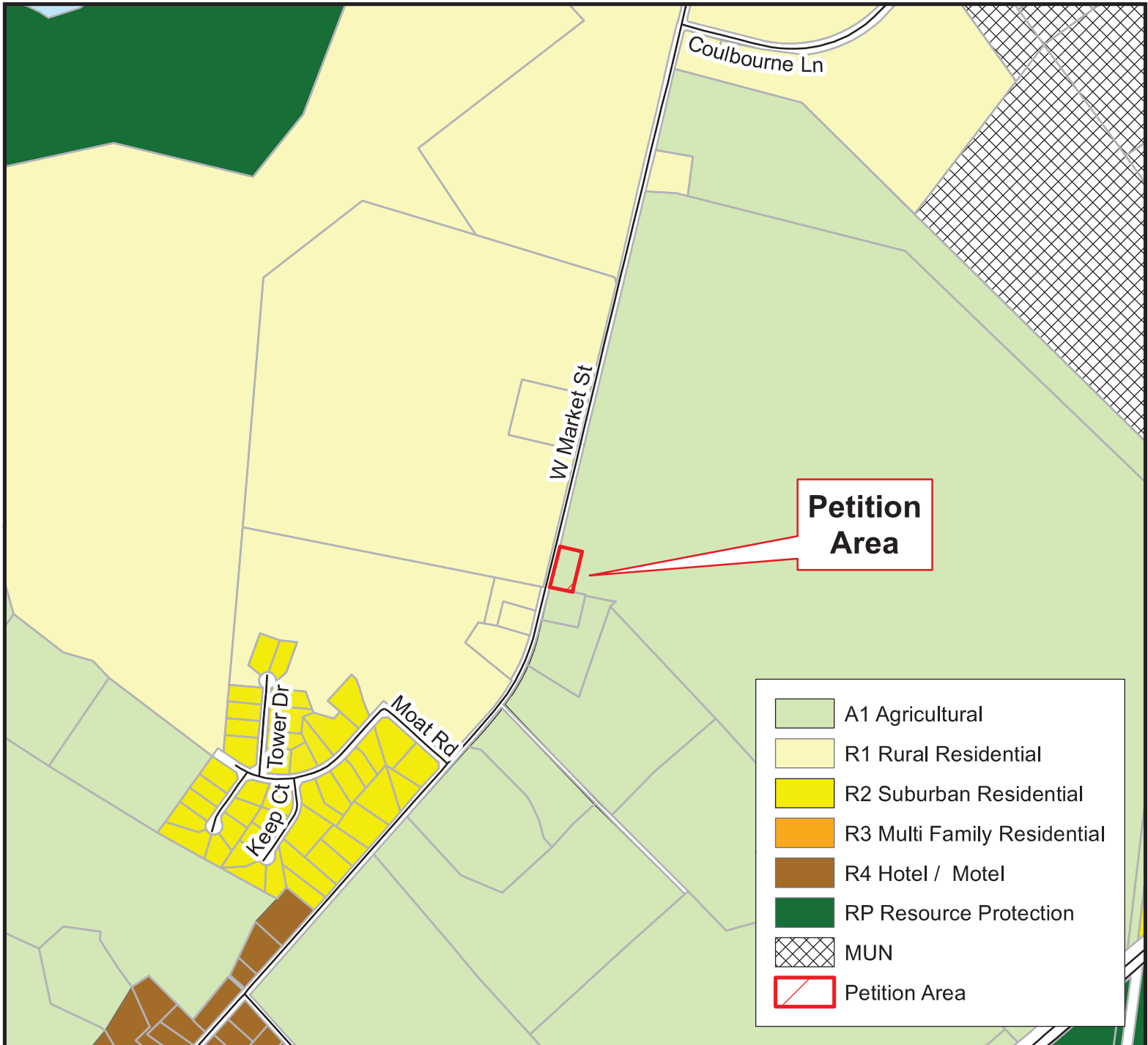
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14 - 29



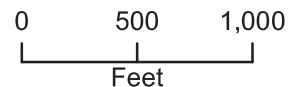
REZONING CASE NO. 444  
A-1 Agricultural to C-2 General Commercial  
Tax Map: 63, Parcel 106



ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



Source: 2009 Official Zoning Map  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

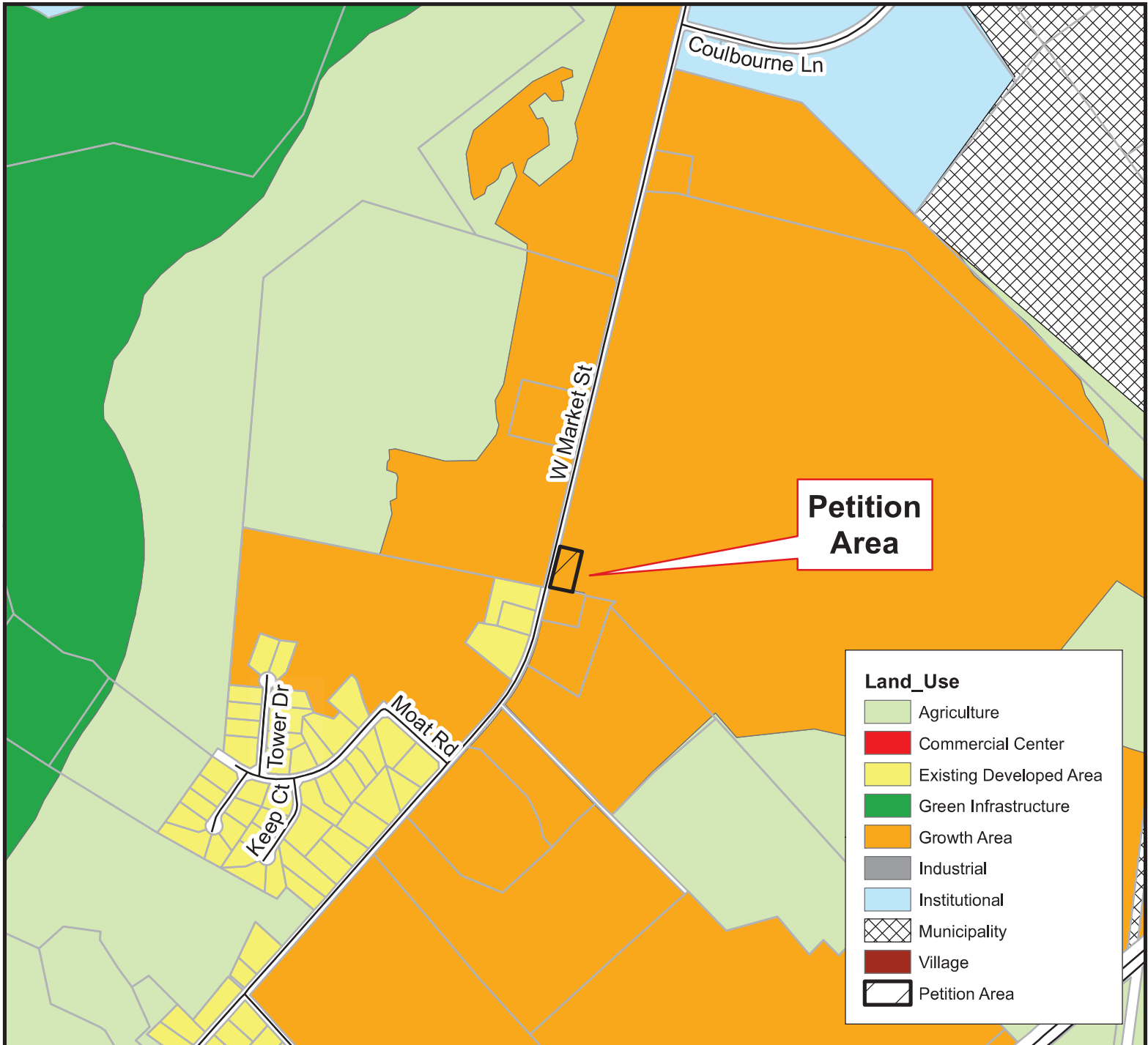
Drawn By: KLH Reviewed By: ML



REZONING CASE NO. 444  
A-1 Agricultural to C-2 General Commercial  
Tax Map: 63, Parcel 106



LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023

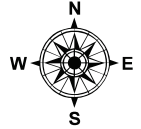
Source: 2006 Land Use Map  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

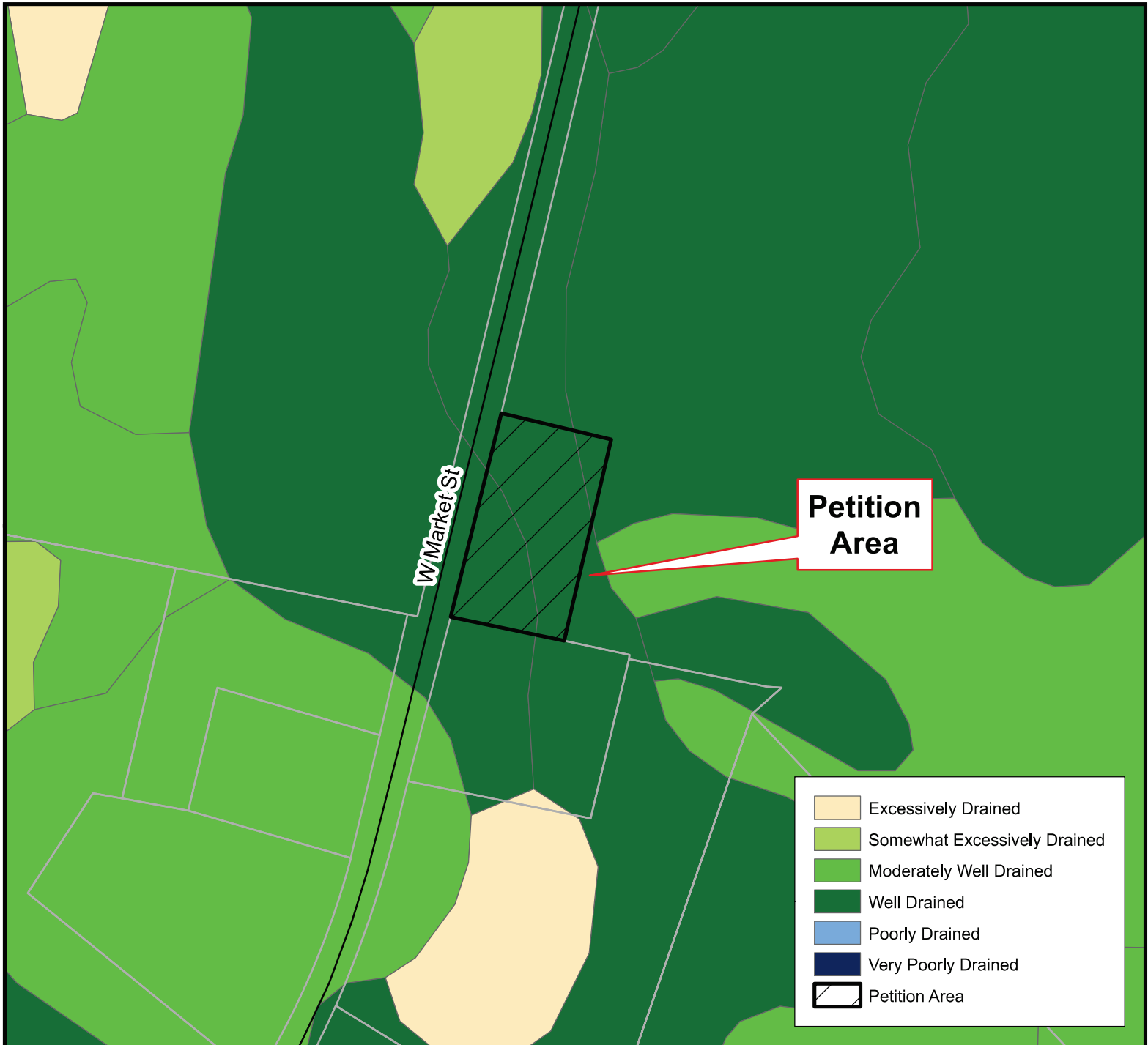
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14 - 31



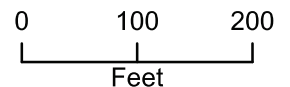
REZONING CASE NO. 444  
A-1 Agricultural to C-2 General Commercial  
Tax Map: 63, Parcel 106



SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



Source: 2007 Soil Survey  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: K LH Reviewed By: ML

13 - 244  
14 - 32



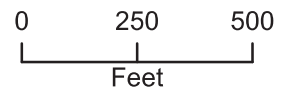
REZONING CASE NO. 444  
A-1 Agricultural to C-2 General Commercial  
Tax Map: 63, Parcel 106



HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING  
Technical Services Division - Prepared June 2023



Source: 2007 Soil Survey  
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: ML

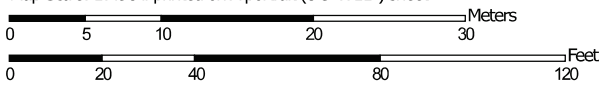
13 - 245  
14 - 33

Soil Map—Worcester County, Maryland



Soil Map may not be valid at this scale.

Map Scale: 1:498 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



Natural Resources Conservation Service

Web Soil Survey National Cooperative Soil Survey

7/25/2023

13 - 246

14 - 34

**MAP LEGEND**

- Area of Interest (AOI)
- Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points
- Special Point Features**
  - Blowout
  - Borrow Pit
  - Clay Spot
  - Closed Depression
  - Gravel Pit
  - Gravelly Spot
  - Landfill
  - Lava Flow
  - Marsh or swamp
  - Mine or Quarry
  - Miscellaneous Water
  - Perennial Water
  - Rock Outcrop
  - Saline Spot
  - Sandy Spot
  - Severely Eroded Spot
  - Sinkhole
  - Slide or Slip
  - Sodic Spot
- Water Features**
  - Streams and Canals
- Transportation**
  - Rails
  - Interstate Highways
  - US Routes
  - Major Roads
  - Local Roads
- Background**
  - Aerial Photography
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

**MAP INFORMATION**

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Worcester County, Maryland  
 Survey Area Data: Version 20, Sep 14, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 30, 2022—Jul 4, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
FmB	Fort Mott loamy sand, 2 to 5 percent slopes	0.5	56.1%
HbB	Hambrook sandy loam, 2 to 5 percent slopes	0.3	35.7%
SadA	Sassafras sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	0.1	8.2%
<b>Totals for Area of Interest</b>		<b>0.9</b>	<b>100.0%</b>

13 - 248

14 - 36



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

**Worcester County**

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1201  
SNOW HILL, MARYLAND 21863  
TEL: 410-632-1200 / FAX: 410-632-3008  
[www.co.worcester.md.us/drp/drpindex.htm](http://www.co.worcester.md.us/drp/drpindex.htm)

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

February 13, 2019

Booth, Booth, Cropper & Marriner, P.C.  
c/o Hugh Cropper, IV, Esquire  
9923 Stephen Decatur Hwy, #D-2  
Ocean City, MD 21842

Re: Town of Snow Hill de-annexation request for zoning classification

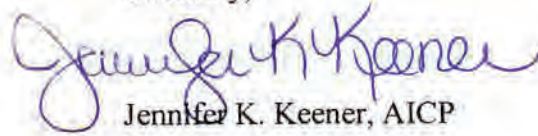
Dear Hugh:

I have reviewed your letter dated January 30, 2019 regarding the potential de-annexation of certain properties in the southerly portion of the town limits of Snow Hill. In discussion of this matter with Ed Tudor, Director, and Maureen Howarth, County Attorney, we are of the opinion that if there is a de-annexation of land, any property so included shall be received into the county with the county zoning designation that they had at the time of annexation.

As you should be aware, the properties were annexed prior to the most recent Comprehensive Rezoning and updated Zoning ordinance. Therefore, the applicable zoning designations are as shown on the official 1992 Zoning Maps (Map No. 63 and 71). Market Street is the boundary for the two main zoning classifications. Those properties on the easterly side of Market Street, including those owned by the Powell Family and the Holland Family, were zoned A-1 Agricultural District. Those properties on the westerly side of Market Street, including those now owned by Mr. and Mrs. Odachowski, were zoned R-1 Rural Residential District. In addition, there are small portions of land that were in the former C-1 Conservation District, which is the equivalent to the reclassified RP Resource Protection District, therefore those segments of land would be assigned to the RP District. I have attached copies of the 1992 zoning maps with the identified properties outlined and their associated zoning district for your reference.

While I appreciate your offer to forward any draft documents to me relative to the de-annexation process, these would best be addressed directly to my director, Ed Tudor. If you have any questions relative to this information or the attached zoning maps, please do not hesitate to contact me at (410) 632-1200, extension 1123.

Sincerely,



Jennifer K. Keener, AICP  
Zoning Administrator

Enclosure

cc: Ed Tudor, Director  
Phyllis Wimbrow, Deputy Director  
Maureen Howarth, County Attorney  
Harold Higgins, CAO  
Kelly Shannahan, Asst. CAO  
file



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

**Worcester County**

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ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

MEMORANDUM

To: Harold Higgins, Chief Administrative Officer  
From: Edward A. Tudor, Director, DRP *EAT*  
Date: July 11, 2019  
Re: Town of Snow Hill – Summerfield Deannexation, aka detachment

\*\*\*\*\*

I am in receipt of the attached resolution of the Mayor and Council of Snow Hill whereby they have officially detached from the Town limits all of the lands that were annexed by the Town in the 2006 Summerfield Annexation. This action returns all the lands to the County’s jurisdiction for planning and zoning purposes, etc. I have confirmed with the County Attorney that these lands come back to the County’s jurisdiction in the same zoning categories in which they left. This is also consistent with the zoning of all the surrounding properties. I believe the Town will be taking future action to ask for revision to the County Water and Sewer Plan to remove their planned service for the detached area. No action is required by the County Commissioners at this time.

If you have any questions please let me know.

Attachment

cc: Maureen Howarth, County Attorney  
Phyllis Wimbrow, Deputy Director  
Jennifer Keener, Zoning Administrator  
Bob Mitchell, Director, Department of Environmental Programs



MAYOR AND COUNCIL OF SNOW HILL

**RESOLUTION NO. 2019- 01  
CHARTER AMENDMENT**

**FOR THE PURPOSE OF AMENDING THE DESCRIPTION OF THE CORPORATE  
BOUNDARIES OF THE TOWN OF SNOW HILL BY DELETING §3(e)  
TO DETACH CERTAIN PROPERTIES  
FROM THE CORPORATE BOUNDARIES**

A RESOLUTION BY THE MAYOR AND COUNCIL OF SNOW HILL, a municipal corporation in the State of Maryland (hereinafter "the Town of Snow Hill"), which Resolution is adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Subtitle 3, Title 4 of the Local Government Article of the Annotated Code of Maryland for the purpose of amending §3 of the Charter of the Town of Snow Hill (hereinafter "the Town Charter").

**WHEREAS**, pursuant to Maryland Code Annotated, Local Government Article § 4-103(b)(3), the Council of the Town of Snow Hill (hereinafter "the Town Council") has been granted the authority to enact and adopt ordinances, resolutions or bylaws necessary to exercise the authority of the municipality; and

**WHEREAS**, the Town has received a request for deannexation, also known as detachment (hereinafter "detachment"), of certain parcels of property (hereinafter "the Detached Property," more particularly described below) lying within the property currently described within the Town's corporate boundaries by description set forth in §3(e) of the Town Charter, known as "the Summerfield Annexation;" and

**WHEREAS**, the Attorney General of Maryland has stated that Maryland municipalities are authorized by Article XIE of the Maryland Constitution to revise their boundaries in order to detach real property lying within municipal boundaries, See 72 Opinion of the Attorney General 200 (1987); 41 Opinion of the Attorney General 133; and

**WHEREAS**, neither Town water nor Town sewer services have been extended to the Detached Property; and

**WHEREAS**, the Town Council has determined that the passage of this Resolution will benefit the general welfare of the Town of Snow Hill;

**WHEREAS**, the Town Council gave at least twenty-one (21) days advance notice of the public hearing held on adoption of this Resolution and the amendment to the Charter contained herein;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council, in regular session assembled:

**SECTION I:** That §3(e), be repealed and reenacted as follows (with the capitalized and underlined language inserted as amended language and the boldened and struck-through language deleted through this amendment):

On December 13, 2006, a resolution of the Mayor and Council of Snow Hill was passed which annexed a certain area of land situated contiguous to and binding upon the southerly corporate limits of the Town of Snow Hill. The effective date of the resolution is January 27, 2006. This land known as the "Summerfield Annexation" is described as follows: [Added 12-13-2005 by Res. No. 2005-5]

ON May 14, 2019, A RESOLUTION OF THE MAYOR AND COUNCIL OF SNOW HILL WAS PASSED WHICH DETACHED A CERTAIN AREA OF LAND SITUATED CONTIGUOUS TO AND BINDING UPON THE SOUTHERLY CORPORATE LIMITS OF THE TOWN OF SNOW HILL. THE EFFECTIVE DATE OF THE RESOLUTION IS May 17, 2019. THIS LAND KNOWN AS THE "SUMMERFIELD ANNEXATION" IS DESCRIBED AS FOLLOWS: [ADDED 12-13-2005 BY RES. NO. 2005-5; WHICH RESOLUTION WAS SUPERSEDED AND WHICH PARCEL WAS DETACHED BY RES. NO. 2019- ]

Beginning for this description at a point on the southeasterly shoreline of the Pocomoke River, said point being the northwesterly corner of lands now or formerly of Mark R. Odachowski, deed reference: Liber S. V. H. 4269, Folio 25 et. seq.; thence along the lands now or formerly of Mark R. Odachowski, the following sixteen courses: 1) S 31° 53' 17" E - 851.13' to a point; thence 2) N 80° 21' 43" E - 1430.88' to a point; thence 3) S 71° 00' 17" E - 706.86' to a found concrete monument; thence 4) N 26° 51' 54" E - 643.50' to a point; thence 5) N 22° 36' 54" E - 937.20' to a point; thence 6) N 16° 23' 27" E - 791.35' to a found concrete monument; thence 7) N 81° 23' 27" E - 453.75' to a point; thence 8) N 36° 06' 31" E - 135.34' to the center of a branch and the present Snow Hill corporate limit line; thence 9) S 35° 22' 46" E - 21.69' to a point; thence 10) N 73° 55' 17" E - 30.52' to a point; thence 11) S 47° 48' 54" E - 38.61' to a point; thence 12) S 71° 28' 27" E - 39.41' to a point; thence 13) S 89° 11' 09" E - 48.09' to a point; thence 14) S 31° 21' 48" E - 55.83' to a point; thence 15) S 54° 44' 25" E - 57.81' to a point; thence 16) S 10° 14' 42" E - 45.76' to a point; thence by with lands now or formerly of Mark R. Odachowski, deed reference Liber S. V. H. 4044, Folio 484, the following twelve courses: 1) N 45° 32' 36" E - 96.47' to a twin maple tree; thence 2) S 17° 42' 11" E - 296.27' to an iron axle found, passing through an iron pipe found a distance of 106.22' from said twin maple tree; thence 3) S 41° 42' 19" E - 271.50' to a found concrete monument, passing through an iron rod found a distance of 194.58' from said iron axle; thence 4) N 81° 02' 30" E - 346.21' to a found concrete monument at or near the northwesterly line of Maryland Route 394; thence 5) along said Maryland Route 394, with a curve to the right, having a radius of 1870.00', with an arc length of 21.26' to a point; thence 6) S 01° 12' 06" W - 13.80' to a point; thence 7) S 81° 00' 56" W - 265.50' to a point; thence 8) S 16° 27' 36" W - 170.30' to a point; thence 9) S 46° 00' 56" W - 104.50' to a point; thence 10) S 05° 24' 56" W - 173.00' to a point; thence 11) S 23° 33' 56" W - 25.00' to a point; thence 12) S 73° 12' 44" E - 417.30' to a found concrete monument; thence along the northwesterly line of Maryland Route 394, N 01° 12' 06" E - 561.18' to a point; thence across said Maryland Route 394 along the present Snow Hill corporate limit line the following three courses: 1) S 32° 27' 31" E - 77.33' to a point; thence 2) N 84° 09' 29" E - 41.30' to a point; thence 3) S 68° 35' 31" E - 1522.77' to a point; thence by with lands of the Board of Education of Worcester County, Maryland, deed reference Liber F. W. H. 466, Folio 516 et. seq., the following two courses: 1) S 35° 27' 52" E - 742.10' to a point; thence 2) S 37° 19' 14" W - 988.81' to a found concrete monument; thence along the lands now or formerly of Mark Reid Odachowski., deed reference Liber S. V. H. 3918, Folio 428 et. seq., S 45° 24' 44" E - 2260.26' to a found concrete monument; thence along the lands now or formerly of Edwin M. and Gail M. Shockley, deed reference Liber 2080, Folio 495; thence S. 82° 23' 30" E - 3.00' to a point; thence along the lands now or formerly of Mark Reid Odachowski, deed reference Liber S. V. H. 4269, Folio 25 et. seq., S 45° 04' 27" W - 150.48' to a point; thence along the northwesterly line of U. S. Route 113; thence along the northwesterly line of U.S. Route 113 the following nineteen courses: 1) S. 49° 38' 53" W - 529.96 to a point; thence 2) S 45° 04' 27" W - 150.48' to a point; thence 3) S 52° 10' 01" W - 156.31' to a point; thence 4) N 43° 32' 02" W - 122.56' to an iron bar found; thence 5) S 48° 01' 58" W - 510.18' to a point; thence 6) S 03° 13' 02" E - 103.47' to a point; thence 7) S 52° 09' 59" W - 128.13' to a point; thence 8) S 52° 03' 28" W - 132.73' to a point; thence 9) S 47° 48' 55" W - 292.89' to a point;

thence 10) S 55° 45' 26" W - 683.83' to a point; thence 11) S 68° 51' 27" W - 366.42' to a point; thence 12) S 68° 51' 28" W - 74.38' to a point; thence 13) S 50° 14' 33" W - 152.16' to a point; thence 14) S 73° 11' 33" W - 683.46' to a point; thence 15) S 73° 58' 44" W - 146.00' to a point; thence 16) N 69° 44' 25" W - 70.56' to a point; thence 17) N 68° 24' 09" W - 50.30' to a point; thence 18) N 42° 27' 55" W - 98.00' to a point; thence 19) N 53° 25' 39" W - 57.89' to the northeasterly line of Castle Hill Drive; thence along the northeasterly line of Castle Hill Drive, the following four courses: 1) N 42° 06' 32" W - 485.89' to a point; thence 2) N 42° 00' 21" W - 634.96' to a point; thence 3) N 42° 29' 03" W - 922.95' to a point; thence 4) N 42° 13' 14" W - 274.33' to a point; thence across Maryland Route 394 to the northwesterly line of Maryland Route 394, N 42° 13' 14" W - 40.25' to a point; thence along the northwesterly line of Maryland Route 394, the three following courses: 1) N 41° 25' 03" E - 919.28' to a point; thence 2) N 41° 31' 54" E - 882.66' to a point; thence 3) N 41° 21' 39" E - 60.90' to a point; thence along the lands now or formerly of Summerfield Farms, L.L.C., deed reference Liber S. V. H. 4352, Folio 418 et. seq., and along the northerly line of Castle Way, the five following courses: 1) S 86° 32' 15" W - 44.80' to a point; thence 2) N 48° 27' 45" W - 455.00' to a point; thence 3) S 41° 32' 15" W - 5.00' to a point; thence 4) N 48° 27' 45" W - 29.96' to a point; thence 5) S 41° 35' 27" W - 125.17' to a point; thence continuing along the lands of said Summerfield Farms, L.L.C. and Castle Hill Estates Subdivision the following ten courses: 1) N 21° 49' 28" W - 96.79' to a point; thence 2) N 17° 00' 02" W - 89.87' to a point; thence 3) N 21° 02' 57" W - 47.58' to a point; thence 4) N 43° 40' 28" W - 39.27' to an iron rod found; thence 5) S 41° 35' 27" W - 210.81' to a point; thence 6) S 48° 24' 33" E - 94.65' to a point; thence 7) S 41° 35' 27" W - 55.00' to an iron rod found; thence 8) N 72° 25' 33" W - 123.03 to an iron rod found; thence 9) N 21° 33' 30" W - 132.34' to a point; thence 10) N 85° 20' 18" W - 203.47' to an iron rod found on the easterly line of Tower Drive; thence along the easterly line of Tower Drive, N 04° 39' 53" E - 1.93' to a point; thence along the line of Tower Drive, with a curve to the left, with a radius of 50.00' and an arc of 52.70' to an iron rod found; thence along the lands now or formerly of Thomas W. Stevenson, Jr., deed reference Liber S.V.H. 2949, Folio 6 et. seq., the following three courses: 1) N 48° 11' 04" E - 81.71' to an iron rod found; thence 2) N 19° 33' 44" E - 189.87' to an iron rod found; thence 3) N 85° 22' 59" W - 103.61' to an iron rod found; thence along the lands now or formerly of Robert Rider and William Farlow, deed reference Liber F.W.H. 438, folio 334, the three following courses: 1) N 70° 18' 58" W - 124.37' to a found concrete monument; thence 2) S 19° 39' 38" W - 199.69' to an iron rod found; thence 3) S 50° 51' 56" E - 95.76' to a point; thence along the northwesterly line of Tower Drive with a curve to the right, having a radius of 50.00' and an arc distance of 82.12' to a point; thence along the said Castle Hill Estates Subdivision, N 85° 23' 30" W - 200.00' to a point; thence along the lands now or formerly of Mark R. Odachowski, deed reference Liber S.V.H. 4269, Folio 25 et. seq., the eleven following courses: 1) S 04° 36' 30" W - 400.00' to a found concrete monument; thence 2) N 56° 14' 17" W - 571.29' to a point; thence 3) N 47° 06' 17" W - 231.00' to a point; thence 4) N 72° 06' 17" W - 195.52' to a point; thence 5) N 49° 36' 17" W - 320.10' to a point; thence 6) N 28° 28' 17" W - 165.00' to a point; thence 7) N 33° 46' 17" W - 330.00' to a point; thence 8) N 37° 31' 17" W - 198.00' to a point; thence 9) N 48° 01' 17" W - 80.86' to an iron pipe found; thence 10) N 87° 56' 17" W - 1223.64' to a point; thence 11) N 59° 06' 17" W - 481.73' to the easterly shoreline of the Pocomoke River; thence along the easterly shoreline of the Pocomoke River in a northeasterly direction to the place of beginning, said point of beginning bearing N 23° 28' 38" E - 2669.73' From the last point.  
Containing 966.66 acres more or less.

**BE IT FURTHER RESOLVED** that the aforementioned and described land being detached from the corporate boundaries of the Town of Snow Hill shall be zoned by Worcester County.

**BE IT FURTHER RESOLVED** that the aforementioned and described land shall upon the effective date of this resolution no longer receive any services from the Town of Snow Hill.

**SECTION II:** That the date of the adoption of this Resolution is May 14, 2019 and that the amendment to the Town Charter of the Town of Snow Hill hereby proposed by this enactment, shall be and

become effective on May 19, 2019 or, forty (40) days from the date of adoption, unless a petition for a referendum satisfying the requirements of Maryland Code Annotated, Local Government Article § 4-304(d) shall be filed by May 19, 2019 or, within forty (40) days from the date of adoption. An exact copy the Amendment shall be posted in the Town offices for forty (40) days following adoption of this Resolution and a fair summary of this Resolution shall be published in a newspaper having general circulation in the Town not less than four (4) times at weekly intervals within forty (40) days of the date of adoption.

**SECTION III:** That, within ten (10) days after the Charter Amendment hereby enacted becomes effective, either as herein provided or following a referendum, the Clerk shall send separately to the Department of Legislative Services, the following information concerning the Charter Amendment: (1) the complete text of this Resolution; (2) the date of referendum election, if any, held with respect thereto; (3) the number of votes cast for and against this Resolution by the Town Council or in a referendum; and (4) the effective date of the Charter Amendment.

**SECTION IV:** That the Clerk be, and he/she is specifically enjoined and instructed to carry out the provisions of Sections II and III, and as evidence of compliance herewith, the said Clerk shall cause to be affixed to the Minutes of this meeting: 1) an appropriate certificate of publication of the newspaper in which the fair summary of the Amendment shall have been published; and, 2) records of mailing referred to in Section 3 and shall further complete and execute a Certificate of Compliance.

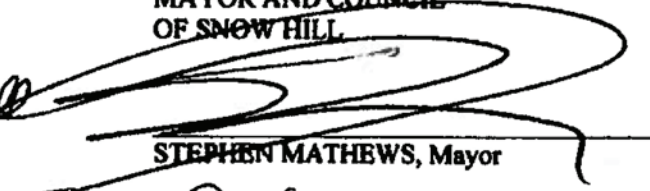
**INTRODUCED** by the Town Council, at a Regular Meeting on May 14, 2019, at which meeting copies were available to the public for inspection.

**ADOPTED** by the Town Council, at a Regular Meeting on May 14, 2019, at which meeting copies were available to the public for inspection.

ATTEST:

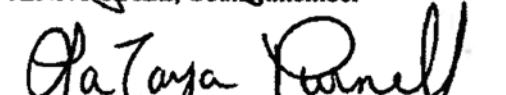
  
Patricia Goodsell  
Asst Town Manager

MAYOR AND COUNCIL  
OF SNOW HILL

  
STEPHEN MATHEWS, Mayor

  
ALISON GADOUA, Councilmember

  
JENNY HALL, Councilmember

  
LATOYA DIERFELDT, Councilmember



Worcester County Department of Environmental Programs  
 Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863  
 Tel: (410) 632-1220 | Fax: (410) 632-2012

## Memorandum

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**To:** Matt Laick, Deputy Director, DDRP

**From:** Robert J. Mitchell  
 Director, Environmental Programs

**Subject:** **EP Staff Comments on Rezoning Case No. 444**  
 Worcester County Tax Map 63, Parcels 106  
 Reclassify approximately 0.78 Acres of A-1 Agricultural District to  
 C-2 General Commercial District

**Date:** 7/21/23

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This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section §ZS 1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the last Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed “change in zoning” would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. This property has a Growth Area land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*), as do properties to the west and south. This category designates areas outside incorporated areas that are suitable and desirable for future planned growth. The properties in these areas were situated to be cost-effectively served with adequate public sanitary and other services.
2. The existing property is not connected to public sewer and/or water at this time. The subject property has a designation for a Sewer Service Planning Category of S-1/W-1 (Immediate to 2 years) in the *Master Water and Sewerage Plan*. Our well and septic records indicate a septic tank serves the existing building for the property with a very old driven well. A survey would be needed to confirm if the septic system were on the property and the well will need to be replaced for any future uses. The property was included in the proposed Summerfield development area that was not built. It has been annexed and de-annexed by the Town of Snow Hill. There are no current plans we are aware of that would re-annex this property back into the corporate boundaries of Snow Hill which would provide eligibility to connect to public water and sewer.
3. This proposed rezoning is located outside of the Chesapeake Bay Critical Area (CBCA). This property is not subject to the Forest Conservation Law, Per NR 1-403(a), as the property is less than 40,000 square feet in size.

If you have any questions on these comments, please do not hesitate to contact me.

**From:** Aws Ezzat <[AEzzat@mdot.maryland.gov](mailto:AEzzat@mdot.maryland.gov)>  
**Sent:** Wednesday, June 21, 2023 8:11 AM  
**To:** April Mariner <[amariner@co.worcester.md.us](mailto:amariner@co.worcester.md.us)>  
**Cc:** Jeffrey Fritts <[JFritts@mdot.maryland.gov](mailto:JFritts@mdot.maryland.gov)>  
**Subject:** Re: Rezoning Case #444

Hello April,

After a review of Rezoning Case #444, MDOT SHA has no objection to the rezoning as proposed. If this parcel is proposed to be developed in the future, the proposed development will require review and approval from District 1 Access Management and need to obtain permitting, as necessary.

As reflected in our aforementioned comments, MDOT SHA has no objections to the proposed rezoning as determined by Worcester County. I would highly appreciate if you can copy/inform me in the future for any rezoning submissions.

Thank you,



Aws Ezzat, P.E.

**Regional Engineer, Access Management**

District 1

660 West Road

Salisbury, MD 21801

[AEzzat@mdot.maryland.gov](mailto:AEzzat@mdot.maryland.gov)

(410) 677-4048 (office)

MEMORANDUM

TO: Robert Mitchell, Director, Worcester County Environmental Programs  
 Billy Birch, Director, Worcester County Emergency Services  
 Matthew Crisafulli, Sheriff, Worcester County Sheriff’s Office  
 Dallas Baker, P.E., Director, Worcester County Public Works Department  
 Chris Classing, P.E., Deputy Director, Worcester County Public Works Department  
 Kevin Lynch, Roads Superintendent, Worcester County Public Works Department  
 Matt Owens, Fire Marshal, Worcester County Fire Marshal’s Office  
 Melanie Pursel, Director of Tourism & Economic Development  
 Louis H. Taylor, Superintendent, Worcester County Board of Education  
 Aws Ezzat, Regional Engineer, Access Management, Maryland State Highway Administration  
 Daniel Wilson, Assistant District Engineer - Traffic, Maryland State Highway Administration  
 Lt. Earl W. Starner, Commander, Barracks V, Maryland State Police  
 Rebecca L. Jones, Health Officer, Worcester County Health Department  
 Luke Marcek, Project Manager, Maryland Forest Service  
 Garth McCabe, District Conservationist, Worcester County NRCS

FROM: Matthew Laick, Deputy Director

DATE: June 13, 2023

RE: Rezoning Case No. 444 – Black Water Relics LLC, Property Owners and Hugh Cropper, IV,  
 Attorney – 4432 Market St Snow Hill, MD (Approximately 0.25 Miles north of Moat Rd)  
 \*\*\*\*\*

This application seeks to rezone approximately 0.78 Acres acres of land shown on Tax Map 63, Parcel 106 from A-1 Agricultural District to C-2 General Commercial District.

For your reference I have attached a copy of the rezoning application package, location and zoning maps showing the property requested to be rezoned.

The applicant is alleging a **mistake was made** as the justification for the proposed rezoning from A-1 Agricultural District to C-2 General Commercial District. The Planning Commission must consider if: There was a mistake made in assigning the property a A-1 Agricultural District zoning classification .

**By Friday, July 21, 2023**, the Planning Commission is requesting any comments, thoughts or insights that you or your designee might offer with regard to past and present conditions in the delineated neighborhood, as well as the effect that this application and potential subsequent development of the site under the proposed zoning classification may have on plans, facilities, or services for which your

agency is responsible. Your response is requested even if you determine that the proposed rezoning will have no effect on your agency, that the application is compatible with your agency's plans, and that your agency has or will have adequate facilities and resources to serve the property and its potential land uses. ***If no comments are received, we will document such and assume that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners.***

**General Zoning Information:**

**The purpose and intent of the A-1 Agricultural District** is "is intended to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change."

The A-1 District allows uses such as Agriculture, including feeding lots, dairy barns, stables, agricultural lagoons, hog houses, and noncommercial grain dryers. Roadside stands offering for sale fresh agricultural products, fresh seafood and processed dairy products from locally raised livestock, operated by the property owner or tenant of the premises upon which such stand is located. For a complete list, please use the following link: <https://ecode360.com/14019225>

**The purpose and intent of the C-2 General Commercial District** is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. Consequently, design standards and careful attention to signage, landscaping, perimeter buffers, site layout and architectural design are imperative. Commercial structures and uses must be compatible with the community and the County's character. Strip commercial forms of development are strongly discouraged. For a complete list, please use the following link: <https://ecode360.com/14019708>

If you have any questions or require further information, please do not hesitate to reach me by phone at (410) 632-1200, ext. 1613 or via email at [mLaick@co.worcester.md.us](mailto:mLaick@co.worcester.md.us). On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments



Worcester County Administration
One West Market St. Room 1103 | Snow Hill MD 21863 | (410) 632-1194 | www.co.worcester.md.us

TO: The Salisbury Daily Times and The Ocean City Today Group
FROM: Candace Savage, Deputy Chief Administrative Officer
DATE: May 11, 2026
SUBJECT: Worcester County Public Hearing Notice

Please print the attached Public Hearing Notice in The Salisbury Daily Times and Ocean City Digest/Ocean City Today on June 4th, 2026, and June 11th, 2026. Thank you.

NOTICE OF PUBLIC HEARING
CARES ACT ADDITIONAL FUNDING
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS
WORCESTER COUNTY, MARYLAND

The County Commissioners of Worcester County, Maryland, will conduct a Public Hearing to provide information on the progress of homeless shelter supply and facility improvement activities funded through the Maryland Community Development Block Grant Program, a federally funded program designed to assist governments with activities directed toward neighborhood and housing revitalization, economic development, and improved community facilities and services. The hearing will be held on:

TUES AY, June 16t , 2026
AT 10:35 A.M.
IN THE COUNTY COMMISSIONERS' MEETING ROOM
ROOM 1101 – GOVERNMENT CENTER – ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863

Efforts will be made to accommodate the disabled and non-English speaking residents with 3 business days advance notice to Candace Savage, Deputy Chief Administrative Officer at 410-632-1194.

WORCESTER COUNTY COMMISSIONERS



Worcester County Administration

One West Market St. Room 1103 | Snow Hill MD 21863 | (410) 632-1194 | [www.co.worcester.md.us](http://www.co.worcester.md.us)

TO: Weston Young, Chief Administrative Officer  
Candace Savage, Deputy Chief Administrative Officer  
FROM: Shelby Mich, Grants and Contracts Accountant  
DATE: May 11, 2026  
RE: Public Hearing Request for CDBG CV2 Grant

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The Maryland Department of Housing and Community Development requires a second public hearing before the CDBG CV 2 Grant Agreement expires. This hearing will provide the public with an update on activities and accomplishments resulting from the use of grant funds.

Worcester County received a \$55,079 grant amendment to support homeless shelter operations through two local subrecipients. Diakonia was awarded \$30,401 for food, bottled water, hygiene supplies, and first-aid supplies. Samaritan Ministries, Inc. was awarded \$24,678 for kitchen appliances and food for its shelter, soup kitchen, and food pantry.

Because all activities must be completed by June 30th, 2026, with no extensions, it is necessary to schedule this hearing promptly. I respectfully request that the public hearing be held at the Commissioner meeting on June 16th, 2026.

# **STATE OF MARYLAND CDBG PROGRAM**

## **COVID FUNDING**

### **POLICIES AND PROCEDURES – ROUND 2 August 2020**



**Maryland**

**DEPARTMENT OF HOUSING  
AND COMMUNITY DEVELOPMENT**

**Larry Hogan, Governor  
Boyd Rutherford, Lt. Governor  
Kenneth Holt, Secretary**

Maryland Department of Housing and Community Development

Division of Neighborhood Revitalization  
7800 Harkins Road  
Lanham, MD 20706  
301/429-7525  
TTY/RELAY 711 or 1/800-735-2258



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<b>Rating and Ranking</b>	<b>Page 7</b>
<b>Funding Recommendations</b>	<b>Page 8</b>
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**EXHIBITS**

- Exhibit A – 2020 CDBG Income Limits**
- Exhibit B – Citizen Participation Plan**
- Exhibit C – Public Hearing Notice**
- Exhibit D – Authorizing Local Resolution**
- Exhibit E – Residential Anti-Displacement and Relocation Assistance Plan**
- Exhibit F – Certification Regarding Debarment and Suspension**
- Exhibit G – Limited English Proficiency Determination**
- Exhibit H – Emergency Rental Assistance Requirements**
- Exhibit I – CDBG Project Manager List**

**MARYLAND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**COVID FUNDING – ROUND #2**

Under the CARES Act, Congress provided \$5 billion to fund the Community Development Block Grant Program (CDBG-CV) for activities to prevent, prepare for and respond to the coronavirus crisis. The first \$2 billion was distributed using the same formula the United States Department of Housing and Urban Development (HUD) used to award funds to entitlements and states for federal fiscal year 2020. The State of Maryland, through the Department of Housing and Community Development (DHCD) was awarded \$4,691,887 for non-entitlement communities (Round 1). HUD then awarded \$1 billion to states and Maryland was awarded \$16,144,887 which will be distributed under Round 2.

HUD provides the State with "maximum feasible deference" to create additional policies, be more restrictive than HUD in policies and interpretation of regulations, and to determine how funds will be distributed. Additionally, the State may choose not to fund certain types of projects though they are eligible. Of the total funds received, 70% of the funds must be spent on activities that benefit low and moderate income persons. For this grant, HUD has removed the 15% limit on funding of public services.

The CDBG-CV funds will be distributed as follows:

<b>STATE OF MARYLAND CDBG-CV ALLOCATION – ROUND 2</b>	
State Administration (5%)	\$807,244
Technical Assistance (2%)	\$322,897
Projects and Activities	\$15,014,746
<b>TOTAL</b>	<b>\$16,144,887</b>

**ELIGIBILITY, NATIONAL OBJECTIVE AND ELIGIBLE USES**

For this grant, the State chooses to only accept applications from county governments and the City of Baltimore (herein referred to as a county) through a competitive process. This limitation is an effort to address needs impacting the entire county.

A county government may submit an application which includes projects to be carried out by subrecipients *if they choose to do so*. Eligible subrecipients are non-profit organizations that are corporations, associations, agencies or faith-based organizations with non-profit status under the IRS Section 501(c)(3).

The county government is expected to conduct a risk analysis to review and evaluate the financial and administrative capacity of subrecipients to manage and complete projects. This risk analysis should include an assessment of past performance with CDBG funds, experience of staff, and determination that the proposed number of staff to carry out the project(s) is sufficient. If funded, the grantee will be required to execute a Subrecipient Agreement with the specific entity(s). These agreements bind subrecipients to the requirements and policies of the CDBG program and the grantee.

No funds will be awarded for general administration or indirect costs. County applicants can request reasonable amounts of funds for project administration for themselves and one subrecipient, if applicable. If an application includes more than one subrecipient, the applicant may only ask for project administration for one of them.

CDBG funded projects must meet at least one of the following national objectives as required by Title I of the Housing and Community Development Act of 1974, as amended:

- to benefit low and moderate income persons;
- to prevent or eliminate conditions of slum and blight; or
- to meet an urgent need.

To ensure that the grant activities are used to prevent, prepare for and respond to the coronavirus crisis, the State has chosen to limit the use of these funds to benefit low and moderate income persons through housing activities. All households that receive a benefit must have a total household income that is at or less than 80% of the area median income using income limits provided annually by HUD for each county.

***Under the State CDBG Program, for public service activities, applicants must be able to demonstrate that they are implementing a new service or that they are addressing a quantifiable increase in the demand/need for an existing service due to the coronavirus crisis.***

Activities assisted under the State CDBG program must be eligible per Section 105(a) of Title I of the Housing and Community Development Act of 1974 ("HCD Act of 1974"), 42 U.S.C. § 5305(a), as amended, 24 CFR Part 570, and amendments issued by HUD specific to this funding.

The State chooses to limit the use of funds for emergency rental assistance projects which is a public service. Funds can be used to provide up to six consecutive months of rental assistance which includes current month and arrears, if any. Funds can also be used for reasonable project administration costs. Beneficiaries must be able to demonstrate that they have an unmet financial need and have lost their employment or had a reduction of work hours due to the coronavirus crisis.

## APPLICATION SUBMISSION PROCESS

The following regulations, requirements and policies apply to submission of a CDBG application. There will be two pre-application conference calls with eligible counties. The calls will be held on August 19th and 20<sup>th</sup>.

One original and two copies are due by October 2, 2020 by 5 p.m. Those received after the designated date and time will be rejected. Applications are to be mailed to: DHCD, 7800 Harkins Road, Lanham, MD 20706. Attention: CDBG Program.

1. Citizen Participation Requirements – Governments must comply with citizen participation requirements when seeking CDBG funding and implementing CDBG funded projects. The State requires a jurisdiction to adopt and maintain a written *Citizen Participation Plan* which outlines and describes their efforts in soliciting citizen input and responding to concerns and questions. Applicants/grantees are provided minimum language to be included.

A jurisdiction's *Citizen Participation Plan* is effective for a five year period. The plan must be current at the time of application. If it is not current or the applicant does not have one, the applicant must adopt and submit a new plan with their application. See *Exhibit B*.

2. Public Hearing - A jurisdiction is to conduct at least one public hearing prior to submission of an application for a CDBG project. Failure to conduct the hearing as required will result in the rejection of the application as it will not be in compliance with Citizens Participation requirements.

Hearings may take place in conjunction with a regularly scheduled meeting of the elected public officials of the county that is submitting the application or as a special public hearing. At the hearing, the jurisdiction should discuss the impact of the coronavirus crisis on the county and the need for rental assistance. If a special hearing is held, there must be elected officials in attendance. A copy of the hearing notice must be submitted with the application. Copies of the meeting minutes must be submitted as soon as completed.

The public hearing notice must be published in a local newspaper at least five (5) days prior to the date of the hearing. Applicants are provided with the *minimum* language required for the notice. Additionally, the jurisdiction should seek to notify the public with other means such as cable television, posted notices in public places, notices in other local publications, newsletters, government website, etc. The jurisdiction should encourage participation of potential or actual beneficiaries of a project and make accommodations for the disabled. See *Exhibit C*.

Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate.

3. Public Review of Application – The public should have the opportunity to review and comment on a draft of the application before it is submitted to the State. In the public hearing notice, the applicant must provide the anticipated date the draft application(s) will be available for review as well as the location where it can be found.

4. Local Resolution - The legislative body of the jurisdiction must pass a resolution authorizing submission of the application and the specific amount of funds being requested. The resolution must authorize the application in an amount equal to or greater than the amount requested in the application. The resolution must also acknowledge that the signers understand that repayment of grant funds could be required if the application is funded and the project is not completed or does not meet a CDBG national objective. See *Exhibit D*.

A copy of the resolution must accompany the application or the application will not be reviewed.

5. Residential Anti-Displacement and Relocation Assistance Plan – The State requires jurisdictions to adopt and maintain a written *Residential Anti-Displacement and Relocation Assistance Plan*. While a jurisdiction should make every effort to minimize the displacement of persons or businesses when using CDBG funds, this plan will describe what the jurisdiction will

do in the event that it does occur. Applicants/grantees are provided minimum language to be included.

Section 104(k) of the HCD Act of 1974, 42 U.S.C. § 5304(k), requires that reasonable relocation assistance be provided to persons displaced as a result of the use of CDBG assistance to acquire or substantially rehabilitate property. Section 104(d) of the HCD Act of 1974, as amended, 42 U.S.C. § 5304(d), requires one-for-one replacement of all low and moderate income dwelling units housing the same number of occupants as could have been housed in the units demolished or converted to another use as a result of CDBG assistance.

A jurisdiction's *Residential Anti-Displacement and Relocation Assistance Plan* is effective for a five year period. The plan must be current at the time of application. If it is not current or the applicant does not have one, the applicant must adopt and submit a new plan with their application. See *Exhibit E*.

6. Debarment – If applicable, the applicant is required to complete Debarment Checks on subrecipients prior to submission of an application. The completed forms do not need to be included with the application unless there is a problem. See *Exhibit F*.

7. Limited English Proficiency – Applicants are to complete *Exhibit G* and act accordingly based on results for the preparation of the application and, if funded, carrying out activities.

8. Environmental Review – Funded grants must be in compliance with the National Environmental Policy Act of 1969 and other federal laws which are specified in 24 CFR Part 58. All activities under this grant will be Categorically Excluded: Not Subject to Part 58.5. In order to ensure that approved awards are expedited in a timely manner, applicants are to complete the *Categorical Exclusion: Not Subject to Part 58.5 Compliance Form* and the *Request for Release of Funds*.

9. Clearinghouse Submission - Applicants must comply with the Maryland Intergovernmental Review and Coordination Process (COMAR 14.24.04). Simultaneous with the submission of any application for CDBG funding, applicants must submit an electronic copy of a project profile to the Maryland State Clearinghouse. The profile must include a cover form; a summary briefly explaining the nature, purpose, scope and justification for the project; a map of the project location and geographic area to be served; a budget identifying all sources and uses of funds; and staffing for the project. Please note that the submission to the Clearinghouse must be submitted by the government applicant, not the subrecipient. Comments from this review will be forwarded to the CDBG program. Information must be submitted to [mdp.clearinghouse@maryland.gov](mailto:mdp.clearinghouse@maryland.gov)

**Applications Due October 2, 2020 by 5:00 PM**

#### RATING AND RANKING

The State will award CDBG-CV funds through a competitive process. Applications are evaluated using a three-step process: threshold review, project evaluation, and funding recommendations.

Applications will not pass threshold and be rejected if: 1) the application is not complete; 2) the public hearing process was not done correctly; 3) the draft of the application was not available for public review before submission; 4) the application is not received by the established due date; or 5) the proposed project and/or activities do not meet the eligibility requirements.

Staff will review the application to determine if it is complete. It will then be rated and ranked competitively by a review committee composed of Maryland CDBG Program staff. Applicants will be given the opportunity to answer the committee's questions via phone or email.

Rating is based on a 100 point scale. Point ranges have been established for each criterion to gauge the extent to which the applicant meets the criterion. The following factors will be considered in determining the points assigned.

RANKING FACTOR	MAXIMUM POINTS
NEED	60 Points
READINESS TO PROCEED	40 Points

1. BENEFIT (60 maximum points)

Applications and projects will be evaluated based on information provided which supports the need for emergency rental assistance. This includes unemployment data, information from housing and homeless organizations including waiting lists and court eviction filing data. Additionally, applications should identify the percentage of their total population impacted by the need for rental assistance. Applications must clearly describe needs, proposed benefits and accomplishments.

2. READINESS TO PROCEED (40 maximum points)

As Congress and HUD have mandated that funds must be spent in a timely manner, the applications and projects will be evaluated based on capacity and readiness to proceed.

- Applicants must describe how they will implement each project.
- Applicants must provide an overall grant management plan including, if applicable, how they will manage subrecipient(s).
- Applicants must provide detailed schedules.
- Applicants must provide detailed explanations as to how costs were derived.

FUNDING RECOMMENDATIONS

The highest rated applications are recommended for funding until the available funding for the round is exhausted. DHCD reserves the right to reduce requested amounts or to not fund specific project/activities identified in an application.

The recommendations of the Rating Committee for both approval and rejection of applications are reviewed by the Assistant Secretary for Neighborhood Revitalization and presented to the Secretary of DHCD for final approval. Awards are expected to be announced within approximately 15 days of the application submission deadline.

#### PROGRAM REGULATIONS, REQUIREMENTS AND POLICIES

Grants must be implemented in compliance with the requirements found in the HCD Act of 1974, the CDBG program regulations found in 24 CFR 570, other federal regulations, and state policies and procedures. While most are not applicable until a project is funded and underway, some have to be considered when submitting an application for funding as they may impact cost, schedule, staffing, etc. The ones listed below are specific to the eligible activities that can be funded under this grant:

1. Audits – If a grantee spends more than \$750,000 of federal funds from any source during their fiscal year, they are required to have a Single Audit prepared in conformance with the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR Part 200).
2. Conflict of Interest - Grantees must comply with federal Code of Conduct or Conflict of Interest Standards found in 2 CFR Part 200 and 24 CFR Part 570.489 which includes having a written policy. Additionally, State of Maryland law requires local governments to adopt conflict of interest restrictions and financial disclosure requirements for local elected officials and candidates that are at least as stringent as the requirements for public officials contained in the Public Ethics Law. More information regarding the Local Government Ethics Law can be found at COMAR, Title 19A, Subtitle 04, Local Government Ethics Law. *Note that those exempt from this requirement under the State of Maryland law must still comply with federal requirements.*
3. Duplication of Benefits – Grantees are to ensure that there is no duplication of benefits related to funding of projects. Additional guidance will be provided to approved grantees.
4. Emergency Rental Assistance – Specific policies and requirements can be found in *Exhibit H*.
5. Expenditure Requirements – In compliance with State CDBG fiscal requirements, grantees must request 50% of grant funds within 240 days of the grant award. Failure to comply could result in the loss of grant funds.
6. Fair Housing and Equal Opportunity – Grantees must demonstrate their compliance with numerous federal laws, regulations, and Executive Orders as a recipient of a CDBG award and in their general conduct of operating a government. The most relevant regulations are related to non-discrimination when using HUD funding programs; non-discrimination and equal opportunity in housing; non-discrimination on the basis of race, color, religion, sex, national origin, handicap or familial status in programs and activities receiving or benefiting from federal assistance; and employment and contracting opportunities for lower income persons or minority businesses. The grant agreements issued for funded projects will identify all that apply and the specific requirements. Note that these requirements also apply to subrecipients.

7. Fair Housing and Equal Opportunity – Disadvantaged Businesses – For any services that must be procured, grantees are to take affirmative steps to solicit bids from minority owned businesses (MBE) and women owned businesses (WBE).

8. Financial Management - Grantees must comply with appropriate sections of 2 CFR Part 200, 24 CFR 570.489 and State regulations and requirements in the financial management of their federal grant. CDBG funds should only be spent on costs that are deemed as "reasonable and necessary." *The CDBG Program Financial and Procurement Manual* will provide policies and requirements.

9. Procurement - Grantees are to comply with requirements and processes as identified in the *CDBG Program Financial and Procurement Manual* for all procurement activities. The use of the same policy by all grantees ensures compliance with appropriate sections of 2 CFR Part 200 and 24 CFR 570.489 when purchasing materials, products or services with federal funds.

10. Project Administration Costs – All costs supporting project administration or project delivery costs must be documented. Timesheets must be maintained for all persons paid with CDBG funds. The timesheets must reflect actual hours worked on the project. Grantees will be required to document their paid and in-kind costs committed as leverage. Funds cannot be used for previously budgeted costs.

#### ADDITIONAL PROGRAM INFORMATION

1. Grant Period – The end date for all grants will be December 31, 2021. No time extensions will be provided. The grant period is related to the expenditure of the grant funds only.

3. Reporting – Grantees will be required to submit quarterly reports. The report forms will be specific to projects and activities for each grant.

4. Monitoring and Close Out of Grants - Grants will be monitored on an on-going basis by CDBG Program staff for compliance with federal and state regulations and requirements and to ensure that the national objective has been met. All applications are considered "open" until they have been fully monitored and all issues are resolved. The State will issue a Close Out letter to the grantee when it has been formally closed. Grant files and records must be retained by the grantee for a five (5) year period after close out of the State's grant by HUD.

5. Recapture and Repayment of Funds – The CDBG Program will recapture funds from awarded grants if the grantee is not expending funds and implementing projects in a timely manner. In the event that additional funds are made available under this round due to recapture, funds will be offered to other CDBG-CV 2 grantees provided they can demonstrate immediate need for additional funding.

Any funds recaptured through grant termination, repayment due to monitoring findings, or completion of an activity at a cost savings will be subject to HUD regulations and requirements.

**DHCD prepared this plan using all available information provided by HUD at the time. If future guidance from HUD requires changes to approved projects, applicants/grantees will be notified immediately.**

**••• Exhibit A •••**

**HUD 2020 CDBG Income Limits**

**Due to number of pages, applicants/grantees are referred to the CDBG Page on the DHCD website.**

## • • • Exhibit B • • •

## MARYLAND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

## CITIZEN PARTICIPATION PLAN

\_\_\_\_\_ has adopted this Citizen Participation Plan to meet the citizen participation requirements of 24 CFR 570.486 and 24 CFR 91.115(e). Regulations require that each unit of general local government receiving or expecting to receive Maryland Community Development Block Grant Funds:

- Furnish citizens with information related to the availability of CDBG funding including the amount the State makes available under each state fiscal year, the eligible CDBG activities, and the eligible uses of CDBG funds;
- Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
- Ensure that citizens will be given reasonable and timely access to local meetings, information and records relating to the unit of general local government's proposed and actual use of CDBG funds;
- Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with procedures developed by the State. Such assistance need not include providing funds to such groups;
- Provide for a minimum of two public hearings, each at a different stage of the project, for the purpose of obtaining citizen's views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. Public hearings to cover community and economic development and housing needs must be held before submission of an application to the State. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate;
- Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the State and, for grants already made, activities which are proposed to be added, deleted, or substantially changed from the unit of general local government's application to the State. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the State;
- Provide citizens with the (County/Town) Residential Anti-Displacement and Relocation Assistance Plan if proposed applications to be submitted will likely to result in displacement of persons or businesses from their homes or businesses;

- Provide citizens the address, phone number and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

CDBG funded activities may serve beneficiaries outside the jurisdiction of the unit of general local government that receives the grant, provided the unit of general local government determines that the activity is meeting its needs in accordance with section 106(d)(2)(D) of the Act.

**PROVISION OF INFORMATION, PUBLIC HEARINGS AND COMMENTS**

\_\_\_\_\_ will provide reasonable access to records and information on the proposed and actual use of CDBG funds during regular business hours of \_\_\_\_am-\_\_\_\_pm at the following location: \_\_\_\_\_.

Where possible, \_\_\_\_\_ will provide copies of documents or access to copying services to citizens or groups requesting information at their own expense.

Information will be furnished to citizens through public notice in \_\_\_\_\_, a newspaper of general circulation. \_\_\_\_\_ may also provide additional information to its citizens about the CDBG Program through articles in local newspapers, newsletters or community bulletins, flyers distributed door to door or at presentations made at community meetings.

\_\_\_\_\_ will hold at least one public hearing to receive input by citizens on the housing and community and economic development needs of the jurisdiction and to discuss the development of proposed activities. This hearing will be held in conjunction with a regularly scheduled meeting of the elected public officials prior to submission of an application for CDBG funds.

If the MD CDBG Program funds the activity, a second hearing on program performance must be held at some point during the grant period after the activity has been initiated.

The MD CDBG Program requires that notice of a public hearing be published in a newspaper of general local circulation no less than five (5) days in advance of the hearing. Hearings will be held at times and locations convenient to actual or potential beneficiaries and at locations accessible to the disabled. Documentary evidence that the required notices are published and public hearings are held in accordance with the plan will be maintained. Copies of the actual notices and/or affidavits shall be a part of the files, in addition to minutes of the hearings.

Written minutes of the hearing and an attendance roster will be maintained by \_\_\_\_\_ at the following location: \_\_\_\_\_.

If necessary, \_\_\_\_\_ will make arrangements for a translator when it is expected that non-English speaking persons will participate. Similarly, a signer shall be provided for a deaf or mute participant. If special accommodations are necessary, however, requests should be made to \_\_\_\_\_ @ \_\_\_\_\_. At least \_\_\_\_ days advance notice is requested.

\_\_\_\_\_ will provide citizens an opportunity to comment on the proposed activities in an application to the State. Written comments may be sent to:

\_\_\_\_\_  
\_\_\_\_\_

**TECHNICAL ASSISTANCE**

When requested to provide technical assistance to groups representative of persons of low and moderate income, \_\_\_\_\_ will assist if possible. Files shall document meetings between the group and the local government. If staff capacity to assist does not exist, \_\_\_\_\_ may offer a referral to the State or to a consultant who can provide the necessary expertise.

**COMPLAINTS AND GRIEVANCES**

Citizens who wish to submit a complaint or grievance may do so by calling or writing:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ shall make reasonable effort to provide a response in writing to written complaints or grievances within 15 working days.

**AMENDMENTS TO APPLICATIONS OR GRANTS**

\_\_\_\_\_ will provide citizens notice of, and opportunity to comment on, substantial changes to grants already made, including changes in the purpose, scope, location or beneficiaries. This can be achieved through public notice describing the change and establishing a comment period or through public hearing.

This Citizen Participation Plan is hereby adopted by \_\_\_\_\_

on \_\_\_\_\_, 20\_\_\_\_. It is effective for a 5 year period until \_\_\_\_\_.

\_\_\_\_\_  
CHIEF ELECTED OFFICIAL

\_\_\_\_\_  
WITNESS

## • • • Exhibit C • • •

*First Public Hearing Notice  
(Sample shows minimal language to be included)*

**NOTICE OF PUBLIC HEARING**

The (*Jurisdiction*) will conduct a Public Hearing to obtain the views of citizens on housing needs to be considered for submission of an application to the Maryland Community Development Block Grant Program (CDBG) for funds awarded through the federal CARES Act. Funds must be used to prevent, prepare for and respond to the coronavirus.

Citizens will have the opportunity to discuss proposed projects and to provide input on other needs to be considered. The hearing will be held at the (*Location*) at (*time, day, and date*). The draft application will be available for the public to review on (*date*) until (*date*) at (*location*) during normal business hours.

Citizens will be furnished with information including but not limited to:

- \* the amount of CDBG funds available;
- \* the range of activities that may be undertaken with CDBG funds; and
- \* the proposed project under consideration by (*Jurisdiction*).

The Maryland CDBG Program is a federally funded program designed to assist governments with activities directed toward neighborhood and housing revitalization, economic development, and improved community facilities and services. It is administered by the Maryland Department of Housing and Community Development.

Efforts will be made to accommodate the disabled and non-English speaking residents with \_\_\_\_\_ days advance notice to \_\_\_\_\_ (*name and phone number of contact*).

---

(Chief Elected Official of Jurisdiction)

••• Exhibit D •••

**Authorizing Resolution**

*(Sample shows minimal language to be included)*

**RESOLUTION**

WHEREAS, the State of Maryland through the Department of Housing and Community Development has solicited applications from eligible jurisdictions to apply for funding under the Maryland Community Development Block Grant Program for funds awarded through the federal CARES Act; and

WHEREAS, (Jurisdiction) is eligible to apply for funds from the Maryland Community Development Block Grant program through the Maryland Department of Housing and Community Development; and

WHEREAS, the (Board/Council name) have held the required public hearing(s) related to the formulation of the (Jurisdiction)'s Block Grant Application; and

WHEREAS, the (Board/Council name) understand and acknowledge that they would be responsible for completion of grant activities and any corrective actions including the repayment of funds if necessary;

NOW, THEREFORE, BE IT RESOLVED, that the (Board/Council name) authorize the submittal of an application for Community Development Block Grant funds in the amount of (\$) this (\_\_\_\_) day of (\_\_\_\_) 20\_\_\_\_) for \_\_\_\_\_

BE IT FURTHER RESOLVED, that (Chief Elected Official) is authorized and empowered to execute any and all documents required for the submission of the application.

(Board /Council name)  
(Jurisdiction)

By: \_\_\_\_\_  
(President/County Executive)

Attest:

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## • • • Exhibit E • • •

**RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

\_\_\_\_\_ will take every preventable action to minimize the involuntary displacement of persons or businesses when using federal funds received from the Maryland Community Development Block Grant funds as a source of funding in our projects. In the event that displacement occurs, \_\_\_\_\_, hereby agrees to comply with all requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA"), as amended, as described in 49 CFR Part 24; and with the Housing and Community Development Act of 1974 ("HCD Act of 1974"), as amended, as described in 24 CFR Part 42.

**RELOCATION**

\_\_\_\_\_ will provide relocation assistance as required under the URA to all persons or businesses displaced as a direct result of assisted activities. They shall be provided relocation benefits which, at a minimum, include:

- Relocation assistance planning and advisory services;
- Moving expenses;
- Referral to comparable replacement unit; and
- Replacement housing payments for 42 months.

Low and moderate income households displaced by the acquisition or demolition of housing or by the conversion or rehabilitation of low and moderate income dwellings to another use are entitled to additional benefits under the requirements of 24 CFR 42.350. These additional benefits include:

- Security deposits and credit checks,
- Referral to comparable replacement unit; and
- Replacement housing payments for 60 months.

Additionally, legal, low and moderate income tenants are also eligible for:

- Referral to at least one suitable, decent, safe and sanitary replacement dwelling unit. \_\_\_\_\_ shall advise tenants of their rights under the Federal Fair Housing Act, 42 U.S.C. §§ 3601—3619,, and of replacement housing opportunities in such a manner that, wherever feasible, they will have a choice between relocation within their neighborhood and other neighborhoods; and
- Each person must be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling (comparable replacement dwelling or decent, safe, and sanitary replacement dwelling to which the person relocates, whichever costs less) to the "Total Tenant Payment." All or a portion of this assistance may be offered through a certificate or voucher for rental assistance (if available) provided under Section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

In addition, in consideration of the financial assistance received from the Maryland CDBG Program, particularly when such assistance is used for acquisition, rehabilitation, demolition, or conversion which results in temporary relocation, \_\_\_\_\_ agrees to assist either the temporarily displaced residential or business tenant or owner occupant during the time they are displaced. Those receiving temporary relocations shall receive at a minimum:

- Interim living costs;
- Relocation assistance planning and advisory services;
- Reasonable moving expenses; and
- Rental Assistance (if moving to more expensive unit).

## ONE FOR ONE REPLACEMENT HOUSING

In the event that low and moderate income dwelling units are demolished or converted to a use other than as low/moderate-income housing, \_\_\_\_\_ will replace all units that were occupied or were vacant but deemed occupiable as required under Section 104(d) of the HCD Act of 1974, as amended.

All replaced housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, \_\_\_\_\_ will make public and submit to the Maryland CDBG Office the following information in writing:

- A. A description of the proposed assisted activity;
- B. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
- C. A time schedule for the commencement and completion of the demolition or conversion;
- D. The general location on a map and approximate number of dwellings units by size (number of bedrooms) that will be provided as replacement dwelling units;
- E. The source of funding and a time schedule for the provision of replacement dwelling units; and
- F. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling for at least ten (10) years from the date of initial occupancy.

## GENERAL POLICIES

1. \_\_\_\_\_ will take every preventable action to minimize the involuntary displacements of persons or businesses during the implementation of our CDBG funded projects. Examples of actions that may be taken include:
  - Stage rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, working with empty buildings or groups of empty units

## • • • Exhibit F • • •

**MARYLAND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**  
 Certification Regarding Debarment and Suspension

Instructions

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All CDBG grantees will be required to do debarment checks on all subrecipients and anticipated contractors receiving CDBG funds. This applies to labor contractors, engineers, consultants, architects, etc. These checks will be completed by using the form provided. The completed form should be placed in your CDBG records in a separate folder.

For proposed subrecipients, the checks must be completed prior to submission of the application. Upon award of grant funds, the checks must be completed by you prior to signing a contract for services.

*Note: Debarment checks for construction contractors will still be completed by the CDBG Labor Standards Officer.*

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989 Federal Register (pages 4722-4733).

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
  
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective shall attach an explanation to this proposal.

**Grantees should use the System for Award Management (SAM) web-site to determine if the potential contractor or engineering firm is excluded from receiving Federal contracts. The web-site can be found at [www.sam.gov](http://www.sam.gov) .**

• • • Exhibit G • • •

LIMITED ENGLISH PROFICIENCY DETERMINATION

Using a HUD mapping tool, determine if information related to your application and your outreach require for documents and other outreach information to be translated into other language.

To access the AFFH Data and Mapping Tool:

1. Go to [www.hudexchange.info/resource/4867/affh-data-and-mapping-tool/](http://www.hudexchange.info/resource/4867/affh-data-and-mapping-tool/)
2. Select AFFH Data and Mapping Tool
3. Step 1 – select State/Insular Area
4. Step 2 – select Maryland
5. Step 3 is pre-populated with Maryland
6. Step 4 is pre-populated with AFFHT0004
7. Step 5 – select Map 4 LEP
8. Select LOAD AFFH MAP
9. Select your county

When you click on your county, a box will appear providing you with the 5 most populous language spoken in your county.

HUD’s guidance is as follows, however, if an applicant is specifically targeting activities which include a large number of non-english speaking persons, than action should be taken:

- If number is 1,000 or more, *vital* documents must be translated.
- If number equals more than 5% of population AND more than 50 in number, *vital\** documents must be translated.
- If number equals more than 5% of population AND is 50 or less in number, translate written notice of person’s right to receive oral interpretation of documents.
- If number is 5% or less of population AND less than 1,000 in number, no written translation is required.

Identify the most populous non-english language spoken in you county: \_\_\_\_\_  
\_\_\_\_\_ Number of Persons \_\_\_\_\_ % of population

Identify any actions taken by jurisdiction: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Repeat on separate paper if there is more than one language that triggers action.

*\*Vital documents* are those that contain information critical for obtaining federal services and/or assistance or are required by law. Examples: applications, notices of rights, notices of availability or eligibility, needs assessments, etc.

## • • • Exhibit H • • •

**EMERGENCY RENTAL ASSISTANCE**

The policies and requirements for using CDBG-CV 2 funds for emergency rental assistance are as follows:

- Assistance is only to persons in danger of losing their housing.
- Up to six consecutive months of rental assistance can be provided.
- Utilities, late fees, and other expenses including courts costs are not eligible.
- Assistance can only be provided to households with a total household income at or below 80% of area median income using HUD's income limits provided for each county.
- Each household must be income qualified based on their income at the time of their application using the adjusted HUD Part 5 calculation. Note that savings are calculated into the determination.
- Each household must provide a copy of their current lease and a letter from their landlord saying they are in arrears if asking for back rent.
- Landlords must agree to not initiate eviction proceedings against tenant for a time period equal to the number of months for which the tenant was provided assistance after the assistance is provided. Tenant must still pay rent during this period unless able to demonstrate they are financially unable.
- Valid identification is required that matches the name(s) on the lease.
- Each household must provide documentation that they have lost their job or their work hours were reduced as a result of the coronavirus crisis.
- Each household will sign an affidavit as to the information they provided.
- Payments are to be made to landlords.
- Each landlord must provide a copy of their rental license. Waivers can be requested for counties without rental license requirements but they must determine if the unit is safe and habitable. Assistance cannot be provided to units that are not safe or habitable.
- Each landlord must provide a W9 form.
- Landlords must be current on their property taxes.
- Public housing authority residents or households receiving federal rental assistance are not eligible.
- Households that had received an eviction notice prior to March 16, 2020 are not eligible.
- Unemployment benefits are to be counted as income.

- At the time the income calculation is determined, if the income of the household exceeds the total amount of household income prior to loss of jobs or reduction of hours, the applicant(s) is not eligible.
- Federal stimulus checks are not considered income.

To determine income, applicants for assistance must provide information on all persons living in the household at the time of the application. Applicants must provide the following if applicable:

- Most recent tax return of applicant
- A copy of last paycheck earnings information for each member of the household over the age of 18 who is not a full-time college student
- Most recent social security or disability statement
- Most recent retirement statement
- Veterans Benefit statement
- Individual Development Account statement
- Last 2 checking and savings statements for applicant
- Child support payment information

Applicants are to provide information on any funds received since May 1<sup>st</sup> that were awarded/ provided to assist them with rent payments. This applies to public and private sources.

Additionally, they must document that those funds were used for rent payments.

Funding should only be made available to households who have not received any other CDBG or CARES Act Relief Funding unless the Grantee does not have sufficient requests to utilize available funding. Previous applicants will have to be re-evaluated to ensure they are still income eligible.

CDBG CV AMENDMENT INFORMATION FORM

Grantee: The County Commissioners of Worcester County, MD

Activity	Amount	Subrecipient	National Objective	# Beneficiaries
Food, Bottled Water, Hygiene, and First Aid Supplies for Homeless Shelter	\$30,401	Diakonia	LMI Limited Clientele – Presumed - Homeless	250
Appliances and Food for Homeless Shelter	\$24,678	Samaritan Ministries, Inc.	LMI Limited Clientele – Presumed - Homeless	250
TOTAL	\$55,079			

National Objectives

- Benefit to LMI – Limited Clientele - Presumed – Homeless Persons – Presumed to be LMI – Report on persons
- Benefit to LMI – Limited Clientele – Income Qualified - Food Programs (non-senior), counseling, childcare, adult day care, health centers – 51% of all beneficiaries must be LMI – self-certification allowed

Grant # CV-2-17

## Maryland Community Development Block Grant

## Subrecipient Agreement

This Subrecipient Agreement dated this 8<sup>th</sup> day of August, 2025 (the "Agreement"), is by and between the County Commissioners of Worcester County, MD, a political subdivision of the State of Maryland (the "Recipient") and Diakonia, a Maryland nonprofit corporation (the "Subrecipient").

WHEREAS, the Recipient has entered into an agreement (the "CDBG Grant Agreement") with the Department of Housing and Community Development, a principal department of the State of Maryland ("DHCD") for a grant in the amount of \$30,401 (the "CDBG Grant") under the Community Development Block Grant Program ("CDBG" or the "Program") a federal program under the United States Department of Housing and Urban Development ("HUD") which is administered by DHCD;

WHEREAS, [\$30,401] of the CDBG Grant is being subgranted by the Recipient to the Subrecipient for the purposes described herein;

WHEREAS, the Program is governed by Title I of the Housing and Community Development Act of 1974, an amended (the "Act") and Subpart I of the regulations of the United States Department of Housing and Urban Development which are set forth in 24 CFR 570 (the "CDBG Regulations");

WHEREAS, the CDBG Regulations require, among other things, that where all or a portion of the CDBG Grant will be used by a Subrecipient, there must be a written agreement between a recipient and a Subrecipient regarding the use of such funds; and

WHEREAS, the parties hereto desire to set forth the terms and conditions for use of the proceeds of the CDBG Grant.

NOW, THEREFORE, in consideration of the foregoing, and subject to the conditions contained herein, the Recipient and Subrecipient agree as follows:

1. Incorporation of CDBG Grant Agreement. The Subrecipient has reviewed and understands the provisions of the CDBG Grant Agreement. The terms and conditions of the CDBG Grant Agreement and all Exhibits thereto, (collectively, the "CDBG Grant Agreement") a copy of which is attached hereto as Attachment A, are hereby incorporated into and made, a part of this Agreement. The Subrecipient agrees to assist the Recipient, to cooperate with the Recipient and to assume responsibility with the Recipient in fulfilling the terms and conditions of the CDBG Grant Agreement.

2. Purpose of Agreement. The purpose of this Agreement is to provide the Subrecipient with funds to carry out the activities described in Exhibit A-2 PROJECT 4 of the CDBG Agreement (the " Subrecipient Project").

3. Funds Provided. In consideration of the various obligations to be performed by the Subrecipient pursuant to this Agreement, the Recipient agrees to provide Subrecipient with funds in an amount not to exceed \$30,401 (the " Subrecipient Grant") subject to the terms and conditions set forth herein.

4. Schedule for Completion. The funded activities related to the Subrecipient Project shall be completed in accordance with the schedule attached marked as Exhibit C-3 of the CDBG Grant Agreement (the "Schedule").

5. Expenditure of Funds.

(a) The proceeds of the Subrecipient Grant shall be expended in accordance with the Subrecipient Project budget marked as Exhibit B-3 of the CDBG Grant Agreement hereto (the "Budget").

(b) The proceeds of the Subrecipient Grant may be used to reimburse the Subrecipient for costs incurred pursuant to the Budget for the activities described in Exhibit A-2 PROJECT 4 of the CDBG Grant Agreement.

(c) The Recipient, in its discretion, may advance all or a portion of the Subrecipient Grant in the amounts set forth in the Budget to pay for the activities described in Exhibit A of the CDBG Grant Agreement in accordance with CDBG Payment Procedures.

6. Compliance with Federal Regulations.

(a) The Subrecipient shall undertake the Subrecipient Project in accordance with the Act and the CDBG Regulations.

(b) The Subrecipient shall comply with all of the applicable federal laws, regulations, circulars, and guidelines related to the Program which are set forth in the CDBG Grant Agreement.

7. Disbursement of Subrecipient Grant.

(a) Disbursement of funds under the Subrecipient Grant shall be in the amounts in the Budget and shall be made only for costs which have been determined by the Recipient to have been properly incurred by the Subrecipient.

(b) Requests for disbursements shall be made in the following manner:

The sub-recipient will expend homeless shelter food and supply funds. The sub-recipient shall ask for reimbursement from the grantee monthly, providing all necessary documents and meeting all requirements of the CDBG Grant Agreement and the special terms and conditions of the CDBG Grant Agreement.

8. Records and Reports.

(a) The Subrecipient shall maintain the records related to the Subrecipient Project set forth in the CDBG Grant Agreement attached hereto and made a part hereof in a manner satisfactory to the Recipient.

(b) The Subrecipient shall produce the reports or provide information for reports set forth in the CDBG Grant Agreement on the dates and which contain the information indicated.

(c) The Subrecipient shall provide copies of all records related to the Subrecipient Project to the Recipient.

9. Term of Agreement. Unless terminated earlier pursuant to this Agreement or upon the mutual agreement of the parties with the consent of DHCD, this Agreement shall remain in full force and in effect until the Subrecipient Project has been completed to the satisfaction of the Recipient, DHCD, and HUD, all reports required by this Agreement, DHCD, or HUD have been submitted and approved, and all outstanding issues between the Recipient and the Subrecipient have been resolved in a manner satisfactory to the Recipient.

10. Default and Remedies.

(a) Any breach of any representation, warranty, covenant, condition, or provision of this Agreement, including failure of the Subrecipient to conduct and complete the activities associated with the Subrecipient Project in a manner satisfactory to the Recipient, shall constitute a default under this Agreement.

(b) The Recipient shall notify the Subrecipient, in writing, of a default under this Agreement. The Subrecipient shall have 15 days from the date of such notice to cure the default in a manner satisfactory to the Recipient. Upon the failure of the Subrecipient to cure the default in a manner satisfactory to the Recipient, the Recipient, in addition to the remedies set forth in the CDBG Grant Agreement, shall have the following remedies:

- 1) the Subrecipient, shall not be entitled to any undisbursed portions of the Subrecipient Grant;
- 2) the Recipient may, at its option, require the Subrecipient to repay all funds improperly expended by the Subrecipient; and
- 3) the Recipient may take all other actions available to it at law or in equity.

11. Reversion of CDBG Assets. Upon termination of this Agreement, the Subrecipient shall:

- (a) transfer to the Recipient all undisbursed Agreement Grant funds in the possession of the Subrecipient at the time of termination, including any accounts receivable attributable to the Subrecipient Grant; and
- (b) comply with any special conditions related to the Subrecipient Project set forth in the CDBG Grant Agreement hereto.

12. Inspections. The subrecipient shall permit the authorized representatives of the Recipient, DHCD, or HUD to inspect, at any reasonable time, the Project and all records related to the Project.

13. Third Party Beneficiaries. The Recipient and the Subrecipient hereby agree that all representations and warranties contained in this Agreement run to the benefit of DHCD, the State of Maryland (the "State") and HUD. The Recipient and the Subrecipient further agree and acknowledge that DHCD, the State, and HUD shall have the right to request documentation from time to time from the Recipient and/or the Subrecipient and shall be entitled to exercise all of the rights and remedies available to the Recipient against the Subrecipient.

14. No Waiver. No failure or delay by the Recipient to insist upon the strict performance of any term, condition, representation or warranty of this Agreement or to exercise any right, power or remedy shall constitute a waiver of any such term, condition, representation or warranty nor preclude the Recipient, DHCD, the State, or HUD from exercising any such right, power, or remedy at any later time.

15. Survival. All covenants, agreements, representations and warranties made in this Agreement and in any other documents delivered pursuant hereto shall survive closeout of the CDBG Grant and shall continue in full force and effect until the Recipient has complied with all terms and conditions related to the close out of the CDBG Grant Agreement between DHCD and the Recipient for the Project.

16. Notices. All reports, notices, consents or approvals required under this Agreement shall be in writing and shall be deemed to have been given properly if and when mailed by first class certified mail, return receipt requested, postage prepaid, as follows:

If to Recipient: County Commissioners of Worcester County  
Attention: Lynn Wright  
1 W. Market Street, Room 1103  
Snow Hill, MD 21863

If to Subrecipient: Diakonia  
Attention: Ken Argot  
12747 Old Bridge Road  
Ocean City, MD 21842

or to such other address as the parties above shall have furnished to the other in writing.

17. Modification /Assignment. No portion of this Agreement may be changed, waived or modified except with the written consent of Recipient and by a written agreement executed by the parties hereto. This Agreement may not be assigned, in whole or in part, without the prior written consent of DHCD.

18. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Maryland.

19. Terms Binding. All of the terms, conditions, representations, warranties and covenants of this Agreement shall apply to and be binding upon and inure to the benefit of the Recipient, DHCD, and the State. This Agreement shall be binding upon Subrecipient and its successor[s].

20. Indemnification. The Subrecipient hereby releases the Recipient, DHCD, and the State from, agrees that the Recipient, DHCD, and the State shall have no liability for, and agrees to protect, indemnify and save harmless the Recipient, DHCD, and the State from and against any liability, suit, action, claim, demand, loss, expense or cost of any kind or nature, including attorneys, fees, incurred by or asserted or imposed against, the Recipient, DHCD, or the State as a result of or in connection with the Project. Any money expended by the Recipient, DHCD, or the State as a result of such liabilities, suits, motions, claims, demands, losses, expenses or costs, together with interest at a rate not to exceed the maximum interest rate permitted by law and reasonable attorneys fees, shall be immediately and without notice due and payable by the Subrecipient to the party who has expended such money.

21. Further Assurances and Corrective Instruments. The parties hereto agree that they will, from time to time, execute and deliver, or cause to be executed and delivered, such amendment hereto and such further instruments as may be required by the Recipient, DHCD, the State, or HUD to comply with any existing or future State or federal regulations, policies, directives, procedures or other requirements or to further the general purposes of this Agreement.

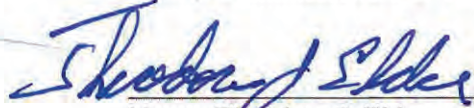
22. Severability. The invalidity of any articles, section, subsection, paragraph, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, subsections, paragraphs, clauses or provisions hereof.

23. Authority. This Agreement has been duly executed and delivered by the Subrecipient and the Recipient, in such manner and form as to comply with all requirements necessary to make this Agreement the valid and legally binding and enforceable act and agreement of the Subrecipient and the Recipient.

WITNESS our hands and seals, all as of the date first written above.

WITNESS/ATTEST

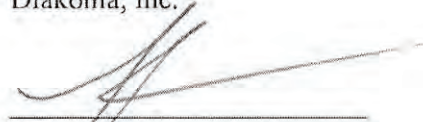
County Commissioners of Worcester County

 (SEAL)

Name: Theodore J. Elder  
Title: President

WITNESS/ATTEST

Diakonia, Inc.



Name: Kenneth Argot  
Title: Executive Director

Attachment A - CDBG Grant Agreement  
Attachment B - CDBG Required Records and Reports

Grant # CV-2-17

## Maryland Community Development Block Grant

## Subrecipient Agreement

This Subrecipient Agreement dated this 8th day of August, 2025 (the "Agreement"), is by and between the County Commissioners of Worcester County, MD, a political subdivision of the State of Maryland (the "Recipient") and Samaritan Ministries, Inc., a Maryland nonprofit corporation (the "Subrecipient").

WHEREAS, the Recipient has entered into an agreement (the "CDBG Grant Agreement") with the Department of Housing and Community Development, a principal department of the State of Maryland ("DHCD") for a grant in the amount of \$24,678 (the "CDBG Grant") under the Community Development Block Grant Program ("CDBG" or the "Program") a federal program under the United States Department of Housing and Urban Development ("HUD") which is administered by DHCD;

WHEREAS, [\$24,678] of the CDBG Grant is being subgranted by the Recipient to the Subrecipient for the purposes described herein;

WHEREAS, the Program is governed by Title I of the Housing and Community Development Act of 1974, an amended (the "Act") and Subpart I of the regulations of the United States Department of Housing and Urban Development which are set forth in 24 CFR 570 (the "CDBG Regulations");

WHEREAS, the CDBG Regulations require, among other things, that where all or a portion of the CDBG Grant will be used by a Subrecipient, there must be a written agreement between a recipient and a Subrecipient regarding the use of such funds; and

WHEREAS, the parties hereto desire to set forth the terms and conditions for use of the proceeds of the CDBG Grant.

NOW, THEREFORE, in consideration of the foregoing, and subject to the conditions contained herein, the Recipient and Subrecipient agree as follows:

1. Incorporation of CDBG Grant Agreement. The Subrecipient has reviewed and understands the provisions of the CDBG Grant Agreement. The terms and conditions of the CDBG Grant Agreement and all Exhibits thereto, (collectively, the "CDBG Grant Agreement") a copy of which is attached hereto as Attachment A, are hereby incorporated into and made, a part of this Agreement. The Subrecipient agrees to assist the Recipient, to cooperate with the Recipient and to assume responsibility with the Recipient in fulfilling the terms and conditions of the CDBG Grant Agreement.

2. Purpose of Agreement. The purpose of this Agreement is to provide the Subrecipient with funds to carry out the activities described in Exhibit A-2 PROJECT 5 of the CDBG Agreement (the " Subrecipient Project").

3. Funds Provided. In consideration of the various obligations to be performed by the Subrecipient pursuant to this Agreement, the Recipient agrees to provide Subrecipient with funds in an amount not to exceed \$24,678 (the " Subrecipient Grant") subject to the terms and conditions set forth herein.

4. Schedule for Completion. The funded activities related to the Subrecipient Project shall be completed in accordance with the schedule attached marked as Exhibit C-3 of the CDBG Grant Agreement (the "Schedule").

5. Expenditure of Funds.

(a) The proceeds of the Subrecipient Grant shall be expended in accordance with the Subrecipient Project budget marked as Exhibit B-3 of the CDBG Grant Agreement hereto (the "Budget").

(b) The proceeds of the Subrecipient Grant may be used to reimburse the Subrecipient for costs incurred pursuant to the Budget for the activities described in Exhibit A-2 PROJECT 5 of the CDBG Grant Agreement.

(c) The Recipient, in its discretion, may advance all or a portion of the Subrecipient Grant in the amounts set forth in the Budget to pay for the activities described in Exhibit A of the CDBG Grant Agreement in accordance with CDBG Payment Procedures.

6. Compliance with Federal Regulations.

(a) The Subrecipient shall undertake the Subrecipient Project in accordance with the Act and the CDBG Regulations.

(b) The Subrecipient shall comply with all of the applicable federal laws, regulations, circulars, and guidelines related to the Program which are set forth in the CDBG Grant Agreement.

7. Disbursement of Subrecipient Grant.

(a) Disbursement of funds under the Subrecipient Grant shall be in the amounts in the Budget and shall be made only for costs which have been determined by the Recipient to have been properly incurred by the Subrecipient.

(b) Requests for disbursements shall be made in the following manner:

The sub-recipient will expend homeless shelter food supply and food program funds. The sub-recipient shall ask for reimbursement from the grantee monthly, providing all necessary documents and meeting all requirements of the CDBG Grant Agreement and the special terms and conditions of the CDBG Grant Agreement.

8. Records and Reports.

(a) The Subrecipient shall maintain the records related to the Subrecipient Project set forth in the CDBG Grant Agreement attached hereto and made a part hereof in a manner satisfactory to the Recipient.

(b) The Subrecipient shall produce the reports or provide information for reports set forth in the CDBG Grant Agreement on the dates and which contain the information indicated.

(c) The Subrecipient shall provide copies of all records related to the Subrecipient Project to the Recipient.

9. Term of Agreement. Unless terminated earlier pursuant to this Agreement or upon the mutual agreement of the parties with the consent of DHCD, this Agreement shall remain in full force and in effect until the Subrecipient Project has been completed to the satisfaction of the Recipient, DHCD, and HUD, all reports required by this Agreement, DHCD, or HUD have been submitted and approved, and all outstanding issues between the Recipient and the Subrecipient have been resolved in a manner satisfactory to the Recipient.

10. Default and Remedies.

(a) Any breach of any representation, warranty, covenant, condition, or provision of this Agreement, including failure of the Subrecipient to conduct and complete the activities associated with the Subrecipient Project in a manner satisfactory to the Recipient, shall constitute a default under this Agreement.

(b) The Recipient shall notify the Subrecipient, in writing, of a default under this Agreement. The Subrecipient shall have 15 days from the date of such notice to cure the default in a manner satisfactory to the Recipient. Upon the failure of the Subrecipient to cure the default in a manner satisfactory to the Recipient, the Recipient, in addition to the remedies set forth in the CDBG Grant Agreement, shall have the following remedies:

- 1) the Subrecipient, shall not be entitled to any undisbursed portions of the Subrecipient Grant;
- 2) the Recipient may, at its option, require the Subrecipient to repay all funds improperly expended by the Subrecipient; and
- 3) the Recipient may take all other actions available to it at law or in equity.

11. Reversion of CDBG Assets. Upon termination of this Agreement, the Subrecipient shall:

(a) transfer to the Recipient all undisbursed Agreement Grant funds in the possession of the Subrecipient at the time of termination, including any accounts receivable attributable to the Subrecipient Grant; and

(b) comply with any special conditions related to the Subrecipient Project set forth in the CDBG Grant Agreement hereto.

12. Inspections. The subrecipient shall permit the authorized representatives of the Recipient, DHCD, or HUD to inspect, at any reasonable time, the Project and all records related to the Project.

13. Third Party Beneficiaries. The Recipient and the Subrecipient hereby agree that all representations and warranties contained in this Agreement run to the benefit of DHCD, the State of Maryland (the "State") and HUD. The Recipient and the Subrecipient further agree and acknowledge that DHCD, the State, and HUD shall have the right to request documentation from time to time from the Recipient and/or the Subrecipient and shall be entitled to exercise all of the rights and remedies available to the Recipient against the Subrecipient.

14. No Waiver. No failure or delay by the Recipient to insist upon the strict performance of any term, condition, representation or warranty of this Agreement or to exercise any right, power or remedy shall constitute a waiver of any such term, condition, representation or warranty nor preclude the Recipient, DHCD, the State, or HUD from exercising any such right, power, or remedy at any later time.

15. Survival. All covenants, agreements, representations and warranties made in this Agreement and in any other documents delivered pursuant hereto shall survive closeout of the CDBG Grant and shall continue in full force and effect until the Recipient has complied with all terms and conditions related to the close out of the CDBG Grant Agreement between DHCD and the Recipient for the Project.

16. Notices. All reports, notices, consents or approvals required under this Agreement shall be in writing and shall be deemed to have been given properly if and when mailed by first class certified mail, return receipt requested, postage prepaid, as follows:

If to Recipient: County Commissioners of Worcester County  
Attention: Lynn Wright  
1 W. Market Street, Room 1103

If to Subrecipient: Samaritan Ministries, Inc.  
Attention: Shelly Daniels  
PO Box 661  
Pocomoke City, MD 21851

or to such other address as the parties above shall have furnished to the other in writing.

17. Modification /Assignment. No portion of this Agreement may be changed, waived or modified except with the written consent of Recipient and by a written agreement executed by the parties hereto. This Agreement may not be assigned, in whole or in part, without the prior written consent of DHCD.

18. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Maryland.

19. Terms Binding. All of the terms, conditions, representations, warranties and covenants of this Agreement shall apply to and be binding upon and inure to the benefit of the Recipient, DHCD, and the State. This Agreement shall be binding upon Subrecipient and its successor[s].

20. Indemnification. The Subrecipient hereby releases the Recipient, DHCD, and the State from, agrees that the Recipient, DHCD, and the State shall have no liability for, and agrees to protect, indemnify and save harmless the Recipient, DHCD, and the State from and against any liability, suit, action, claim, demand, loss, expense or cost of any kind or nature, including attorneys, fees, incurred by or asserted or imposed against, the Recipient, DHCD, or the State as a result of or in connection with the Project. Any money expended by the Recipient, DHCD, or the State as a result of such liabilities, suits, motions, claims, demands, losses, expenses or costs, together with interest at a rate not to exceed the maximum interest rate permitted by law and reasonable attorneys fees, shall be immediately and without notice due and payable by the Subrecipient to the party who has expended such money.

21. Further Assurances and Corrective Instruments. The parties hereto agree that they will, from time to time, execute and deliver, or cause to be executed and delivered, such amendment hereto and such further instruments as may be required by the Recipient, DHCD, the State, or HUD to comply with any existing or future State or federal regulations, policies, directives, procedures or other requirements or to further the general purposes of this Agreement.

22. Severability. The invalidity of any articles, section, subsection, paragraph, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, subsections, paragraphs, clauses or provisions hereof.

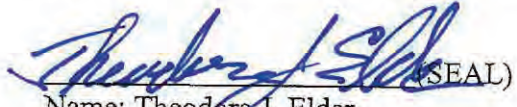
23. Authority. This Agreement has been duly executed and delivered by the Subrecipient and the Recipient, in such manner and form as to comply with all requirements necessary to make this Agreement the valid and legally binding and enforceable act and agreement of the Subrecipient and the Recipient.

WITNESS our hands and seals, all as of the date first written above.

WITNESS/ATTEST

A handwritten signature in blue ink, appearing to be 'Theodore J. Elder', written over a horizontal line.

County Commissioners of Worcester County


A handwritten signature in blue ink, appearing to be 'Theodore J. Elder', written over a horizontal line. To the right of the signature is a circular embossed seal.

(SEAL)  
Name: Theodore J. Elder  
Title: President

WITNESS/ATTEST

A handwritten signature in blue ink, appearing to be 'James Townsend', written over a horizontal line.

Samaritan Ministries, Inc.

A handwritten signature in blue ink, appearing to be 'Shelly Daniels', written over a horizontal line.

Name: Shelly Daniels  
Title: Exec. Director

Attachment A - CDBG Grant Agreement  
Attachment B - CDBG Required Records and Reports



Worcester County Administration
One West Market St. Room 1103 | Snow Hill MD 21863 | (410) 632-1194 | www.co.worcester.md.us

TO: The Salisbury Daily Times and The Ocean City Today Group
FROM: Candace Savage, Deputy Chief Administrative Officer
DATE: May 11, 2026
SUBJECT: Worcester County Public Hearing Notice

Please print the attached Public Hearing Notice in The Salisbury Daily Times and Ocean City Digest/Ocean City Today on June 4th, 2026, and June 11th, 2026. Thank you.

NOTICE OF PUBLIC HEARING
CARES ACT ADDITIONAL FUNDING
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS
WORCESTER COUNTY, MARYLAND

The County Commissioners of Worcester County, Maryland, will conduct a Public Hearing to provide information on the progress of homeless shelter supply and facility improvement activities funded through the Maryland Community Development Block Grant Program, a federally funded program designed to assist governments with activities directed toward neighborhood and housing revitalization, economic development, and improved community facilities and services. The hearing will be held on:

TUESDAY, June 16th, 2026
AT 10: 0 A.M.
IN THE COUNTY COMMISSIONERS' MEETING ROOM
ROOM 1101 – GOVERNMENT CENTER – ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863

Efforts will be made to accommodate the disabled and non-English speaking residents with 3 business days advance notice to Candace Savage, Deputy Chief Administrative Officer at 410-632-1194.

WORCESTER COUNTY COMMISSIONERS



Worcester County Government

One West Market Street | Room 1103 | Snow Hill MD 21863-1195

(410) 632-1194 | (410) 632-3131 (fax) | [admin@co.worcester.md.us](mailto:admin@co.worcester.md.us) | [www.co.worcester.md.us](http://www.co.worcester.md.us)

**MEMORANDUM**

TO: Worcester County Commissioners  
FROM: Charlene Sharpe, Legislative Analyst  
DATE: June 15, 2026  
RE: Bond Bill Letter of Support Request

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TidalHealth Atlantic is seeking a \$4 million grant through the Maryland Hospital Association Bond Program to support modernization and expansion of the operating rooms at the hospital in Berlin. TidalHealth Atlantic is seeking letters of support to include with its application. A draft is attached.

TEL: 410-632-1194  
WEB: www.co.worcester.md.us



OFFICE OF THE  
COUNTY COMMISSIONERS

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND  
21863-1195

WESTON S. YOUNG, P.E.  
CHIEF ADMINISTRATIVE OFFICER  
CANDACE I. SAVAGE, CGFM  
DEPUTY CHIEF ADMINISTRATIVE OFFICER  
ROSCOE R. LESLIE  
COUNTY ATTORNEY

COMMISSIONERS  
THEODORE J. ELDER, PRESIDENT  
MADISON J. BUNTING, JR., VICE PRESIDENT  
CARYN G. ABBOTT  
ANTHONY W. BERTINO, JR.  
ERIC J. FIORI  
JOSEPH M. MITRECIC  
DIANA PURNELL

June 15, 2026

Hospital Bond Project Review Program  
c/o Maryland Hospital Association  
6820 Deerpath Road  
Elkridge, MD 21075

Dear MHA Bond Chair and Review Committee Members:

On behalf of the Worcester County Commissioners, I am writing to express support for TidalHealth Atlantic’s Surgical Suite Renovation Project and its request for \$4 million in funding assistance.

This project will modernize and expand surgical services through the construction of two new operating rooms and upgrades to existing surgical space. The renovation will address significant limitations within the current department, where operating rooms are undersized for modern surgical equipment and advanced technologies, including robotic-assisted surgery. The project will also improve workflow efficiency, infection prevention practices, storage capacity, and overall patient safety.

The need for this investment is clear. TidalHealth Atlantic projects a 17% increase in surgical volume in Fiscal Year 2026, followed by an additional 23% increase in Fiscal Year 2027. At the same time, population growth across the region is increasing demand for specialized surgical services, including orthopedics, colorectal surgery, thoracic surgery, urogynecology, and robotic-assisted procedures.

The renovated surgical suite will provide the space and technology necessary to meet these growing needs while ensuring residents of Maryland's Lower Eastern Shore have access to high-quality surgical care close to home. The project will enhance patient outcomes, support physician recruitment and retention, and strengthen healthcare access throughout the region.

I respectfully urge your favorable consideration of TidalHealth Atlantic's funding request. This project represents a critical investment in the health and well-being of the communities it serves.

Sincerely,

Theodore J. Elder  
President