

COUNTY ORDINANCE NO. 05-21

A BILL ENTITLED

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

FOR THE PURPOSE OF amending parcel 374 and part of parcel 8, located on said Official Chesapeake Bay Critical Area Overlay Map 57 to redesignate 12.05 acres from Limited Development Area (LDA) to Intense Development Area (IDA).

SECTION I

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Chapter 14, CHESAPEAKE BAY CRITICAL AREA ACT, Official Chesapeake Bay Critical Area Overlay Map Number 57 is hereby repealed and Overlay Map Number 57 be and is hereby amended and adopted with the revisions set forth herein and depicted on Exhibit A, attached hereto.

SECTION II

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

INTRODUCED BY: Gene Ransom

DATED: October 18, 2005

PUBLIC HEARING HELD: November 15, 2005

VOTE: 4 YEA 1 NAY

DATE: December 6, 2005

RESOLUTION, FINDINGS OF FACT
AND CONDITIONS RELATING TO
THE APPLICATION OF
RVG MANAGEMENT AND DEVELOPMENT COMPANY
FOR GROWTH ALLOCATION

WHEREAS, RVG Management and Development Company (herein "Petitioner") has petitioned the County Commissioners of Queen Anne's County ("the County") for an award of growth allocation in order to amend official Chesapeake Bay Critical Area Overlay Map No. 57 to redesignate 12.05 acres from Limited Development Area (LDA) to Intensity Development Area (IDA) on property more particularly described in the Petition;

AND WHEREAS on June 9, 2005 the Queen Anne's County Planning Commission recommended approval of an award of growth allocation with condition;

AND WHEREAS on August 2, 2005 following public hearing the County gave conceptual approval to the growth allocation petition, with certain conditions and requested that the same be forwarded to the Chesapeake Bay Critical Area Commission ("the Critical Area Commission") in accordance with Chapter 14:1-77 of the Code of Public Local Laws;

AND WHEREAS the Critical Area Commission on September 7, 2005 approved the growth allocation request and map redesignation with certain conditions;

AND WHEREAS on October 18, 2005 County Ordinance 05-21 was introduced to amend Chesapeake Bay Critical Area Overlay May 57 in accordance with the request of the Petitioner;

AND WHEREAS a public hearing on County Ordinance 05-19 was held on November 15, 2005.

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

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

b. The Petition for growth allocation is consistent with the Queen Anne's County Chesapeake Bay Critical Area Program (Chapter 14 of the Code of Public Local Laws),

however the County shall impose a number of additional conditions all of which are designed to meet the concerns of County Citizens, minimize the environmental impact of the project, foster good land stewardship, insure the subject property will not be over developed, assure that public facilities are not over burdened and generally to enhance the design and impact of the project.

BE IT FURTHER RESOLVED that the County shall approved the Petition for growth allocation specifically with and subject to the conditions set forth in proposed County Ordinance 05-21, in the Planning Commission Recommendation and in the State of Maryland Critical Area Commission approval.

BE IT FURTHER RESOLVED that should any conflict exist between the Planning Commission conditions, the Critical Area Commission conditions and other conditions stated herein, the more restrictive conditions shall apply. * In the event of nonperformance of any conditions, restriction or limitation imposed in connection with the award of growth allocation, Queen Anne's County may, in its discretion, amend, repeal, rescind, suspend, annul or revoke the award of growth allocation by introduction and adoption of a bill for that purpose. The County may immediately suspend consideration of further development approvals or permits upon introduction of such a bill. No formal development approval shall be given by the Queen Anne's County Planning Commission unless and until the Planning Commission is satisfied that all condition are met.

AND BE IT FURTHER RESOLVED that this Resolution and Findings shall be a part of the legislative history of County Ordinance 05-21 and shall be fully effective and enforceable upon the adoption of said Ordinance.

Date: December 6, 2005

ATTEST:

THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY

Signed

Joseph F. Cupani

Signed

Benjamin F. Cassell

Signed

Margie Houck

Michael S. Koval

Signed

Gene Ransom, III

Signed

Richard A. Smith

* Except that Condition 11 of this Ordinance shall supercede Planning Commission recommended Condition 7.