

COUNTY ORDINANCE NO. 16-14

A BILL ENTITLED

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

FOR THE PURPOSE OF requiring the documentation and preservation of archeological sites in Queen Anne's County, establishing criteria for preservation of archeological resources; providing for the applicability of these provisions and establishing a Development Review Process in connection with the approval of certain applications.

BY RETITLING ARTICLE XVI of Chapter 18:1 of the Code of Public Local Laws of Queen Anne's County and ADDING a new Section 18-1-91.1.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Article XVI of Chapter 18:1 of the Code of Public Local Laws be retitled "HISTORIC STRUCTURES AND ARCHEOLOGICAL SURVEYS" and a new Section 18:1-19.1 be added to the Code of Public Local Laws of Queen Anne's County to read as follows:

**§18:1-91.1 Archeological Resource Investigation**

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

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

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

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<sup>1</sup> Shaffer, Gary D. and Elizabeth J. Cole  
1994 *The Standards and Guidelines for Archeological Investigations in Maryland*. Maryland Historical Trust Technical Report 2.

*Investigations in Maryland (Schaffer and Cole).*

- (3) The significance and integrity of all existing archaeological resources shall be evaluated and shall be part of a plan for the protection and preservation of such resources, which shall be reviewed and subject to the approval of the Planning Commission.**
- B. Applicability. Standards for the documentation of archeological resources apply to the following:**
- 1. Applications for approval of all major site plans, major subdivisions, concept plans for solar arrays, concept plans for major extraction permits, and telecommunication towers that involve documented evidence of archeological resources.**
  - 2. These standards do not apply to minor subdivisions, minor site plans or administrative subdivisions.**
- C. Development Review Process. Prior to the approval of the application, review and documentation of any archeological resource shall be conducted in accordance with the following process:**
- (1) All plans submitted shall identify cemeteries, burial grounds, and known archaeological sites. Applicants are required to comply with Chapter 18: 1: Zoning & Subdivision Regulations and comply with the Planning Commission's Archeological Resource Investigation Guidelines adopted by Resolution of the County Commissioners of Queen Anne's County.**
  - (2) Applicant is responsible for researching the Maryland Historical Trust, the Maryland Historical Trust Library, the Maryland State Highway Administration, the National Register of Historic Places, and other resources to determine whether archaeological resources are likely to exist on site.**
  - (3) Prior to the submittal of a plan, potential applicants are encouraged to arrange a pre-application meeting with the Planning Department to substantiate the presence or absence of archeological resources.**
  - (4) Staff will review the plans for archeological potential and based on this analysis, the Planning Department will make an evaluation of archeological potential and a finding as to whether an archeological investigation is needed. If staff concludes that there is a moderate or high probability that archeological resources could be located within the project area, staff will provide a memorandum that outlines the**

area where a Phase I archeological investigation will be required. If a known potentially significant or National Register of Historic Places-eligible archeological site is within the project area, a Phase II (Evaluation) or Phase III (Treatment Plan) investigation may be required. If staff finds that no further archeological investigations are necessary, the applicant will receive a memorandum stating that the applicant has met the Planning Department's archeological requirements.

- (5) If staff recommends a Phase I, II, or III archeological investigation, the Archeological Resource Investigation Guidelines shall apply. An acceptable investigation report shall be submitted at least 45 days prior to the scheduled Planning Commission meeting date.
- (6) Staff's recommendations on the archeological review will be presented to the Planning Commission as part of the Staff Technical Advisory Committee report. Should the Planning Commission determine that additional archeological investigation is necessary; the additional study information shall be submitted and reviewed prior to any approval by the Commission.
- (7) Should unanticipated discoveries be uncovered during soil disturbance, work in the immediate vicinity shall cease and the Planning Department notified. Construction activities in the vicinity shall not resume until such time that all relevant parties have agreed upon a course of action.
- (8) Application of this section shall not result in the loss of otherwise buildable lots or buildable area. However, this provision shall not be interpreted or used as a means to recover base density or buildable area that may be lost due to the application of other County, State, or Federal requirements during the normal review process.

### **SECTION III**

**BE IT FURTHER ENACTED** that upon introduction this Ordinance shall be referred to the Queen Anne's County Planning Commission for investigation and recommendation pursuant to §18:1-218 of the Code of Public Local Laws.

### **SECTION IV**

**BE IT FURTHER ENACTED** that this Act shall take effect on the forty-sixth

**(46<sup>th</sup>) day following its enactment.**

**INTRODUCED BY: Commissioner Anderson**

**DATE: July 26, 2016**

**PUBLIC HEARING HELD: February 28, 2017 @ 6:45 pm**

**TABLED: March 21, 2017**

**VOTE:        Yea            Nay**

**DATE OF ADOPTION:            Withdrawn January 8, 2019**