

ARTICLE 13. SENSITIVE AREAS REQUIREMENTSSection 13-1. Definitions

Habitat of Threatened and Endangered Species: An area which, due to its physical or biological features, provides important elements for the maintenance, expansion and long-term survival of threatened and endangered species listed on COMAR 08.03.08. This area may include breeding, feeding, resting, migratory, or overwintering areas. Physical or biological features include, but are not limited to: structure and composition of the vegetation; faunal community; soils; water chemistry and quality; and geologic, hydrologic and microclimatic factors. This area may need special management or protection because of its importance to conservation of the threatened or endangered species.

Streams and Their Buffers: Streams are defined as all streams of water of natural origin, flowing constantly or intermittently on the surface of the earth in a relatively definite natural channel, including springs, lakes, or marshes in which a stream originates or through which it flows. Stream buffers are defined as all lands lying within 100 feet from the banks of streams measured from the top of each normal stream bank or the centerline of streams less than 5 feet in width that have ill-defined stream banks. The 100 foot buffer width is expanded to include contiguous steep slopes, at the rate of 4 feet for every 1% increase in slope above a slope of 15%.

One Hundred Year Floodplain: The land area along or adjacent to nontidal streams and bodies of water that is susceptible to inundation by the 100-year flood as a result of rainfall and runoff from upland areas. A 100-year flood is a flood which has a 1% chance of being equaled or exceeded in any given year.

Steep Slope: Areas with a slope of 25% or more covering an area of at least 5,000 square feet. Areas with a slope of 15% or more covering an area of at least 5,000 square feet where the erodibility coefficient is 0.32 or more.

Development Projects: Subdivision plats, site plans, and the construction of buildings, structures, roads, water and sewerage facilities and other infrastructure.

Section 13-2. Permitted Uses and Activities

Uses and activities permitted in sensitive areas must, in addition to the requirements below, meet all other applicable Federal, State and Local laws and regulations.

All Sensitive Areas:

1. Existing structures may be removed, restored, repaired, maintained, or enhanced, provided that:

- a. for any development other than agricultural activities, the area occupied by a structure may not be enlarged by more than 20% and the enlargement shall be done in conjunction with the establishment of best management practices which reduce the level of negative environmental impacts, such as runoff, which existed prior to enlargement.
 - b. for any agricultural activity, the area occupied by a structure may be enlarged if a soil conservation and water quality plan, approved by the local soil conservation district, establishes best management practices for the enlargement.
2. Agricultural activity existing, or planned as part of a conventional rotational cycle or on areas set aside under a formal program for agriculture authorized by the United States Department of Agriculture or the Maryland Department of Agriculture as of January 1, 1993, shall be allowed provided that any construction or substantial alteration of the land for agricultural purposes, including installation of best management practices, shall be done in accordance with the provisions of a soil conservation and water quality plan, approved by the local soil conservation district.

Habitat of Threatened and Endangered Species:

1. Natural resources and environmental protection, management, monitoring, restoration, and enhancement; provided the measures are:
 - a. implemented to protect the habitat of threatened and endangered species.
 - b. agricultural activities or agricultural management measures that do not disturb habitat of threatened and endangered species and are done according to a plan approved by the Department of Agriculture and the Department of Natural Resources.

Streams and Their Buffers:

1. Natural resources and environmental protection, management, monitoring, restoration and enhancement may be implemented.
2. New structures or alterations of existing structures for transportation facilities, transmission lines, and sewer, water, and gas lines may be constructed only if no practicable or feasible alternative exists for locating the structure outside of a stream and buffer area. If a structure must be located in a stream and buffer area, disturbance of the area shall be minimized.
3. Nonstructural land alteration for commercial forestry shall be allowed in accordance with provision of a forest management plan, prepared by a registered forester, that is approved by the Department of Natural

Resources and assures protection of natural resources in the stream and buffer area. In stream buffers, a commercial forestry activity may not be undertaken within 50 feet of the banks of a stream, except that activities may be undertaken to permit forest conservation practices consistent with an approved forest management plan. Disturbances of the stream and buffer area shall be minimized.

4. Roads, causeways, or boat ramps that are necessary for recreational access to a stream may be constructed, provided that the area disturbed by development or nonstructural land alteration is minimized.

100-Year Floodplain:

1. Natural resources and environmental protection, management, monitoring, restoration, and enhancement may be implemented.
2. New structures or alteration of existing structures for transportation facilities, transmission lines, and sewer, water, and gas lines may be constructed only if no practicable or feasible alternative exists for locating the structure outside of the 100-year floodplain. If a structure must be located in a 100-year flood plain, disturbance of the area shall be minimized.
3. Nonstructural land alteration for commercial forestry shall be allowed in accordance with provisions of a forest management plan, prepared by a registered forester, that is approved by the Department of Natural Resources and assures protection of natural resources in the 100-year floodplain. Disturbance of the 100-year floodplain shall be minimized.
4. Structures and nonstructural land alterations appurtenant to mineral resource extraction areas, agriculture, stormwater management facilities, dams and reservoirs, water supply and wastewater facilities, flood management activities or facilities and publicly owned or operated recreational facilities provided that:
 - a. they are outside of the stream buffer, except that agricultural appurtenances may be in the stream buffer provided they are constructed in accordance with the provisions of a soil conservation and water quality plan approved by the local soil conservation district.
 - b. disturbance of the 100-year floodplain is minimized.

Steep Slopes:

1. Natural resources and environmental protection, management, monitoring, restoration, and enhancement may be implemented.
2. And sewer, water, and gas lines may be constructed only if no practicable or feasible alternative exists for locating the structure outside of the

- steep slope area. If a structure must be located in a steep slope area, disturbance of the area shall be minimized.
3. Nonstructural land alteration for commercial forestry shall be allowed in accordance with provisions of forest management plan, prepared by a registered forester, that is approved by the Department of Natural Resources and assures protection of natural resources in the steep slope area. Disturbance of the steep slope area shall be minimized.
 4. New structures other than those permitted in subsection (4)(b) above may be constructed if construction disturbs a total of 5,000 square feet or less of steep slope area. Agricultural structures may disturb more than 5,000 square feet of steep slope provided a structure is built in compliance with the provisions of a soil conservation and water quality plan approved by the local soil conservation district.

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