

## APPENDIX B-1: Coast Smart Waiver Considerations and Process

Any unit of State or local government may request a waiver from one or more of the specific Siting or Design Criteria. Waiver requests will be reviewed for approval by the Governor's Smart Growth Subcabinet, established under § 9-1406 of the State Government Article of the Annotated Code of Maryland.

**I. Waiver Considerations.** Exceptions to the Criteria may be granted based on consideration of the following factors

- *Cost-Benefit Analysis.* The full extent of short-term and long-term costs, including those associated with additional shore protection, emergency response during extreme weather events, and the potential necessity of rebuilding or repairing damaged structures. Included in this analysis should be the costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- *Importance of the Services.* Determination of the level of importance of services to the State of Maryland provided by the proposed project.
- *Socioeconomic and Cultural Considerations.* The necessity of continued investment of State resources in coastal communities in order to protect and stimulate economic growth and revitalization or maintain a unique cultural value.
- *Structural and Natural and Nature-Based Resiliency Measures.* Proposed construction practices and site development standards for the protection of structural and ecological features on site, in anticipation of the need to prepare for, respond to, and recover from extreme weather events, sea level rise inundation, coastal flooding, storm surges and shoreline erosion.
- *Statutory/Regulatory Conflicts.* Statutory or regulatory requirements (e.g., Americans with Disabilities Act) that may conflict with the strict application of the Siting and Design Criteria.
- *Federal Grant Funding Criteria.* Specific grant requirements which may specify alternative construction standards or practices and/or may preclude application of strict interpretation of the Siting and Design Criteria.
- *Mapping Error.* Land elevations shown on mapping products or tools are proven to be inaccurate by a licensed surveyor or engineer.
- *Public Health, Safety and Welfare.* An analysis of the danger that materials may be swept onto other lands to the injury of others or the danger to life and property due to flooding or erosion damage.

- *Suitability of Alternative Locations.* Availability of suitable alternative project locations that are subject to a lower risk of flooding or erosion damage.
- *Emergency Response and Access.* Safety of access to and from a site, facility or the structure or infrastructure by passenger and emergency vehicles during a flood.

**2. Waiver Process.** The Qualifying Agency requesting the waiver shall provide a brief (no more than two pages) letter of request for a waiver to the Governor's Smart Growth Subcabinet explaining and demonstrating:

- a. Why a proposed project is unable to meet Program requirements and;
- b. How the project is eligible for a waiver based on one or more of the considerations listed above.

The waiver request should be provided in Microsoft Word or .PDF format for distribution, review and consideration by the Smart Growth Coordinating Committee and Smart Growth Subcabinet. Qualifying Agencies should allow up to eight (8) weeks for a response to waiver requests.