

Critical Area Commission

STAFF REPORT

April 8, 2026

APPLICANT:	Somerset County
PROPOSAL:	Refinement: Restaurants and Retreats in the RCA
COMMISSION ACTION:	Concurrence with the Chair's Determination of Refinement
STAFF RECOMMENDATION:	Approval with Conditions
STAFF:	Jamileh Soueidan
APPLICABLE LAW/REGULATIONS:	Natural Resources Article §8-1809(r) COMAR 27.01.02.05

BACKGROUND

Somerset County is requesting approval of a text amendment to allow *Restaurants* and *Retreats* within the Critical Area's Resource Conservation Area (RCA). On February 24, 2026, the Somerset County Commission approved County Ordinance 1220, which amends Chapter 1-108 of the County's Zoning Ordinance to add two uses, *Restaurants* and *Retreats*, to the list of approved uses within the RCA and includes specific provisions limiting the uses within the RCA. Chair Fisher determined the change to be a refinement and is seeking concurrence from the Program Committee. Commission staff further recommend approval of the text amendment with conditions. A copy of Ordinance No. 1220 is attached.

Summary of Proposed Text Amendment

The proposed amendment adds *Restaurants* and *Retreats* to the approved RCA Use List and includes provisions that address lot coverage limitations, vesting provisions, Critical Area Buffer and Habitat Protection Area impacts, participant and patron limits, climate resilience considerations, and emergency preparedness.

Definitions

Per Somerset County Code 1-101, the proposed uses are defined as:

Restaurants:

Any establishment where food and drink are prepared, served, and consumed and whose design or principal method of operation is characterized by customers being provided with an individual menu and being served their food and drink by a restaurant employee at the same table or counter at which said items are consumed.

Retreats:

The use of any land, buildings, structures, and facilities that: a) are operated by a charitable or non-profit organization; b) provides opportunities for groups of

people to congregate temporarily on a site for enlightenment, contemplation, counseling, renewal, solitude, or educational, recreational, social, or spiritual purposes; c) provides meals and housing for participants during a period of the retreat or program only; and d) may provide recreational activities utilizing both indoor and outdoor facilities, that contribute to the program experience.

DISCUSSION

RCA Use Considerations

COMAR 27.01.02.05.C. generally restricts commercial, institutional and industrial uses in the RCA. However, uses that existed prior to Critical Area law may remain, and new commercial or institutional uses may be allowed in the RCA if authorized under a local Critical Area program that is approved by the Commission. In reviewing whether a new use is appropriate in the RCA, the Commission must consider whether the proposal meets the goals of the Critical Area law as well as the defined land uses and policies of the RCA. The goals are to:

1. Minimize adverse impacts on water quality;
2. Conserve fish, wildlife, and plant habitat;
3. Establish land use policies for development which accommodate growth and also address the fact that the number, movement and activities of persons in the Critical Area can create adverse environmental impacts;
4. Reduce vulnerability to the impacts of climate change and incorporate measures to improve climate resilience; and
5. Ensure an equitable distribution of burdens and benefits of development, mitigation, restoration, conservation, and adaptation to climate change within the critical area.

The defined land uses and policies of the RCA are to:

1. Conserve, protect, and enhance the overall ecological values of the Critical Area, its biological productivity, and its diversity;
2. Provide adequate breeding, feeding, and wintering habitats for those wildlife populations that require the Chesapeake Bay, its tributaries, or coastal habitat in order to sustain populations of those species;
3. Conserve the land and water resources base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities, and aquaculture; and
4. Conserve the existing developed woodlands and forests for the water quality benefits they provide.

New RCA uses should balance the goals of the law while maintaining the land uses and policies of the RCA. This is often accomplished by limiting the intensity or frequency of a proposed use, and by limiting the type and amount of development associated with that use.

Preliminary Feedback and Review

On December 3, 2025, the portion of the proposed text amendment pertaining to the use of *Restaurants* in the RCA was presented to the Program Committee for preliminary feedback. The Committee requested limitations including considerations around lot coverage, vesting provisions, Critical Area Buffer and Habitat Protection Area impacts, and participant and patron attendance. In addition, they

recommended that the County incorporate considerations related to both climate resilience and emergency preparedness.

As a result of this feedback, the County revised the *Restaurant* use to limit it to structures existing as of December 31, 2025, prohibit further impacts or encroachment on the Critical Area Buffer or Habitat Protection Areas, require a Climate Resilience Assessment, and limit the number of patrons allowed.

Separately, Commission staff worked alongside the County to provide feedback pertaining to the use of *Retreats* in the RCA (Attachment 2). Based on this guidance, the County revised the *Retreat* use to limit it to parcels improved as of December 31, 2025, prohibit further impacts or encroachment on the Critical Area Buffer or Habitat Protection Areas, limit the number of participants per event and the number of events per year, and require an evacuation plan with an evaluation of coastal hazards.

Both uses are also required to comply with underlying zoning district requirements and Somerset County Health Department requirements and are required to obtain Somerset County Technical Advisory Committee and Planning Commissions approvals. The attached ordinance is included for detailed information regarding the specific limiting provisions included for each RCA use.

RECOMMENDATION

To ensure consistency with COMAR 27.01.02.05, Commission staff are recommending minor revisions to the lot coverage requirements for the *Restaurant* use. To further limit potential development associated with the *Retreat* use and to ensure consistency with other RCA uses in the Critical Area, Commission staff recommend a maximum lot coverage limit for large RCA parcels.

Therefore, Commission staff recommend that the Program Committee concur with the Chair's determination that this text amendment be processed as a refinement to the Somerset County Critical Area program. Further, staff recommends the Chair approve the text amendment with the following conditions:

1. The County shall revise the lot coverage provisions in Chapter 1-108.E(10)(c) pertaining to the use of *Restaurants* in the RCA to:

“Lot Coverage shall not exceed 15% of the total lot area located within the Resource Conservation Area. A variance for increased lot coverage is not permissible.”

2. The County shall revise the lot coverage provisions in Chapter 1-108.E (11)(g) pertaining to the use of *Retreats* in the RCA to:

“Lot Coverage within the Resource Conservation Area shall not exceed 15% of total lot area located within the Resource Conservation Area or 20,000 square feet, whichever is less. A variance for increased lot coverage is not permissible.”

ATTACHMENT

1_Somerset County Ordinance 1220

2_Critical Area Commission Retreat Language Letter



SOMERSET COUNTY
DEPARTMENT OF TECHNICAL AND COMMUNITY SERVICES

Jesse Drewer, MPA, Director
William Cornish, CFM, Assistant Director and Zoning Administrator

February 26, 2026

Ms. Annie Sekerak, AICP
Critical Area Commission
1804 West Street – Suite 100
Annapolis, Maryland 21401

Re: Somerset County Critical Area Ordinance Refinement – Text Amendment for Restaurants and Retreats in the Resource Conservation Area

Dear Ms. Sekerak,

Throughout 2025, following months of discussions and meetings for permissibility of restaurants and retreats in the Resource Conservation Area, we have locally adopted Ordinance 1220. After discussions with staff from the Critical Area Commission a draft was prepared with the proposed amendments and a public hearing was held with our County Commissioners on February 10, 2026. Two public comments were received during the time the hearing was open, both in support of the changes. The proposed amendments were formally adopted by the County Commissioners and approved by Somerset County Ordinance 1220.

The amendment to the ordinance includes the addition of definitions for restaurants and retreats on pages 15 and 16, and the inclusion of restaurant and retreat standards in Chapter 1-108, Resource Conservation Areas on pages 50-52.

Following discussion with Critical Area Staff, Somerset County would view this change as a refinement to our existing Critical Area program.

Should you have any questions, please feel free to contact Catherine Skeeter, Senior Planner or myself.

Sincerely,

Jesse Drewer, MPA
Director

Cc: Catherine Skeeter; Senior Planner
Enclosure: Somerset County Ordinance 1220

11916 Somerset Avenue, Suite 211 • Princess Anne, Maryland 21853
Telephone (410) 651-1424 • Fax (410) 651-2597
Email: dtes@somersetmd.us

**BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY, MARYLAND
ORDINANCE NO. 1220**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SOMERSET COUNTY TO AMEND CERTAIN SECTIONS OF THE SOMERSET COUNTY CRITICAL AREA ORDINANCE (#1071) TO INCLUDE LANGUAGE FOR RESTAURANTS AND RETREATS IN THE RESOURCE CONSERVATION AREAS.

WHEREAS, Somerset County is required by State of Maryland Law to regulate land use activities within the Chesapeake Bay Critical Area; and

WHEREAS, those lands are defined as being within one thousand (1,000) feet of the tidal waters of the Chesapeake Bay and its tributaries; and

WHEREAS, Somerset County has regulated these lands since September 10, 1988 through the Somerset County Zoning Ordinance and since 2014 through the Somerset County Critical Area Ordinance; and

WHEREAS, Somerset County understands the desire to allow Restaurants and Retreats, subject to standards of approval, on properties located in the Resource Conservation Area (RCA) and has presented text amendments to Ordinance 1071 to accommodate this; and

WHEREAS, after due public notice as required by law, the said Board of County Commissioners did conduct a Public Hearing on Tuesday, February 10, 2026 at 2:00pm, in the County Commissioners Meeting Room in Princess Anne, Maryland in regard to the hereinafter described matter; and

WHEREAS, proponents and opponents thereto were given an opportunity to present testimony and such other evidence; and


WHEREAS, these amendments to the Critical Area ordinance will not be effective until reviewed and approved by the State of Maryland Critical Area Commission; and

NOW, THEREFORE, the Board of County Commissioners for Somerset County do hereby amend the Somerset County Critical Area Ordinance Chapter 1-101 Definitions, and Chapter 1-108(e) Land Use in the RCA to read as follows on Exhibit A "Summary of Critical Area RCA Land Use Amendments"

ADOPTED AND EFFECTIVE THIS 24th DAY OF FEBRUARY 2026

ATTESTED BY:

BOARD OF COUNTY COMMISSIONERS
FOR SOMERSET COUNTY, MARYLAND


Ernest J. Leatherbury Jr.
Interim County Administrator


Charles Laird, President


Randy Laird, Vice President

Craig N. Mathies, Sr.


Eldon Willing


Darryl Webster

EXHIBIT A

Summary of Critical Area RCA Land Use Amendments

Text in red indicates changes

variances, special exceptions, and conditional use permits; and issuance of zoning permits. The term does not include building permits.

- (110) "Property owner" means a person holding title to a property or two or more persons holding title to a property under any form of joint ownership.
- (111) "Public water-oriented recreation" means shore-dependent recreation facilities or activities provided by public agencies that are available to the general public.
- (112) "Reclamation" means the reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including water bodies.
- (113) "Reconfiguration" means a change of the configuration of an existing lot or parcel line of any legal parcel of land or recorded legally buildable lot. Reconfiguration includes a lot line adjustment, a boundary line adjustment, and a replatting request.
- (114) "Redevelopment" means the process of developing land which is or has been developed. For purposes of implementing specific provisions of this ordinance, redevelopment (as opposed to new development) means a development activity that takes place on property with pre-development imperviousness (in IDA) or lot coverage (in LDA and RCA) of 15 percent or greater.
- (115) "Reforestation" means the establishment of a forest through artificial reproduction or natural regeneration.
- (116) "Renewable resource" means a resource that can renew or replace itself and, therefore, with proper management, can be harvested indefinitely.
- (117) "Resource Conservation Area" means an area that is characterized by nature dominated environments, such as wetlands, surface water, forests, and open space; and resource-based activities, such as agriculture, forestry, fisheries, or aquaculture. Resource conservation areas include areas with a housing density of less than one dwelling per five acres.
- (118) "Resource utilization activities" means any and all activities associated with the utilization of natural resources such as agriculture, forestry, surface mining, aquaculture, and fisheries activities.
- (119) "Restaurant" means any establishment where food and drink are prepared, served and consumed and whose design or principal method of operation is characterized by customers being provided with an individual menu and being served their food

and drink by a restaurant employee at the same table or counter at which said items are consumed.

- (120) "Restoration" means the act of returning a site or area to an original state or any action that reestablishes all or a portion of the ecological structure and functions of a site or area.
- (121) "Retreat" means a use of land, buildings, structures and facilities that:
- a) Are operated by a charitable or non-profit organization;
 - b) Provides opportunities for groups of people to congregate temporarily on a site for enlightenment, contemplation, counseling, renewal, solitude, or educational, recreational, social, or spiritual purposes;
 - c) Provides meals and housing for participants during the period of the retreat or program only; and
 - d) May provide recreational activities, utilizing both indoor and outdoor facilities, that contribute to the program experience.
- (122) "Riparian habitat" means a habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.
- (123) "Road" means a public thoroughfare under the jurisdiction of the State, a county, a municipal corporation, or any other public body. "Road" does not include a drive aisle or driveway.
- (124) "Seasonally flooded water regime" means a condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.
- (125) "Selection" means the removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.
- (126) "Shore erosion protection works" means those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area. More specifically, the term refers to:
- a) Nonstructural. Creation of an intertidal marsh fringe channelward of the existing bank by one of the following methods:
 - (1) Vegetation. Planting an existing shore with a wide band of vegetation;
 - (2) Bank Sloping/Vegetation. Sloping and planting a non-wooded

- bank to manage tidal water contact, using structures to contain sloped materials if necessary; and
- (3) Contained Beach. Filling along shore with sandy materials, grading, and containing the new beach to eliminate tidal water contact with the bank.
- b) Structural Erosion Control.
- (1) Revetment. Facing laid on a sloping shore to reduce wave energy and contain shore materials;
 - (2) Bulkhead. Excluded due to adverse impacts to the near shore marine environment, except in the following special cases:
 - (a) Where erosion impact is severe and high bluffs and/or dense woodland preclude land access, bulkheads can be installed by shallow draft barge and pile driver; and
 - (b) In narrow, manmade lagoons for activities that require frequent interchange between boats and land.
- (127) "Significantly eroding areas" means areas that erode two feet or more per year.
- (128) "Simplified Buffer Management Plan" means a type of Buffer Management Plan and all supporting documentation required under COMAR 27.01.09.01-3H.
- (129) "Small shrub" means a shrub that, when mature, reaches a height no greater than six feet.
- (130) "Soil Conservation and Water Quality Plans" means land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:
- a) How the landowner plans to treat a farm unit;
 - b) Which best management practices the landowners plans to install to treat undesirable conditions; and
 - c) The schedule for applying those Best Management Practices.
- (131) "Species in need of conservation" means those fish and wildlife whose continued existence as part of the State's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article §§ 10-2A-

06 and 4-2A-03, Annotated Code of Maryland.

- (132) "Special Events" means personal or business social engagements or other activities conducted on a lot where guests assemble for parties, wedding events, birthday or anniversary celebrations, children's parties, corporate and employee appreciation parties, or other similar events for compensation, during which food and beverages may be served to guests and music or other entertainment is allowed.
- (133) "Spoil pile" means the overburden and reject materials as piled or deposited during surface mining.
- (134) "Steep slopes" means slopes of 15 percent or greater incline.
- (135) "Structure" means anything constructed or erected on or over land or water that may or may not result in lot coverage.
- (136) "Substantial alteration" means any repair, reconstruction, or improvement of a principal structure, where the proposed total footprint is at least 50 percent greater than that of the existing principal structure.
- (137) "Supplemental planting plan" means a description and landscape schedule that shows the proposed species type, quantity, and size of plants to be located within a buffer if natural regeneration does not meet the required stem density.
- (138) "Surface mining" means the breaking of the surface soil in order to extract or remove minerals in the Critical Area. Surface mining includes any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location in the Critical Area and the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes or for other facilities. For the purpose of this ordinance, surface mining is also defined as operations engaged in processing minerals at the site of extraction; removal of overburden and mining of limited amounts of any mineral when done for the purpose of prospecting and to the extent necessary to determine the location, quantity or quality of any natural deposit; and mining operations, if the affected land exceeds one acre or more in area.
- (139) "Temporary disturbance" means a short-term change in the landscape that occurs as part of a development or redevelopment activity. "Temporary disturbance" includes:
 - a) Storage of materials that are necessary for the completion of the development or redevelopment activity;

- b) Construction of a road or other pathway that is necessary for access to the site of the development or redevelopment activity, if the road or pathway is removed immediately after completion of the development or redevelopment activity and the area is restored to its previous vegetative condition;
- c) Grading of a development site, if the area is restored to its previous vegetative condition immediately after completion of the development or redevelopment activity; and
- d) Locating a septic system on a lot created before local program approval if the septic system is located in existing grass or clearing is not required.

“Temporary disturbance” does not include a violation.

- (140) "Thinning" means a forest practice used to accelerate tree growth of quality trees in the shortest interval of time.
- (141) “Threatened species” means any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources that appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a “threatened” species pursuant to the federal Endangered Species Act, 16 U.S.C. § 1431 et seq., as amended.
- (142) "Topography" means the existing configuration of the earth's surface including the relative relief, elevation, and position of land features.
- (143) "Transitional habitat" means a plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.
- (144) "Transportation facilities" means anything that is built, installed, or established to provide a means of transport from one place to another.
- (145) “Tree” means a large, woody plant having 1 or several self-supporting stems or trunks and numerous branches that reach a height of at least 20 feet at maturity.
- (146) "Tributary stream" means a perennial stream or intermittent stream within the Critical Area that has been identified by site inspection or in accordance with local program procedures approved by the Critical Area Commission.
- (147) “Understory” means the layer of forest vegetation typically located underneath the forest canopy.
- (148) “Understory tree” means a tree that, when mature, reaches a height between 12

and 35 feet.

- (149) "Unwarranted hardship" means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested."
- (150) "Upland boundary" means the landward edge of a tidal wetland or nontidal wetland.
- (151) "Utility transmission facilities" means fixed structures that convey or distribute resources, wastes, or both, including but not limited to electrical lines, water conduits and sewer lines.
- (152) "Wash plant" means a facility where sand and gravel is washed during processing.
- (153) "Water-based aquaculture" means the raising of fish and shellfish in any natural, open, free-flowing water body.
- (154) "Water-dependent facilities" means those structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the Buffer. An activity is water-dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. Such activities include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas and other boat docking structures, public beaches and other public water-oriented recreation areas, and fisheries activities.
- (155) "Water-use industry" means an industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.
- (156) "Waterfowl" means birds that frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.
- (157) "Wildlife corridor" means a strip of land having vegetation that provides habitat and safe passage for wildlife.
- (158) "Wildlife habitat" means those plant communities and physiographic features that provide food, water, cover, and nesting areas, as well as foraging and feeding conditions necessary to maintain populations of animals in the Critical Area.

following provisions:

- (a) Is located within the primary dwelling unit or its entire perimeter is within 100 feet of the primary dwelling unit; does not exceed 900 square feet in total enclosed area; and is served by the same sewage disposal system as the primary dwelling unit; or
- (b) Is located within the primary dwelling unit; by its construction, does not increase the amount of lot coverage already attributed to the primary dwelling unit; and is served by the same sewage disposal system as the primary dwelling unit;
- (c) An additional dwelling unit meeting all of the provisions of this section may not be subdivided or conveyed separately from the primary dwelling unit; and
- (d) The provisions of this section may not be construed to authorize the granting of a variance, unless the variance is granted in accordance with the variance provisions in Chapter 1-115 "Variances."

E. Land use in the RCA.

In addition to the uses specified above, certain nonresidential uses may be permitted in Resource Conservation Areas if it is determined by the Director or designee that the proposed use is one of the following:

- (1) A home occupation as an accessory use on a residential property and as provided for in the County's zoning ordinance;
- (2) A golf course developed in accordance with the official guidance adopted by the Critical Area Commission on August 3, 2005, excluding main buildings and/or structures such as the clubhouse, pro-shop, parking lot, etc.;
- (3) A cemetery that is an accessory use to an existing church; provided impervious surfaces are limited to 15 percent of the site or 20,000 square feet, whichever is less;
- (4) A bed and breakfast facility located in an existing residential structure and where meals are prepared only for guests staying at the facility;
- (5) A gun club or skeet shooting range or similar use, excluding main buildings and/or structures, such as a clubhouse, snack bar, etc.;
- (6) A day care facility in a dwelling where the operators live on the premises and

there are no more than eight children;

- (7) A group home or assisted living facility with no more than eight residents;
- (8) An essential services, provided the service meets a public need and is not solely for the purposes of a commercial enterprise;
- (9) A Special Event, subject to the following standards:
 - (a) An application for a special event must be submitted to DTCS along with a scaled drawing showing the location of the proposed temporary structures and how the special event use will minimize impacts to natural resources and protect the defined land uses in the Resource Conservation Area found in this chapter.
 - (b) All lot coverage pertaining to the special events activities, including, but not limited to, temporary structures, temporary tents and otherwise must occur outside the buffer.
 - (c) Provisions pertaining to lot coverage and clearing limits in the critical area contained in this ordinance apply to special event activities. Special event activities shall be in close proximity to existing structures and facilities on the property to minimize adverse impacts to natural resources and are accessory to the principal use of the property.
 - (d) All lot coverage and proposed temporary structures associated with the special event must comply with Habitat Protection Areas in accordance with the provisions of Chapter 1-123 hereof. This includes protection of the one-hundred-foot buffer, threatened and endangered species and species in need of conservation, plant and wildlife habitat protection areas including non-tidal wetlands, and anadromous fish propagation waters.
 - (e) There shall be no limit on the time of year that special events are allowed, however, the use of a property for special events is limited to twenty (20) special events per calendar year. No event shall be permitted to exceed seventy-two (72) hours.
 - (f) No permanent structure is permitted to be constructed for a special event.
- (10) A restaurant, subject to the following standards;
 - (a) Located on a parcel zoned Maritime-Residential-Commercial (MRC).

- (b) Limited to structures existing as of December 31, 2025.
 - (c) Lot Coverage shall not exceed 15% of total lot area. A variance for increased lot coverage is not permissible.
 - (d) No increase of impacts to the Critical Area Buffer or Habitat Protection Areas.
 - (e) The number of patrons served within the restaurant shall not exceed 75 people or approved State Fire Marshal capacity, whichever is less.
 - (f) Require a Climate Resilience Assessment.
 - (g) Review and approval from the Somerset County Health Department to ensure adequate sewer capacity and water supply, where applicable.
 - (h) Review and approval from the State Fire Marshal.
 - (i) Somerset County Technical Advisory Committee & Planning Commission approvals will apply.
- (11) A Retreat, subject to the following standards;
- (a) Permissible by Special Exception from the Board of Zoning Appeals within the Agricultural-Residential (AR), Conservation (CO), Low-Density Residential (R-1), Medium-Density Residential (R-2), High-Density Residential (R-3), Maritime-Residential-Commercial (MRC), Mixed-Use Village (C-1), and General Commercial (C-2) Zoning Districts.
 - (b) Limited to parcels improved prior to December 31, 2025.
 - (c) There shall be no limit on the time of year that a retreat can be utilized, however, the use of a property for retreats is limited to thirty (30) events per calendar year. No retreat event shall be permitted to exceed seventy-two (72) hours.
 - (d) Existing onsite facilities may be used to provide temporary lodging, meals, and recreation solely for participants during the program period.
 - (e) The number of participants at a retreat shall not exceed 75 people or approved State Fire Marshal building capacity, whichever is less.
 - (f) Upon approval of a retreat and every five years thereafter, submission of an

evacuation plan for locations that are identified as subject to Coastal Hazards, shall be submitted to the Somerset County Floodplain Administrator and DTCS Director for review and approval.

- (g) Lot Coverage within the Resource Conservation Area shall not exceed 15% of total lot area located within the Resource Conservation Area. A variance for increased lot coverage is not permissible.
 - (h) No increase of impacts to the Critical Area Buffer or Habitat Protection Areas.
 - (i) Review and approval from the Somerset County Health Department to ensure adequate sewer capacity and water supply, where applicable.
 - (j) Review and approval from the State Fire Marshal.
 - (k) Somerset County Technical Advisory Committee & Planning Commission approvals will apply.
- (12) Other uses determined by the County and the Critical Area Commission to be similar to those listed above.

F. Special Provisions in Resource Conservation Areas (RCA).

Existing industrial, institutional and commercial facilities, including those directly supporting agriculture, forestry, aquaculture, or residential development shall be allowed in RCAs.

Chapter 1-109. Forest and Woodland Protection⁽²⁵⁾.

A. General Policies.

The following policies for forest and woodland protection recognize the value of forested land for its water quality benefits and for habitat protection while accommodating the utilization of forest resources:

- (1) Maintain and increase the forested vegetation in the Critical Area;
- (2) Conserve forests and developed woodlands and provide for expansion of forested areas;
- (3) Provide that the removal of trees associated with development activities shall be

25 COMAR 27.01.05

RECEIVED
FEB 25 2026

BY: *RS*

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Wes Moore
Governor

Aruna Miller
Lt. Governor



Erik Fisher
Chair

Nick Kelly
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

December 2, 2025

Mr. Jesse Drewer
Somerset County
Office of Planning and Zoning
11916 Somerset Avenue Room 211
Princess Anne, Maryland 21853

Re: Resource Conservation Area Use Text Amendment – Religious Assembly & Places of Worship

Dear Mr. Drewer,

Thank you for the opportunity to review and provide preliminary feedback on the above-referenced draft text amendment to Somerset County’s Critical Area Code. The purpose of this letter is to provide guidance to the County on the proposed amendment prior to bringing it to the Critical Area Commission Program Committee.

After reviewing the proposed language, Commission staff have significant concerns regarding the proposed use definition for “Place of Worship; Religious Assembly” and the lack of limitations associated with the proposed use. We understand that the proposed amendment results from the use of Franks Island as a religious retreat facility, which is currently not permissible in the RCA. The text amendment will be used as an avenue for the county to review the applicant’s use requests for this property. However, as written, it is unclear if the proposed language would be applicable to the site, and it does not appear to match the proposed uses onsite, nor does it appear to provide adequate measures that would appropriately balance the goals of the Critical Area law and maintain the land uses and policies of the RCA. As you are aware, in reviewing whether a new use is appropriate in the RCA, the Commission must consider whether the proposal meets the goals of the Critical Area law as well as the defined land uses and policies of the RCA. The goals of the law are:

1. Minimize adverse impacts on water quality;
2. Conserve fish, wildlife, and plant habitat;
3. Establish land use policies for development which accommodate growth and also address the fact that the number, movement and activities of persons in the Critical Area can create adverse environmental impacts;
4. Reduce vulnerability to the impacts of climate change and incorporate measures to improve climate resilience; and
5. Ensure an equitable distribution of the burdens and benefits of development, mitigation, restoration, conservation, and adaptation to climate change within the Critical Area.

The defined land uses and policies of the RCA are:

1. Conserve, protect, and enhance the overall ecological values of the Critical Area, its biological productivity, and its diversity;
2. Provide adequate breeding, feeding, and wintering habitats for those wildlife populations that require the Chesapeake Bay, its tributaries, or coastal habitat in order to sustain populations of those species;
3. Conserve the land and water resources base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities, and aquaculture; and
4. Conserve the existing developed woodlands and forests for the water quality benefits they provide.

As such, Commission staff strongly advise the County to revise the text amendment to consider the following, prior to coming before the Program Committee for preliminary feedback:

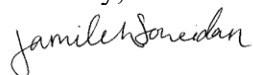
1. **Determination of vested, nonconforming use:** The proposed amendment results from the use of Franks Island as a religious retreat facility, which is currently not permissible in the RCA. For Franks Island, specifically, make a determination on whether this use at this site is grandfathered . In order to determine this, the applicant needs to show that the use on the property has been continuous since the adoption of the local program.
2. **Applicability of this Defined Use to the Franks Island Site:** The proposed text amendment adds the definition “Place of Worship; Religious Assembly” to the County’s Critical Area Code and, within the Critical Area Code, to the RCA Use List. However, the definition of this use does not appear to accurately describe the proposed use of the Franks Island site. Specifically, it does not address the retreat aspect of the current use where attendees stay overnight on location. Additionally, the current definition is extremely broad and not aligned with the land uses and policies of the RCA. Commission staff recommend the following:
 - a. Draft a new definition and use that captures the true nature of the use-type. This definition should include language pertaining to retreats and the overnight nature of the use.
 - b. Commission staff have identified two examples that Somerset County may find helpful in creating a new use definition. As a note, neither of these examples fully address the use-type that Somerset County is proposing, so County staff will need to draft a definition that is applicable to their needs:
 - i. Kent County defines “Retreat” as “A small meeting facility in a private, natural area, free from distractions thus allowing meeting participants to focus on the goals and objectives of the meeting.” This use is allowed in the RCA, per their Critical Area Program, however it does not encompass overnight accommodation considerations
 - ii. Dorchester County defines “Retreat Center or Camp” as:
 1. The use of land, buildings, structures and facilities that:
 - a. Are operated by a charitable organization
 - b. Provides opportunities for groups of people to congregate temporarily on a site for enlightenment, contemplation,

- counseling, renewal, solitude, or educational, recreational, social, or spiritual purposes;
 - c. Provides meals and housing for participants during the period of the retreat or program only; and
 - d. May provide recreational activities, utilizing both indoor and outdoor facilities, that contribute to the program experience.
 - 2. Critical Area staff note that this is not an approved RCA use in Dorchester County Code, however, provides a reference for the definition.
 - 3. **Determination of number of applicable properties:** As this amendment will constitute a new use within the RCA, the County should investigate and determine the total number of properties the new RCA use could apply to. This context will help in determining the scope of the limitations the provision should include and will help the County and Commission understand the overall, County-wide, potential impacts from the proposed amendment.
 - 4. **Provide Additional Measures to Balance the Goals of the Critical Area Law and the Land Use Policies of the RCA:** The County should consider the following limitations regarding the use in order to address this concern:
 - a. **Vesting Provisions:** The text amendment does not limit the establishment of the new RCA use to existing structures, though the amendment is intended for an existing facility. The County should consider limiting the establishment of the new RCA use to an existing structure with a specific vesting date.
 - b. **Lot Coverage:** The existing draft of the text amendment does not limit a property owner from additional development associated with this use. In the past, some jurisdictions specifically limited the lot coverage associated with more institutional and commercial uses in the RCA. For example, Anne Arundel County allows religious facilities in the RCA provided the lot coverage associated with the use is limited to 15% of the site or 20,000 square feet, whichever is less.
 - c. **Time of Year, Number and Length of Retreats:** The existing draft does not limit when retreats may occur within the calendar year, how many may occur within a calendar year, or how long the retreats may last. The County should consider the impact to the RCA from increased activity associated with the new use. Limiting the timing, number, and length of retreats could be one way to maintain the land use policies of the RCA, given the increase in activity. Somerset County has similar limitations associated with the Special Events use in the RCA.
 - d. **Temporary Lodging:** The County should consider language that limits the onsite facilities to temporary lodging only. This will minimize the potential for the site to be used in a more intense manner than intended. For example, the County could add the following limitation to the use: “Existing onsite facilities may be used to provide temporary lodging, meals, and recreation solely for participants during the program period.”

- e. **Number of Participants:** The County should consider a maximum allowable number of participants per retreat in order to meet the goals of the RCA, as this new use will constitute an increase in activity within the RCA.
- f. **Specificity of the Local Approvals and Authorizations:** The proposed text amendment states that applicable properties that wish to establish this use will need to obtain authorizations from the County Health Department and Fire Marshall. The County should consider additional requirements for locations not on public water or sewer, including biannual water testing and confirmation of septic/wastewater capacity for the proposed use. In particular, given that the new use is proposed on a property that is located entirely within the floodplain and subject to coastal hazards, additional requirements regarding the continued adequate functioning of wells, onsite sewage disposal systems (OSDS), and stormwater management facilities should be considered.
- g. **Coastal Hazards:** Given the vulnerable location of the proposed use on Franks Island, and the potential for this use to be allowed within the RCA in other vulnerable locations, the County should consider annual permit requirement that assesses coastal hazards and how they may impact access to the site and the safety of retreat attendees. In particular, Critical Area staff note that the new use would allow overnight accommodations in extremely vulnerable locations, including sites that are accessible only by water/air. For the Franks Island site, it is unclear if/how the County's floodplain ordinance would address the new use, specifically the overnight nature of the use which is located entirely within the 100-year floodplain and is projected to be nearly entirely inundated by mid-century. The County should consider if the proposed use should be required to meet the floodplain standards (including elevation requirements) for residential construction. Additionally, the County should consider emergency response to potential extreme weather events, such as the requirement of a severe weather warning system and evacuation plan. We note that Queen Anne's County requires annual permits for special events in the RCA.

Commission staff recommend the County update the proposed text amendment to reflect the recommendations outlined above and share this updated language with our office for review. If you have any questions, please contact me at (410)-260-3462 or jamileh.soueidan@maryland.gov.

Sincerely,



Jamileh Soueidan
Natural Resource Planner

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