

Critical Area Commission
STAFF REPORT

April 23rd, 2025

APPLICANT: Town of Ocean City

PROPOSAL: Eagles Landing Golf Course Design Upgrades & Flood Mitigation

JURISDICTION: Worcester County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with Condition

STAFF: Katie Hayden

APPLICABLE LAW/ REGULATIONS: COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

DISCUSSION

The Town of Ocean City (Ocean City) is seeking approval for upgrades to Eagles Landing Golf Course located at 12367 Eagles Nest Road in Berlin. Ocean City is requesting these upgrades in order to provide flood resiliency that will ensure the golf course is playable for the next 50 years.

Ocean City brought this project before the Project Committee on May 29, 2024, for information only. During that meeting, the Project Committee urged Ocean City to reduce the number of trees proposed to be removed and to consider locating mitigation plantings in areas that could help make the site more resilient to flooding. Since the meeting, Ocean City has revised their plans twice. The current plan incorporates the Committee's previous comments and concerns as further detailed below. However, even with the reduction in impacts, the project requires approval under COMAR 27.02.06 (Conditional Approval of State or Local Agency Programs in the Critical Area) for non-water dependent activities and impacts to the Buffer. Commission staff recommends approval of the project with a condition. A copy of the site plan is attached (Attachment 1).

Background and Existing Conditions

Eagles Landing Golf Course is an 18-holf course owned by the Town of Ocean City that opened in 1992. The course is approximately 206 acres in size, of which 189 acres is located within the Critical Area on lands designated as Resource Conservation Area (RCA, 188 acres) and Intensely Developed Area (IDA, 1.3 acres). The site is bound to the west by Stephen Decatur

Highway, to the north by the Ocean City Airport, to the east by Sinepuxent Bay, and to the south by a tidal and nontidal wetland complex adjacent to the Bay.

The existing project area includes several holes and fairways of the golf course, cart pathways, and several manmade stormwater management ponds. Portions of the project area are located within the 100-foot Buffer. The golf course also currently serves as a spray irrigation site for clean wastewater effluent from the Worcester County Mystic Harbor Wastewater Treatment Plant (WWTP).

The golf course is currently experiencing regular tidal inundation, which is affecting the playability of the course and the ability to spray irrigate with the treated effluent from the WWTP. Additionally, the existing vegetation on the golf course is dying from saltwater intrusion. In an attempt to combat the tidal inundation, the Town of Ocean City proposes several improvements to the golf course with the goal of making the site more resilient to impacts associated with sea level rise.

Proposed Project

Ocean City proposes to raise the existing elevations and relocate cart paths out of vulnerable areas as well as additional course improvements such as widening fairways and regrading holes in order to maintain the playability of the course. The proposed design will include raising the elevations of the turfed areas of the golf course from approximately 3-feet to 5-feet above sea level, removing and relocating portions of the golf cart paths within the 100-foot Buffer, regrading tees and fairways, installing a revetment, and clearing trees for playability and maintenance of the golf course.

In addition to areas of fill necessary to raise elevations, portions of the proposed new golf cart paths are within the 100-foot Buffer. Because the disturbance to the Buffer is from non-water dependent activities, Conditional Approval is required from the Critical Area Commission.

Project Impacts

The total limit of disturbance (LOD) for the project is 25.12 acres in the RCA, with 10.41 acres of LOD within the 100-foot Buffer. The total amount of fill placed onsite to raise the turfed areas will be 14,203 cubic yards. The fill material will primarily come from dredging a man-made stormwater management pond outside the Buffer between holes 7, 8 & 9. The remaining fill will come from stockpiles currently held at the adjacent Ocean City airport.

Lot Coverage

Existing lot coverage at the site in the Critical Area is 6.48 acres and the proposed total lot coverage is 6.53 acres (2.73% of the site).

Buffer Disturbance

As noted above, the proposed amount of Buffer disturbance has been reduced with the revised plan compared to what was previously proposed due to the comments and concerns from the Project Committee. Specifically, existing lot coverage will be reduced from 0.76 acres to 0.69 acres.¹ Furthermore, a total of 40 trees (8,000 sq. ft. of canopy) are proposed for removal. The application materials note that of the trees proposed to be removed, several trees in the Buffer are dead or dying due to saltwater intrusion².

Tidal and Nontidal Wetland Impacts

No tidal wetlands will be impacted. However, two non-tidal forested wetlands (2,394 sf) will be temporarily disturbed to serve as a haul road for the improvements. The interior portions of these wetlands will be filled and graded up to above elevation a maximum of five feet. The Town has received an authorization for this disturbance from the Maryland Department of Environment (permit # 24-NT-2032/202460901).

Mitigation

Mitigation is required for permanent disturbance for the added cart path in the Buffer, retaining wall, and tree removal at a ratio of 3:1 and an additional 1:1 for the tree canopy removed. The town proposes 60,933 square feet of mitigation in the form of native coastal trees and shrub plantings both in and outside the Buffer. This mitigation includes the deduction of 19,589 square feet of cart path removed in the Buffer. Of the mitigation proposed, 9,750 square feet will be planted onsite in the Buffer around holes 7 and 18 to reinforce those areas in the Buffer. Due to site constraints, Ocean City is proposing to plant the remaining 51,183 square feet of mitigation at the adjacent property (Ocean City Municipal Airport) in the Critical Area. A Buffer Management Plan is pending and will be required as part of the conditions for approval for this project.

Permits and Review by Other Agencies

Stormwater Management and Erosion and Sediment Control Plans

Since the project is located in the RCA, Critical Area 10% phosphorus stormwater requirements are not required. To meet local stormwater requirements, sheet flow and non-rooftop disconnects are proposed to address stormwater onsite. Additionally, a new outfall structure will be placed in the revised stormwater management pond between holes 7, 8, and 9, with discharge rates lower than the current rates for the 2-year event. In addition, a backflow preventer system will be constructed to avoid backfill of tidal waters into the pond. Stormwater Management Plans have been approved by Worcester County.

¹ The previous proposal presented to the Project Committee proposed a lot coverage increase to 0.78 acres.

² The previous proposal presented to the Project Committee proposed the removal of 52 trees, of which 40 trees (8,000 sq. ft.) are located within the Buffer.

Maryland Department of Environment

As noted above, impacts to non-tidal wetlands have been approved by Maryland Department of the Environment (permit # 24-NT-2032/202460901).

Maryland Department of Natural Resources – Wildlife and Heritage Service

The Department of Natural Resources' Wildlife and Heritage Service (WHS) found no rare, threatened, or endangered species within the proposed project area in a letter dated April 5, 2023.

Maryland Historic Trust

The Maryland Historical Trust (MHT) stated in an email dated December 20, 2024 that no historic properties will be affected by the project.

Public Notification Requirements and Comments

In accordance with the provisions of COMAR 27.03.01.03, signage was posted at the project site and notice of the project was posted in the Daily Times on March 26, 2025. As of the writing of this staff report, no public comments related to this project have been received. Any comments received will be noted at the Project Committee and Commission meetings.

CONDITIONAL APPROVAL PROCESS (COMAR 27.02.06.01)

To qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project has the following characteristics. Responses were supplied by the county and summarized by Commission staff:

B. (1) That there exists special features of the site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

- The site was constructed over 30 years ago by the Town of Ocean City, providing recreation to many area residents and visitors. There is an agreement with the County for spray irrigation of treated wastewater effluent throughout the property. Without remediation and flood mitigation, the course will be underwater, out of business, and adversely impact the 5,000 or so homes that rely on the site for wastewater disposal.

B. (2) That the project or program otherwise provides substantial public benefits to the Critical Area Program;

- Other than providing economic benefits to the local community, the course is proposed to have under 3% coverage in the Critical Area and will be maintaining open space, habitat for many species, and its Audubon certification.

B. (3) That the project or program is otherwise in conformance with this subtitle;

- Aside from the proposed removal of 40 trees in the Buffer, this project is in conformance with Critical Area laws and regulations. Twelve less trees are

proposed to be removed in this final design compared to the original design. Additionally, lot coverage in the Buffer will be reduced in this site plan.

The conditional approval request shall, at a minimum, contain the following:

C. (1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;

- Without renovations, the course will be underwater, will have an adverse economic impact to the Town of Ocean City and Worcester County, and will render approximately 5,000 residences uninhabitable since they will not have proper wastewater disposal.

C. (2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05;

- The impacts have been reduced to the greatest extent possible to provide a resilient course for future use while minimizing impacts in the Buffer. Most of the trees proposed to be removed in the Buffer are dead, dying, or expected to die within a few years from saltwater intrusion. This proposal has been redesigned twice based on feedback provided by the Project Committee and from conversations with Commission staff. This version proposes the least amount of disturbance to trees in the Buffer. Mitigation for clearing in the Buffer is proposed in the form of resilient native coastal shrubs and trees within the Buffer to reinforce these areas.

C. (3) Measures proposed to mitigate adverse effects of the project or program or an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05

- Mitigation is required for permanent disturbance for the added cart path in the Buffer, retaining wall, and tree removal at a ratio of 3:1 and an additional 1:1 for the tree canopy removed. The town proposes 60,933 square feet of mitigation in the form of native coastal trees and shrub plantings both in and outside the Buffer.

The Commission shall approve, deny, or request modifications to the request for conditional approval based on the following factors:

E.(1) The extent to which the project or program is in compliance with the requirements of the relevant chapters of this subtitle;

E.(2) The adequacy of any mitigation measures proposed to address the requirements of this subtitle that cannot be met by the project or program; and

E.(3) The extent to which the project or program, including any mitigation measures, provides substantial public benefits to the overall Critical Area Program.

RECOMMENDATION

Commission staff recommends that the Critical Area Commission approve the Eagles Landing Golf Course design upgrades & flood mitigation with the following condition:

1. Within 60 days of Critical Area Commission approval, the Town of Ocean City shall provide to Commission staff the following for review and approval:
 - a. An updated Buffer Management Plan for required plantings both onsite and offsite; and
 - b. A signed copy of the Planting Agreement form.



Legend

Orange Line – Parcel
Boundary of Golf Course

Lime Green Line – 1,000
Foot Critical Area Boundary

Yellow Line – Critical Area
Buffer

Red Ovals –
Approximate areas of
proposed disturbance

White Numbers –
Fairway Number