



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Wendi W. Peters, Secretary
Ewing McDowell, Deputy Secretary

July 31, 2017

Pamela Greer Buckley, Chairperson
Town of Ocean City Planning Commission
Department of Planning and Community Development
301 N. Baltimore Avenue
Ocean City, MD 21842

Dear Ms. Greer Buckley:

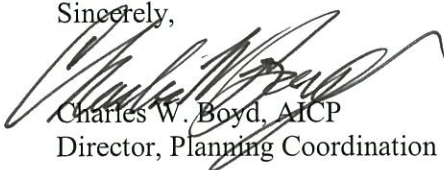
Thank you for the opportunity to comment on the draft 2017 Comprehensive Plan (Draft Plan) for the Town of Ocean City. The Maryland Department of Planning (Planning) feels that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, community character, and economic development. Please keep in mind that Planning's attached review comments reflect the agency's thoughts on ways to strengthen the Draft Plan, as well as satisfy the requirements of the State Land Use Article.

The Department forwarded a copy of the Draft Plan to several State agencies for review including, the Maryland Historical Trust and the Departments of Transportation, Environment, Natural Resources, Commerce, Housing and Community Development, and Agriculture. To date, we have received comments from the Maryland Departments of Transportation, Natural Resources, and Environment; these comments have been included with this letter. Any plan review comments received after the date of this letter will be forwarded upon receipt. Please consider that Planning's attached review comments reflect the agency's recommendations and observations on ways to strengthen the County's Plan, as well as satisfy the requirements and intent of the State Land Use Article. It is also noted the 2017 draft Comprehensive Plan incorporates the County's SB236 Growth Tier Map, as required by State law.

Planning respectfully requests that this letter and accompanying review comments be made part of the Town's public hearing record. Furthermore, Planning also asks that the Town consider our comments as revisions are made to the Draft Plan, and to any future plans, ordinances, and policy documents that are developed.

Please feel free to contact me at (410) 767-4500 or Keith Lackie, Regional Planner for the Lower Eastern Shore, at (410) 713-3464.

Sincerely,



Charles W. Boyd, AICP
Director, Planning Coordination

Enclosures: Comments on the draft Comprehensive Plan for the Town of Ocean City.

cc: William Neville, Director – Ocean City, Planning and Community Development
Joseph Griffiths, Manager – Planning, Local Planning and Training
Tracey Gordy, Senior Planner & Keith Lackie, Regional Planner – Planning, Lower Eastern Shore Reg. Office

**Maryland Department of Planning
Review Comments August 1, 2017
Draft 2017 Town of Ocean City Comprehensive Plan**

The Maryland Department of Planning (Planning) has reviewed the Draft 2017 Town of Ocean City Comprehensive Plan and offers the following comments for your consideration. These comments are offered as suggestions to improve the draft comprehensive plan and better address the statutory requirements of the Land Use Article. Other state agencies as noted have contributed comments. Still others may have comments submitted under separate cover. If comments from other agencies are subsequently received by Planning, they will be forwarded to the Town in a timely manner.

Summary of the Draft Comprehensive Plan

This is a 5-year review and update to the 2009 Ocean City Comprehensive Plan. Planning concurs with the Town of Ocean City (Town) that a comprehensive plan update be responsive to new trends or changes, and express a shared vision of the community, and a common set of objectives for managing growth and change.

Minimum State Law Requirements for Non-Charter Counties

Maryland's Land Use Article sets forth the required components of a local comprehensive plan but does not mandate a specific format. As such, local governments have addressed these required elements in a manner that fits the needs of their community and the resources available to respond to the issues explored during the planning process. The following checklist summarizes an assessment as to whether each required local plan element is addressed in the Draft 2017 Town of Ocean City Comprehensive Plan.

TABLE 1

Checklist of Maryland Code (Land Use Article) requirements for local comprehensive plans in Maryland			
State Comprehensive Plan Requirements	MD Code Reference	Additional MD Code Reference	Draft 2017 Town of Ocean City Plan page references
(1) A comprehensive plan for a non-charter county or municipality MUST include:	L.U. § 3-102(a)		
(a) a community facilities element	L.U. § 3-102(a)(1)(i)	L.U. § 3-108 -- Community facilities element.	Page 5-1
(b) an area of critical State concern element	L.U. § 3-102(a)(1)(ii)	L.U. § 3-109 -- Areas of critical State concern element	Not applicable
(c) a goals and objectives element	L.U. § 3-102(a)(1)(iii)	L.U. § 3-110 -- Goals and objectives element	Pages 1-1, 2-1, 3-1, 4-1, 5-1, 6-1, 7-1, 9-1, 11-1,
(d) a land use element	L.U. § 3-102(a)(1)(iv)	L.U. § 3-111 -- Land use element	Page 3-1
(e) a development regulations element	L.U. § 3-102(a)(1)(v)	L.U. § 3-103 -- Development regulations element	Page 9-6
(f) a sensitive areas element	L.U. § 3-102(a)(1)(vi)	L.U. § 3-104 -- Sensitive areas element	Page 7-1
(g) a transportation element	L.U. § 3-102(a)(1)(vii)	L.U. § 3-105 -- Transportation element	Page 4-1
(h) a water resources element	L.U. § 3-102(a)(1)(viii)	L.U. § 3-106 -- Water resources element	Page 11-1
(i) a mineral resources element, IF current geological information is available	L.U. § 3-102(a)(2)	L.U. § 3-107 -- Mineral resources element	Page 11-3
(j) for municipalities only, a municipal growth element	L.U. § 3-102(a)(3)	L.U. § 3-112 -- Municipal growth element	Page 10-1
(k) for counties only if located on tidal waters, a fisheries element	L.U. § 3-102(a)(4)	L.U. § 3-113 -- Fisheries element	Not applicable
Optional: (2) A comprehensive plan for a non-charter county or municipality MAY include: (a) a community renewal element; (b) a conservation element; (c) a flood control element (d) a housing element; (e) a natural resources element; (f) a pollution control element; (g) information concerning the general location and extent of public utilities; and (h) a priority preservation area (PPA) element	L.U. § 3-102(b)	L.U. § 3-102(b)(2)(i)	Optional elements in the Town of Ocean City plan include: Housing (Page 6-1) and Downtown Development (Page 8-1)
(3) Visions -- A local jurisdiction SHALL through the comprehensive plan implement the 12 planning visions established in L.U. § 1-201	L.U. § 3-201(c)	L.U. § 1-201 -- The 12 Planning Visions	Included throughout. See Introductory Comment Below
Optional: (4) Growth Tiers -- If the local jurisdictions has adopted growth tiers in accordance with L.U. § 1-502, the growth tiers must be incorporated into the jurisdiction's comprehensive plan	L.U. § 1-509		Page 10-1

As shown in the above checklist, the Draft 2017 Town of Ocean City Comprehensive Plan includes, all required elements as identified in §3-102 of the Land Use Article of the Maryland Annotated Code.

Maryland Department of Planning Introductory Comments:

- Maryland's Planning Act of 1992, and subsequent legislation in 2000 and 2009, requires that the Twelve Visions (Visions) be included and implemented through the

Comprehensive Plan. The Town did a good job of incorporating the Visions into meaningful Plan goals, policies, and recommendations. The Maryland Department of Planning (Planning) compliments the Town on a well-developed and well-written Draft Comprehensive Plan Update (Draft Plan).

- Planning commends the Town on considering various planning related documents during the development of the Draft Plan. Consideration of the Town's Strategic Plan and Capital Improvement Plan, as well as the County's Comprehensive Plan, benefit this update and demonstrate strong coordination efforts.

Table of Contents:

- Planning suggests that a careful review of the Table of Contents (TOC) be considered to include issues such as: unrevised TOC chapter titles (as revised within the Draft Plan text); several sections within the Draft Plan text are not reflected in the TOC; and different wording between Draft Plan section text and TOC references (e.g. TOC does not reflect a major section of Chapter 1, entitled "Visitor Population Characteristics"). Planning suggests, for ease of use, that the TOC include the titles and page numbers of figures, tables and maps found within the main text of the Draft Plan. Planning also suggests that the Town may want to reorganize the Draft Plan so that Chapter 8 (Downtown Redevelopment and Revitalization) follows Chapter 2 (Economic Development) as these two discussions are interrelated, specifically with respect to the Ocean City Development Corporation (OCDC).

Introduction:

- Planning notes the Introduction's well written description of the Town's long established history of progressive planning efforts for this unique community.

Chapter 1 - Population Characteristics and Trends:

- (Page 1-2) - The Draft Plan notes that the residents and visitors to Ocean City are grouped into five categories: year-round residents; non-resident property owners; overnight visitors; day visitors; and, seasonal workers. It may be helpful to provide an accompanying table with the most recent population estimates for each category.
- (Page 1-4) - Planning suggests that clarification is needed for the sentence stating "[t]he slight decline of year-round population in Ocean City is easily within the margin of error in the Census count and does not necessarily indicate a demographic trend." There is no margin of error for Decennial Census data, only for data from the American Community Survey (ACS). In addition, unless there are more data points (e.g. population data for

years 2011 to 2017, or population projection data from 2020 forward) it cannot be known whether there is, or is not, a downward population trend. Perhaps, it would be advisable not to discuss these negligible population losses.

- It would appear, based on frequent references in the document, that the DemoFlush model (which estimates population based on flow amounts through the sewerage treatment system) plays an important role in the Town's seasonal population estimates. Yet, it is also a bit confusing as to why DemoFlush is given such importance when its flaws are just as frequently cited. An appendix would relieve the need to discuss the problems of DemoFlush in the main text of the document. Perhaps including an appendix that describes the model, input data, mathematical formula, flow-to-population ratio, and its shortcomings would reduce this apparent dichotomy.
- (Page 1-6) - Table 1-3 is based on the DemoFlush model. Are Table 1-4 and Table 1-5 (see page 1-9) also based on the model? If so, that should be noted. If not, then the source of that data should be described in more detail.
- (Page 1-12) - Table 1-8 shows Year-Round Population by age cohort. While age cohort data for decennial years 2000 and 2010 are provided, similar information is not shown for the 5-year estimate (that numerical column is left blank except for a total). Planning wonders if this was an oversight, and if so, please correct and identify the specific 5-year period data. If this omission were purposeful, please include a footnote to explain the reason for the missing information.
- (Page 1-12) - With respect to the section on Age and Sex Characteristics, it would be helpful to maintain a consistent definition of the older population. The more common assumption is that older/senior/retirement age refers to the population 65 and up.
- (Page 1-15) - The section heading "Family and Racial Characteristics" does not accurately reflect what is described in the paragraphs. Consider revising to "Family, Household, and Racial/Ethnic Characteristics of the Year-Round Population".
- (Page 1-15) - The first paragraph appears to conflate three different population counts, those of individuals, families, and households. Also, it is unclear how a stable population makes it important to track changes in the family versus non-family population. For purposes of clarity, the Town should consider including a table with population breakouts by type (i.e., individuals, population in families, and population in households) as well as change over time for each group.
- (Page 1-15) - The second paragraph includes the following statement: "significant growth in the Hispanic or Latino Population is likely the result of increased efforts in the 2010 Census to collect this data..." The Town's increase in Hispanic population from 81 to 417 persons in ten years is dramatic (as shown in Table 1-11). However, the implication

of the quoted sentence is that there was an undercount of the Hispanic/Latino population in the 2000 Decennial Census. Thus, it might be helpful to provide more context, such as the likely reasons (if any) for the undercount in earlier decennial censuses, or efforts that made the 2010 Decennial Census more successful. Also, the Town might consider measuring the growth of the Hispanic/Latino population in the Lower Eastern Shore or Worcester County over the same period, for comparison and analysis.

- (Page 1-16) – The Town may wish to revisit Table 1-12. It is unclear as to why numeric data by educational attainment was provided for Ocean City but not for Worcester County and Maryland. The Town should consider including this data for comparison. The Town should also consider maintaining a consistent format (either number and percent for each geography or percent only).
- (Page 1-21) - The following statement on Page 1-14, second paragraph, is dated and not relevant: “From 1995 to 2020, the population age 55 and over is projected to increase by over 100% while the general population will likely increase by only 40%.” Given that a projection or forecast is based on current socioeconomic conditions, using data from over twenty years ago, as the starting point, will render a skewed picture. From 1995 to 2015, the nation and state have experienced significant demographic and economic changes as well as technological and medical advancements, all of which impacts population projections. It would be more appropriate to discuss projections from 2010 forward.
- (Page 1-21) - While the text clearly describes how the population projections were calculated, it would be instructive to include Worcester County population and population projections (from Planning’s State Data Center) side-by-side with the Ocean City population and population projections in Table 1-14. This additional data would help the user to better understand the proportion share method, which is used.
- (Page 1-22) - Table 1-15 shows population and population projections for the Town’s summer seasonal population. Population counts from two methods are illustrated (DemoFlush and the DemoFlush adjustment). A central assumption is that by year 2020 the Town’s population will reach the sewer system’s peak capacity of 323,547 peak population and remain at that level over the next twenty years. Alternatively, under the adjustment scenario, it will reach 268,544 by 2020 and remain constant over the next twenty years. Given projected population growth in the Town, County, Region, State, and surrounding areas, Planning considers it unrealistic to assume that the Town’s summer seasonal population would remain constant from 2020 to 2040. Also, it is not a given that, over the next 20 to 25 years, no efforts will be made to upgrade the Town’s infrastructure and thus keep the sewer system’s maximum carrying capacity fixed.

Chapter 2 - Economic Development:

- (Page 2-20) - Planning notes that Ocean City's 2009 Comprehensive Plan ends Chapter 2 with several "Conclusions", and the Draft Plan now titles the final section as "Recommendations". However, the original 2009 text, which is unchanged in the Draft Plan text, does not seem to suggest recommendations, but instead continues to make conclusions,. Perhaps consideration should be given to either leaving this section titled "Conclusions", or revising the Draft Plan text to make more formal recommendations as the revised Draft Plan title suggests.

Chapter 3 - Land Use and Community Character:

- (Page 3-13) Planning recommends that Figure 3-4 (Parks and Recreation Facilities) include a legend to describe what the green polygons are describing.

Chapter 4 - Transportation:

- Planning appreciates that the Draft Plan recognizes the importance of a multimodal transportation system and includes objectives and recommendations to improve highways, waterways, airport, transit services and pedestrian and bicycle facilities. Planning encourages the Town to consider developing strategies or tools to address implementation of non-motorized facilities, which include funding mechanisms, establishing a complete streets policy and considering pedestrian and bicycle facility requirements in development regulations. Planning suggests the Town consider developing a complete streets policy to provide increased transportation choices and increased mobility for all users. The Maryland State Highway Administration (SHA) has done extensive work with communities across Maryland to develop roads in local communities that respect the community's character. Planning encourages the Town to review SHA's publication "When Main Street Is a State Highway." More information on SHA's complete streets efforts is available at: <http://www.sha.maryland.gov/OHD/MainStreet.pdf>
- (Page 4-3) - Objective 4.23 calls for the Town to continue advocating for the future widening/dualization of Route 90. We encourage the Town to work with Worcester County and the Maryland State Highway Administration to study the long term safety and emergency evacuation need for the project, and assess its potential traffic impacts on city roadways and parking needs as well as its land use and growth impacts on the County's growth goals and objectives.

- (Page 4-1) - Planning appreciates the Town's desire to explore a park and ride facility along Route 90, to the west of Ocean City. This facility would reduce the number of vehicles using the Town's roadways and would reduce the amount of land needed to accommodate parking. Planning recommends the Town coordinate with Worcester County and SHA on a potential park and ride facility.
- (Page 4-2) - Planning appreciates the Town considering a bayside water taxi. This would help reduce vehicular traffic on the island while at the same time promote the coastal bays and the Town's recreational opportunities. Possibly, the Town could develop strategies aimed to attract a private entity to operate a taxi service, such as providing tax breaks or reduced rent/docking fee's.
- (Page 4-12) - Instead of only referencing the 2004 Kimley-Horn study in the bicycle and pedestrian movement sections, it would be helpful if the Draft Plan also included location-specific bicycle and pedestrian findings and recommendations. It would also be beneficial if the maps and other graphics were enlarged for greater legibility.
- Planning appreciates the Draft Plan's desire to improve safety for cyclists in the bike/bus lane. One way to address conflicts between bicycles and vehicles is to provide new routes using the boardwalk and/or sidewalks throughout the Town.
- (Pages 4-16 and 4-17) - Figure 4-2, Bicycle Corridor Plan: To strengthen the bicycle and pedestrian improvement discussion, the Draft Plan could include clear information on existing and proposed bikeways, and specific recommendations to complete the proposed bikeways.
- The Town may want to develop a funding and implementation strategy for future construction of sidewalks, streetscape and boardwalk facilities. Additionally, the Town may wish to consider prioritizing the development of pedestrian and bicycle facilities that serve/connect areas such as activity centers (e.g. boardwalk area) and low/moderate income areas (e.g. seasonal workforce housing). When roadway resurfacing is proposed in a location which would benefit one of the areas noted above, the Town may want to consider adding marked bicycle lanes during a pavement project. This may be a quicker and lower cost option, as opposed to constructing new pathways or sidewalks.
- SHA provides Sidewalk and Bicycle Retrofit Programs, Urban Reconstruction, and other programs to support the improvement of pedestrian and bicycle facilities. SHA's Transportation Alternatives Program may be a funding option for sidewalk construction on state roads. More information can be found at <http://www.roads.maryland.gov/Index.aspx?PageId=144>

- MDOT's Bikeways Network Program provides a funding source for bicycle facility improvements which could be used for facilities on local roads. More information on MDOT's Bikeways program can be found at: <http://www.mdot.maryland.gov/newMDOT/Planning/Bike/Bikeways.html>
- Planning is pleased to see that the Town is open to studying various strategies to improve parking. It may be beneficial if the Town examines its current parking standards and consider revising its regulations to relax or remove parking minimums. Recent planning research suggests that parking minimums contribute to the construction of off-street parking facilities, which promotes driving, reduces the amount of ground-level retail and reduces the amount of space residential builders can devote to residential units. In considering revisions to parking standards, the Town should also consider how such changes may affect objectives reflected elsewhere within the plan, such as housing objectives or downtown development objectives.

Chapter 5 - Community Facilities & Public Safety Services:

- (Page 5-14) - Planning suggests that the Recreation and Parks section include a table with the park names and acreage, for the user's ease of reference.
- Planning suggests a new table be included in this chapter showing Water/Wastewater capacity versus projected demands, for the user's ease of reference.

Chapter 6 - Housing:

- Planning appreciates the Town's inclusion of this optional element, and understands the unique challenges of such a seasonally affected housing market.

Chapter 7 - Environment:

- Pages 7-22 through 7-26) - Planning compliments the Town for establishing new priorities (such as prohibiting the placement of structures on the primary dune and beach, and encouraging the use landscape material for the benefit of wildlife) regarding adaptation to climate change and sea-level rise, and for efforts to become a more resilient community. The Department of Natural Resources' Chesapeake and Coastal Service website (<http://dnr.maryland.gov/ccs/coastsmart/Pages/grants.aspx>) provides resources that may assist the Town to improve coastal resiliency.

Chapter 8 - Downtown Development and Redevelopment/Reinvestment:

- Planning compliments the Town for expanding recommendations and policies related to reinvestment and redevelopment, previously limited to the upper and lower downtown areas, to all of Ocean City. Planning also appreciates the Town's consideration of "Reinvest Maryland: Accelerating Infill Redevelopment & Community Revitalization", and offers technical assistance related to this important issue over the next planning horizon.

Chapter 9 - Plan Implementation:

- Planning has no review comments for this chapter.

Chapter 10 - Municipal Growth:

- (Page 10-1) Planning notes the Draft Plan's inclusion of its Sustainable Growth and Agricultural Preservation Act of 2012 (SB236) Growth Tiers Map, and supporting SB236 text, as required by State Law.
- (Page 10-8) The Draft Plan includes a development capacity analysis, called a Build-Out Projection and Analysis in the document, and concisely explains the methodology used to reach the additional dwelling unit number of 7,760.

Chapter 11 - Water Recourses & Mineral Resources:

- Pollution by nutrients causes many problems, such as algal growth and oxygen reduction. Aquatic life is directly affected by this non-point source loading. Even so, Planning anticipates that the Town's continued efforts to require more open space, increase pervious land coverage and improve stormwater management, together with Coastal Bays Critical Areas Program implementation, will reduce nutrient loading in the future.

Maryland Department of Planning Review Comments August 1, 2017
2017 Draft Ocean City Comprehensive Plan

STATE AGENCY COMMENTS

The following pages contain comments from other State agencies in support of the Maryland Department of Planning (Planning) review of the 2017 Draft Ocean City Comprehensive Plan as part of the standard 60-day review period for municipalities. Comments not included here may be submitted under separate cover, or via the State Clearinghouse. If comments from other agencies are received by Planning, they will be forwarded to the County in a timely manner.

Attachments

Maryland Department of the Environment

Maryland Department of Transportation

Maryland Department of Natural Resources

LAND MANAGEMENT ADMINISTRATION RESPONSE TO CLEARINGHOUSE PROJECTS

Project Assigned To	Jennifer Hopper
Project Review SAI#	MD 20170601-0454
County/Location	Worcester County Ocean City
Received in LMA	6-2-17 Camp Plan
Due Date to OC	6-28-17
PLEASE NOTE:	<input checked="" type="checkbox"/> COPY <input type="checkbox"/> CIRCULATED THRU ADMINI.'S <input type="checkbox"/> DUE ASAP

(Check if Applies):

C1 _____

R1 X

R2 _____

R3 _____

R4 _____

X

¹Any above ground or underground petroleum storage tanks, which may be utilized, must be installed and maintained in accordance with applicable State and federal laws and regulations. Underground storage tanks must be registered and the installation must be conducted and performed by a contractor certified to install underground storage tanks by the Land Management Administration in accordance with COMAR 26.10. Contact the Oil Control Program at (410) 537-3442 for additional information.

X

²If the proposed project involves demolition – Any above ground or underground petroleum storage tanks that may be on site must have contents and tanks along with any contamination removed. Please contact the Oil Control Program at (410) 537-3442 for additional information.

X

³Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.

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⁴The proposed project is located near land on which sewage sludge was stored, land applied, or disposed under a sewage sludge utilization permit issued by the Land Management Administration. Specific questions regarding this site should be directed to the Sewage Sludge Division at (410) 537-3314.

X

⁵The Resource Management Program should be contacted directly at (410) 537-3314 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.

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⁶CERCLA listed site MD-# _____, (name) _____,
(Address) _____, is located within approximately _____ miles of
(Site/Project being reviewed) _____. Contact the Land Restoration
Program at (410) 537-3437 for more information.

X

X

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DRAFT 2017 OCEAN CITY COMPREHENSIVE PLAN

Maryland Department of the Environment - Science Services Administration

I. Comments on the Comprehensive Plan:

Stormwater and Analysis of Nonpoint Sources

II. Comments on Additional Water Quality Requirements:

Consistency with Total Maximum Daily Loads

III. Additional Comments

IV. MDE Contact for Additional Information

REVIEW FINDING: 2017 Ocean City Comp Plan (MD20170 601-0454)

R1 – Consistent With Qualifying Comments

I. WATER RESOURCES ELEMENT

In order to prepare the Water Resources Element of the Comprehensive Plan, the Town must provide a simple nonpoint source analysis to estimate changes in nutrient loads resulting from proposed land use changes. Although the Town has provided a Plan that contains a Water Resources Element and the Nonpoint Source (NPS) Loading Analysis, the NPS Analysis is not complete. Information included in the 2009 WRE should be incorporated if that information is still valid.

The Nonpoint source (NPS) analysis must have provided, at a minimum, the following information:

- 1) Describe alternative land use options, if applicable.
- 2) Perform and document the NPS analysis (including nitrogen and phosphorus loads).
 - a) Describe methods and justify assumptions that differ from the NPS spreadsheet that is available upon request from MDE. (See below)
- 3) Compare results for alternative options (Include Initial and Future).
 - a) NPS nutrient loads
 - b) Amount of impervious cover
 - c) Point and nonpoint nutrient load implications
- 4) Include recommendations in the Comprehensive Plan for refining the NPS analyses in the future.

Guidance and a more detailed description of the nonpoint source analysis was found in Water Resources Element Guidance – Models and Guidelines No. 26. The Guidance document may be downloaded from the following website:

<http://planning.maryland.gov/OurWork/envr-planning/water-resources.shtml>

II. ADDITIONAL WATER QUALITY REQUIREMENTS

The following additional comments are intended to alert interested parties to issues regarding water quality standards. The comments address:

- A. Impaired waters in the local vicinity, which are identified on Maryland's 303(d) List;
- B. TMDLs in the local vicinity, which have been established for impaired waters;
- C. Special protections for high-quality waters in the local vicinity, which are identified pursuant to Maryland's anti-degradation policy; and
- D. General guidance.

A. Water Quality Impairments

Section 303(d) of the federal Clean Water Act requires the State to identify impaired waters and establish Total Maximum Daily Loads (TMDLs) for the substances causing the impairments. A TMDL is the maximum amount of a substance that can be assimilated by a waterbody such that it still meets water quality standards.

The Town should be aware of existing water quality impairments identified on Maryland's 303(d) list. The Town is situated in the following watersheds, which are identified by eight-digit codes:

Assawoman Bay - 02130102

Isle of Wight Bay - 02130103

Planners may find a list of nearby impaired waters by entering the 8-digit basin code into an on-line database linked to the following URL:

<http://www.mde.state.md.us/programs/Water/TMDL/Integrated303dReports/Pages/303d.aspx>.

This list is updated every even calendar year. Planners should review this list periodically to help ensure that local decisions consider water quality protection and restoration needs. **Briefly, the current impairments that are relevant to the Town include the following*:**

Briefly, the current impairments that are relevant to Ocean City include the following*:

Assawoman Bay (02130102)

Nutrients: Tidal. A TMDL has been written and approved by EPA.

Isle of Wight Bay (02130103)

Bacteria: Tidal. A TMDL for Herring and Turville Creek has been written and approved by EPA.

Nutrients: Tidal. A TMDL has been written and approved by EPA.

(* Note that upstream jurisdictions also share in the responsibility for addressing downstream impairments, which might not be identified in the summary above. In addition, jurisdictions that eventually drain to the Chesapeake Bay have a general responsibility to control nutrients as part

of the Chesapeake Bay Agreement. This information is based on Maryland's 2014 Integrated Report.)

B. TMDLs

Development and implementation of the Comprehensive Plan should take into account consistency with TMDLs developed for the impaired waterbodies referenced above. Government decisions made prior to the development of a TMDL should strive to ensure no net increase of impairing substances. TMDLs are made available on an updated basis at the following web site:

http://www.mde.state.md.us/programs/water/TMDL/Pages/sumittals_a-l.aspx

C. Anti-degradation of Water Quality

The State of Maryland requires special protections for waters of very high quality (Tier II waters). The policies and procedures that govern these special waters are commonly called “anti-degradation policies.” This policy states that “proposed amendments to county plans or discharge permits for discharge to Tier II waters that will result in a new, or an increased, permitted annual discharge of pollutants and a potential impact to water quality, the amendment shall include an evaluation to show alternatives to eliminate or reduce discharges or impacts.” These permitted annual discharges are not just traditional Point Sources, but can include all discharges such as Stormwater.

**Currently, Tier II waters are not present within the vicinity of the town.
(See attached map)**

Planners should be aware of legal obligations related to Tier II waters described in the Code of Maryland Regulations (COMAR) 26.08.02.04 with respect to current and future land use plans. Information on Tier II waters can be obtained online at:

<http://www.dsd.state.md.us/comar/comarhtml/26/26.08.02.04.htm>

and policy implementation procedures are located at

<http://www.dsd.state.md.us/comar/comarhtml/26/26.08.02.04-1.htm>

Planners should also note that since the Code of Maryland Regulations is subject to periodic updates. A list of Tier II waters pending Departmental listing in COMAR can be found, with a discussion and maps for each county, at the following website:

<http://www.mde.state.md.us/programs/water/TMDL/WaterQualityStandards/Pages/HighQualityWatersMap.aspx>

To request the Tier II GIS information, please contact Angel Valdez at angel.valdez@maryland.gov.

D. General Guidance

Land use planning should reflect the limits on pollutant loads necessary to meet water quality standards. Techniques now exist to support land development that minimizes the

generation of the pollutants that are impairing our waters. It will be in the interest of local jurisdictions to adopt these techniques to optimize growth in a manner that is consistent with TMDLs and the Tributary Strategies for nutrient reduction developed under the 2000 Chesapeake Bay Agreement.

Examples of planning techniques that consider TMDLs:

- 1) Consider alternatives to surface water discharges, where applicable. For example, consider identifying land for future spray irrigation of treated municipal waste if the direct discharge of effluent to a stream could become limited by a TMDL or the Bay Agreement nutrient allocations.
- 2) Consider land use planning that will maximize the preservation of forested land, which contributes the least amount of nutrient loading per acre.
- 3) Consider giving priority to site designs that minimize impervious area and nutrient loads per unit of development.

For more general guidance:

Protecting Water Resources with Smart Growth

<http://www2.epa.gov/smart-growth/protecting-water-resources-smart-growth>

Best Development Primer

<http://www.epa.gov/smartgrowth/pdf/bestdevprimer.pdf>

Better Site Design: A Handbook for Changing Development Rules in Your Community

http://www.cwp.org/better_site_design.htm

III. ADDITIONAL COMMENTS

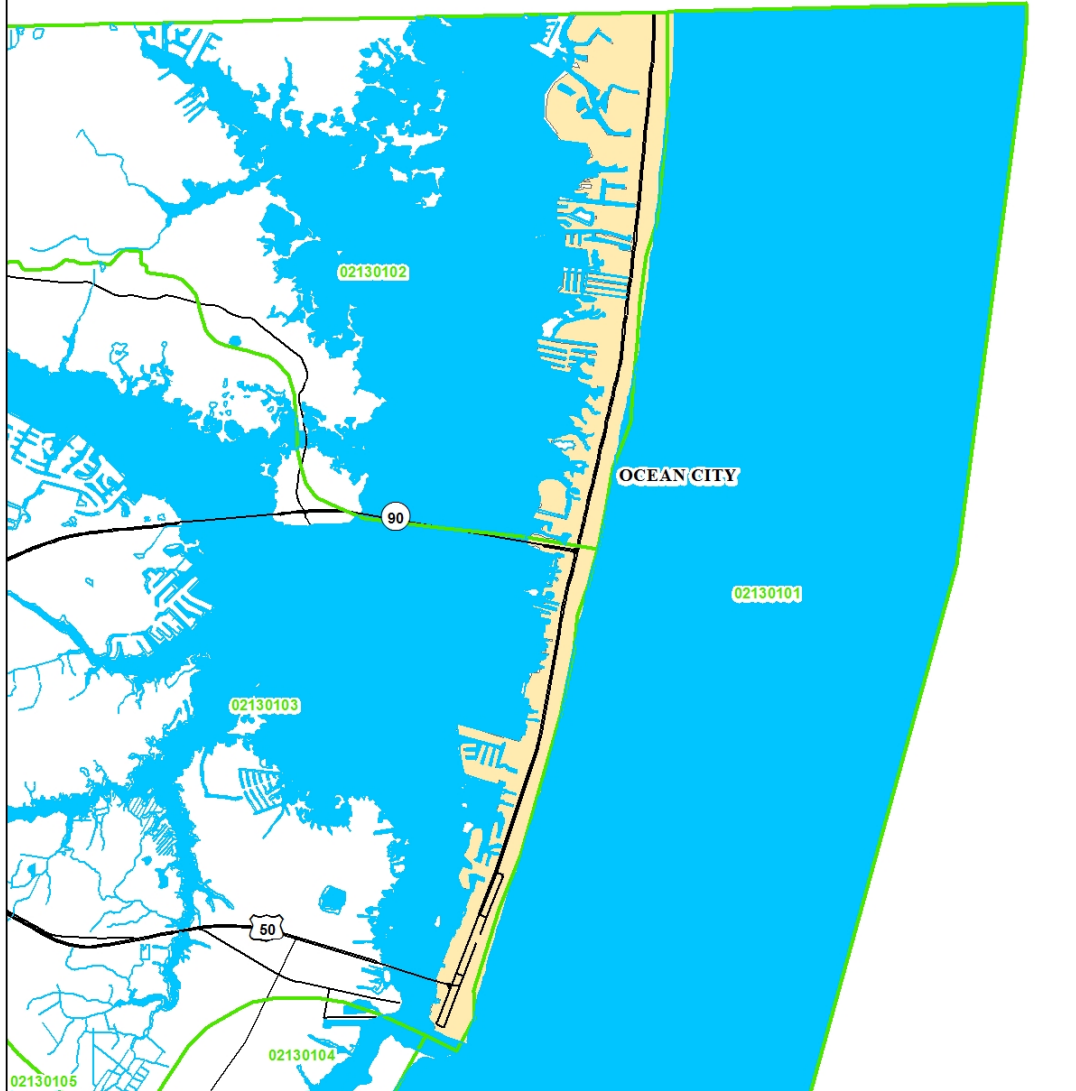
1. It is recommended that the Nutrient Loading analysis also be completed to show the loadings (initial and future) directly associated with the Town.
2. MDE recommends that alternate land use options discourage development in forested areas or have an option to reforest other areas to prevent overall loss. Forest Conservation should be a priority. MDE recommends that the Town consider a land use plan in order to protect forest lands.
3. With the completion of the Chesapeake Bay TMDL, the Chesapeake Bay Program Office (CBPO) will be able to provide loading data at a more refined scale than in the past. MDE will be able to use the CBPO data to estimate nonpoint source pollution allocations at the jurisdictional level and these allocations will be used in the next cycle of WREs. Jurisdictions with planning and zoning authority are required to prepare a WRE once every six years. **For the next cycle of WREs,**

jurisdictions may be required to provide detailed land use analyses that are consistent with the Bay TMDL and local TMDLs, where they exist. In this way, MDE will ensure that implementation of the TMDLs and local planning efforts will be closely linked.

IV. MDE CONTACT FOR ADDITIONAL INFORMATION

For information regarding Anti-degradation, please contact Angel Valdez, at 410-537-3606. For additional information concerning the nonpoint source analysis, water quality impairments, or TMDLs, please contact Jim George at 410-537-3902.

Ocean City Comp Plan
Worcester County, MD
MD2017 0601-0454



Legend

- MD High Quality Waters
- Streams
- 8-digit Watershed
- Major Roads



Municipal Boundaries

0.6 0.3 0 0.6 1.2 Miles

0.85 0.425 0 0.85 1.7 Kilometers

Map Date: 6/22/2017

Drawn By: MDE SSA



Data Sources:

MBSS Stations - MD Dept. of the Environment
Streams - State Highway Administration
Major Roads - State Highway Administration
Watersheds: 8-digit - MD Dept. of the Environment
12-digit - Dept. of Natural Resources
Municipal Boundaries - State Highway Administration





Maryland Department of Transportation
The Secretary's Office

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

July 25, 2017

Mr. Keith Lackie
Regional Planner
Maryland Department of Planning
301 West Preston Street, Suite 1101
Baltimore, MD 21201

Subject: 2017 Ocean City Comprehensive Plan Review

Thank you for the opportunity to comment on the 2017 Ocean City Comprehensive Plan. The Maryland Department of Transportation (MDOT) offers the following comments:

General Comments:

- The goals and objectives are generally well organized and comprehensive. The introduction does an effective job of recognizing that additional road and parking lot construction are precluded by land availability. Improvements in transit will most successfully arise from the need for greater efficiencies on the existing infrastructure and/or large shifts in transportation modes.
- It is recommended that any proposed projects on state roads be included in the Worcester County's Transportation Priority Letter, which is submitted annually to the MDOT Secretary's Office of Planning and Capital Programing (OPCP), around April 1st.
- At this time, the Cape-to-Cape Scenic Byway does not have a corridor management plan. It is recommended that the Comprehensive Plan support the development of a corridor management plan. In the meantime, please refer to MDOT State Highway Administration (SHA) Context Sensitive Solutions guide. The Context Sensitive Solutions guide can be found online at www.roads.maryland.gov/OED/CSS-3.pdf. Information regarding the Cape-to-Cape Scenic Byway can be found on Visit Maryland's website: www.visitmaryland.org/scenic/byways/cape-to-cape. Additionally, information regarding the Tri-State Byway can be found online at www.visitworcester.org/printables/Cape-to-Cape-brochure2015.pdf.

My telephone number is _____
Toll Free Number 1-888-713-1414 TTY Users Call Via MD Relay
7201 Corporate Center Drive, Hanover, Maryland 21076

- Autonomous Vehicular Traffic is expected to affect both parking and vehicular traffic within the next decade. Although specific design elements tailored to automated vehicles may be premature, the transportation section of the plan could recognize changing patterns anticipated for both land use and traffic flow through the adaptation of wider vehicular automation.

Chapter 2 – Economic Development

- Page 2-3 - Listed in the Goals and Objectives Summary, Objective 2.27 refers to the Blue Crab Scenic Byway. The Blue Crab Scenic Byway, although still locally recognized by the Lower Eastern Shore Heritage Council, is not a MDOT SHA designated Scenic Byway. It is recommended to update the document to reflect that the Town of Ocean City is within the Cape-to-Cape Scenic Byway. The Cape-to-Cape Scenic Byway travels through three states from Cape Henlopen, Delaware to Cape Charles, Virginia. In Maryland, it begins at the Delaware line and runs along MD 528 to Ocean City, turns onto 9th Street to reach Baltimore Avenue, and then onto US 50.
- Page 2-11 - Designated Scenic Byways often overlap with Certified Heritage Areas and provide vital linkages. As mentioned, the Town of Ocean City is within the Lower Eastern Shore Heritage Area (LESHA). The Plan states that the LESHA Management Plan is incorporated into the Comprehensive Plan for Ocean City. It is recommended that the Plan address that the byways and heritage areas have a significant impact on economic development through heritage tourism by discussing the relationship between strong planning policies to preserve, protect, and enhance character defining resources along byways and in heritage areas. It is further recommended that the Plan include specific suggestions regarding the way in which development should occur along the Scenic Byways in a manner that preserves, maintains, and enhances their character defining resources. Consider adding bulleted points for the sharing economy under “Industry issues continue to include the following.” Business models such as Airbnb affect the 9 percent tax (4 percent county, 5 percent state) collected and a comprehensive plan should, at the least, discuss this emerging impact within a jurisdiction reliant on tourism. These considerations should be added both under “Industry issues” and “Recommendations” This topic is also relevant in Chapter 3 (page 3-8) when discussing residential land uses and trends impacting residential neighborhoods. On page 3-8, a bullet point mentions “the convenience of web applications for reservations” yet does not discuss the growing role of the sharing economy within a tourist locale.
- Pages 2-11 and 2-12 - The Plan addresses the role that the (Roland E. Powell) Convention Center has played in attracting economic development and again asserts “Construction of a new 1,200 seat Performing Arts Center has greatly enhanced the range of events and activities,”, but still does not provide specific evidence for how the

performing arts center has increased the economic development potential of the Convention Center. Due to ongoing competitive pressures from convention centers in neighboring counties and jurisdictions, the specificity of advantages that the new performance center provides should be addressed for expanding economic development opportunities. Of note is the “Special Events” section, which highlights the economic importance of special event programming yet does not specifically address the role that a performing arts center could play in contributing to visitor attendance. The Department recommends highlighting the Performing Art Center’s role further as such: The Plan’s introduction notes that “The Performing Arts Center, which opened at the Convention Center in December 2014, is anticipated to similarly increase economic activity...” This statement would be bolstered with updated figures from 2015 and 2016. For instance, have any major events been held in this Center, which previously could not be accommodated at the Convention Center? Have any impact studies been performed?

Chapter 3 – Land Use and Development

- Page 3-11 - When discussing future street system and walkway improvements that improve and strengthen vehicular and pedestrian connections, accommodations for bicycles should be included. Although it is encouraging that the Plan recognizes promoting “greater pedestrian traffic to support a broader mix of commercial uses within the downtown area” is valuable, attention should also be given to bicycle infrastructure as an important tourism and mobility asset.
- Page 3-14 - MDOT is encouraged to see the Plan recognize an expansion of the street system is largely infeasible due to land constraints. In addition to promoting pedestrian movement, street design should also promote non-motorized transit options such as bicycling add non-motorized transit considerations. Providing safe travel accommodations for bicyclists (e.g., bike lanes, sharrows) is both an economic development tool as well as a tourism tool and a way to reduce reliance on the automobile. For new road construction (or resurfacing), adding marked bicycle lanes provide a quicker and lower cost option as opposed to subsequently creating separate pathways.
- Pages 3-15 and 3-16 - It is encouraging that the Plan recognizes that “substantial pressure for condominium residential redevelopment” has displaced many commercial uses. The MDOT would encourage verbiage noting that a balance of commercial and residential uses not only serves the residents’ commercial needs, but also helps to maintain a more compact and walkable urban design that is consistent with alleviating automobile reliance and strengthening community character. Furthermore, although out of the purview of this particular section, consideration should be given to limiting residential uses if commercial uses are being phased out due to economic pressure.

- Page 3-18 - The Plan recommends moderate to low density residential development on the bayside due, in part, to “bayside dwellers’ use of automobiles to reach the beach.” In addition to moderate-to-low density, consideration should also be provided for improved pedestrian and non-motorized connections to the beach for bayside residential developments. Support for continued residential (and economic) development through strategic development on the bayside with investments in balanced, multimodal transportation connections can maximize the bayside’s residential market without straining or congesting automobile traffic.
- Page 3-21 - It is noted that the Plan does include the possibility of adding the Performing Arts Center under “Temporary Land Use (Special Events / OC at Night).” Under this section, it is encouraging that the Plan update recognizes that collecting data and formulating land use policies for temporary uses can serve as a valuable addition for comprehensive land use plan updates.

Chapter 4 – Transportation

- Page 4-3 - It is encouraging that the Plan’s objectives include a variety of parking solutions including parking districts and fee in lieu (Objective 4.25). (Please see the Parking Recommendations section below in these comments as well.)
- Pages 4-3 and 4-22 - The Plan recommends minimizing access cuts to MD 528 (Coastal Highway). The MDOT supports this strategy. Please contact MDOT SHA District 1 Regional Engineer, Ms. Rochelle Outten, at 410-677-4098 or via email at routten@sha.state.us for further information on MDOT SHA access permit approval process.
- Page 4-3 - The Plan references a “State Transportation Plan.” It is recommended to provide further clarification as MDOT has several types of long-term transportation plans: the statewide long range transportation plan called the Maryland Transportation Plan, the fiscally unconstrained Highway Needs Inventory (HNI), the fiscally constrained Consolidated Transportation Program (CTP), the Statewide Transportation Improvement Program. To have a project listed in the HNI, coordinate with Mr. Shiva Shrestha, MDOT SHA Statewide Long-range Planning Coordinator, at 410-545-5667 or via email at sshrestha@sha.state.md.us. To have a project considered for funding in the CTP, MDOT recommends that the project be adopted into the Town’s comprehensive plan and submitted in Worcester County’s Transportation Priority Letter.
- Page 4-7 – What is the status of the Harry W. Kelley Memorial Bridge to be added to the National Register of Historic Places? There should be mention of this in the Plan.

- Page 4-9 - Automobile sharing services should also be considered within the Parking section for its impact on parking as it has already begun to alter some parking demands. A discussion of the shared automobile's impact on Ocean City would be beneficial.
- Page 4-9 – Fluctuating demand-model parking schemes should be a consideration within the Plan. There is no mention in the Parking section of fluctuating parking fees to correspond with demand. On-street parking and off-street parking capacity can be effectively managed with fluctuating parking prices, when such measures as fee in lieu for developers works in tandem with reductions in the parking requirements in the zoning code. This, in turn, may assist with traffic congestion. For instance, the Plan notes that the Inlet Parking lot is often full. Prior to the installation of a remote sign panel, drivers 'hoping' to find a spot in the Inlet Parking lot would create avoidable traffic congestion. While concurring that the remote sign panel can indeed help relieve some congestion, on-demand pricing should also be considered. Raising the fee for parking during peak times (e.g., daytime, weekends) could help increase revenue and, if priced properly, steer more budget-conscious drivers to other, often less full parking facilities.
- Page 4-10 - The Municipal Bus paragraph states that the Town provides 24-hour bus service all year. This is not the case as there is no bus service during the winter months from 11:40 pm – 6:15 am.
- Page 4-11 - The additional park and ride locations in the north are nicely noted within the Plan and may be furthered by the following few additional considerations. In addition to the expansion of bus service to new private hotel and commercial developments in West Ocean City, the West Ocean City Park and Ride system's existing performance and possible room for improvements should be documented within the Plan. Such documented success, if present, could help promote the recommendation for an additional park and ride system in the north and near Route 90. The North End Transit Center's design could incorporate a park and ride system as the recommendations note. The high level of transit ridership demonstrated from the 1996 transit study seems to indicate the public's willingness to rely on public transit in the area and this could bode well for the City's ability to harness increased service for additional park and ride implementation.
- Page 4-12 - While there is wide reference to the 1996 Craine and Associates "Technical Transit Study", there is no reference to the Transit Development Plans (TDP) developed. The last completed TDP for Ocean City was in 2015. TDPs are developed by the local jurisdiction and transit system in conjunction with the Maryland Transit Administration and are an important element in Local Transit System funding process and are required to be updated every four years.

- Page 4-13 - An updated transit study should be an additional objective within the Plan since the previous study is now over 2 decades old. It is encouraging to see the Plan recommend an updated transit survey in this regard. Updated demonstrated reliance on public transit would strengthen arguments for funding since the ridership numbers are dramatically higher than the year-round resident population. This documentation could be used to align Ocean City's transit system within an urban framework based on ridership instead of population. The Plan's recommendation to increase transit option visibility at site frequented by travelers, including hotels and visitor centers, is good. Ocean City may wish to consider enhanced creative marketing of the public transportation such as colored lines (as opposed to numbered lines), a transit web application for Ocean City, and/or an update to the existing "Ocean City Transportation" webpage (<https://oceancitymd.gov/oc/departments/public-works/transportation/>).
- Page 4-14 - The "Maintenance" section alludes to the previous comment with the wording "an investment in a strong eye-catching paint scheme or theme for the buses," from the previous transit study. These recommendations should be more prominent and detailed within the Plan.
- Page 4-15 - If documentation does not demonstrate robust use of the West Ocean City Park and Ride, a survey or study is recommended to identify potential causes. If the fee for the accompanying shuttle service is dissuading potential patrons of the park and ride system, parking fees (possibly collected from raising parking rates at popular locations in response to demand as recommended above) could be used to subsidize or eliminate this shuttle fee. The Plan notes that the current cost of \$3 did not deter ridership in 2012. If this is still current, then documentation of the West Ocean City Park and Ride's documented success should be used to leverage funding for additional park and ride facilities along Route 90 and/or in the northern portions of Ocean City.
- Page 4-15 - The Plan recommends that past bicycle studies examining the bike/bus lanes completed in 1990 and 1995 "should continue to provide the basis for future improvements to accommodate bike movement." While these studies should certainly be used for historical ridership, it's recommended that an objective be added to the transportation section for an updated bicycle study to complement the project undertaken by the Ocean City Transportation Committee in 2014. Bicycling numbers are subject to a variety of factors and multiple study dates are encouraged, especially as these studies are more than 2 decades old and nationwide bicycling figures have changed.
- Page 4-15 and 4-16 - The Plan discusses the creation of bicycling infrastructure throughout the town. If bicycling infrastructure improvements fall along state roads, please coordinate with Ms. Aviva Brown, MDOT SHA Regional Planner and Bicycle and Pedestrian Priority Area Coordinator, at 410-545-5672 or via email at abrown22@sha.state.us.


- Page 4-16 - The Plan refers to a 2014 project conducted by the Ocean City Transportation Committee. It is recommended to include more information such as a title, summary of problems, proposed or completed solutions, etc., for further clarification. Additionally, the term 'pods' is not defined.
- Page 4-17 - Within the Pedestrian Movement section, emphasis for improvements to urban design should be highlighted. The Plan does address "pedestrian improvements," but these are largely in the context of supporting a "festive atmosphere." Pedestrian urban design can also encourage more pedestrian activity and alleviate automobile reliance and activate new commercial corridors. The lack of safety mechanisms (e.g., pedestrian signals, crosswalks, etc.) and lack of pedestrian design considerations discourage pedestrian activity. New development should be considered for, and scaled to, the pedestrian consumer. The pedestrian environment is affected dramatically through pedestrian urban design. Including pedestrian design needs, plans and projects within the plan update can provide a sound justification for grant and funding applications as well as beautification goals.
- Page 4-18 - The Plan references a 2004 study by Kimley-Horn, but does not provide a title or the "specific locations" where conflicts were identified, or the proposed solutions. It is recommended to identify these conflicts and potential solutions in the comprehensive plan.
- Page 4-18 - The Plan expresses a desire for wider sidewalks and one-way street pairings. Please provide specific locations, if available. If the locations are along MDOT SHA right-of-way, please contact Ms. Aviva Brown, MDOT SHA Regional Planner, at 410-545-5672 or via email at abrown22@sha.state.md.us.
- Page 4-22 - The Plan recommends coordinating special event use of public streets for car shows, parades, and short-term controlled access. Special Event Use on state roads must be coordinated with Ms. Rochelle Outten, MDOT SHA District 1 Regional Engineer, at 410-677-4098 or via email at routten@sha.state.us.
- Page 4-22 - The Plan recommends working to improve the storm water management system on Coastal Highway. If there is any interest in improving stormwater management along state roads, please coordinate those efforts with Mr. James (Jay) Meredith, MDOT SHA District 1 Engineer, at 410-677-4020 or via email at jmeredith@sha.state.md.us.
- Page 4-23 - The recommendations section includes parenthetical notes for "social media, smart phone apps, website", but these recommendations are not addressed or described within the text's body.

Regional Planner Keith Lackie
Page Eight

- Pages 4-23 and 4-24 - The Plan recommends evaluating the benefits and costs of developing a park and ride lot near the North End Transit Center, and investigating a potential additional park and ride lot in Worcester County. Please coordinate these efforts with Mr. Jerry Smith, MDOT SHA Park and Ride Coordinator, at 410-545-5661 or via email at jsmith@sha.state.us.

If you have any questions or concerns, please do not hesitate to contact Mr. Ian Beam, MDOT OPCP Regional Planner, at 410-865-1280, toll free at 888-713-1414, or via email at ibeam@mdot.state.md.us.

Sincerely,

for 
Heather Murphy
Director
Office of Planning and Capital Programming

cc: Mr. Ian Beam, Regional Planner, The Secretary's Office, MDOT
Ms. Aviva Brown, Regional Planner, Maryland State Highway Administration
Mr. Joseph Griffiths, Local Assistance and Training Manager, Maryland Department of Planning
Mr. Jason Kepple, Regional Planner, Maryland Transit Administration



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Mark Belton, Secretary
Joanne Throwe, Deputy Secretary

Mr. Keith Lackie
Maryland Department of Planning
301 West Preston Street, Suite 1101
Baltimore, MD 21201-2305

Dear Mr. Lackie:

On behalf of the Department of Natural Resources, thank you for offering an opportunity to comment on the 2017 Comprehensive Plan for the Town of Ocean City. As development pressure increases and irreplaceable resource lands are lost, it is vital that Maryland grows smarter and more sustainably through a collaborative and informed public planning process. To that end, we offer below a series of comments to strengthen the draft Plan for your consideration:

We commend the Town of Ocean City on a well-done and thoughtful plan that captures local resources and interests. We particularly appreciate the clear attention to environmental protection, and resource conservation. Below are specific comments on the plan organized by topic areas.

P. 2-19 There is a discrepancy about how far offshore the wind energy development will be. Page 2-19 says 12-15 nm or 17-21 nm (depending on the company) while page 7-18 suggests wind energy will be more than 17 nm offshore. The paragraph on page 7-18 is accurate, but only if referring to the Skipjack project. The paragraph mentions two projects though, which are Skipjack (17-21 nm) and US Wind (12-15 nm). This document helps clarify:
<http://www.psc.state.md.us/wp-content/uploads/PSC-Awards-ORECs-to-US-Wind-Skipjack.pdf>

P. 3-21 Ocean City says they will "partner with USACE to complete projects for beach nourishment, inlet dredging, etc..." DNR recommends including our department in that statement. The Department has hired a Coastal Management Fellow to work on beneficial use of dredged material and the position would like to work with the Town of Ocean City on this tope. In addition, DNR could be mentioned on page 4-24, "Continue to conduct channel maintenance dredging. Study the possibility of using channel dredge spoil for beach replenishment or other secondary beneficial use"

Chapter 7: Environment

DNR commends the Town for the Environment goal "new priorities include adaptation to climate change and mitigation of hazards for a more resilient community."

The plan includes an extensive discussion about vulnerability, sea level rise and erosion. The plan relies heavily upon the USACE studies and re-nourishment erosion control approaches. It would be great to see additional detail about adaptation, climate resilience and strategies that builds upon state (Maryland Climate Change Commission) or local (2008 Sea Level Rise) work.

DNR recommends that the Plan include more specifics to address mismanaged waste / marine debris. The Mid-Atlantic Ocean Action Plan, signed off by the State of Maryland, is prioritizing efforts to reduce the quantity of marine debris in the ocean. The Ocean City Adopt-Your-Beach program helps address this, and is mentioned in the plan. OC also currently bans smoking on beaches (with the exception of 153 designated locations) and the Ocean City Surfrider Chapter hosts beach clean up events, which help combat the problem, but trash ending up in the waterways is a major problem from aesthetic, water quality, human health, and ecological perspectives. While the plan does address recycling on page 7-18, however there are very few specifics. Does the Town intend to reinstate recycling on the beach?

DNR commends the plan for stating that the City recognizes that boating, fishing and nature tourism are major draws to the area and looks to expand and sustain tourism in the areas that can benefit natural resource management and the local economy. Parks and recreation accounts for only 11% of land use equaling 233.3 acres

Although the City has 10 miles of beach along the Atlantic Ocean which is the main attraction, there is limited recreational boating access within the town. This plan does not mention any strategy to acquire or expand existing boating and water access facilities.

The plan mentions that commercial-marine uses require bayside access, though some of these sites have been developed for other uses. The plan states that zoning should continue to favor working waterfront activities since "they support the identity of Ocean City as the White Marlin Capital of the World and provide a vital service to boating, fishing and tourism interests." DNR recommends more detail including timeframe and strategy for how this would be implemented.

Ocean City makes numerous mention of their commitment to recreational and commercial fishing and associated support industries, especially on the bayside (pg 3-16,19). DNR would encourage the Town to ensure continued water access for these uses through zoning. Also, while not a requirement for Ocean City, DNR would encourage inclusion of the County Comp Plan requirement to address water access for watermen:

Comp plan requirement (Md. Ann. Code art. 66B, § 3-05(a)(7):

Planning Commissions of code home rule and commissioner counties that are located on the tidal waters of the State must include designation of areas on the tidal water for loading, unloading,

and processing finfish and shellfish as well as docking and mooring for commercial fishing boats and vessels. The designated areas are meant to facilitate commercial harvesting and assure reasonable access to the waterways of the State by commercial watermen

DNR Commends the plan for the language in the “Waterways” section “In keeping with the image of an Ocean resort community, every opportunity to increase the availability of, and access to marina and boat launching facilities should be explored.” DNR recommends more detail including timeframe and strategy for how this would be implemented.

The Recreation and Parks section lists several facilities, but other than the beach, there are no other sites which provide people with access to the water.

P. 7-16 under the Wildlife section the plan mentions in the last sentence in the first paragraph that urban wildlife can increase with "conscious planting of food and shelter...". It's not clear what the actual goal of doing that is but I would suggest changing it to something more specific. It is probably not a good idea to think generally of planting things to attract "animals" to an urban setting. More raccoons, rodents, or other opportunistic species are usually not desirable. It might be worth trying to attract some very specific types of wildlife however. Butterflies, moths, and other pollinators can be attracted to certain native plants found in gardens or patios and many species of birds will nest and roost in backyard trees.

In the same section, the plan mentions a compiled "Summary of Current Historical Rare, Threatened, and Endangered Species..". They include it in Appendix A. That 1997 document is outdated and no longer valid. DNR would be happy to provide the Town with an updated list. This can be requested from Lynn Davidson in our Wildlife and Heritage Service at lynn.davidson@maryland.gov

P. 7-24. The final recommendation under “Land” states, “The beaches should always remain accessible to the public, and more public access to the bays should be provided.” This is commendable, but there is no plan for identifying potential public access sites and no strategy outlined for how additional access would be funded or developed.

The Capital Improvement Plan includes only one public water access project, Phase 2 construction of a pier at Sunset Park. If more public access is desired, especially on the bay-side, then the City needs to look harder for parcels to acquire and opportunities for project development.

P. 7-24 The plan mentions encouraging landscaping for wildlife again. DNR recommends specifically targeting native plants for pollinators here.

Pg. 9-11 has a bullet that reads “Enhancing recreational access, opportunities and infrastructure for the public,” as a recommendation under Environmental Resource Management. More detail on how this would be achieved is recommended.

On behalf of the Department, I would like to congratulate you on a thorough and balanced plan.

DNR looks forward to working with you on many of the implementation measures over the coming years. If you should have any questions about these comments or would like further information, please do not hesitate to contact me at sandra.olek@maryland.gov or 410.260.8979.

Sincerely,

A handwritten signature in black ink that reads "Sandi Olek". The script is cursive and fluid, with the first name "Sandi" and last name "Olek" clearly distinguishable.

Sandi Olek
Chesapeake and Coastal Watershed Services
Maryland Department of Natural Resources