

**ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT**

*William B. Hunt, AICP, Director
Kathleen Easley, AICP, Deputy Director*



COMMISSIONERS OF ST. MARY'S COUNTY

James R. Guy, President
Michael L. Hewitt, Commissioner
Tom Jarboe, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Commissioners of St. Mary's County will conduct a public hearing in the Commissioners' Meeting Room in the Chesapeake Building, 41770 Baldrige Street, Leonardtown, Maryland, on **Tuesday, August 28, 2018**, beginning at **6:30 p.m.** for the purpose of receiving public comment and to consider a proposed ordinance on commercial dock use associated with the on-and off-loading of seafood catch from new DNR-authorized shellfish aquaculture leases

The proposed Ordinance would read as follows:

SECTION I. Direct County staff to study these matters, finalize their recommendations and propose changes to the St. Mary's County Comprehensive Plan.

SECTION II. A moratorium on the use of docks or piers for any commercial activity associated with the on-and off-loading of seafood catch from new DNR-authorized shellfish aquaculture leases shall be, and hereby is, imposed for a period of eighteen (18) months from and after adoption of this Ordinance. If DNR revises the rules and regulations regarding shellfish aquaculture that provides adequate protection to the residents of St. Mary's County, then this moratorium may be shortened.

SECTION III. This Ordinance shall apply to any new DNR aquaculture lease issued on or after the effective date of this Ordinance.

SECTION IV. This Ordinance shall be effective as of the date set forth below.

Citizens are encouraged to attend and participate in the public hearing.

Note that as a result of the evidence and comments made at the public hearing, amendments may be made to the proposed ordinance.

Copies of the proposed ordinance are available to the public for viewing at each public library within the County, at the Public Information Office located at 23115 Leonard Hall Drive, Leonardtown, Maryland, at the Department of Land Use and Growth Management located at 23150 Leonard Hall Drive, and for viewing or downloading through links on the St. Mary's County Government web page: www.stmarysmd.com.

William B. Hunt, Director

Please publish as a Legal Notice in *The Enterprise* on August 15, 2018 and August 17, 2018.

Subject: COMMERCIAL DOCK USE
ASSOCIATED WITH THE ON-AND OFF-
LOADING OF SEAFOOD CATCH FROM
NEW DNR-AUTHORIZED SHELLFISH
AQUACULTURE LEASES

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ORDINANCE

COMMERCIAL DOCK USE ASSOCIATED WITH THE ON-AND OFF-LOADING OF SEAFOOD CATCH FROM NEW DNR-AUTHORIZED SHELLFISH AQUACULTURE LEASES FOR A PERIOD OF EIGHTEEN (18) MONTHS PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE COMMISSIONERS OF ST. MARY'S COUNTY MAY CONSIDER ADVISABLE TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE

WHEREAS, Title 4 of the *Land Use Article* of the *Annotated Code of Maryland* empowers local jurisdictions to enact and administer a zoning ordinance, which ordinance is Chapter 285 of the Code of St. Mary's County; and

WHEREAS, the State of Maryland has revised its aquaculture laws to actively promote expansion of aquaculture operations and authorized water column leases for shellfish aquaculture; and

WHEREAS, water column leases have been, and are likely to continue to be, granted by the Maryland Department of Natural Resources for the waters surrounding the St. Mary's County peninsula, and

WHEREAS, the waters surrounding St. Mary's County have almost twice as many shellfish aquaculture leases as any other county in Maryland with one exception; and

WHEREAS, St. Mary's County is reviewing existing zoning requirements that are related to these operations and desires to impose a eighteen (18) month moratorium to allow County staff to study these matters, finalize their recommendations and propose changes to the St. Mary's County Comprehensive Zoning Ordinance to better achieve the goals expressed in the St. Mary's County Comprehensive Plan; and

WHEREAS, the rapid expansion of industrial aquaculture operations in the waters surrounding St. Mary's County will necessarily result in an increase of industrial and commercial seafood processing operations (including the onloading and offloading of equipment, spat, and shellfish) at various docks, piers, and marinas throughout the County; and

WHEREAS, the expansion of industrial and commercial seafood processing and uses raise a number of concerns to the Commissioners, including ensuring that the rapidly expanding aquaculture industry is managed in a fashion that reduces user conflicts and is done in harmony with St. Mary's County land use planning efforts, and consistency with the public health, safety and welfare of the residents of St. Mary's County as well as the many recreational users of St. Mary's County's docks, piers and marinas; and

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WHEREAS, St. Mary's County is reviewing existing zoning requirements that are related to these operations and desires to impose a eighteen (18) month moratorium to allow County staff to study these matters, finalize their recommendations and propose changes to the St. Mary's County Comprehensive Zoning Ordinance to better achieve the goals expressed in the St. Mary's County Comprehensive Plan; and

WHEREAS, a notice of a public hearing was advertised on August 15, 2018 and August 17, 2018 in The Enterprise, a newspaper of general circulation in St. Mary's County, and a public hearing was held on August 28, 2018 to receive public comment and consider adopting this Ordinance; and

WHEREAS, the Commissioners of St. Mary's County believe that eighteen (18) months is a reasonable length of time for completion of the study and that a moratorium upon the on-and off-loading of seafood catch from new DNR-authorized shellfish aquaculture for that length of time is necessary and in the best interests to promote the health, safety and welfare of the citizens of St. Mary's County,

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of St. Mary's County, pursuant to §4-201 of the *Land Use Article* of the *Annotated Code of Maryland*, that:

SECTION I. Direct County staff to study these matters, finalize their recommendations and propose any changes to the St. Mary's County Comprehensive Plan;

SECTION II. A moratorium on commercial dock use associated with the on-and off-loading of seafood catch from new DNR-authorized shellfish aquaculture leases shall be, and hereby is, imposed for a period of eighteen (18) months from and after adoption of this Ordinance. If DNR revises the rules and regulations regarding shellfish aquaculture that provides adequate protection to the residents of St. Mary's County, then this moratorium may be shortened.

SECTION III. This Ordinance shall apply to any new aquaculture lease issued on or after the effective date of this Ordinance.

SECTION IV. This Ordinance shall be effective as of the date set forth below.

Those voting Aye: _____

Those voting Nay: _____

Those abstaining: _____

Requested by: Department of Land Use and
Growth Management

Ordinance No. 2018-_____

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Adopted: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
County Administrator

James R. Guy, Commissioner President

Michael L. Hewitt, Commissioner

Approved as to form and legal
sufficiency:

Tom Jarboe, Commissioner

David A. Weiskopf
Acting County Attorney

Todd B. Morgan, Commissioner

John E. O'Connor, Commissioner