

**BALTIMORE COUNTY
LAW FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS, AND FLOODPLAINS
AND CHESAPEAKE BAY CRITICAL AREA LAW
ALTERNATIVES ANALYSIS INSTRUCTIONS AND INFORMATION**

Introduction

An alternatives analysis is a systematic examination of alternative site designs, with the ultimate goal that the project will have the least environmental impact possible, while achieving the project purpose. For all projects, the alternatives analysis application must be submitted and approved prior to the approval of development plans, project plans, grading/sediment control plans, or building permits; whichever is applicable and requires earliest submittal to the County. When all information has been provided, the application will be considered complete, and a decision letter will be issued by the Department.

Applicability and Authority

Several sections of the Baltimore County Code address the applicability of the alternatives analysis to the review of development projects.

Forest Buffer Law

Section 33-3-106: Forest Buffer Variances

In reviewing requests for variances, the Department may require an alternatives analysis that clearly demonstrates that no other feasible alternative exists and that minimal impacts will occur as a result of the proposed project, activity, or development. In granting a request for a variance, the Department may require site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and riverine floodplains.

Section 33-3-112: Management Requirements for Forest Buffers

The following structures, practices, and activities are permitted in the Forest Buffer: roads, bridges, trails, storm drainage, stormwater management devices and practices, and utilities approved by the Department, provided that an alternatives analysis has clearly demonstrated that no other feasible alternative exists and that minimal disturbance will take place. These structures shall be located, designed, constructed, and maintained to provide maximum erosion protection, to have the least adverse effects on wildlife, aquatic life, and their habitats, and to maintain hydrologic processes and water quality. Following any disturbances, the impacted area shall be restored.

Critical Area Law

Section 33-2-303: Nontidal Wetland Protection; Section 33-2-402: Buffer Requirements

Improvements including roads, trails, bridges, storm drainage, stormwater management devices and practices, and utilities may be allowed in nontidal wetlands, wetland buffers, or Buffers if the Department approves an alternatives analysis submitted by an applicant that clearly demonstrates that no physically feasible alternative exists. These improvements must be located, designed, constructed, and maintained to provide maximum erosion protection, to minimize adverse effects on wildlife, aquatic life and the respective habitats, and to maintain hydrologic processes and water quality. The impacted area shall be restored following any disturbance.

Activities allowed in wetlands or wetland buffers under alternatives analysis approval, variance approval, or variation of standards approval shall only occur in conjunction with mitigation measures that provide water quality benefits and plant and wildlife habitat equivalent to the level before the nontidal wetland was affected or destroyed, and shall be accomplished to the maximum extent possible on or near the affected nontidal wetlands.

For Buffer disturbances, the Department may require onsite or offsite mitigation to offset impacts to a buffer, or to the plant and wildlife habitats or species contained in a Buffer, that are the result of development activity. For Buffer mitigation and planting standards, and Buffer Management Plan requirements, please refer to COMAR 27.01.09.01-2 and COMAR 27.01.09.01-3.

Section 33-2-501: Habitat Protection Area Requirements

Development activities are allowed in a habitat protection area only if the Department certifies the location of and restrictions placed on the activities will provide for continuity of wildlife habitat, and the activities avoid adverse effects to the functioning of the area or to the species dependent on it. The Department shall consider comment from the Maryland Department of Natural Resources before providing this certification. Additionally, development activity or land disturbances may not alter the structure and species composition of natural heritage areas. At the present time, Black Marsh is the only designated natural heritage area in Baltimore County.

Improvements including roads, trails, bridges, and utilities may be allowed in Habitat Protection Areas if the Department approves an alternatives analysis submitted by an applicant that clearly demonstrates that no physically feasible alternative exists. These improvements must be located, designed, constructed, and maintained to provide maximum erosion protection, to minimize adverse effects on wildlife, aquatic life and the respective habitats, and to maintain hydrologic processes and water quality. The impacted area shall be restored following any disturbance. The Department may also require onsite or offsite mitigation to offset impacts to a habitat protection area, or the plant and wildlife habitats or species contained in the area.

What to Submit with the Alternatives Analysis

1. Provide a clear and concise statement of the purpose and need of the project. Provide documentation to support this statement.
2. Provide a map of the project area. This map must be of sufficient size and detail to allow the Department to evaluate cumulative effects to the watershed.
3. Provide a plan that depicts the existing site constraints in the study area and other pertinent information. Items a-d may be prepared from mapped information, including but not limited to the following information:
 - a. Property lines/development boundaries.
 - b. Existing structures and facilities, including buildings, roads, and utility lines/pipelines and their associated easements, wells, and sewage disposal systems.
 - c. Existing topography.
 - d. Mapped soils from the USDA Natural Resources Conservation Service "Web Soil Survey" (replaces Baltimore County Soil Survey).
 - e. Approved wetlands, wetland buffers, Forest Buffers, Critical Area Buffers, and Habitat Protection Areas; whichever are applicable.
 - f. Existing vegetation.
 - g. Unique natural areas, including rare, threatened, or endangered species habitat. For Critical Area projects, include a letter from the Maryland Department of Natural Resources indicating whether these resources are present or absent.
 - h. Historical and archaeological sites.
4. Provide a table showing quantities and types of impacts to each resource.
5. Provide a conceptual mitigation plan showing the location, types and quantities of proposed mitigation measures, including a table listing the quantity and type of mitigation proposed to offset each type of proposed impact.
6. For Critical Area projects, provide any required Buffer Management Plan.
7. Any desired supplemental information, such as aerial photographs.

8. Provide a plan or plans, and supporting narrative and graphical data* showing all alternatives that were considered which could achieve the purpose and need of the project. The plan or plans drawn to support selection of the most feasible alternative may consist of sketches rather than detailed engineering drawings; unless EPS determines that the type of impact warrants more detailed plans (e.g., plan and profile information for stream crossings, conceptual grading needed to locate a limit of disturbance in order to properly quantify impacts, etc.). All alternatives will be evaluated. Baltimore County staff may suggest additional alternatives, or ask for more information regarding one or more alternatives, at this time. **Except for very minor impacts where there are clearly no other feasible alternatives, applications that include only narrative descriptions of alternative layouts that were considered without supporting documentation and plans showing these layouts will be rejected as incomplete.**
9. At the discretion of the Environmental Impact Review Section, practical alternatives may be examined in greater detail. If requested, provide a plan or plans, supporting narrative and graphical data which shows these alternatives, including field verified site constraints and the required Forest Buffer for the site, determined in accordance with Section 33-3-111 of the Baltimore County Code.

*Narrative should include descriptions of the resources to be impacted. Graphical data may include, but is not limited to, items such as acreage of wetland impacts, acreage of forest cleared, culvert lengths, costs, etc. It is most helpful if this data is presented in tabular form.

BALTIMORE COUNTY ALTERNATIVES ANALYSIS FORM

Law for the Protection of Water Quality, Streams, Wetlands and Floodplains
and Chesapeake Bay Critical Area Law

Part A. Applicant information

Applicant(s):

Name(s) _____ Phone No. (____) _____

Company _____

Street Address _____

City _____ State _____ Zip Code _____

Property owner(s):

Name(s) _____ Phone No. (____) _____

Company _____

Street Address _____

City _____ State _____ Zip Code _____

Contract purchaser(s):

Name(s) _____ Phone No. (____) _____

Company _____

Street Address _____

City _____ State _____ Zip Code _____

Engineer/representative:

Name(s) _____ Phone No. (____) _____

Company _____

Street Address _____

City _____ State _____ Zip Code _____

Part B. Property information

Property Address/Location _____

Tax Account Number(s) _____

Subdivision _____

Tax Map _____ Parcel No. _____ Lot No. _____

Acreage/Lot Size _____ Zoning _____ Council District _____

Water: public private Sewer: public private

Part C. Describe the purpose and need for the project (e.g. a stream crossing is needed to access the property).

Part D. Describe the existing site constraints. This section must be accompanied by a plan as described in the instructions accompanying this application.

Part E. Describe all of the alternatives that have been investigated which could achieve the purpose and need for the project. Identify the preferred alternative, and provide supporting documentation to indicate why the remaining alternatives were eliminated from consideration. Also explain how the preferred alternate avoids or minimizes impacts. Add additional pages if necessary.

Part F. Describe how the impacts associated with the proposed alternative will be minimized. Add additional pages if necessary.
