

**BALTIMORE COUNTY CHESAPEAKE BAY CRITICAL AREA
GROWTH ALLOCATION SUBMITTAL REQUIREMENTS
AND EVALUATION OBJECTIVES**

GENERAL INFORMATION

Prior to applying for growth allocation, an applicant is strongly encouraged to meet with staff from the Department of Environmental Protection and Sustainability (EPS) to become familiar with the overall growth allocation process in Baltimore County. For further information, please contact the Environmental Impact Review Section at 410-887-3980.

All growth allocation applications should be mailed to EPS at the following address:

Environmental Impact Review Section
Baltimore County Department of Environmental
Protection and Sustainability
111 W. Chesapeake Avenue, Room 319
Towson, MD 21204

The application will initially be reviewed for acceptance by EPS, to insure that sufficient preliminary information outlined herein has been provided. EPS will then accept or reject the application. If the application is not accepted, it will be returned to the applicant with a written explanation for its return. If the application is accepted, it will be forwarded to the Growth Allocation Review Committee for processing.

CODE REFERENCES

Baltimore County's growth allocation process is contained in § 32-9-101 through § 32-9-112, § 32-3-224, and § 32-3-511 of the Baltimore County Code. Copies of the referenced Code sections are attached to this document for the applicant's use.

EVALUATION OBJECTIVES FOR GROWTH ALLOCATION APPLICATIONS

All applications for growth allocation shall be submitted to EPS in the form of a site plan and accompanying narrative (hereafter "Application"). All applications shall meet the applicable minimum standards for development set forth in the County's Chesapeake Bay Critical Area Program.

As of June 24, 2013 the County has only 44.66 acres of growth allocation available for Resource Conservation conversions, and 88.22 acres available for Limited Development Area conversions. **This acreage is subject to change and is determined by the State Critical Area Commission rather than the County.** Because of the limited amount of acreage available for growth allocation, the award process will be highly selective. Recommendations for awarding growth allocation will be made by the Growth Allocation Review Committee, using the following evaluation objectives.

1. Consistency with other established County land use policies, plans and initiatives
2. Adequacy of public facilities and services (sewer, water, roads, fire, police, schools, etc.)
3. Fulfillment of unmet needs in relation to County policies for community and economic development as stated in the current Baltimore County Master Plan
4. Anticipated ability of the project to comply with County Development Regulations
5. Functional compatibility with the surrounding area (traffic volumes and circulation; building height, bulk, setbacks, and appearance; and noise), and
6. Overall excellence of the development concept in meeting or exceeding the goals of the Critical Area Program.

Each Application will be evaluated by the Growth Allocation Review Committee in terms of how well it achieves the environmental and community enhancement objectives below. It is the responsibility of the applicant to fully answer each of the following questions.

A. Resource Protection

How does the proposal:

1. minimize clearance of trees and woody vegetation?
2. maximize buffers to tidal and non-tidal wetlands, drainage ways, steep slopes, floodplains?
3. optimize shoreline protection measures, especially those that are non-structural?
4. minimize disturbance on steep slopes and soils with development constraints?
5. protect existing natural features and habitats?
6. minimize stream crossings?
7. minimize grading?
8. protect existing Habitat Protection Areas?
9. minimize the effect of disturbance on breeding activities of birds, wildlife, and fish by timing development to avoid critical periods?

B. Resource Enhancement

How does the proposal:

1. minimize post-development pollutant loadings in stormwater?
2. optimize open space?
3. minimize percentage of lot coverage?
4. optimize afforestation?
5. optimize the continuation of Critical Area standards outside the Critical Area?
6. optimize improvement of off-site environmental conditions (e.g., correction of failing septic systems, wetland establishment or rehabilitation, treatment of off-site stormwater, debris removal, shoreline stabilization, etc.)?
7. optimize use of wildlife corridors?
8. optimize stream restoration?
9. maximize infiltration and decentralization of stormwater management discharge points?
10. enhance habitats through forest management, wildlife plantings, additional protection, monitoring, etc.?

C. Design Qualities

How does the proposal optimize:

1. compatibility with surrounding neighborhoods and environment?
2. unique features of the site?
3. the preservation of architecturally or historically significant structures?
4. landscaping?
5. pedestrian walkways?

6. coordination between housing types and/or commercial uses?
7. siting that incorporates visual focal points, use of existing physical features, variation in building setbacks and groupings?
8. innovative construction techniques (e.g., underground parking, solar heating/cooling, coordination of materials, harmonious use of materials and varied architectural styles)?

D. Location Objectives

How does the proposal optimize:

1. location of new IDAs (LDA conversion adjacent to existing IDAs)?
2. location of new LDAs (adjacent to existing LDAs or IDAs)?

E. Offsite Community Enhancement Objectives

Note: Offsite enhancement shall be directly related to the anticipated development within the Critical Area. The fulfillment of these objectives shall be considered only when all of the environmental, design, and location objectives have been maximized.

How does the proposal optimize:

1. repair or construction of offsite infrastructure—most notably storm drains, sewer, water, and roads?
2. community facilities (e.g., repair or construction of schools; libraries; recreational facilities such as pools, skating rinks, sports fields; family support or child care centers)?
3. provision of community services (e.g., providing land or building for police, contribution to local improvement efforts)?
4. employment opportunities?

CHESAPEAKE BAY CRITICAL AREA GROWTH ALLOCATION SITE PLAN

The applicant shall submit a site plan as part of the Application. This plan shall demonstrate that the proposed development project would comply with all County and State Critical Area requirements, and that it has a high likelihood of complying with all other County development standards as well.

If a project is awarded growth allocation, the County will reserve a sufficient amount of available growth allocation acreage to allow the project to proceed with the County's development review process for the density or uses allowed by its current, or requested, zoning classification. Please be advised, the growth allocation site plan review is neither a substitute for the County development review process, nor a guarantee of eventual County development review approval.

Required Site Plan Information

In 1994, the Critical Area growth allocation process was meshed with the County development review process. Given that the applicant must submit a Concept Plan to the County for processing early on in the growth allocation process, the level of detail shown on the site plan submitted with the Application should generally be consistent with that of a Concept Plan. The applicant should contact the Department of Permits, Approvals and Inspections at 410-887-3321 to determine specific Concept Plan preparation and submittal requirements.

At minimum, the site plan submitted with the Application shall be drawn to scale (not smaller than 1" = 100"), and shall include the following information:

1. existing topography (2 foot contour intervals), with cross-hatching on areas of 15% or greater slopes;
2. mapped soils from the USDA Natural Resources Conservation Service Web Soil Survey;
3. existing forest or developed woodlands (field delineated, and verified by EPS);
4. perennial and intermittent streams, springs/seeps, and water bodies (field delineated, verified by EPS, and surveyed);
5. one-hundred-year floodplains (riverine and tidal);
6. tidal and non-tidal wetlands (field delineated, verified by EPS, and surveyed; see attached Critical Area regulations for additional requirements);
7. EPS-approved Critical Area buffer;
8. Critical Area Easement limits, and standard protective covenants and non-disturbance notes;
9. existing and proposed water lines, sewer lines, and storm drains, wells and septic reserve areas;

10. proposed development envelope with schematic layout of lots, buildings, parking, streets, local open space, and stormwater management systems;
11. existing and proposed piers; and
12. a note indicating presence or absence of any known habitat protection areas.

The site plan shall also contain the following information:

1. Name, address, and phone number of the applicant;
2. name, address, and phone number of the person or firm who prepared the plan;
3. a north arrow, revision date and graphic scales;
4. a location or vicinity map;
5. the Critical Area line;
6. current and proposed Critical Area land use categories (e.g., limits of RCAs, LDAs and IDAs);
7. current and proposed zoning of the subject property;
8. tabulation of:
 - a. total acreage of the property;
 - b. total acreage of the property within the Critical Area;
 - c. density computations and parking requirements based on zoning;
 - d. existing and proposed lot coverage;
 - e. total acreage in forest and developed woodland, and acreage of each type to be cleared; and
9. all other information required by the State Critical Area law and regulations (see attachments).

III. DESIGN STANDARDS

An application may be made for a Limited Development Area (LDA) or an Intensely Developed Area (IDA) classification, depending upon the use, density, and total acreage proposed. For specifics, please contact the Department of Environmental Protection and Sustainability. The general standards that shall be met by all applicants are outlined in Section A. Sections B and C contain the specific standards for IDAs and LDAs, respectively. These applicable standards shall be considered by the applicant and will be used by the County in evaluating the proposal. Please also refer to all requirements of the State Critical Area law and regulations (see attachments).

A. General

1. Clustering is preferred to minimize impervious surfaces and destruction of vegetation.
2. Dredging, filling, or construction in non-tidal and tidal wetlands is prohibited.
3. A minimum 25-foot buffer shall be maintained around non-tidal wetlands.
4. To protect the hydrologic regime and water quality of non-tidal wetlands, infiltration of run-off shall be maximized and discharge points decentralized.
5. A minimum 100-foot buffer shall be established from each bank of non-tidal tributary streams. The buffer shall be expanded beyond 100 feet to include contiguous, sensitive areas, such as steep slopes, hydric soils, or highly erodible soils.
6. A 300-foot undisturbed buffer is required landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams. This buffer may be reduced if it can be shown that greater habitat or water quality benefits could be achieved through other site specific measures.
7. Development in Habitat Protection Areas, as defined in Section 33-1-101 of the Baltimore County Code, is prohibited unless it can be shown that the location of the activities and/or the limitations or restrictions placed on them will avoid adverse impacts to the functions of the Area(s) or species dependent upon them.

B. Intensely Developed Area Standards

1. New Intensely Developed Areas shall be at least 20 acres in size unless:
 - a. they are contiguous to an existing IDA or LDA; or
 - b. grandfathered commercial, industrial or institutional uses existed as of June 13, 1988, in which case the amount of growth allocation deducted shall be equivalent to the area of the entire parcel or parcels subject to the growth allocation request.
2. For alteration or removal of forest or developed woodland, replacement shall be on a 1:1 acreage basis. While replacement sites do not need to be identified as part of the growth allocation request, a preliminary Forest Protection and Establishment Plan, showing forest areas to be altered or cleared and identifying replacement sites, must be approved prior to Development Plan approval for the project.
3. Post-development phosphorus pollutant loadings from the site shall be 10% below the on-site level prior to development. Calculations documenting the likelihood of meeting this standard as well as approximate size and location of best management components shall be shown.
4. If possible, limited public access to the shoreline shall be provided.

C. Limited Development Areas

1. All development activities that must cross or affect streams shall be designed to:
 - a. Reduce increases in flood frequency and severity that are attributed to the development;
 - b. Retain tree canopy so as to maintain stream water temperature within normal variation;
 - c. Provide a natural substrate for streambeds; and
 - d. Minimize adverse water quality and quantity impacts of stormwater.
2. A wildlife corridor system shall be incorporated into the plan.
3. For the alteration or removal of forest or developed woodland:

- a. No more than 20% of the sum of all forest and developed woodland may be cleared, and this shall be replaced on a 1:1 acreage basis. An additional 10% of the forest or developed woodland may be cleared, provided in such case, however, that every acre of forest or developed woodland cleared shall be replaced on a 1.5:1 acreage basis.
 - b. If no forest or developed woodland exists on the development site, the applicant shall afforest 15% of the site according to an approved Forest Protection and Establishment Plan.
 - c. In calculating clearing limits and afforestation requirements, the applicant must consider only the acreage of the property involved in the growth allocation request, and only that portion of the property above mean high tide.
 - d. While replacement sites do not need to be identified as part of the growth allocation request, a preliminary Forest Protection and Establishment Plan, showing forest areas to be altered or cleared and identifying replacement sites, must be approved prior to Development Plan approval for the project.
4. Development on slopes greater than 15% is prohibited unless it is the only effective way to maintain or improve the stability of the slope and is consistent with the requirements in COMAR 27.01.02.04B.
 5. Lot coverage shall not exceed 15% of the lot, parcel or property proposed to be developed. In calculating lot coverage, the applicant must consider only the acreage of the property involved in the growth allocation request, and only that portion of the property above mean high tide.
 6. The approximate size and location of the stormwater management components shall be shown on the plan acknowledging the following requirements:
 - a. development will not cause downstream property, watercourses, channels, or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its pre-developed state;
 - b. infiltration of water is maximized throughout the site and storm drain discharge points are decentralized; and
 - c. there is sufficient storage capacity to achieve water quality goals of COMAR 27.01 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its pre-developed state.

- d. Alternate stormwater management measures may be considered if it can be shown if any or all of the above provisions are infeasible due to site limitations, and if equal or greater water quality benefits could be achieved through other site specific stormwater management measures.