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ANNE ARUNDEL COUNTY

CRITICAL AREA DEVELOPMENT GUIDELINES

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PREFACE

The following publication is intended solely as a technical guidance paper for those citizens who are attempting to develop in the Critical Area within Anne Arundel County and it reflects the development procedures for private projects only. These guidelines represent and bridging and consolidation of what is required by the State's Criteria and law and by Anne Arundel County's law for development in the various Critical Area land use classifications, as well as for types of projects and procedures. It also serves to provide policy clairification and interpretation which have been established to date.

These guidelines are not a substitute for the County's Critical Area Law, Bill 49-88.

It should also be noted that these guidelines will be subject to change as amendments are made to Bill 49-88, to the text of the Critical Area Program documents, and any additional County legislation.

I. INTRODUCTION

In 1984, the Maryland General Assembly passed Senate Bill 664, which initiated the Chesapeake Bay Critical Area Program. This legislation defined the Critical Area as all land and water areas 1,000 feet landward of tidal waters, or tidal wetlands and the heads of tide. Through this State legislation, local jurisdictions adjacent to the Chesapeake Bay and jurisdictions that had tidal tributaries flowing into the Bay within their borders were mandated to develop their own Critical Area Programs, or to have the State develop one for each of them. In June 1986, Anne Arundel County chose to develop its own Critical Area Program, which was required by the State law to include the State Critical Area Criteria.

The Critical Area Program of Anne Arundel County is based upon three major goals: (1) to minimize negative impacts on water quality; (2) to conserve fish, wildlife and plant habitats; and (3) to establish land use policies for development within the Critical Area. The major impetus of this Program is not to ban development, but to provide a framework for promoting more environmentally sensitive development along the County's shorelines.

This publication is intended to present the Critical Area development regulations in a clear and concise manner. The property owner who would like to build an addition onto his house, to the developer who wants to design and build a subdivision, these guidelines will provide the required procedures to match the development situation within the Critical Area.

In addition, this publication can be utilized as a prototype for other coastal counties. Discussions have been held between Anne Arundel County and other jurisdictions concerning the development and implementation of their individual Critical Area programs. The document has incorporated several aspects from these discussions and is structured to assist other local jurisdictions in developing this same type of publication for their individual local Critical Area Programs.

In order to use the Anne Arundel County Critical Area Development Guidelines, a property owner should first locate the property in question on the County Critical Area maps. These maps are available for public review in the Office of Planning and Zoning. By identifying where a parcel of land is located within the Critical Area, a property owner can then determine into which of the three land use classifications the property falls. The three land use classifications as discussed in Section II include: (1) Intensely Developed Area (IDA); (2) Limited Development Area (LDA); and (3) Resource Conservation Area (RCA). Section II of these development guidelines provides the property owner with the Critical Area Criteria that have been established for that particular land use classification. Section II also presents the permitted uses and density permitted for each land use classification.

Section III of these development guidelines is the core of the publication, outlining the Critical Area Program development regulations by the specific type of development proposed. Section III also provides the appropriate check lists of information required when making an application for a project.

Section IV, Appendices, provides a list of environmental consultants and engineers, as well as other sources of information that will aid a property owner in meeting the Critical Area development regulations.

II. BASIC CRITICAL AREA CRITERIA

Once a property owner has identified the Critical Area land use classification where the property is located, the next step would be to read and study Section II. This section has been specifically structured to provide a property owner with the Critical Area Criteria directly related to the particular land use classification. All major and minor subdivisions, special exceptions, rezonings, and variances must comply completely with the Critical Area Criteria. Development or redevelopment on existing legal parcels of land that only require building or grading permits and that are not affected by specific subdivision plat conditions must comply with the Critical Area Criteria by land use classification INSOFAR AS POSSIBLE. Administrative plat changes are subject to the Critical Area Criteria insofar as possible (see Critical Area Policy #5).

All County projects within the Critical Area must also comply with the Critical Area Criteria. All State projects within the Critical Area are subject to the review and approval by the Chesapeake Bay Critical Area Commission. Development procedures for County and State projects are not included in this document.

BASIC CRITICAL AREA CRITERIA

All land located within the Anne Arundel County Critical Area is categorized into three land use classifications. These are:

- Intensely Developed Area (IDA)
- Limited Development Area (LDA)
- Resource Conservation Area (RCA)

DEVELOPMENT ACTIVITIES IN THE CRITICAL AREA ON LEGALLY EXISTING LOTS AND LEGALLY PLATTED PARCELS OF LAND OF RECORD ON OR BEFORE AUGUST 22, 1988, AND THAT HAVE NOT OTHERWISE BEEN SUBJECT TO THE CRITICAL AREA REGULATIONS ARE PERMITTED IF THEY COMPLY WITH THE CRITICAL AREA CRITERIA WHICH FOLLOWS INSOFAR AS POSSIBLE, AND: (see Critical Area Policy #10)

- New principal structures, additions or renovations to existing principal structures, or accessory structures for waterfront lots excluding in-ground swimming pools are approved by the Office of Planning and Zoning; (see Critical Area Policies #2, #14)

- An existing forested, vegetated buffer is maintained or shrubs and ground cover are planted where no buffer exists within the entire required front yard setback for all zoning districts, but in no case less than 25 feet in width (RA=40 feet, R1=40 feet, R2=30 feet, R5=25 feet); and (see Critical Area Policy #11)

- The planting in the modified buffer is approved by the Office of Planning and Zoning prior to issuance of a building permit and a grading permit if more than 5,000 square feet is graded or disturbed. (see Critical Area Policies #10, #11)

INTENSELY DEVELOPED AREA

Permitted uses:

Residential, commercial, industrial, institutional, recreational.

Density permitted:

This is the same as the current zoning of the property.

Basic Critical Area Criteria:

Permeable areas shall be established in vegetation and innovative development techniques shall be used to the extent practicable in order to reduce impervious areas and to maximize areas of natural vegetation.

New development activities and redevelopment shall have pollutant loading reduced by at least 10% below the level of pollution from the site prior to development.

New development activities and redevelopment within Intensely Developed Areas shall be undertaken only in accordance with the design manual and technical report titled "A Framework For Evaluating Compliance With The 10% Rule In The Critical Area," prepared by the Maryland Office of Environmental

Programs, Department of Health and Mental Hygiene, and the Metropolitan Washington Council of Governments, and as approved by the Chesapeake Bay Critical Area Commission. This is explained in Guidance Paper #15, available at the Chesapeake Bay Critical Area Commission. (See Critical Area Policy #6)

All computations and data necessary to insure that any development or redevelopment meets the 10% pollutant reduction requirement shall be provided by the developer to the Office of Planning and Zoning for approval.

Offsets permitted by the design manual and technical report referred to above may be used either onsite or offsite in the same Critical Area watershed to reach the 10% pollutant reduction requirement subsection.

Development activity shall not cause downstream property, watercourses, channels, or conduits to receive stormwater runoff at a higher volume or rate than would have resulted from a 10-year storm were the land in its predevelopment state. (See Critical Area Policy #1)

All stormwater storage facilities are designed with sufficient capacity to achieve the water quality goals of this section and to eliminate all runoff caused by the development in excess of that which would come from the site if it were in its predevelopment state. (See Critical Area Policy #1)

There shall be a minimum 100 foot buffer landward from the Mean High Water Line of tidal waters, tributary streams, and tidal wetlands. The buffer shall be expanded to include any contiguous, sensitive areas such as steep slopes, hydric soils, or highly erodible soils and shall include all land within 50 feet of the top of the bank of steep slopes. Highly erodible soils include those soils with a slope greater than 15% or those soils with a K value greater than .35 and with slopes greater than 5%. There shall also be a minimum 25 foot buffer surrounding all nontidal wetlands. (See Critical Area Policies #19)

Water dependent facilities located in the buffer only in an IDA in the Critical Area are permitted as a conditional use in a W1-Industrial Park District, W2-Light Industrial District, and W3-Heavy Industrial District in accordance with the following conditions: (See Critical Area Policy #20)

- All sites for such uses or facilities shall conform to the IDA land classification criteria except as follows:

  1. If an applicant submits evidence to the Office of Planning and Zoning that the buffer cannot be planted on the site, a buffer exemption may be granted by the Planning and Zoning Officer; and

  2. If a buffer exemption is granted, the applicant shall pay to the County a fee of $1.20 per square foot of buffer area instead of the required buffer.

- All plans for uses or facilities shall meet the following conditions:

  1. The activities will not significantly alter existing water circulation patterns or salinity regimes;

  2. Interference with the natural transport of sand will be minimized;

  3. The water body on which these activities are proposed has adequate flushing characteristics in the area; (see EPA publication Coastal Marina Assessment Handbook)

  4. Disturbance to wetlands, submerged aquatic plant beds, or other areas of important aquatic habitats will be minimized;

  5. Adverse impacts to water quality that may occur as a result of these activities, such as non-point source runoff, sewage discharge from land activities or vessels, or from boat cleaning and maintenance operations, are minimized;

  6. Shellfish beds will not be disturbed or made subject to discharge that will render them unsuitable for harvesting;

  7. Dredging shall be conducted in a manner and using a method that causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Critical Area generally;

  8. Dredged spoil will not be placed within the buffer or elsewhere in that portion of the Critical Area that has been designated as a habitat protection area except as necessary for:

     a. Backfill for permitted shore erosion protection measures;

     b. Use in approved vegetated shore erosion projects;

     c. Placement on previously approved channel maintenance spoil disposal areas; and

     d. Beach nourishment.

  8. Interference with the natural transport of sand will be minimized.

For industrial water dependent facilities located in IDA:

- Industrial structures shall be set back at least 25 feet from each side of the property line extension into the water and piers or moorings that abut a residential lot. Industrail structures shall be located at least 100 feet for W1 and W2 (150 feet for W3) from side property lines extended into the water as follows:

- For property utilizing piers or moorings that abut a residential lot, the piers and moorings shall be located at least 100 feet (for W1 and W2, 150 feet for W3) from a line extended:

  1. Perpendicular to the Mean High Water Line of the property at the intersection of the side lot line with the Mean High Water Line;

  2. Perpendicular to the center line of the body of water;

  3. Along a line extending the course of the side lot line that intersects with the Mean High Water Line;

  4. Along a line connecting the point of intersection between the side lot line and the Mean High Water Line with the center of the cove;

  or

  5. Along a line that is generally parallel to existing piers located on adjacent properties.

The number of slips permitted at a community marina facility will be the lesser of the below-listed options:

- (1)

Lots*	Slips
Up to 15	One slip for each lot
16-40, inclusive	15 slips or 75% of the number whichever is greater
41-100, inclusive	30 slips or 50% of the number of lots, whichever is greater
100-300, inclusive	50 slips or 25% of the number of lots, whichever is greater
Over 300	75 slips or 15% of the number of lots, whichever is greater

OR

- (2) One slip for each 50 feet of shoreline in a subdivision that is in an IDA. **

* Fifty percent of the minimum lot size must be in the Critical Area in order for the lot to be included in the computation of slips, piers, or mooring buoys to platted lots in the subdivision.

** Shoreline of shallow and narrow ponds will not be counted in the calculation of shoreline length. (See Critical Area Policy #17)

Certain new development or redevelopment activities or facilities because of their potential for adversely affecting habitats or water quality may not be permitted in the Critical Area except in Intensely Developed Areas. These activities and facilities include: non-maritime heavy industry, transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters (utility transmission facilities do not include power plants) and permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge under appropriate approvals and application rates may be permitted, except in the 100 foot buffer.

New solid or hazardous waste collection or disposal facilities or sanitary landfills, and the expansion of existing facilities shall not be permitted in the Critical Area, unless no environmentally acceptable alternative exists outside the Critical Area. Non-maritime heavy industry, transportation facilities, and utility transmission facilities (except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters), permanent sludge handling and storage and disposal facilities (other than those associated with wastewater treatment facilities), may be permitted only in Intensely Developed Areas.

LIMITED DEVELOPMENT AREA

Permitted uses:

Residential, commercial, industrial, institutional, recreational, agricultural.

Density permitted:

The maximum residential density allowed is less than four(4) dwelling units per acre. The Critical Area overlays the existing zoning; thus, the density allowed is the one which is the most restrictive. (Example: a parcel of land in LDA that is within the R1 zoning district can only be developed at a density of one (1) dwelling unit per acre.) The maximum commercial or industrial density permitted is less than 20 contiguous acres of development.

Basic Critical Area Criteria:

There shall be a minimum 100 foot buffer landward from the Mean High Water Line of tidal waters, tributary streams, and tidal wetlands. The buffer shall be expanded to include any contiguous, sensitive areas such as steep slopes, hydric soils, or highly erodible soils and shall include all land within 50 feet of the top of the bank of steep slopes. Highly erodible soils include those soils with a slope greater than 15% or those soils with a K value greater than .35 and with slopes greater than 5%. There shall also be a minimum 25 foot buffer surrounding all nontidal wetlands. (See Critical Area Policies #18, #19)

Within LDAs, new and expanded development activities may occur within the buffer only if:

- The activity is water dependent;
- The development meets a recognized private right or public need;
- The associated non-water dependent activities are kept outside the buffer; and
- The project is developed according to Anne Arundel County's approved Critical Area Program.

Alteration of forest and developed woodland in LDA's shall meet the following criteria:

- Up to 20% of the total forest or developed woodland area of a site may be cleared for development provided that it is replaced on at least an equal area basis. (See Critical Area Policies #4, #21)
- An additional 10% up to a total of 30% of the total forest or developed woodland area of a site may be cleared if approved by the Office of Planning and Zoning, and if replaced, must be replaced by at least one and one-half times the total area of disturbed forest or developed woodland. (See Critical Area Policy #4, #21)

- If a grading permit was not obtained for any forest or developed woodland that was cleared or if the clearing allowed exceeded 30%, it shall be replaced at three times the areal extent of the cleared forest or woodland.

- In the Critical Area, a performance bond or other security shall be at a rate of $.40 per square foot of aeral extent to cover all replanting for two complete growing seasons.

- All remaining forest or developed woodland shall be maintained through restrictive covenants or similar instruments that are recorded in the land records of Anne Arundel County.

- When an area for reforestation is not available on the site, the developer shall either select an alternative off-site location or shall pay a fee to the County in accordance with the following: (See Critical Area Policy #15)

    1. For up to 20% of a site that has been cleared of forest or developed woodland, the fee is $0.40 per square foot of cover disturbed;

    2. For more than 20% of a site that has been cleared of forest or developed woodland but less than 30%, the fee is $0.60 per square foot of the total area that has been disturbed; and

    3. For any area that contains forests or woodlands that were cleared in excess of the 30% limitation on clearing permitted in the Critical Area, or if cleared after the effective date of Bill No. 49-88 without obtaining a grading permit, the fee is $1.20 per square foot for any area cleared or disturbed.

Forest or developed woodland that is cleared under a forest management plan and not replanted according to the plan shall be replanted at three times the areal extent of the cleared area.

Commercial harvesting of trees by selection or by the clear cutting of Loblolly Pine or Tulip Poplar is permitted with a forest management plan to the edge of intermittent streams or to within 50 feet of the landward edge of the Mean High Water Line of tidal waters and perennial tributary streams or to the edge of tidal wetlands provided:

- That no cutting occurs in areas identified as habitat protection areas; and

- Cutting does not disturb stream banks or shorelines or create skid trails, and disturbed areas are replanted or allowed to regenerate.

Small clear cuts of trees that do not significantly affect the flow rate and volume of water and selective commercial timber cutting of trees greater than 16 inches in diameter in nontidal wetlands are permitted if a forest management plan has been approved by the Office of Planning and Zoning and the Maryland Forest, Park and Wildlife Service through its district forestry board.

Cutting trees or removing natural vegetation in the buffer is permitted if such cutting or removal is covered by a forest management plan or a buffer management plan and when necessary:

- To provide access to private piers; or
- To install or construct a shore erosion protection device or measure or a water dependent facility that has received all necessary state and federal permits.

Individual trees may be cut for personal use if: (See Critical Area Policy #18)

- The cutting does not impair the water quality or existing habitat value or other functions of the buffer; and
- The trees are replaced on an equal basis for each tree cut.

Individual trees may be removed if approved as part of a buffer management plan if they are:

- In danger of falling and causing damage to dwellings or other structures; or
- In danger of falling and causing the blockage of streams or accelerated shore erosion.

In the Critical Area, all forests and woodlands that are replaced shall:

- Have trees with a minimum trunk diameter of at least one and one-half inches as measured at breast height;
- Have trees that are at least six feet high above ground level;
- Include bushes and ground cover; and
- Be replanted only in accordance with a plan approved by the Office of Planning and Zoning.

If there is no established forest on a development site, the site shall be planted to provide a forest or developed woodland cover of at least 15%.

Clearing or grading on existing slopes of 15% or greater is prohibited in LDA unless:

- The development is the only effective way to maintain or improve the existing stability of the slope; and
- All proposed designs have been approved by the Office of Planning and Zoning.

When development activities or the cutting or clearing of trees in forested areas or developed woodland occurs, corridors of existing forest or woodland vegetation that connect the largest undeveloped or most vegetated tracts of land within and adjacent to the site shall be maintained in order to:

- Provide continuity of existing wildlife and plant habitats with off-site habitats; and

- Insure maintenance of plant and wildlife corridors by the establishment of conservation easements, restrictive covenants, or similar easements.

Impervious areas shall be limited to 15% of the development site when the proposed development activity is located in LDA.

New communities may have private piers or community piers, but not both.

The number of slips permitted at a community marina facility will be the lesser of the below-listed options:

- (1)

Lots*	Slips
Up to 15	One slip for each lot
16-40, inclusive	15 slips or 75% of the number of lots, whichever is greater
41-100, inclusive	30 slips or 50% of the number of lots, whichever is greater
100-300, inclusive	50 slips or 25% of the number of lots, whichever is greater
Over 300	75 slips or 15% of the number of lots, whichever is greater

OR

- (2) One slip for each 50 feet of shoreline in a subdivision that is in a LDA

* Fifty percent of the minimum lot size must be in the Critical Area in order for the lot to be included in the computation of slips, piers, or mooring buoys to platted lots in the subdivision.

** Shoreline of shallow and narrow ponds will not be counted in the calculations of shoreline length. (See Critical Area Policy #17)

RESOURCE CONSERVATION AREA

Permitted uses:

Residential, institutional, recreational, agricultural, forestry, aquaculture. (See Critical Area Policy #3)

Density permitted:

The maximum density permitted is one (1) dwelling unit per 20 acres per legal parcel of land (See Also Additional Critical Area Criteria- Intrafamily Transfers)

Basic Critical Area Criteria:

There shall be a minimum 100 foot buffer landward from the Mean High Water Line of tidal waters, tributary streams, and tidal wetlands. The buffer shall be expanded to include any contiguous, sensitive areas such as steep slopes, hydric soils, or highly erodible soils and shall include all land within 50 feet of the top of the bank of steep slopes. Highly erodible soils include those soils with a slope greater than 15% or those soils with a K value greater than .35 and with slopes greater than 5%. There shall be a minimum 25 foot buffer surrounding all nontidal wetlands. (See Critical Area Policies #18, #19)

Alteration of forest and developed woodland in RCAs shall meet the following criteria:

- Up to 20% of the total forest or developed woodland area of a site may be cleared for development provided that it is replaced on at least an equal area basis. (See Critical Area Policies #4, #21)

- An additional 10% up to a total of 30% of the total forest or developed woodland area of a site may be cleared if approved by the Office of Planning and Zoning, and if replaced, must be replaced by at least one and one-half times the total area of disturbed forest or developed woodland. (See Critical Area Policies #4, #21)

- If a grading permit was not obtained for any forest or developed woodland that was cleared or if the clearing allowed exceeded 30%, it shall be replaced at three times the areal extent of the cleared forest or woodland.

- In the Critical Area, a performance bond or other security shall be at a rate of $.40 per square foot of areal extent to cover all replanting for two complete growing seasons.

- All remaining forest or developed woodland shall be maintained through restrictive covenants or similar instruments that are recorded in the land records of Anne Arundel County.

- When an area for reforestation is not available on the site, the developer shall either select an alternative off-site location or shall pay a fee to the County in accordance with the following: (See Critical Area Policy #15)

1. For up to 20% of a site that has been cleared of forest or developed woodland, the fee is $0.40 per square foot of cover disturbed;

2. For more than 20% of a site that has been cleared of forest or developed woodland but less than 30%, the fee is $0.60 per square foot of the total area that has been disturbed; and

3. For any area that contains forests or woodlands that were cleared in excess of the 30% limitation on clearing permitted in the Critical Area, or if cleared after the effective date of Bill No. 49-88 without obtaining a grading permit, the fee is $1.20 per square foot for any area cleared or disturbed.

Forest or developed woodland that is cleared under a forest management plan and not replanted according to the plan shall be replanted at three times the areal extent of the cleared area.

Commercial harvesting of trees by selection or by the clear cutting of Loblolly Pine or Tulip Poplar is permitted with a forest management plan to the edge of the intermittent streams or to within 50 feet of the landward edge of the Mean High Water Line of tidal waters and perennial tributary streams or to the edge of tidal wetlands provided:

- That no cutting occurs in areas identified as habitat protection areas; and

- Cutting does not disturb stream banks or shorelines or create skid trails, and disturbed areas are replanted or allowed to regenerate.

Small clear cuts of trees that do not significantly affect the flow rate and volume of water and selective commercial timber cutting of trees greater than 16 inches in diameter in nontidal wetlands are permitted if a forest management plan has been approved by the Office of Planning and Zoning and the Maryland Forest, Park and Wildlife Service through its district forestry board.

Cutting trees or removing natural vegetation in the buffer is permitted if such cutting or removal is covered by a forest management plan or a buffer management plan and when necessary:

- To provide access to private piers; or

- To install or construct a shore erosion protection device or measure or a water dependent facility that has received all necessary state and federal permits.

Individual trees may be cut for personal use if: (See Critical Area Policy #18)

- The cutting does not impair the water quality or existing habitat value or other functions of the buffer; and

- The trees are replaced on an equal basis for each tree cut.

Individual trees may be removed if approved as part of a buffer management plan if they are:

- In danger of falling and causing damage to dwellings or other structures; or
- In danger of falling and causing the blockage of streams or accelerated shore erosion.

In the Critical Area, all forests and woodlands that are replaced shall:

- Have trees with a minimum trunk diameter of at least one and one-half inches as measured at breast height;
- Have trees that are at least six feet high above ground level;
- Include bushes and ground cover; and
- Be replanted only in accordance with a plan approved by the Office of Planning and Zoning.

If there is no established forest on a development site, the site shall be planted to provide a forest or developed woodland cover of at least 15%.

Clearing or grading on existing slopes of 15% or greater is prohibited in RCA unless:

- The development is the only effective way to maintain or improve the existing stability of the slope; and
- All proposed designs have been approved by the Office of Planning and Zoning.

When development activities or the cutting or clearing of trees in forested areas or developed woodland occurs, corridors of existing forest or woodland vegetation that connect the largest undeveloped or most vegetated tracts of land within and adjacent to the site shall be maintained in order to:

- Provide continuity of existing wildlife and plant habitats with off-site habitats; and
- Insure maintainence of plant and wildlife corridors by the establishment of conservation easements, restrictive covenants, or similar easements.

Impervious areas shall be limited to 15% of the development site when the proposed development activity is located in RCA.

New institutional uses located in RCAs in the Critical Area are permitted if each use conforms to all requirements of the RCA land use classification requirements and only in accordance with the following:

- Each proposed use shall be reviewed by the Office of Planning and Zoning to determine if the proposed use is consistent with the Critical Area RCA classification and to assure compliance with the County's Critical Area Program;

- Before a use may be approved, the Office of Planning and Zoning shall be provided with a report that demonstrates that the proposed use fulfills a public or community need or purpose and that the use is in conformance with the objectives of the County's Critical Area Program; and

- A use may only be approved if the Office of Planning and Zoning finds that the use:

  1. Conforms to the County's Critical Area Program; and

  2. Will not impair water quality or have an adverse impact upon plant, fish, and wildlife habitat.

New communities may have private piers or community piers, but not both.

The number of slips permitted at a community marina facility will be the lesser of the below-listed options:

- (1)

Lots*	Slips
Up to 15	One slip for each lot
16-40, inclusive	15 slips or 75% of the number of lots, whichever is greater
41-100, inclusive	30 slips or 50% of the number of lots, whichever is greater
101-300, inclusive	50 slips or 25% of the number of lots, whichever is greater
Over 300	75 slips or 15% of the number of lots, whichever is greater

OR

- (2) One slip for each 300 feet of shoreline in a subdivision that is in a RCA

* Fifty percent of the minimum lot size must be in the Critical Area in order for the lot to be included in the computation of slips, piers, or mooring buoys to platted lots in the subdivision.

** Shoreline of shallow and narrow ponds will not be counted in the calculation of shoreline length. (See Critical Area Policy #17)

Expansion of existing commercial marinas and commercial maritime facilities may be permitted in RCAs only if it can be proven that the expansion will result in a net improvement in water quality at or leaving the marina site.

Noncommercial facilities such as research areas, public beaches, and shoreline access parks are permitted in RCAs.

ADDITIONAL CRITICAL AREA CRITERIA

o Intrafamily Transfers:

A parcel of land located in a Resource Conservation Area may be subdivided through the intrafamily transfer process and only if the following conditions are met:

1. The subdivision conveys only one parcel of land per immediate family member (father, mother, son, daughter, grandson, granddaughter).

2. The parcel of land to be subdivided was legally of record on March 1, 1986 and is seven (7) acres or more and less than 60 acres in size.

3. A parcel that is seven (7) acres or more and less than 12 acres in size may be subdivided into two (2) lots.

4. A parcel that is 12 acres or more and less than 60 acres in size may be subdivided into three (3) lots.

5. Each lot created shall be at least two (2) acres and it shall meet RCA development criteria, including a Critical Area report and habitat assessment.

6. As conditions of approval, the Planning and Zoning Officer shall require that any deed for a lot that is created by a bona fide intrafamily transfer shall contain a covenant or restriction stating that the lot is created subject to the following provisions:

   a. A lot created by a bona fide intrafamily transfer may not be conveyed subsequently to any person other than a member of the owner's immediate family for a period of five years from the date of the original transfer; and

   b. The conveyance of an intrafamily transfer lot to any person other than the owner's immediate family after the five year period may occur only on the approval of the Planning and Zoning Officer, who shall find that:

      o A change in circumstances has occurred since the original transfer was made that is not inconsistent with the intrafamily transfer program and warrants an exception;

- Other circumstances are present and the property can no longer be retained by the immediate family; and

- The conveyance would not be inconsistent with the Critical Area Criteria that support the protective use and nature of the RCA.

7. The provisions of this section shall not prohibit the conveyance of an interest in a lot or parcel of land created through the intrafamily transfer procedure to a third party as security for a mortgage or deed of trust.

- Steep Slopes:

1. Development on slopes of 15% or greater measured before development is not permitted in LDAs and RCAs within the Critical Area, unless the project is the only effective way to maintain or improve the stability of the slope, and all proposed designs have been approved by the Office of Planning and Zoning.

2. A construction area of 15 feet shall be established around all structures and all proposed disturbance areas such as utilities, septic systems, stockpiles, decks, etc., and these construction areas must be shown on all plans. (See Critical Area Policy #13)

3. If the 15% or greater slopes are within or contiguous to the 100 foot buffer to the tidal waters and tidal wetlands or the expanded buffer, there must be a 50 foot undisturbed buffer plus the 15 foot construction setback. This should be shown on all plans.

4. If the 15% or greater slopes are not within or contiguous to the 100 foot buffer or the expanded buffer, there must be no disturbance to 15-24% slopes and there must be a 25 foot buffer to 25% or greater slopes. There must be a 15 foot construction area shown outside the buffer and adjacent to all slopes 15% or greater on all plans.

- Water Dependent Facilities:

1. Commercial water dependent fisheries and their facilities which may include structures for crab shedding, fish off-loading docks and shellfish operations are permitted in all three Critical Area land use classifications.

2. New water dependent facilities shall be located in a manner that will prevent disturbance to sites of significance to wildlife, such as historic aquatic staging and concentration areas of waterfowl.

- Shoreline Erosion Controls: (See Critical Area Policy #16)

1. All shoreline erosion protection works are subject to the following provisions:

   - The location and design of the structures, if located in tidal wetlands, shall be approved by the Maryland Department of Natural Resources;

   - The composition of fill materials shall be acceptable to the Anne Arundel Soil Conservation District and the Maryland Department of Natural Resources;

   - Groins and fill material may not extend beyond the natural shoreline at Mean Low Water and shall tie into the structure or shoreline of adjoining properties;

   - Structures built parallel to the shoreline may not extend beyond the natural shoreline at Mean High Water except to achieve a stable slope behind the structure;

   - Natural drainage areas may not be obstructed, and the design of each shore erosion protection work shall provide for the passage of water and be approved by the County Department of Public Works;

   - The applicant shall obtain a grading permit and comply with Article 21, Title 2 of the County Code for all aspects of the project;

   - The applicant shall obtain a building permit for any structure included in the project;

   - Each application shall include the average annual shoreline erosion rate;

   - Vegetation shall be used for erosion control, if feasible; and

   - If it is demonstrated that vegetation will not be an effective means of erosion control, an alternative may be used in the following order of preference:

     - sand fill for beach replenishment or establishment;

     - riprap and materials similar to riprap that are composed of loose, permeable components; or

     - bulkhead or similar structural control measures;

   - Existing damaged bulkheads and walls may be replaced with new bulkheads within 18 inches of the old structure without regard to the priority ranking listed above;

- o A buffer management plan shall be submitted to and approved by the Office of Planning and Zoning before any trees are cleared along the shoreline to increase sunlight for vegetation used in erosion control;

- o Structural measures for erosion control may be used if the applicant demonstrates to the County that nonstructural measures are not feasible at the site and the average annual erosion rate is at least two feet per year; and

- o If the average annual erosion rate is less than two feet, only nonstructural measures may be used to control erosion.

o Dredging: (See Critical Area Policy #17)

1. Except maintenance dredging of existing channels and basins that have been previously dredged, dredging of shallow water habitat in areas of less than three feet at Mean Low Water is not permitted unless approved by the appropriate state and federal agencies.

2. Dredged spoil shall not be placed in an area within the Critical Area that has been designated as a habitat protection area except if necessary for:

   - o Backfill for permitted shore erosion protection measures;

   - o Use in approved vegetated shore erosion protection projects;

   - o Placement on previously approved channel maintenance spoil disposal areas; or

   - o Beach nourishment.

o Agricultural Protection: (See Critical Area Policy #19)

1. By May 13, 1991, all farms within the Critical Area must have in place and be implementing a currently approved Soil Conservation and Water Quality Plan approved by the Anne Arundel Soil Conservation District.

2. Soil Conservation and Water Quality Plans shall include:

   - o Provisions for the protection of existing habitat areas;

   - o Preservation of existing hedgerows as wildlife corridors; and

   - o Protection of natural vegetation on steep slopes, hydric soils, and highly erodible soils in areas contiguous to the 100 foot buffer.

3. Landowners who have signed up as Conservation District cooperators, but do not have a conservation plan developed, shall be allowed to continue farming until they get a conservation plan developed. Until a plan can be developed, the landowners are encouraged to follow these practices:

   - o Proper nutrient application rates;
   - o Appropriate timing of nutrient application;
   - o Appropriate method of nutrient application;
   - o Reduced tillage practices;
   - o Crop rotations; and
   - o Cover crop.

4. Best management practices will be incorporated into the landowner's Soil Conservation and Water Quality Plan.

5. Best management practices shall include a requirement for the implementation of a grassland and a manure management program where appropriate.

6. Feeding or watering of livestock may not be permitted within 50 feet of the Mean High Water Line of tidal water and tributary streams, or from the edge of tidal wetlands, whichever is further inland.

7. Natural vegetation may not be cleared within 100 feet of the Mean High Water Line, tributary streams, and tidal wetlands.

8. If natural vegetation does not exist within 100 feet of the Mean High Water Line, then a 25 foot vegetated filter strip measured landward from the Mean High Water Line of tidal waters or tributary streams (excluding drainage ditches) or from the edge of tidal wetlands, whichever is further inland, must be established.

9. The filter strip shall be composed of either trees with a dense cover, or a thick sod of grass, and it shall be managed so as to provide water quality benefits and habitat protection consistent with the County's Critical Area Program.

10. The filter strip shall be expanded by a distance of 4 feet for every 1% of slope, for slopes greater than 6%.

11. The 25 foot vegetated filter strip shall be maintained by the landowner until he is implementing a program of best management practices as part of his approved Soil Conservation and Water Quality Plan, provided that the plan achieves the same water quality and habitat protection objectives as the filter strip.

12. Farming activities, including the grazing of livestock, shall not disturb stream banks, tidal shorelines or other habitat protection areas as described in the Habitat Protection Element of the County's Critical Area Program.

13. Animal feeding operations, including retention and storage ponds, feed lot waste storage, and manure storage shall minimize the contamination of water bodies.

14. New agricultural land cannot be created:

    - By diking, draining or filling any class or subclass of palustrine wetlands which have a seasonally flooded or wetter water regime unless mitigation is accomplished. Mitigation measures shall provide water quality benefits and plant and wildlife habitat equivalent to the wetland destroyed or altered and shall be accomplished, to the extent possible, onsite or near the affected wetland. The Anne Arundel Soil Conservation District, with the assistance of the Department of Natural Resources, will determine whether the mitigation plan accomplishes the above objectives. Drainage of nontidal wetlands for the purpose of agriculture shall be done in accordance with a Soil Conservation and Water Quality Plan approved by the Anne Arundel Soil Conservation District;

    - By clearing of forests or woodland on soils with a slope greater than 15% or on soils with a "K" value greater than .35 and a slope greater than 5%; and

    - If the clearing will adversely affect water quality or will destroy plant and wildlife habitat.

15. If agricultural operations that are located within 100 feet of the shoreline cease, and the land is converted to other uses, a minimum 100 foot buffer shall be established.

o Mineral Resources:

1. Sand and gravel operations and borrow pits cannot be located in the following:

    - Areas of important natural resources such as threatened and endangered species, areas of tidal and nontidal wetlands, areas of scientific value, or areas where rare assemblages of species occur as discussed in the Habitat Protection Element;

    - Areas where highly erodible soils exist;

    - Areas within the buffer or within 100 feet of the Mean High Water Line of tidal waters or the edge of streams; and

- Areas where the use of renewable resource lands would result in the substantial loss of long range (that is, 25 years or more) productivity of forest and agriculture, or would result in a degrading of water quality or a loss of vital habitat.

2. Sand and gravel operations and borrow pits located in the Critical Area shall obtain approval of a reclamation plan with a reforestation section that includes phasing of reclamation, acreage involved and time frame of each phase, a planting plan for reforestation, and the identity of all proposed post excavation uses of the site.

3. The planting plan for restoration will include planting trees to the extent that existed prior to excavation, but in no event less than 50% of the mined area if the site was less than 50% forested prior to mining.

4. A 100 foot natural vegetated buffer shall be provided between the operation and the Mean High Water Line of tidal waters or the edges of streams and the landward edge of tidal wetlands and the 100 foot buffer shall be expanded to include:

   - Any contiguous sensitive areas such as steep slopes, hydric soils, or highly erodible soils whose development or disturbance may impact streams, wetlands, or other aquatic environments; and

   - A buffer of at least 50 feet from the top of a bank of contiguous slope of 15% or greater.

5. Wash plants including ponds, spoil piles, and equipment shall not be located in the buffer.

6. A 25 foot natural vegetated buffer shall be provided between the operation and nontidal wetlands.

7. Operators of sand and gravel operations and borrow pits shall locate and identify the significant historical and archaeological resources on the site prior to the excavation. Surface mining shall only be allowed after documentation and retrieval of information, including artifacts, has been conducted according to standards set by the Office of Planning and Zoning.

- Habitat Protection: (See Critical Area Policy #21)

1. Plant and wildlife habitats that shall be protected in the Critical Area include:

   - Nontidal wetlands;

- o Colonial water bird nesting sites;
- o Historic waterfowl staging and concentration areas in tidal waters, tributary streams, or tidal and nontidal wetlands;
- o Existing riparian forests, such as relatively mature forests that are at least 300 feet in width located adjacent to streams, wetlands, or the Bay shoreline and are documented breeding areas;
- o Forest areas such as relatively mature forested areas of 100 acres or more within the Critical Area, or forest connected with such areas utilized as breeding areas by forest interior dwelling birds and other wildlife species;
- o Other areas that in the future are identified by state and federal agencies as important plant or wildlife habitat areas;
- o Other plant and wildlife habitats that are of local significance as determined by the habitat assessment methodology on recommendation by the Office of Planning and Zoning and the Maryland Department of Natural Resources; and
- o Natural heritage areas.

2. Plant and wildlife habitats in IDA, LDA, and RCA shall be protected in accordance with the following:

- o A minimum 25 foot buffer shall be provided adjacent to nontidal wetlands;
- o Buffer areas at least 50 feet wide shall be established for colonial water bird nesting sites to protect these sites from the adverse impacts of development activities and from disturbance during the breeding season;
- o A habitat assessment in accordance with the habitat assessment manual and a breeding bird survey as outlined in the "Maryland and D.C. Breeding Bird Atlas Project Handbook 1983-1987" shall be supplied for forested areas that support wildlife species and are utilized as breeding areas;
- o The habitats of threatened and endangered species in need of conservation and habitats of local significance shall be protected using the advice and expertise of the Maryland Natural Heritage Program, the Maryland Forest, Park and Wildlife Service, and other appropriate public agencies and private organizations;

- If there are development activities or the cutting or clearing of trees, a wildlife corridor system to connect the largest undeveloped or most vegetated tracts of land within and adjacent to the site shall be maintained to provide continuity of existing wildlife and plant habitats;

- New water dependent facilities shall be located in a manner that will prevent disturbance to sites of significance to wildlife, such as historic aquatic staging and concentration areas for waterfowl; and

- Natural Heritage Areas shall be protected from alteration by development activities or the cutting or clearing of trees so that the structure and species composition of the areas are maintained and shall be subject to the prior approval of the Office of Planning and Zoning and the Maryland Department of Natural Resources.

3. Any activity that significantly impacts any watershed within the Critical Area that drains into anadromous fish spawning streams is not permitted and anadromous fish propagation waters and their watersheds shall be protected in accordance with the following:

   - The installation or introduction of concrete riprap or other artificial surface onto the bottom of natural streams is not permitted unless it can be demonstrated to the Office of Planning and Zoning that water quality and fisheries habitat can be improved;

   - Roads, bridges, or utilities may not be located in any designated habitat protection area unless there is no feasible alternative and tree canopy shall be retained, to the maximum extent possible, to maintain stream water temperature within normal variation;

   - Channelization or other physical alterations that may significantly change the course or circulation of a stream and the movement of fish is not permitted; and

   - Construction, repair, or maintenance activities associated with bridges or other stream crossings or with utilities and roads that involve disturbance within the buffer or that occur instream are not permitted between March 1 and June 15 of each year.

4. If habitats are designated for protection, conservation alternatives for the sites must be determined, protection measures indicated, and building restriction lines and notes must be specified on plats.

CRITICAL AREA POLICIES

1. Stormwater Management

"Development activity shall not cause downstream property, watercourses, channels, or conduits to receive stormwater runoff at a higher volume or rate than would have resulted from a 10-year storm were the land in its predevelopment state.

All stormwater storage facilities are designed with sufficient capacity to achieve the water quality goals of this section and to eliminate all runoff caused by the development in excess of that which would come from the site if it were in its predevelopment state."

These two aspects dealing with stormwater management are, by State law, required criteria under the LDA and RCA land use classifications and not the IDA land use classification. These have been implemented correctly by the County, and will be removed from the IDA criteria in Bill 49-88 and placed under the LDA and RCA criteria within the upcoming amendments to the bill.

2. In-ground Pools

In-ground pools are not permitted within the 100-foot buffer; they may be allowed beyond the buffer in the front yard and rear or side yards if they are not proposed to be placed on steep slopes or in wetlands.

3. RCA Uses

Expansion of existing commercial and industrial uses within RCA must meet the criteria insofar as possible. However, the expansion will not be allowed to increase the 15% impervious coverage if the existing use currently exceeds the 15% limitation.

New commercial and industrial uses within RCA must fully comply with all of the RCA criteria.

4. Woodland Clearing Within LDA and RCA

Up to 20% clearing will be allowed for residential uses on sewer.

Up to 30% clearing will be allowed for residential uses on septic and for commercial and industrial uses.

5. Administrative Plats

Lots created through the administrative plat process will be considered as legally platted parcels prior to the effective date of Bill-49-88 and, therefore, subject to the criteria insofar as possible. Building and grading permits for these lots are subject to the criteria insofar as possible. Where new waterfront lots are created, the subdivision is subject to comply with all of the criteria under the property's land use classification.

6. 10% Pollutant Reduction Rule Within IDA

Major subdivisions must meet the 10% pollutant reduction rule as described in Guidance Paper #5.

Minor subdivisions only: if it is not feasible to do 10% pollutant reduction onsite, the applicant must address the nearest outfall or other modification for restoration, retrofit or other means as permitted or approved by the Department of Public Works (DPW). This work shall be accomplished after DPW approval is obtained, prior to the release of any permits and the work is bonded prior to subdivision approval.

In lieu of meeting the criteria for IDA regarding stormwater management and the 10% pollutant reduction, individual legal lots subject to building permits, grading permit and variances can choose to meet the stormwater management criteria under LDA.

7. Grading Permits

Revisions to permits originally applied for before August 22, 1988, will not be subject to the Critical Area Criteria.

8. Lots Partially in the Critical Area

Lots which are partially in the Critical Area, where the disturbance is proposed outside of the Critical Area, are not subject to the Critical Area Criteria for the area of disturbance.

9. Subdivisions Reviewed Under Interim Critical Area Criteria

These subdivisions are not subject to full compliance to the Critical Area Criteria or compliance to the criteria insofar as possible. These subdivisions are subject to all conditions noted on the plat, final development plan and/or findings letter.

10. Existing Legal Lots

Building and grading permits are subject to the Critical Area Criteria insofar as possible.

In addition, there is a policy regarding stormwater management on existing legal lots which do not require a grading permit and/or which were not subject to Critical Area plat notes. It is to allow them to be subject to the existing stormwater management ordinance requirements. Lots which are exempt under the ordinance would be exempt from Critical Area requirements as long as no grading permits were needed and no plant notes were required.

Exemptions listed are:

1. development that does not disturb more than 5,000 square feet;
2. certain agricultural activities; 3. additions to existing residential structures;
4. those activities regulated under State law;
5. subdivisions, lots or permits accepted before August 29, 1989; and
6. single family residential development on lots of two acres or more.

11. Existing Legal Waterfront Lots

Building permit applications for construction of wooden decks of 300 square feet or less will not require a planting plan for a modified buffer. However, decks or other non-water dependent structures will still not be allowed to be constructed in the modified buffer area.

Building permit applications that require the planting of a modified buffer, but propose to disturb less than 5,000 square feet will still require an approved planting plan, but will not require a bond or irrevocable letter of credit or any other form of security for the required buffer.

12. Road Improvements, Right-of-Way Acquisitions and Widenings

If part of the property to be developed, it counts toward the clearing allowed and reforestation is the responsibility of the developer.

If it is already a dedicated right-of-way, it is to meet criteria insofar as possible. It is the obligation of the developer to reforest, but it does not count as part of the developer's clearing.

13. Construction Area

A 15-foot construction area must be provided around all structures and disturbance that are adjacent to buffers or woodland that are required to be preserved.

14. Accessory Structures in the Buffer (Excluding Swimming Pools)

Non-water dependent accessory structures not in the modified buffer are permitted in the buffer if there is not feasible alternative, as long as less than 300 square feet of clearing is required.

15. Reforestation

Existing legal lots will be charged $0.40 per square foot unless it is mass graded.

The fee shall be paid with a cashier's check, a certified check, a letter of credit or a bond.

16. Shoreline Erosion

To provide greater flexibility in lieu of the two feet of erosion per year, the Office of Planning and Zoning will use a three-method priority ranking as adjusted by field conditions.

17. Dredging

No dredging of shallow water is allowed when it measures less than three feet at Mean Low Water.

18. Tree Cutting

Any cutting or disturbance in the buffer requires a Buffer Management Plan.

Clearing or disturbing 5,000 square feet or more requires a grading permit.

19. Tributary Streams

A maintained agricultural or storm drainage ditch does not require a buffer.

20. Heavy Maritime Uses in W1, W2, and W3 in LDA

Water dependent facilities in zoning districts W1, W2 and W3 are permitted to locate in the buffer in LDA as well as in IDA within the Critical Area.

21. Forest Interior Dwelling Birds

In general, riparian forests 300 feet in width or wider and upland forests of at least 100 acres are likely to support these bird species.

The following is a list of protection measures to be considered in conserving these forests habitats:

1. Minimize the disturbance during the May through August breeding season;

2. Focus development/disturbance on the periphery of the forest or along existing roads or in already cleared areas;

3. Retain the forest community (e.g., do not allow removing the understory or shrub layers);

4. Retain snags (if located where their falling would not damage structures);

5. Discourage opening small clearings or otherwise fragmenting the forests;

6. Discourage the expansion of the forest edge habitat (i.e., minimize right-of-way corridors and roads through the forest); and

7. Restrict recreational use and unleashed pets.

III. DEVELOPMENT REQUIREMENTS

In the previous section, a property owner was able to learn about the criteria or regulations governing development within the Critical Area. This next section presents the steps a proposed project will go through before development can occur. The steps presented identify the information a property owner must supply in the application process as well as how the project is reviewed for compliance with the Criteria for its particular land use classification. Due to the fact that developmentsites differ in physical characteristics and each proposed project can be unique, it is the intent of this section to present the basic steps in the development process and not the ultimate solutions for developing within the Critical Area. (See Critical Area Policies #5, #7, #8, #9, #10, #11, #12, #14, #15, #20 #21)

APPLICATION FOR A RESIDENTIAL AND COMMERCIAL BUILDING PERMIT ON A LEGALLY EXISTING WATERFRONT LOT

APPLICATION FOR A RESIDENTIAL AND COMMERCIAL BUILDING PERMIT FOR EXPANSION ON A LEGALLY EXISTING WATERFRONT LOT

- The owner of the property must apply for a building permit at the Permit Application Center (PAC). When the property owner goes to PAC, he/she will receive a building permit application, and if the property in question is located within the Critical Area, the PAC technician will also provide the applicant with a Critical Area information checklist and instructional packet. The checklist is a list of information the applicant is required to provide concerning the natural features that currently exist on the applicant's property. The Critical Area information must be submitted with the completed building permit application. If the property owner will be clearing or disturbing 5,000 square feet or more, then he/she must also apply at the same time for a grading permit at PAC. PAC will then send the application and accompanying Critical Area information to the Environmental and Special Projects Division (ESP) within the Office of Planning and Zoning for Critical Area Program review. (The Critical Area information checklist is presented on the next page).

- To build a house on a legally existing waterfront lot, the owner of the property must comply with the Critical Area Criteria insofar as possible. The Environmental Planner reviewing the building permit application will place emphasis on three major points. These are:

  - A 25-100 foot vegetated buffer must be shown on the lot to be planted within the entire required front yard setback along the water. (The size depends on the zoning district front yard setback requirement.);

  - Trees that are cut and cleared for construction are shown on the lot as well as the areas where the same number of trees cut will be planted. If replanting cannot be done on the lot, the owner of the property must show his compilation of the total amount for fee-in-lieu to be paid; and

  - The percent of impervious coverage.

- The Environmental Planner will also review the building permit to determine what kind of impact the proposed development may have on steep slopes and wetlands that exist on the lot. If there are wetlands on the site, it may be necessary for the property owner to obtain State and Federal permits.

- To build an addition to a house on a legally existing waterfront lot, the owner should propose if possible, to locate the addition in the side yard or back yard (away from the water).

CRITICAL AREA INFORMATION REQUIRED FOR
BUILDING PERMITS IN ANNE ARUNDEL COUNTY

For new single family dwellings, additions, garages, decks or any type of structure:

1. Applicant's name and telephone number.

2. Owner's name and telephone number.

3. Lot location:
   a. Vicinity map
   b. Tax map, block, parcel and lot
   c. Street address
   d. Subdivision

4. Acreage of lot and Critical Area classifications (RCA, LDA, IDA).

5. On a site plan drawn to scale, please show:
   a. Steep slopes (15% or greater) (25% and greater)
   b. Existing vegetation (trees, shrubs and ground cover)
   c. Existing tree line if wooded
   d. Floodplain elevation as shown on FEMA map or on subdivision plat
   e. All proposed disturbance
   f. Wells, septic, driveway and any structures
   g. Stormwater management concepts and location

6. A brief description of the proposed development. If any woody vegetation is to be removed, please describe the species and square footage of the vegetation to be removed.

7. Reforestation plan for woodland clearing.

   If any woody vegetation is proposed to be removed, the applicant has two options:

   a. Reforestation Plan - The applicant must submit a detailed site plan showing the area to be replanted onsite or offsite in the Critical Area, the species used and square footage of replacement area. The plan must be accompanied by a Completion Bond or Irrevocable Letter of Credit in the amount of $0.40 a square foot for replacement area. An easement or similar instrument must protect the replanted area.

   b. Pay fee-in-lieu of replacement at $0.40 a square foot for the area cleared. The fee-in-lieu money goes directly into a reforestation fund for planting trees in the Critical Area in the County. A cashiers check or certified check is required payable to Anne Arundel County.

8. Vegetated buffer requirements:

Anyone applying for a waterfront building permit on existing legal lots and where a buffer along the water 25'-40' indepth does not already exist must prepare a Buffer Planting Plan. This plan must be accompanied by a bond for the square footage planted. Buffer planting guidelines and bond forms are provided.

Classification maps and FEMA maps are available at the Office of Planning and Zoning, Environmental and Special Projects. If you have any questions, please call 280-1270.

BUILDING SHORE EROSION CONTROL PROJECTS ON A LEGALLY EXISTING WATERFRONT LOT

- The preferred method of shore erosion control in Anne Arundel County is vegetation. If it is demonstrated that vegetation will not be an effective means of erosion control, an alternative method may be used in the following order of preference:

    1. Sand fill for beach replenishment or establishment;

    2. Riprap and materials similar to riprap that are composed of loose, permeable components; or

    3. Bulkhead or a similar structural control method.

  The Criteria for choosing a method will be based on a site's specific factors including height and composition of bank, width of water body, boat wakes, character of adjoining shorelines, and ease of construction access. This preference is based on findings that bulkheads cause scouring of nearshore waters by reflecting waves and, also, toxic chemicals used in wood preservatives slowly leach from wood bulkheads. New bulkheads within 18 inches in front of existing deteriorated bulkheads are permitted; however, placement of riprap in front of old bulkheads may provide better long-term protection.

- #1 - Sandfill method may require a County grading permit, but will definitely require State and Federal permits. #2 - Riprap method will require a County building permit, a County grading permit, and State and Federal permits. #3 - Bulkheads require a County building permit, a County grading permit, and State and Federal permits.

- A person proposing to undertake a shore erosion control project shall follow these procedures:

    1. Prior to applying for County, State and Federal permits and approvals, the person shall fill out the form at the end of Section III and send it with a location map and sketch of the proposed works to the Environmental and Special Projects Division of the Office of Planning and Zoning (P&Z).

    2. If the information is reasonably complete and understandable, P&Z will promptly review the proposed works for consistency with the County Critical Area Program:

        a. If the project is found to be consistent (and appears to be unlikely to run into problems with the State and Corps), P&Z will send the applicant a letter certifying the project.

        b. If the project is <u>not</u> consistent, P&Z will send the applicant a letter stating the reasons why and suggesting alternatives for shore erosion protection.

        Once the applicant has received from P&Z a letter certifying that the project would be consistent with the County Critical Area Program, the applicant will then apply to the State and Corps of Engineers (using their Joint Application Form), and apply to the County's Permit Application Center (PAC) for the appropriate building and/or grading permit. PAC will advise which permits are required. A copy of P&Z's certification letter should be submitted with both applications.

3. The Anne Arundel Soils Conservation District (SCD) will review the grading permit (if required) to insure the sediment control measures are acceptable.
Once State and Corps permits and licenses have been received and the SCD has approved the grading plan, the PAC can issue the building and/or grading permits without further review.

- Before any trees are cleared from the property, either to build a bulkhead or to increase sunlight for vegetation planted to be used for erosion control, the applicant must submit a buffer management plan to be approved by the Environmental and Special Projects Division of P&Z.

- The owner of a property proposing to use riprap or to build a bulkhead or other structural shore erosion methods must apply for a building permit at the County Permit Application Center (PAC). Once PAC processes the application, it is then sent to the Office of Planning and Zoning, the Anne Arundel Soil Conservation Service, and other County agencies for review.

- The Permit Technician within PAC then sends the application to the Environmental and Special Projects Division (ESP) within the Office of Planning and Zoning for review under the Critical Area Criteria.

- The Environmental Planner in ESP reviewing the bulkhead permit application will generally not approve the permit if the property in question has an erosion rate of less than two feet per year. The reviewer will first recommend vegetation or a nonstructural shore erosion technique where it would be feasible; the reviewer's second and third recommendations would be riprap and gabions respectively.

- If the property currently has bulkheads adjacent to it on either side, then the environmental planner usually approve the building permit unless it is a prime candidate for vegetation.

- If the application for a building permit is for the replacement within 18 inches of an existing bulkhead, the environmental planner will immediately approve the permit.

- Before any trees are cleared from the property either to build a bulkhead or to increase sunlight for vegetation planted to be used for erosion control, the applicant must submit a buffer management plan to be approved by ESP.
- A grading permit required for the types of shore erosion methods mentioned above shall be obtained from the Permit Application Center (see page _____in this publication).

BUILDING A RESIDENTIAL PIER ON A LEGALLY EXISTING WATERFRONT LOT

- The owner of the property must apply for a building permit at the Permit Application Center (PAC).

- At PAC, the Permit Technician reviews the application to assure the proposed structure(s) meets the proper setback requirements specifically for piers.

- A building permit for a residential pier is only reviewed by the Critical Area Project Review Team in the Environmental and Special Projects Division (ESP) within the Office of Planning and Zoning if the proposed pier is adjacent to a large wetland area, if it encroaches upon a large wetland area, or if a variance is required.

- If wetlands are involved, the Environmental planner in ESP reviews the application to insure that: no dredging occurs in water that is three feet or less at Mean Low Water; no filling or disturbance of wetlands is proposed; and the proposed pier is high enough to allow sunlight to penetrate to existing grasses and vegetation. These items are the major aspects of the review, but the Critical Area Program review is not limited to these three items.

APPLICATION FOR A MAJOR RESIDENTIAL, COMMERCIAL OR INDUSTRIAL SUBDIVISION

- The applicant must first obtain an Environmental Review Statement on the proposed subdivision sketch plan by the Maryland Forest, Park and Wildlife Service. The applicant must request this review in writing to:

  Mr. Donald E. McLauchlan, Assistant Secretary
  Maryland Forest, Park and Wildlife Service
  580 Taylor Avenue
  Annapolis, Maryland 21401

  The applicant must submit, with his/her written request, three sets of the following information:

  A. Location maps;
  B. Site map (1:24,000 maximum) showing property boundaries, Critical Area boundary, minimum 100 foot buffer, streams, existing roads, and proposed limits of disturbance;
  C. County in which the project is proposed;
  D. Project name;
  E. Statement that the proposed project or any portion of the project is in the Critical Area; and
  F. Description of the proposed development.

- The applicant must also develop the long form Critical Area Report for the proposed subdivision. This long form can be found at the end of Section III.

- The applicant is also responsible for completing the "Notification of Project Application" form that is required by the Chesapeake Bay Critical Area Commission for its own review process.

- Once the applicant has the Environmental Review Statement, the Critical Area Report, and the "Notification of Project Application" form completed for the proposed subdivision, he/she must then submit these three items with the proposed sketch plan to the Development Division within the Office of Planning and Zoning (P&Z).

- The Development Division processes the sketch plan with the three items, assigns it a case number and transmits these to the Environmental and Special Projects Division (ESP) within the Office of Planning and Zoning. Copies of the proposed project's Critical Area Report are also sent to the Chesapeake Bay Critical Are Commission, the County Forester, and the Bay Watershed Forester. The Department of Public Works (DPW), as well as other County agencies, are also responsible for reviewing major subdivisions.

- Once transmitted to ESP, the sketch plan and Critical Area Report are logged in and assigned to an Environmental Planner for review.

- The ESP Environmental Planner reviews and field checks the sketch plan and Critical Area Report for compliance with the Critical Area Criteria for the particular land use classification. He/she then sends written comments on the proposed project to the Development Division reviewer in P&Z prior to the sketch meeting; this activity is implemented to determine which items need to be addressed at the sketch phase in the development process and which ones need to be resolved during the final phase.

- If conditions concerning compliance with the Critical Area Criteria are placed on the proposed project, these are attached to the final plan, along with necessary notes on the plat. When issues are resolved after the meeting at the final phase, P&Z will transmit a findings letter to the application. This letter will include specific notes that are required to be placed on the final plat.

- All Critical Area Criteria must be met or the appropriate waivers and/or variances must be applied for and granted on the proposed project.

APPLICATION FOR MINOR RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL SUBDIVISION

- The applicant must first obtain an Environmental Review Statement on the proposed minor subdivision by the Maryland Forest, Park and Wildlife Services. The applicant must request this review in writing to:

  Mr. Donald E. McLauchlan, Assistant Secretary
  Maryland Forest, Park and Wildlife Service
  580 Taylor Avenue
  Annapolis, Maryland 21401

  The applicant must submit, with his/her written request, three sets of the following information:

  A. Location maps;
  B. Site map (1:24,000 maximum) showing property boundaries, Critical Area boundary, minimum 100 foot buffer, streams, existing roads, and proposed limits of disturbance;
  C. County in which the project is proposed;
  D. Project name;
  E. Statement that the proposed project or any portion of the project is in the Critical Area; and
  F. Description of the proposed development.

- The applicant must also develop the short form Critical Area Report for the proposed minor subdivision. This short form can be found at the end of Section III.

- The applicant is also responsible for completing the "Notification of Project Application" form that is required by the Chesapeake Bay Critical Area Commission for its own review.

- Once the applicant has the Environmental Review Statement, the Critical Area Report, and the "Notification of Project Application" form completed for the proposed minor subdivision, he/she must then submit these three items with the proposed minor subdivision plan to the Development Division within the Office of Planning and Zoning (P&Z).

- The Development Division processes the proposed project with the three items, assigns it a case number and transmits these to the Environmental and Special Projects Division (ESP) within the Office of Planning and Zoning (P&Z). The Department of Public Works (DPW),
- ESP logs in the proposed project and assigns it to an Environmental Planner for review.

- The Environmental Planner assigned to the proposed project reviews the plans and the Critical Area Report and field checks these for compliance with the Critical Area Criteria for that particular land use designation. The planner then makes comments in writing and transmits these to the Development Division within P&Z and to the engineer. If any conditions are imposed on the project and if necessary notes need to be placed on the plat, then these are attached to the written comments. All Critical Area Criteria must be met or the appropriate waivers and/or variances must be applied for and granted on the proposed project.

- If any changes are made on the submitted plans, these changes need to go through the system of review again.

APPLICATION FOR A GRADING PERMIT (UNTIL JANUARY 1990)

- A property owner must obtain a grading permit for: grading or disturbing 5,000 square feet or more in the Critical Area; grading in the 100 foot buffer; grading over 50% of the lot; grading for a bulkhead and other structural shore erosion control methods, etc. The applicant must apply to the Permit Application Center (PAC) for a grading permit and the applicant must supply a copy of the plat with the grading permit application. PAC processes the application and then transmits this to the Environmental and Special Projects Division (ESP) within the Office of Planning and Zoning (P&Z) as well as other County agencies for review, i.e. the Department of Public Works (DPW), etc.

- ESP receives the permit application, logs it in, and assigns it to an Environmental Planner for review. If the proposed project has already been reviewed as a subdivision or other project, the grading permit will be assigned to the Environmental Planner that reviewed it during the subdivision process.

- In the case of grading permit application for a subdivision already reviewed, the Environmental Planner will check the grading permit application for compliance with the subdivision plat notes and covenants. The plat notes vary on each subdivision reviewed and may relate to steep slopes, buffers, impervious coverage, stormwater management, clearing of trees, setbacks, temporal restrictions (such as fish spawning and submerged aquatic vegetation flowering), etc.

- Grading permit applications are reviewed by the Environmental Planner for compliance with the Critical Area Criteria insofar as possible, but where the applicant can meet all of the Criteria, he/she must comply. If the lot to be graded is wooded, the applicant will be required to submit a planting plan to show replanting of all trees proposed to be removed or the applicant must pay a reforestation fee of $0.40 per square foot. Any grading permit that proposes mass grading on the property will require replanting at three times the areal extent of the disturbed area or paying a fee of $1.20 per square foot. A buffer planting plan will also be required for a waterfront lot if an existing vegetated buffer on the site is not of sufficient quality or if its depth is less than the required front yard setback required for that zoning category.

- The Environmental Planner assigned to the grading permit may do a field check if the site has not already been visited. The planner reviews the permit for tidal and nontidal wetlands, steep slopes, floodplains, Natural Heritage species, Upland Natural Areas, Areas of Critical State Concern, soil types, archeology and historical information.

- The Environmental Planner will then send the grading permit with comments to:

  - the Permit Section in P&Z if it is a residential permit;
  - the Development Division in P&Z if it is a subdivision grading permit and/or a grading permit for utilities, storm drains, roads, etc.; and
  - the Design Division in P&Z if it is a commercial or industrial grading permit.

- If the permit requires reforestation fees or planting plans or it needs to meet buffer requirements, setback requirements, plat notes, or additional Critical Area Criteria, a letter is sent by the PAC to the applicant and/or engineer and the appropriate reviewing agencies.

- Once the appropriate division in P&Z has reviewed and approved the grading permit, it is transmitted back to the ESP Division. When all issues have been addressed and resolved, all fees have been paid or planting plans approved and bonded, the ESP Division will approve the grading permit.

APPLICATION FOR A GRADING PERMIT (AFTER JANUARY 1990)

- A property owner must obtain a grading permit for: grading or disturbing 5,000 square feet or more in the Critical Area; grading in the 100 foot buffer; grading over 50% of the lot; grading for a bulkhead and other structural shore erosion control methods; etc. The applicant must apply to the Permit Application Center (PAC) for a grading permit. PAC processes the application and then transmits the plans to the Office of Planning and Zoning. The Department of Public Works (DPW), is also responsible for reviewing commercial grading permits. The review of grading permits within the Office of Planning and Zoning is split into two distinct and separate review processes: (1) review by the Environmental and Special Projects Division (ESP); and (2) review by the Design or the Development Division.

  (1) ESP receives the permit application, logs it in, and assigns it to an Environmental Planner for review. If the proposed project has already been reviewed as a subdivision or other project, the grading permit will be assigned to the Environmental Planner that reviewed it during the subdivision process.

  In case of a grading permit application for a subdivision already reviewed, the Environmental Planner will check the grading permit application for compliance with the subdivision plat notes and covenants. The plat notes vary on each subdivision reviewed and may relate to steep slopes, buffers, impervious coverage, storwmater management, clearing of trees, setbacks, temporal restrictions (such as fish spawning and submerged aquatic vegetation flowering), etc.

  Grading permit applications are reviewed by the Environmental Planner for compliance with the Critical Area Criteria insofar as possible, but where the applicant can meet all of the Criteria, he/she must comply. If the lot to be graded is wooded, the applicant will be required to submit a planting plan to show replanting of all trees proposed to be removed or the applicantmust pay a reforestation fee of $0.40 per square foot. Any grading permit that proposes mass grading on the property will require replanting at three times the areal extent of the disturbed area or paying a fee of $1.20 per square foot. A buffer planting plan will also be required for a waterfront lot if an existing vegetated buffer on the site is not of sufficient quality or if its depth is less than the required front yard setback required for that zoning category.

  The Environmental Planner assigned to the grading permit may do a field check if the site has not already been visited. The planner reviews the permit for tidal and nontidal wetlands, steep slopes, floodplains, Natural Heritage species, Upland Natural Areas, Areas of Critical State Concern, soil types, archeology and historical information.

If the permit requires reforestation fees or planting plans or it needs to meet buffer requirements, setback requirements, plat notes, or additional Critical Area Criteria, a letter is sent by the PAC to the applicant and/or engineer and the appropriate reviewing agencies.

When all issues have been addressed and resolved, all fees have been paid or planting plans approved and bonded, the ESP Division will approve the grading permit.

(2) Review of grading permits will be taking place simultaneously in one of the following divisions within the Office of Planning and Zoning:

- the Development Division in P&Z if it is a subdivision grading permit and/or a grading permit for utilities, storm drains, roads, etc.; and
- the Design Division in P&Z if it is a commercial or industrial grading permit.

Once all issues have been addressed and resolved, the grading permit will be approved by one of the above divisions within the Office of Planning and Zoning.

"Afforestation" means the establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas which are not presently in forest cover.

"Agricultural land" means land having soil capability units I, II, III, or IV, excluding forested class IV soils, either as defined in the published soil survey of the County by the U. S. Department of Agriculture, Soil Conservation Service, or as certified by an accredited soils scientist.

"Agricultural land management practices" means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources; and includes best management practices in accordance with a soil conservation and water quality plan that has been reviewed and approved by the Anne Arundel Soil Conservation District and is implemented by May 13, 1991. Agricultural land management practices does not include logging and timber removal operations that disturb more than 5,000 square feet of land.

"Anadromous fish" means fish that travel upstream (from their primary habitat in the ocean) to freshwaters in order to spawn.

"Aquaculture" means the farming or culturing of finfish, shellfish, other aquatic plants or animals, or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments. Activities include the hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas. Cultivation methods include seed or larvae development and growout facilities, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. Related activities such as wholesale and retail sales, processing and product storage facilities are not considered as aquacultural practices.

"Area of State Critical Concern" means a specific geographic area of the State which, based on studies of physical, social, economic and governmental conditions and trends, is demonstrated to be so unusual or significant to the State that the Secretary of State Planning designates it for special management attention to assure the preservation, conservation or utilization of its special values.

"Barren land" means unmanaged land having sparse vegetation.

"Best Management Practices (BMPs)" means conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment. Agricultural BMP's include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

"Borrow pits" means areas from which soil and unconsolidated materials are removed to be used, without further processing, as fill for activities such as landscaping, building construction, or highway construction and maintenance.

"Buffer" means a naturally forested area or forested area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from man-made disturbances.

"Buffer Management Plan" means a plan prepared for any clearing or disturbance following the format selected by Maryland Forest, Park and Wildlife Service and approved by the Office of Planning and Zoning.

"Clearing" means the process of cutting or removing trees, ground cover, stumps and roots, or the movement of top soil prior to grading for development.
"Cluster development" means development which permits greater flexibility in development patterns, environmental management and housing design, by permitting variation and reductions in lot size and building arrangement without any overall change in the gross density or land use permitted in a zoning district.

"Colonial nesting water birds" means herons, egrets, terns, and glossy ibis. For purposes of nesting, these birds congregate (that is "colonize") in relatively few areas, at which time the regional populations of these species are highly susceptible to local disturbances.

"Commercial harvesting" means a commercial operation that would alter the existing composition or profile, or both of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

"Community piers" means boat docking facilities associated with subdivisions and similar residential areas, and with condominium, apartment, and other multiple-family dwelling units. Private piers are excluded from this definition.

"Conservation easement" means a non-possessory interest in land which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

"Critical Area" means all wetlands and all land and water areas in the County within 1,000 feet beyond the landward boundaries of tidal wetlands and the heads of tides.

"Developed woodlands" means areas or communities in which trees and native vegetation equal or exceed impervious, disturbed or grassed areas.

"Development activities" means the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures.

"Diameter at breast height" means the diameter of the trunk of the tree, as measured at a distance of four and one half (4 1/2) feet (137.15 centimeters) above original grade. (D.B.H.)

"Disturbance" means cutting or removing vegetation or grading or filling activities.

"Documented breeding bird areas" means forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of onsite surveys using standard biological survey techniques.

"Endangered species" means species of fish, plants, or wildlife which have been designated as such by regulation by the Secretary of Department of Natural Resources or the U. S. Department of the Interior. This designation implies the continued existence of these species as part of the State's resources is in jeopardy.

"Excess stormwater run-off" means all increases in stormwater resulting from:

(a) An increase in the imperviousness of the site, including all additions to buildings, roads, and parking lots;

(b) Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;

(c) Alteration of drainageways, or regrading of slopes;

(d) Destruction of forest; or

(e) Installation of collection systems to intercept street flows or to replace swales or other drainageways.

"Fisheries activities" means commercial water-dependent fisheries facilities including structures for the packing, processing, canning or freezing of finfish, crustaceans, mollusks, amphibians and reptiles; these activities also include related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

"Forest" means a biological community dominated by trees and other woody plants. This also includes forests that have been cut, but not cleared.

"Forest interior dwelling birds" means those species of birds which require relatively large forested tracts in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

"Forest management" means the protection, manipulation, and utilization of the forest to provide multiple benefits such as timber harvesting, water transpiration, and wildlife habitat.

"Forest Management Plan" means a document prepared by a registered professional forester following the format selected by Maryland Forest, Park and Wildlife Service and Anne Arundel County Office of Planning and Zoning to give direction for the management of forests for one or more of the following uses: recreation, wildlife enhancement, planting, regeneration or disturbance activities such as harvesting, thinning and cutting of a forest.

"Forest practice" means the alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

"Habitat Assessment Manual" means the document containing the methodology designed by the Office of Planning and Zoning for the purpose of evaluating and inventorying wildlife habitats.

"Habitat Protection Area" means those areas of significance that have been identified using the Habitat Assessment Methodology found in the Habitat Assessment Manual. These areas include buffers, wetlands, threatened and endangered species, habitats of species in need of conservation, anadromous fish propagation waters, wildlife corridors, colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forests of 300 feet or more in width, large forested areas (100 acres or more), natural heritage areas, plant and wildlife habitats of local significance, and areas identified in the future as one of the above.

"Highly erodible soils" means those soils with a slope greater than 15 percent; or those soils with a K value greater than .35 and with slopes greater than 5%.

"Historic waterfowl staging and concentration areas" means areas of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are "historic" in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

"Hydric soil" means a soil that in its undrained condition is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation.

"Hydrophytic vegetation" means those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

"Impervious surface" means hot bituminous asphaltic pavement, cold mix asphaltic pavement, compacted gravel surfacing, and Portland cement concrete used for roads, sidewalks, driveways, curb and gutter, patios, porches, swimming pools, tennis courts, or parking areas, and also includes principal and accessory structure coverage area.

"Institutional uses" means those uses that serve a recreational, social, educational or religious purpose such as schools, hospitals, libraries, museums, nonprofit charitable or philanthropic organizations or governmental facilities.

"Intrafamily transfer" means a transfer to a member of the owner's immediate family a portion of the owner's property for the purpose of establishing a residence for that family member.

"K Value" means the soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

"Marina" means any facility including community facilities and yacht clubs, but not including private piers, community piers and other noncommercial boat docking and storage facilities, that is located along the shoreline of the County and involves the mooring, berthing, storing or securing of watercraft.

"Mean High Water Line" means the average level of high tides at a given location.

"Natural features" means components and processes present or produced by nature, including but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife.

"Natural Heritage Area" means any community of plants or animals which are considered to be among the best Statewide examples of their kind, and are designated by regulation by the Secretary of the Department of Natural Resources.

"Natural parks" means areas of natural habitat that provide opportunities for recreational activities that are compatible with the maintenance of natural conditions.

"Natural vegetation" means those plant communities that develop in the absence of human activities.

"Nature-dominated" means a condition where landforms or biological communities, or both have developed by natural processes in the absence of human intervention.

"Nonstructural shore erosion control measures" means the establishment of vegetation, establishment or expansion of a beach by placing sand fill between the mean high water line and mean low water line, and setting back development from the shoreline a sufficient distance to avoid damage to the development. Groins and riprap are considered nonstructural measures if they are ancillary to the establishment of vegetation or the establishment of a beach by placing sand fill between the mean high water line and the mean low water line.

"Open space" means land and water areas retained in an essentially undeveloped state.

"Palustrine" means all nontidal wetlands dominated by trees, shrubs persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one half part per 1,000 parts of water.

"Port" means a facility or area established or designated by the State or County for purposes of water borne commerce.

"Potential sand and gravel deposits" means those sand and gravel deposits existing under land that is currently undeveloped and is zoned RA = Residential Agricultural District, W2 = Light Industrial District, W3 = Heavy Industrial District, or DD = Deferred Development District.

"Project approvals" means the approval of development, other than development by a State or local government agency, in the Chesapeake Bay Critical Area by the County. The term includes approval of subdivision plats, site plans, rezonings, issuance of variances, and special exceptions.

"Public water-oriented recreation" means shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

"Reclamation" means the reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including waterbodies.

"Redevelopment" means the process of developing land which is or has been developed.

"Reforestation" means the establishment of a forest through artificial reproduction or natural regeneration.

"Riparian habitat" means a habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

"Significantly eroding areas" means those areas where shoreline erosion is occurring at a rate of two feet or more per year.

"Soil Conservation and Water Quality Plans" means land use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

(a) How the landowner plans to treat a farm unit;
(b) Which best management practices the landowner plans to install to treat undesirable conditions; and
(c) The schedule for applying those Best Management Practices.

"Species in need of conservation" means species of fish, plant, or wildlife whose continued existence as part of State's resources is questionable and which may be designated by the Department of Natural Resources as in need of conservation.

"Steep slopes" means slopes of 15% or greater incline and characterized by increased runoff, erosion and sediment hazards.

"Structural shore erosion control measures" means measures that include but are not limited to bulkheads, groins, jetties, and revetments constructed along a shoreline to prevent erosion.

"Threatened species" means those species of fish, plant, or wildlife so designated by the Secretary of the Department of Natural Resources or the U. S. Department of the Interior as appearing likely to become endangered within the foreseeable future.

"Transitional habitat" means a plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

"Transportation facilities" means anything that is built, installed, or established to provide a means of transport from one place to another.

"Tributary streams" means those perennial and intermittent streams in the Critical Area within the County that are shown on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle maps, Soil Survey of Anne Arundel County or on County maps.

"Upland natural area" means those areas where, at present, natural processes predominate and are not significantly influenced by either deliberate manipulation or accidental interference by man. These areas normally have features such as nontidal wetlands, wooded swamps, stream corridors and natural forests.

"Utility transmission facilities" means fixed structures that convey or distribute resources, wastes or both, including but not limited to, electric lines, water conduits, and sewer lines.

"Water-dependent facilities" means those structures or uses associated with industrial, commercial, maritime, recreational, educational or fisheries activities that require location at or near the shoreline. Those activities or facilities that may be permitted within the shoreline buffer include: launching ramps, hoists, lifts, marine railways, piers, pilings, wet storage of seaworthy watercraft, nature trails, intake or discharge structures and stormwater outfall structures; marine fuel sales and crab shedding facilities are permitted in the Buffer only in commercial marina facilities, unless otherwise precluded by state law.

"Waterfowl" means birds which frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

"Water-use industry" means an industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.

"Wetlands" means land, swamps and marshes transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

"Wildlife corridor" means a strip of land in the County having vegetation that provides habitat and a safe passageway for wildlife.

PARTIAL LIST OF CONSULTANTS
INDICATING WETLAND IDENTIFICATION AND CRITICAL AREA EXPERIENCE

The list below contains the names of those consultants who have indicated an ability to identify wetlands. This is not a complete list and does not connote any approval by the Office of Planning and Zoning.

The Robert B. Balter Company
18 Music Fair Road
Owings Mills, MD 21117
Robert Najewicz
363-1555

Biohabitats
P. O. Box 935
Brooklandville, MD 21022
Keith Bowers
337-3659

Coastal Resources, Inc.
2098 General's Highway
Annapolis, MD 21401
Nancy G. Kelly
849-8490

Dames & Moore
7101 Wisconsin Avenue, Suite 700
Bethesda, MD 20814
Roger Copp
(301) 652-2215

M. S. Dircks & Co., Inc.
2986 Pebble Beach Drive
Ellicott City, MD 21043
750-2058

Ecological Analysts
Hunt Valley/Loveton Center
15 Loveton Circle
Sparks, MD 21152
Dr. Frank Pine and Joe Berg
771-4950

Envirens Inc.
9704 William Parks Road
Cockeysville, MD 21030 Quercus
Mike Hollins 2128 Shore Drive
683-1015 Edgewater, MD 21037

Geo-Technology Associates, Inc.
139 North Main Street
Bel Air, MD 21014
Peter Bergmann
879-9446

Greenhorne & O'Mara, Inc.
9001 Greenbelt Road
Greenbelt, MD 20770
D. Keith Whitenight
Environmental Sciences
982-2895

John E. Harms Jr. & Associates
P. O. Box 5
Pasadena, MD 21122
Jim Turek
647-6000

Kamber Engineering, Inc.
818 West Diamond Avenue
Gaithersburg, MD 20878
Gary J. Jellick
840-1030

Land Design, Research, Inc.
5560 Sterrett Place, Suite 300
Columbia, MD 21044
(Environmental Planning)
John Hall
730-9191

McCarthy & Associates, Inc.
14458 Old Mill Rd., Suite 201
Upper Marlboro, MD 20772
Milton McCarthy
627-7505

Robert Zepp
Environmental Concern (eves) 956-5930
P. O. Box P
St. Michaels, MD 21663 Gale Reed
(301) 745-9620 or 745-2082 3710 Birdsville Road
Davidsonville, MD 21035

Environmental Resources, Inc. 798-6423
1 Plaza East, Suite 319
Salisbury, MD 21801 Synergics, Inc.
Dave Hardin 410 Severn Avenue, Suite 313
548-5320 Annapolis, MD 21403

Christian Crow
Environmental Systems Analysis, In 268-8820
708 Melvin Avenue
Annapolis, MD 21401
Kevin Kelly
267-0495 or 269-1304

LIST OF ENGINEERS

Advanced Surveys Inc.
5443 Southern MD Blvd., Wayson's Corner
Lothian, MD 20711

Alpha Engineering
2086 General's Highway, Suite 301
Annapolis, MD 21401

American Engineering
Pasadena
Maryland 21122 (255-4200)

Anarex
503 Ritchie Highway
Severna Park, MD 21146

Andrews, Miller & Associates Inc.
508 Maryland Avenue
Cambridge, MD 21613

Boyd and Dowgiollo PA
405 Headquarters Drive
Millersville, MD 21108

W. J. Brower, Jr.
5331 Kenmore Road
Severna Park, MD 21146

Ed Brown & Associates, Inc.
1993 Moreland Parkway, Suite 204
Annapolis, MD 21146

Carlin and Associates Land Surveyors & Planners
1741 Underwood Road
Gambrills, MD 21054

Development Facilitators Inc.
504 Baltimore/Annapolis Blvd.
Severna Park, MD 21146

Dewberry & Davis
2594 Riva Road
Annapolis, MD 21401

Engineering Technologies Associates
9051 Baltimore National Pike
Ellicott City, MD 21043

Gamma Engineering
P. O. Box 706
Annapolis, MD 21404

Greenhorne & O'Mara
2666 Riva Road, Suite 100
Annapolis, MD 21401

John C. Harms & Associates Inc.
90 Governor Ritchie Highway
Pasadena, MD 21122

Ronald W. Johnson & Associates
111 Chinquapin Round Road
Annapolis, MD 21401

Kidde Consultants
8055 Ritchie Highway, Suite 204
Pasadena, MD 21122

Landtech
2661 Riva Road
Annapolis, MD 21401

McCrone
20 Ridgely Avenue
Annapolis, MD 21401

Messick & Tribett Inc.
111 Chinquapin Round Road, Suite 104
Annapolis, MD 21401

Paul K. Miller & Associates
541 Benfield Road
Severna Park, MD 21146

Montgomery/Kontgias
2139 Espey Court, Suite 3
Crofton, MD 21114

Priddy Design Associates
1623 Forest Drive, Suite 200
Annapolis, MD 21403

Riemer Group
3105 North Ridge Road
Ellicott City, MD 21043

Severn Surveys
479 Jumpers Hole Road
Severna Park, MD 21146

Sigma Associates
2441 Holly Avenue
Annapolis, MD 21401

STV/Lyon Associates Engineers, Surveyors
21 Governors Court
Baltimore, MD 21207

FOREST BUFFER PROVISIONS AND GUIDELINES
FOR WATERFRONT BUILDING PERMITS IN THE CRITICAL AREA

What is a forest buffer?

A forest buffer is a naturally vegetated area or vegetated area established or managed landward of the water to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances.

Why is a buffer required?

Forest land has long been recognized as a protective land use. Forests filter out nutrients and trap sediment-laden stormwater runoff. Trees provide homes, food, and shelter for wildlife. Trees also filter out air pollutants and cool the air in summer. Trees soften a harsh landscape and healthy trees can increase the real estate value of property by as much as twenty percent. Trees are a renewable resource that no man-made, engineered device can come close to imitating.

The Anne Arundel County Critical Area Law recognizes the above values of trees and forests. As a result, County law requires that existing forest buffers be retained; and, where none currently exist, buffers need to be planted. County Council Bill 49-88, Article 21, Section 2-301 requires that "an existing forested vegetated buffer is maintained or shrubs and ground cover are planted where no buffer exists . . ." A minimum 100-foot buffer is required where site conditions permit, but in no case less than the front yard setback by zoning districts as follows:

RA - 40'
R1 - 40'
R2 - 30'
R5 - 25'

If there is an existing buffer but it is less than the required buffer, then additional ground covers, shrubs, and trees must be planted to meet the minimum.

Who needs to prepare a buffer planting plan?

Anyone applying for a waterfront building permit on existing legal lots within 100' of the water and where a buffer does not already exist.

Where to Plant Buffers

Buffers should be planted from mean high tide landward for the width required under front yard setbacks. The buffer should be planted along the entire property adjacent to the water. Pedestrian access to the water can be maintained.

When

The plan must be prepared, submitted to Planning and Zoning, and approved prior to the issuance of the building permit.

The actual plants should be planted during the next available growing season. (Growing seasons are: March 15 - June 15 and Sept. 15 - Dec. 1.)

How to Prepare the Plan

1. Based on the site plan determine the area to be planted for that zoning district.

2. Choose native plant species to be planted. (For species suitable to your site conditions, consult with your local nurseries and landscape contractors.) You may want to plant certain species to attract birds or other wildlife. If salt spray is a problem, you should consider only salt tolerant plant species directly adjacent to the water.

3. Decide on and draw in the arrangement of the plants you have chosen on the site plan. (See the diagrams for an example.) The plan must have a scale on it to be acceptable (i.e., 1" = 20' or another appropriate scale).

4. Label your diagram and list the plant species and total number of each plant under the plan. Also include the spacing you intend to use for each species. For example, the following spacing may be used:

Ground cover plants	1' x 1'
Small shrubs	4' x 4'
Large shrubs	6' x 6'
Small trees	10' x 10'
Large trees	15' x 15'; 20' x 20'

Specify the growing season during which the plants will be planted (i.e., spring 1989).

5. Include your name, address, daytime phone number, and permit number.

6. A bond, letter of credit, or certified check payable to Anne Arundel County at the rate of $0.40/square-foot area to be planted must be submitted with each plan.

7. A Reforestation Agreement must be completed and notarized. The proper forms are available from the address on the back page.

Care and Maintenance after Planting

Filter cloth. You may wish to place some type of this material (not black plastic) around the base of trees and shrubs after planting. This cloth allows water and nutrients to pass through to the plants, but prevents weeds from growing up through. Mulch is usually placed over the cloth to provide an attractive appearance. Do not use filter cloth if you are planting a ground cover that you want to spread.

Mulch. It is recommended that between 2-3" of mulch be placed around the planted materials for several reasons:

1. Mulch helps retain moisture for the plants (particularly important if the site is located in a water restricted area at times in the summer).

2. Mulch helps keep weeds down while plants are becoming established and growing.

3. Mulch conditions the soil increasing its absorption capacity.

4. Mulch negates the need to get the lawn mower near the plants, reducing lawn mower damage to young plants.

Fertilizer. Apply when planting according to your local nurseryman's guidelines to promote healthy growth.

Watering. Water after planting and during hot, dry spells during first growing season, and as needed.

Staking. Planted trees should be staked during their first two growing seasons to provide structural support until the new root system becomes established. It is important to remove the stakes and wires after the second growing season to prevent the tree from strangling itself.

All plans should be submitted to:

Dave Chessler
County Forester
Anne Arundel County Planning & Zoning
Environmental & Special Projects
The Arundel Center, Room 220
P. O. Box 1831
Annapolis, Maryland 21404
(301-280-1270)

ADDITIONAL RESOURCE MATERIALS

Habitat Assessment Manual

The County has developed a Habitat Assessment Manual to assist citizens in surveying the plants and animals on their own property. It includes blank field sheets to aid in a survey on site. A copy of this manual can be purchased for $5.00 from the Office of Planning and Zoning, 2nd floor, Drafting Section, Arundel Center in Annapolis.

Reforestation Manual

The County is now in the process of developing a Reforestation Manual to provide citizens with the proper methods of replanting trees within the Critical Area. Contact Dave Chessler, the County Forester, at 280-1270 for further information.

APPLICATION FOR A SPECIAL EXCEPTION

- The applicant must submit an application for a special exception to the Zoning Division in the Office of Planning and Zoning (P&Z).

- The Zoning Division processes the application and forwards a notice of it to the Environmental and Special Projects Division (ESP) in P&Z for review.

- ESP locates the property involved on the Critical Area maps and determines its land use classification designation. ESP then determines the type of Critical Area Report the applicant must also submit. The purpose of this report is to provide a method for the applicant of the special exception to present the existing natural features and characteristics of the site prior to development and to present the steps by which impact to the environment will be minimized. The long form checklist for information will be required for these uses:

  - sand and gravel operations
  - rubble fill operations
  - wastewater treatment facilities
  - heavy industrial and commercial uses
  - community marinas
  - all similar uses which have a significant impact on the existing natural features

  The short form checklist for information can be used in other special exception cases. Both the long form and the short form checklists are included at the end of Section III.

- ESP logs in the application and notifies the Zoning Division in writing as to whether a long from or short form checklist shall be submitted by the applicant. The Zoning Division notifies the applicant as to the checklist required for his/her Critical Area Report.

- If the long form Critical Area Report is required, the special exception applicant is required to submit an Environmental Review Statement from the Maryland Forest, Park and Wildlife Service. The applicant must request this review in writing to:

  Mr. Donald E. MacLauchlan, Assistant Secretary
  Maryland Forest, Park and Wildlife Service
  580 Taylor Avenue
  Annapolis, Maryland 21401

  The applicant must submit, with his/her written request, three sets of the following information:

  A. Location maps;
  B. Site map (1:24,000 maximum) showing property boundaries, Critical Area boundary, minimum 100 foot buffer, streams, existing roads, and proposed limits of disturbance;
  C. County in which the project is proposed;
  D. Project name;
  E. Statement that the proposed project or any portion of the project is in the Critical Area; and
  F. Description of the proposed development.

- The Zoning Division also transmits the "Notification of Project Application" form to the applicant. The applicant must complete this form and submit this with his/her Critical Area Report. The "Notification of Project Application" form is required by the Chesapeake Bay Critical Areas Commission for its own review process.

- The applicant next submits his/her Critical Area Report to ESP within the Office of Planning and Zoning. If the applicant must submit the Environmental Review information, he/she must wait and submit the Critical Area Report with the Environmental Review Statement on the proposed project received from the Maryland Forest, Park and Wildlife Service.

- ESP receives the Report, logs it in, and assigns it to an Environmental Planner for review. Copies of the report are also sent to the Administrative Hearing Officer, the Zoning Division, the Chesapeake Bay Critical Areas Commission, and the Bay Watershed Forester for their review.

- The ESP Environmental Planner reviews and field checks the application for compliance with the Critical Area Criteria for the particular land use classification, and then sends written comments to the Zoning Analyst in the Zoning Division. The planner can recommend approval of the application, approval with conditions, or denial of the application. When the property in question is a part of a subdivision within the Critical Area, the application is subject to the conditions imposed on the subdivision during its review. All criteria must be met or the appropriate waivers and/or variances must be applied for and granted.

APPLICATION FOR A VARIANCE TO THE ZONING ORDINANCE

- The applicant must submit an application for a variance to the Zoning Division in the Office of Planning and Zoning (P&Z).

- The Zoning Division processes the application and forwards a notice of it to the Environmental and Special Projects Division (ESP) in P&Z for review.

- ESP locates the property involved on the Critical Area Maps and determines its land use classification designation. ESP then determines the type of Critical Area Report the applicant must submit.

- ESP logs in the application and notifies the Zoning Division in writing that the short form Critical Area Report is required for a variance application. The Zoning Division notifies the applicant as to the Critical Area Report required. The Zoning Division also transmits the "Notification of Project Application" form to the applicant for completion. The applicant must submit this form with his/her Critical Area Report. The "Notification of Project Application" form is required by the Chesapeake Bay Critical Area Commission for its own review process.

- The applicant submits his/her Critical Area Report to ESP in the Office of Planning and Zoning. ESP logs in the report and an Environmental Planner is assigned to review the report with the application. Copies of the report are also sent to the Administrative Hearing Officer, the Zoning Division, and the Chesapeake Bay Critical Area Commission for their review.

- The ESP Environmental Planner reviews the project from an environmental perspective to determine what steps are proposed to minimize disturbance to the existing natural resources as well as to minimize a negative impact on water quality. In addition, the planner field checks the application and then sends written comments to the Zoning Analyst in the Zoning Division. The planner can recommend approval of the application, approval with conditions, or denial of the application. When the property in question is a part of a subdivision within the Critical Area, the application is subject to the conditions imposed on the subdivision during its review.

APPLICATION FOR A REZONING (This does not apply to the Critical Area land use classifications)

- An applicant must submit an application for a rezoning to the Zoning Division in the Office of Planning and Zoning (P&Z).

- The Zoning Division processes the application and forwards a notice of it to the Environmental and Special Projects Division (ESP) in P&Z for review.

- ESP locates the property involved on the Critical Area Maps and determines its land use classification designation. ESP then determines the type of Critical Area Report the applicant must submit.

- ESP logs in the application and notifies the Zoning Division in writing that the long form Critical Area Report is required for the rezoning application. The Zoning Division transmits this requirement to the applicant as well as the "Notification of Project Application" form for the applicant to complete. The "Notification of Project Application" form is required by the Chesapeake Bay Critical Area Commission for its own review process.

- Before the applicant submits the long form Critical Area Report to ESP, he/she is required to request an Environmental Review Statement from the Maryland Forest, Park and Wildlife Service. The applicant must request this review in writing to:

  Mr. Donald E. MacLauchlan, Assistant Secretary
  Maryland Forest, Park and Wildlife Service
  580 Taylor Avenue
  Annapolis, Maryland 21401

  The applicant must submit, with his/her written request, three sets of the following information:

  A. Location map;
  B. Site map (1:24,000 maximum) showing property boundaries, Critical Area boundary, minimum 100 foot buffer, streams, existing roads, and proposed limits of disturbance;
  C. County in which the project is proposed;
  D. Project name;
  E. Statement that the proposed project or any portion of the project is in the Critical Area; and
  F. Description of the proposed development.

- The applicant then submits his/her Critical Area Report to ESP, along with the Environmental Review Statement completed by the Maryland Forest, Park and Wildlife Service.

- ESP receives the report, logs it in, and assigns it to an Environmental Planner for review. Copies of the report are also sent to the Administrative Hearing Officer, the Zoning Division, the Chesapeake Bay Critical Area Commission, and the Bay Watershed Forester for their review.

- The ESP Environmental Planner reviews the project from an environmental perspective to determine what steps are proposed to minimize disturbance to the existing natural resources as well as to minimize a negative impact on water quality. In addition, the planner field checks the application and then sends written comments to the Zoning Analyst in the Zoning Division. The planner can recommend approval or denial of the application. When the property in question is a part of a subdivision within the Critical Area, the application is subject to the conditions imposed on the subdivision during its review. All criteria must be met or the appropriate waivers and/or variances must be applied for and granted.

CHESAPEAKE BAY CRITICAL AREA INFORMATION (LONG FORM)

A. MAPPING INFORMATION (6 copies)

Vicinity Sketch

All drawings should include a clear vicinity sketch at 1" = 2000' with the property boundaries clearly indicated. A circle or star for the property area is not acceptable.

Plan Submittal

Depending upon the size of the property, proposed development, and existing natural features, submittals may differ as to scale and presentation. All the information requested under Section A of the Guidelines should be clearly indicated. It may be necessary to submit two plans at the same scale, one showing existing conditions and the other, proposed development. Topography needs to be clear, with contour lines labeled as to elevation so that all contours throughout the property are clearly legible. Existing conditions should reflect any variety in vegetative communities if they occur on site (for instance, mixed deciduous/coniferous forest, mature oak hardwood forest, pastureland, overgrown field, nontidal wetlands, tidal marsh) and the communities should be clearly delineated and labeled. 1" to 100' or 200' is suggested for the mapping.

Floodplain

Delineate the ultimate calculated nontidal floodplain or indicate the coastal flood hazard elevation as shown on the FEMA series.

Wetlands

All tidal and nontidal wetlands are to be drawn on all plans.

Mean High Water should be indicated by line or note. Water depths are to be indicated for any project having riparian uses.

Soil Types

These should be shown on the plans, not just on attachment from the Soil Survey. Use the entire soil mapping unit (e.g. SaB2 or MvE), not just the series name (e.g. Sassafras).

Steep Slopes

Clearly indicate 15% and greater slopes. It is important to separate those into >15% and >25%.

(Long Form Continued)

Upland Natural Area, Area of Critical State Concern, Chesapeake Bay Critical Area Boundaries and Habitat Protection Areas

Indicate these (where applicable) on the plan.

Spawning Areas, Nursery Areas, Submerged Aquatic Vegetation and Shellfish Beds

Indicate the nearest of these based on current records. If necessary, this may be done on a 1" = 2000' scale map.

Buffers

Indicate the following (where applicable) on the plan:

Nontidal wetlands	25'
Tidal wetlands	100'
Streams (perennial and intermittent)	100'
Tidal shoreline	100'

Expanded buffer - all contiguous wetlands, steep slopes, erodible soils, plus a 50' setback from the top of a 15% or greater slope

Areas of Clearing, Limits of Disturbance, Construction Areas

Indicate all planned and potential areas of clearing for all uses (houses, yards, patios, decks, garages, swimming pools, guest houses, sidewalks, access to the water, driveways, utilities, sediment control, roads, septic fields, stormwater management, water wells, infiltration pits, parking spaces, structures other than residential, pumping stations, etc.). Be realistic in terms of sizes as there may be woodland clearing and impervious surface requirements. Be sure all construction areas are located outside the Buffers, allowing at least 15 feet from a construction area.

Habitat Protection Areas

Identify all areas as described in the Critical Area Criteria for habitat protection. Include any areas within 1000' of the site boundaries.

B. NARRATIVE (6 copies)

Rare and Endangered Species (The Environmental Review Statement will address this)

A letter from the DNR Natural Heritage Program is requested. However, the consultant or other representative is responsible for identifying those species on DNR's list since they have not totally documented the County for rare and endangered species. This work is to be done during the growing or breeding season.

(Long Form Continued)

Vegetative Description

Vegetation should be described in the narrative as communities unless it is uniform throughout the site. Please be advised that since some vegetation (herbaceous layer, some wetlands species) is not readily apparent or is difficult to identify during the winter, additional information may be required during the growing season, or a field visit may be delayed until then. Likewise, certain submerged aquatics are not observable all year long. These are to be surveyed during the current growing season. All plants should have the Latin name as well as the common name.

Nontidal Wetlands

See "Guidelines for Protecting Nontidal Wetlands in the Critical Area (Guidance paper #3)", as well as County policy for nontidal wetlands, to address specific issues of concern.

Animals

Differentiate between observed and expected species. List them by specific name, not just birds, snakes, etc. A breeding bird survey may be necessary for forested tracts (between April-August) by approved consultants.

Stormwater Management

Stormwater management may be presented conceptually but must address quality for roads, parking (including driveways) and roof leaders. An analysis of the soils map, indicating infiltration potential, and examples of specific measures that may be installed should be included. Stormwater management requirements will not be waived for roads or parking areas. The amount of impervious surface should be minimized. (See Guidance Paper #5) Stormwater management for Intensely Developed Areas differs from that for Limited and Resource Conservation Areas. Stormwater management facilities must be located outside nontidal wetlands and their buffers. Peak management will also be necessary for the two- and ten-year storms.

Pollutants

List specifically which pollutants are expected and the increase over existing conditions. Describe how this will be minimized.

Shoreline Protection Methods

Justify the method to be used according to the criteria for shore erosion control. Erosion rates will be necessary for all bulkheading.

Community Marina Facilities

A flushing study is necessary using EPA guidelines as found in the Coastal Marinas Assessment Handbook, as well as substrate analysis.

(Long Form Continued)

Buffer Management Plan

Justification for any work in a Buffer, but in particular the minimum 100' Buffer or expanded Buffer. Detailed plans (two copies) are to be submitted by Final.

Mitigation

Any mitigation proposed is to be done at a 2:1 ratio. Detailed plans are to be submitted by Final.

Calculations

Please provide total acreage in the Critical Area, woodland in the Critical Area, acreage of woodland to be cleared for all uses and total impervious surface, and total disturbance. Be realistic.

Consultants and Dates of Work

Any consultants preparing the report should be identified by name, work address and phone. Dates of field work should be noted.

Please note that incomplete reports and/or maps will be returned to the applicant and no transmittals will be made.

(Long Form Continued)

I. Indicate the following, if present, on the site plan:

A. Vegetative communities (e.g., woodlands, old fields, wetlands)

1. Woodlands - distinguish between developed woodlands, pine, hardwood, and mixed forests

a. Edge of continuous wooded areas, include total acreages

b. Approximate location of individual trees in continuous wooded areas with a diameter twice as large as that of the surrounding trees

c. Approximate location of individual trees greater than 5 inches in diameter at breast height outside of continuous wooded area

2. Old fields - edge and acreage

3. Wetlands - edge and acreage

a. Tidal

b. Nontidal - including springs and seeps (label according to Cowardin, 1979)

c. Submerged aquatic vegetation found during field work and from maps

B. Limit of area that will be disturbed during all phases of development, including existing and proposed impervious areas - compute all acreages

C. 100 year floodplains - coastal and nontidal

D. Bodies of water including Mean High Water Line, permanent and intermittent

E. Location of the nearest aquatic habitats adjacent to (upstream/downstream) or within the property limits - use a 1" = 2000' scale vicinity map, if necessary

1. Spawning area

2. Nursery areas

3. Shellfish beds

4. Water depths

(Long Form Continued)

F. Soil types

G. Steep slopes - designate 15-24% and 25% or greater

H. Upland Natural Area, Habitat Protection Area, and Area of Critical State Concern boundaries

I. Natural Heritage Area boundaries and rare or endangered species habitats, if known (contact Natural Heritage Program, DNR)

J. Chesapeake Bay Critical Area land use designation, boundary, and acreage (if split, label each area)

K. Stormwater management facilities, outfalls, and points of discharge - both existing and proposed

II. Identify the following, if present, in a report accompanying the site plan:

A. Specify the vegetative communities present on the site and give their areas - examples include: mature woodland, immature woodland, old field, pasture, cropland, orchard, and wetland. For each community please describe the vegetation in the following manner:

1. Canopy (highest layer of trees), give Latin and common name

a. Common species present, indicting approximate percentage of total

b. Diameter at breast height - give general range for each species listed

2. Understory (immature trees below canopy), give Latin and common name

a. Common species present, indicating approximate percentage of total

3. Shrub layer (woody plants below trees), give Latin and common name

a. Common species present, indicting approximate percentage of total

4. Herbaceous layer (non-woody plants below shrubs), give Latin and common name

a. Common species present, indicating approximate percentage of total

5. Slopes, soils, and hydrologic condition

6. Degree and type of existing disturbance

B. Species of animals observed or expected to be present, based on habitat or other evidence

1. Residents and migrants, give common and Latin name

2. Submit a breeding bird survey for forest interior dwelling birds if the woodland acreage is extensive (100+acres) or riparian (along the water) or contiguous with either an extensive or riparian woodland

C. Natural Heritage Areas, Habitat Protection Areas

D. Rare and endangered plants and animals, given Latin and common name

E. Comparison of existing and proposed previous and impervious areas

F. Pollutant loadings expected to be generated by development for all of the site draining to the Critical Area and measures that will be taken to reduce their impact

1. If the development is occurring in the Intense Development Area, compliance with the 10% rule must be shown in computational form

G. General hydrology of the site, including groundwater recharge, seeps, and wetlands

H. Proposed stormwater management plan to minimize degradation of water quality and infiltration potential for stormwater, based on soil type and depth to groundwater - water quality and peak management measures are necessary in LDA and RCA classifications

I. Shoreline condition and any proposed work at or beyond the natural shoreline, include erosion rates

J. If land is set aside of sufficient size to allow a community marina, any dredging necessary and the flushing capability of the water body on which the marina will be sited must be calculated - include information on water depth

K. Dates of field work and investigator(s) doing the field work and Critical Area Report

L. Environmental Review Statement from the Department of Natural Resources.

M. "Notification of Project" application to the Chesapeake Bay Critical Area Commission.

Reference: Cowardin, L.M. et. al. 1979. "Classification of Wetlands and Deepwater Habitat of the United States." USFWS/OBS-79/31.

Minor Subdivision No._____
Date_____

TO:_____
_____
_____

ANNE ARUNDEL COUNTY OFFICE OF PLANNING AND ZONING
CHESAPEAKE BAY CRITICAL AREA INFORMATION
Short Form (For Minor Subdivision)

Your project lies within the state designated Chesapeake Bay Critical Area. Your project must meet all the criteria for the ____ classification. The information is to be submitted to the Office of Planning and Zoning for review (File, Critical Area Commission, Bay Watershed Forester, and Planning and Zoning Environmental Section.) Upon completion of the review of submitted material, findings will be made which are necessary for approval of the subdivision. Please include vicinity map, existing conditions map and proposed development.

As a minimum, the following information is to be provided, where checked:

Owner's name, address; address of parcel and Tax Map, Block, Parcel
_____
_____
_____

ON PLAN TO SCALE, USING TOPOGRAPHY:

_____ Indicate steep slopes (15-24%, 25% and greater)
_____ Indicate existing tree line or individual trees and all proposed clearing and areas to be disturbed
_____ Indicate tidal and/or nontidal wetlands
_____ Indicate any tidal and/or nontidal floodplain, (FEMA)
_____ Other. Lots with acreage, condition of shoreline, any proposed work, buffers, water depths

IN NARRATIVE FORM:

_____ Indicate predominant soil type present
_____ Indicate composition of predominant canopy trees, minor trees, shrubs and herbaceous layers (use Latin names as well as common)
_____ Indicate wild animals present; indicate aquatic resources; breed bird survey, if applicable
_____ Describe method of control of stormwater or methods to minimize any adverse impacts from pollution; include stormwater management for impervious surfaces after construction
_____ Describe any measures to be taken to mitigate impacts of this project
_____ Acreage of woodland, woodland to be disturbed for all uses, reforestation plan
_____ Impervious coverage (existing and proposed)
_____ Parcel acreage, number of lots, average lot size, range of lot sizes
_____ Environmental Review Statement from Department of Natural Resources
_____ Project notification from Critical Area Commission

Should you need further assistance or have questions, please contact the Environmental and Special Projects Section at 280-1270.

Incomplete submittals will be returned

CHESAPEAKE BAY CRITICAL AREA INFORMATION (SHORT FORM)

Your project lies within the 1000' Critical Area, as defined by Senate Bill 664 and is classified _____. In rendering a decision, the County shall make specific findings regarding stormwater management impacts and impacts to animal and plant habitat. The information is to be supplied by the applicant and returned with five (5) copies to the Office of Planning and Zoning for review at least three (3) weeks before the scheduled hearing. Please include a vicinity map, and complete the following items checked.

As a minimum, the following information is to be provided:

Describe nature of or reason for variance.

ON PLAN TO SCALE

_____ Indicate steep (15% or greater) slopes;

_____ Indicate existing tree line, individual trees and all proposed clearing or areas to be disturbed;

_____ Indicate tidal and/or nontidal wetlands;

_____ Indicate any tidal and/or nontidal floodplain; (FEMA Zone___el____)

_____ Other_____

IN NARRATIVE FORM

_____ Indicate composition of predominant canopy trees, minor trees, shrubs and herbaceous layer;

_____ Indicate wild animals present; indicate aquatic resources;

_____ Describe method of control of stormwater or methods to minimize any adverse impacts from pollution. Include handling of stormwater from impervious surfaces after construction;

_____ Describe any measures to be taken to mitigate impacts of this project;

_____ Acreage of lot; total impervious coverage construction;

_____ Total woodland; total disturbance; total woodland after disturbance; linear water frontage.

Please call the Environmental and Special Projects Division at 280-1272 should you need additional information or need to make an appointment.

INCLUDE Tax Map, Block, Parcel; owner's name and address

_____

_____

CHESAPEAKE BAY CRITICAL AREA COMMISSION
DEPARTMENT OF NATURAL RESOURCES
275 WEST STREET - SUITE 320
ANNAPOLIS, MARYLAND 21401

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: _____ Date: _____

Name of project/applicant (site name, developer, or other): _____

Local case number _____

Project location:
Description _____
_____
Tax Map _____ Block _____ Parcel _____

Type of application:
Subdivision _____
Site plan _____
Variance _____
Rezoning _____ Existing _____ Proposed _____
Special Exception or Conditional Use _____
Proposed Use _____
Grading Permit _____
Other _____

Description of project and site:
Proposed use _____
_____
Current use _____

Type (s) and acreage (s) of Development Area (s):
Total acreage of property _____
Total acreage in Critical Area _____
Acreage in: IDA _____
LDA _____
RCA _____

Local jurisdiction contact requirements:
Contact person _____
Telephone number _____
Response required by _____

INFORMATION REQUIRED FOR PROPOSED SHORE EROSION CONTROL PROJECTS

In order to determine whether a property owner's proposed shore erosion control project is consistent with Anne Arundel County's Critical Area Program, the staff of the Office of Planning and Zoning needs certain basic information. Please complete this form, enclose either or both recent photographs of the shoreline, a vicinity map noting the site location and a rough sketch of what is proposed.

Anne Arundel County, Office of Planning and Zoning
Environmental and Special Projects Division
Arundel Center, Room 220
44 Calvert Street
Annapolis, Maryland 21401

1. Property owner(s)_____ Daytime Phone No._____
_____ Home Phone No._____
2. Property address _____
_____
3. Owners address (if different from above)
_____
_____
4. Agent (if any) _____ Telephone No._____
Address _____
_____
5. Present use of property (1)_____Residential, (2)_____Other (please)
(specify)_____
6. Water body on which your property is located_____
7. Character of shoreline:
a. Approximate length of shoreline to be treated_____feet
b. Approximate height of bank or existing bulkhead_____feet
c. Condition of your shoreline:
_____Eroding bank
_____Deteriorated bulkhead
_____Falling trees
_____Other (please specify)_____
8. Character of adjacent property's shorelines:

To left, looking at water	To right, looking at water
_____Bulkheaded	_____Bulkheaded
_____Riprapped	_____Riprapped
_____Eroding	_____Eroding
_____Stable nature shoreline	_____Stable nature shoreline

9. What do you propose to do to the shoreline?
_____Bulkhead
_____Riprap
_____Groins or breakwaters
_____Marsh creation
_____Beach nourishment

You may call the Environmental and Special Projects Division at (301) 280-1270 if you have any questions about what types of projects are suitable to your shoreline.

IV. APPENDIX

1. Glossary
2. List of consultants: Wetland identification; C.A. experience
3. List of Engineers: C.A. experience
4. Buffer planting brochure
5. Reference to the Habitat Assessment Manual
6. Reference to the Reforestation Manual

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