

---

---

# Chesapeake & Atlantic Coastal Bays Critical Area Training

— RCA Uses & Growth Allocation —  
June 22, 2022

---

---

# Overview

## Session 1: RCA Uses

- Commercial/Institutional Uses
- New Use Guidelines
- Common RCA Uses
- Alternatives

~Break~

## Session 2: Growth Allocation

- General Info & Process
  - Submittal Requirements
  - Standards & Factors
  - Example
-

# RCA Uses

# Resource Conservation Area

- Areas characterized by nature-dominated environments and resource-utilization activities:
  - Wetlands, forests, abandoned fields
  - Agriculture, forestry, fisheries activities, or aquaculture
- Residential Density limited to 1 dwelling unit per 20 acres (Reg update: Density Variance prohibited)
- Industrial, institutional, and commercial facilities shall be allowed if constructed prior to CA Law



# Commercial and Institutional Uses



- New industrial, institutional, or commercial facilities may not be located in the Resource
- Conservation Area unless the use is authorized by a local program and approved by the Commission

# COMAR 27.01.02.07



- Local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of program approval, unless the use has been abandoned for more than 1 year or is otherwise restricted by existing local ordinances

# Additional Commission Guidelines- New Uses in the RCA

- Any additional facility, structure, or use not directly related to and a part of an existing industrial, commercial or institutional use in location, nature, and legal incorporation shall be considered a new use and may require growth allocation





# RCA Use List – Local Critical Area Program

- A jurisdiction can create a list of permitted uses within the RCA
- Use list must be approved by the Critical Area Commission
- RCA Uses often have limits in size, scope, or scale
- Often require special exception or conditional use permit





# Common RCA Uses

- Home Occupation
- Golf Courses (not including main buildings, structures, clubhouse, pro shop, etc.)
- Cemeteries
- Bed-and-breakfasts
- Farmer's Market
- Boarding schools
- Gun Club/Skeet Shooting
- Group homes
- Natural-resource oriented public recreation
- Antenna Towers
- Storage Buildings
- Churches (20,000 sf cap on lot coverage)



□ § 14:1-39 Development standards in resource conservation areas.

- (e) Certain nonresidential uses may be permitted in resource conservation areas if it is first determined by the Department that the proposed use is one of the following:
- [1] The proposed use is a home occupation as provided for in the Queen Anne's County Zoning Ordinance.<sup>[1]</sup>  
[1] *Editor's Note: See Ch. 18:1, Zoning and Subdivision Regulations.*
  - [2] The proposed use is a resource utilization use and/or activity, including agriculture, forestry and aquaculture, provided such use or uses comply with the applicable provisions of the Queen Anne's County Critical Area Program, this Chapter 14:1 and other applicable regulations.
  - [3] The proposed use is a golf course, but not including main buildings and/or structures, e.g., clubhouse, proshop, etc.
  - [4] The proposed use is a cemetery that is an accessory use to an existing church.
  - [5] The proposed use is a bed-and-breakfast facility located in an existing residential structure, but not a hotel or motel.
  - [6] The proposed use is a gun club and skeet-shooting range or similar use, but not including main buildings and/or structures, e.g., clubhouse, proshop, etc.
  - [7] The proposed use is an accessory or supportive use clearly incidental to an existing industrial and commercial facility, including those that directly support agriculture, forestry, aquaculture or residential development and is located wholly within an existing structure or structures. Any expansion of existing structures may only be approved with growth allocation.

# Special Events

- Queen Anne's County
  - New lot coverage located outside the Buffer
  - Limits on number of events per year, based on size of parcel
  - Zoning Certificate required
  - Event Maximum = 2 days (48 hours)
- Talbot County
  - Existing institution uses in the RCA by Special Exception
  - No limit on number or length, BOA review
  - CAC staff comments



## Office utilized by a nonprofit environmental, conservation, and land preservation organization

- Worcester/Anne Arundel
- Organizations shall maintain a non-profit and/or tax-exempt status; and
- The total use area shall not exceed 20,000 square feet in area. (Areas of passive recreation such as walking, hiking, bicycle paths and trails, wildlife observation areas, and picnic areas shall not be subject to this limitation)



# Private Landing Strips



- St. Mary's, Talbot, Kent
- Accessory to residential
- Minimum acreage limits
- Setbacks from property lines
- Maintained in grass or other low vegetation



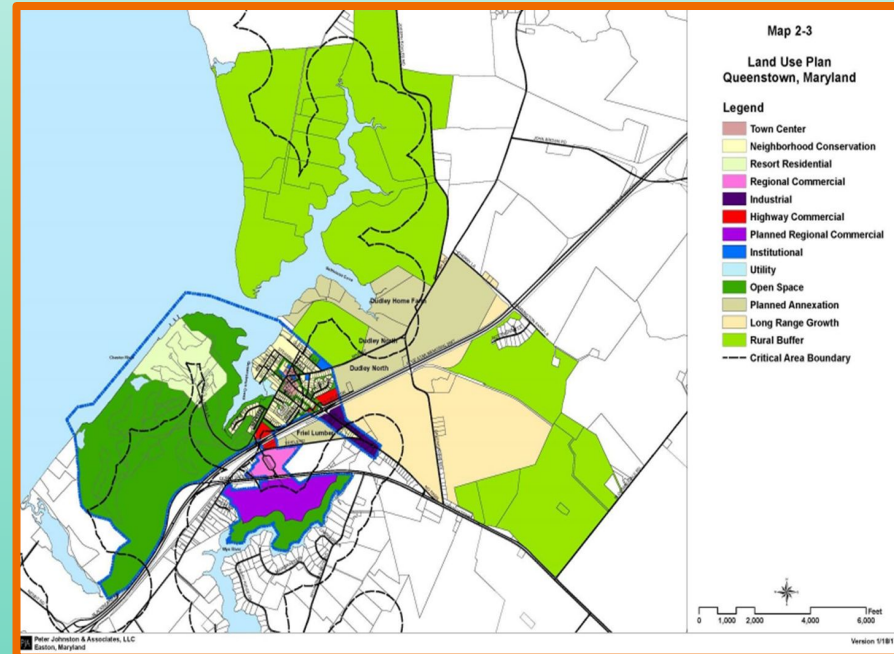
# Other Uses - How Are You Reviewing These?

- Aquaculture
- Renewable Energy
  - -COMAR 27.01.14
- Marijuana Growhouse
- Farm Alcohol Production



# Alternative: Growth Allocation

- A local jurisdiction may also pursue growth allocation to change the Critical Area designation to Limited Development Area or Intensely Developed Area
- Changing this designation would allow for new commercial use to occur with more flexibility regarding intensification of use (lot coverage, clearing limits, uses that do not meet resource utilization of RCA).
- The County may need to include additional provisions for growth allocation in areas that do not meet the adjacency standards for growth allocation.



# Questions?



Break Time!

# Growth Allocation



# Critical Area Law & Regulations

Natural Resources Article §8-1808.1

COMAR 27.01.02.06 thru .06-4

**“Growth allocation”** means the number of acres of land in the Critical Area that a local jurisdiction may use to create new LDA or IDA.

---

# Available Growth Allocation

An aerial photograph of a coastal region. In the foreground, there is a residential development with several large buildings and parking lots. Beyond this, a large body of water, possibly a bay or estuary, winds through a landscape of trees with autumn foliage. The water is dotted with numerous small islands and peninsulas. In the far distance, the horizon is visible under a blue sky with scattered white clouds.

Based on 5% of the total RCA in the County at the time of original program approval *minus* tidal wetlands and land owned by the Federal government.

1

County identifies site that requires growth allocation

2

Local approving authority must find that standards are met

3

County submits package to CAC per COMAR 27.01.02.06-1

4

Review & vote by full Critical Area Commission

5

County updates Critical Area map layer & deducts acreage

# General Process

# Submittal Requirements

COMAR 27.01.02.06-1

Standards (COMAR 27.01.02.6-3E)

Factors (COMAR 27.01.02.6-3G)

Conceptual site plan

Environmental features map

Environmental report (COMAR  
27.01.02.06-2)

State agency review (MDE, DNR WHS,  
MHT, USACE)

Map that shows Critical Area  
designation change

Accurate deduction of growth allocation

---

## Standards (COMAR 27.01.02.06-3E)

- 1) Locate a new IDA in a LDA or adjacent to an existing IDA;
- 2) Locate a new LDA adjacent to an existing LDA or an IDA;
- 3) Locate in a manner that:
  - a) Minimizes impacts to a HPA as defined in COMAR 27.01.01.01;
  - b) Optimizes benefits to water quality; and
  - c) Minimizes impacts to the defined land uses of the RCA;
- 4) Locate a new IDA or LDA in a RCA at least 300 feet beyond the landward boundary of tidal wetlands or tidal waters; and
- 5) For a growth allocation application for a residential subdivision, comply with the requirements and procedures under Environment Article §9-206 and Land Use Article, Title 1, Subtitle 5, and §5-104.



# Alternative Standards

Alternative standards must be consistent with Comprehensive Plan *and* be approved by CAC as an amendment to the local program.

## Example

*Any proposal for either new IDA lands less than 20 acres or new IDA lands that are nonadjacent to existing LDA or IDA lands must meet the following provisions:*

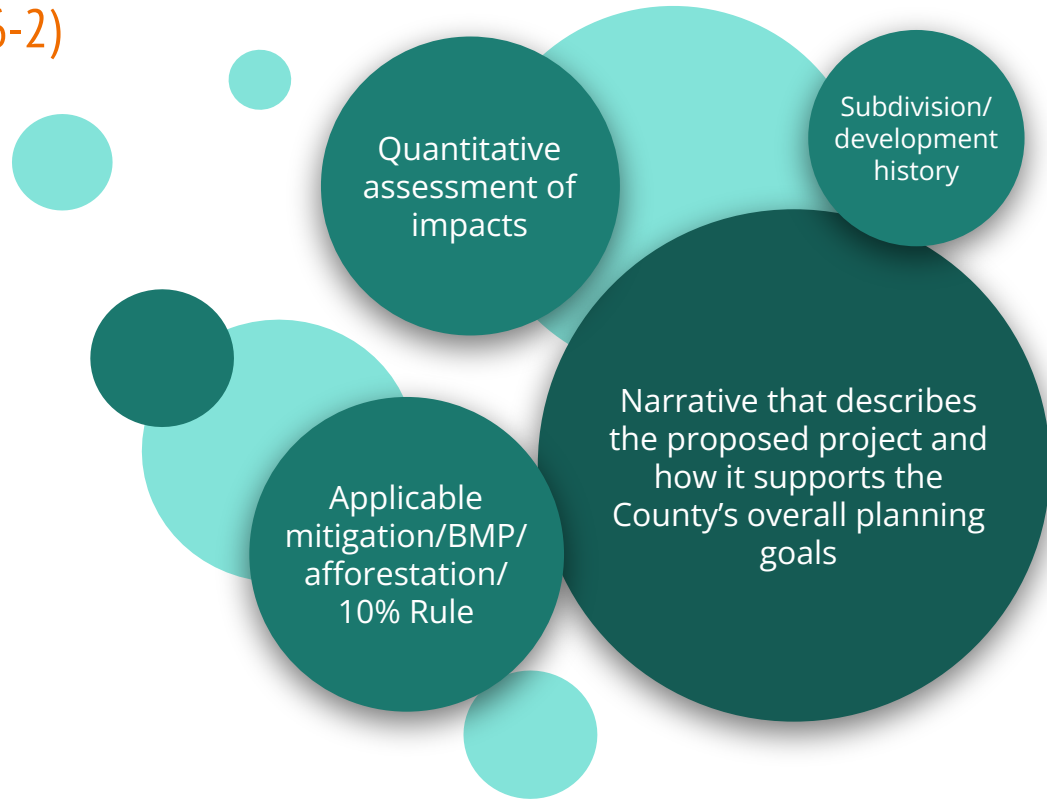
- 1) The development will be serviced by public water and sewer;*
- 2) The area is located in a Priority Funding Area;*
- 3) The development is consistent with the goals and objectives of the Comprehensive Plan; and*
- 4) The development will have an overall economic benefit to the community.*

# Factors to be considered by Commission (COMAR 27.01.02.06-3G)

- 1) Consistency with the Comprehensive Plan and whether the growth allocation would implement the goals and objectives of the adopted Plan;
- 2) For a new IDA, whether the development will:
  - a) Be served by a public wastewater system;
  - b) Have an allowed average density of at least 3.5 units per acre, as calculated under State Finance and Procurement Article §5-7B-03(h);
  - c) For a new IDA that is greater than 20 acres, be located in a priority funding area; and
  - d) Have a demonstrable economic benefit to the area;
- 3) For a new LDA, whether the development will:
  - a) Be served by a public wastewater system or septic system that uses the best available nitrogen removal technology;
  - b) Complete an existing subdivision;
  - c) Expand an existing business; or
  - d) Be clustered;
- 4) The use of existing public infrastructure, where practical;
- 5) Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species, and species in need of conservation that may be located onsite or offsite;
- 6) Impacts on a priority preservation area, as defined under Agriculture Article §2-518;
- 7) Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams; and
- 8) Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.

# Environmental Report

(COMAR 27.01.02.06-2)



# Example

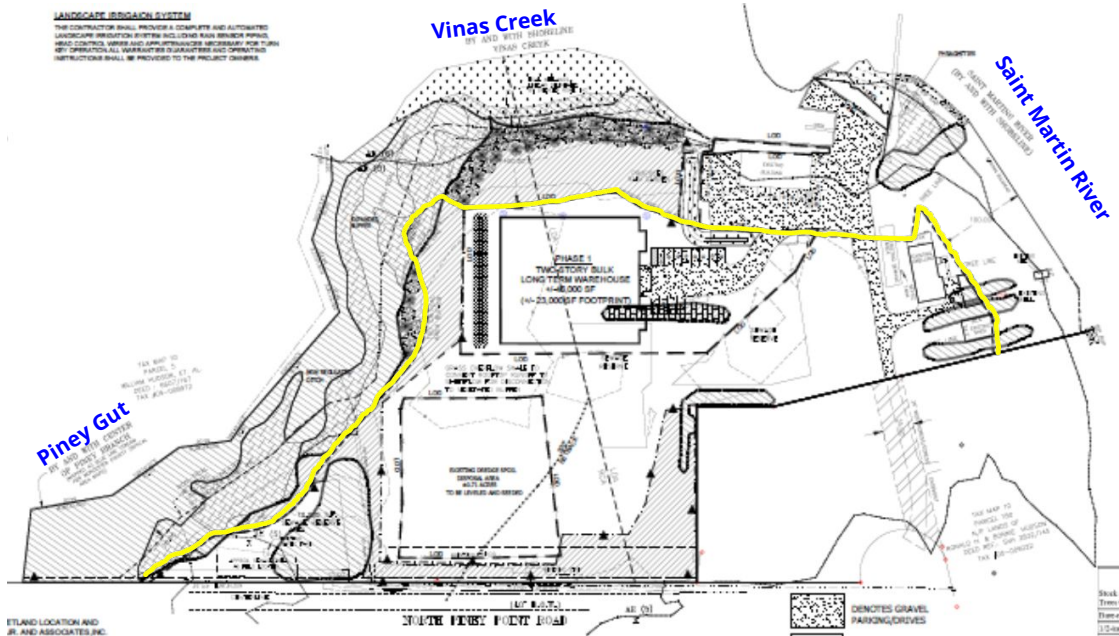






**LANDSCAPE BODILICH SYSTEM**

THE CONTRACTOR SHALL PROVIDE A COMPLETE AND AUTOMATED LANDSCAPE IRRIGATION SYSTEM AND LEAKAGE MONITORING, PRESSURE CONTROL, VALVES AND COMPONENTS NECESSARY FOR TURN KEY OPERATION. ALL WORK SHALL BE QUALIFIED AND OPERATING INSTRUCTIONS SHALL BE PROVIDED TO THE PROJECT OWNER.



ETLAND LOCATION AND ASSOCIATES, INC.

Sheet 6  
 Title 0  
 Date 00  
 1:5-net





# Were the growth allocation standards met?

## Standards Met

- Adjacency
- HPA impacts minimized
- Water quality benefits maximized

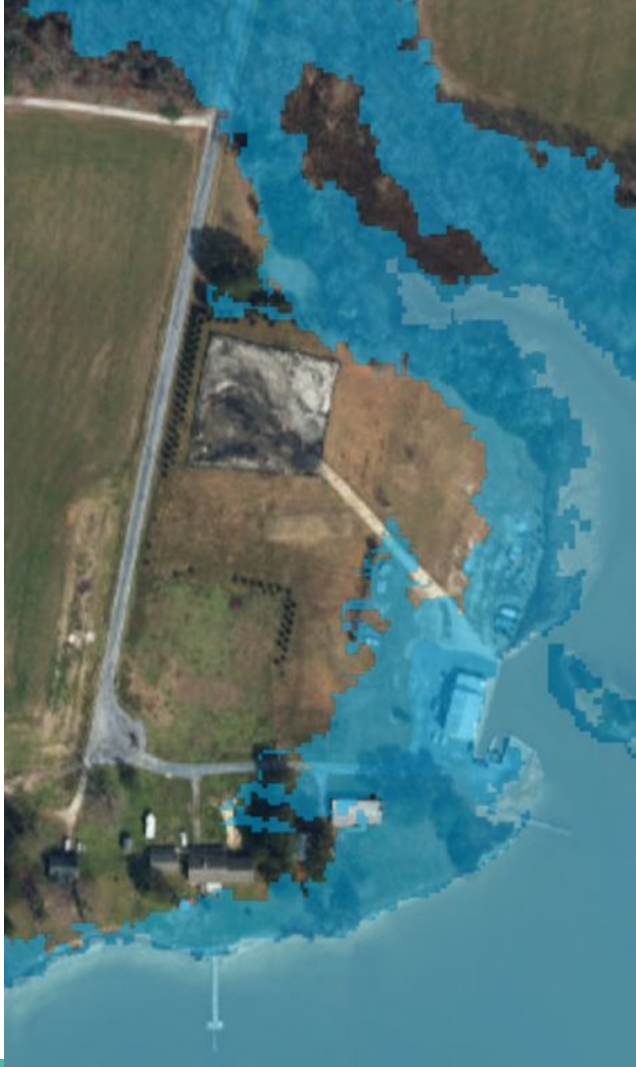
## Standards Not Met

- 300-foot setback
  - ◆ Alternatives provided:
    - Additional plantings outside Buffer
    - Invasive removal inside Buffer
    - Stormwater management for existing impervious
    - Stormwater treatment for new impervious in excess of ESD to the MEP to meet Critical Area 10% pollutant reduction

0-2 Feet SLR



2-5 Feet SLR





Questions?