



Calvert County Critical Area Program

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Neeld Estate

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Critical Area Program Outline

- **Program Origin and Purpose**
- **Regulations**
 - **Clearing**
 - **Steep Slopes**
 - **Lot Coverage**
 - **Habitat Protection Areas (including Buffer)**
- **Variances**
- **Violations**
- **Free Tree Program**
- **Bay Restoration Program**

Program Overview

- **Critical Area Program adopted by the County in 1988 based on State Critical Area Law**
- **Application – All lands within 1,000 ft of tidal waters, tidal wetlands and heads of tide**
- **Purpose: Preserve habitat and decrease the negative impacts of development near the shoreline**

Critical Area Overlays

- **IDA – Intense Development Areas (ex. Solomons)**
- **LDA – Limited Development Areas (ex. Neeld Estate and Breezy Point)**
- **RCA – Resource Conservation Areas (Larger areas of forest and agriculture)**

Clearing (non-buffer)

- **Less than or equal to 20% of Forest or less than 6,000 sq.ft. – Replant 1:1 or pay \$0.30/sq.ft. FIL**
- **>20 and < or equal to 30% of Forest - Replant 1.5:1 or pay \$0.45/sq.ft. FIL**
- **>30% only with variance, Replant 3:1 or pay \$0.90/sq.ft.**

Steep Slopes

- **No development on slopes greater than 15% without a variance**

Lot Coverage

- Depends on lot area

Table 8-1.2 Lot Coverage Limitations

Lot/Parcel Size (in square feet)	Lot Coverage Limit
0 – 8,000	25% of lot/parcel plus 500 square feet*
8,001 – 21,780	31.25% of lot/parcel*
21,781 – 36,300	5,445 square feet*
Greater than or equal to 36,301	15% of lot/parcel

*(i) the property owner shall perform mitigation as per Section 8-1.04.G.3 for the square feet of added lot coverage above 15 percent of the parcel, or

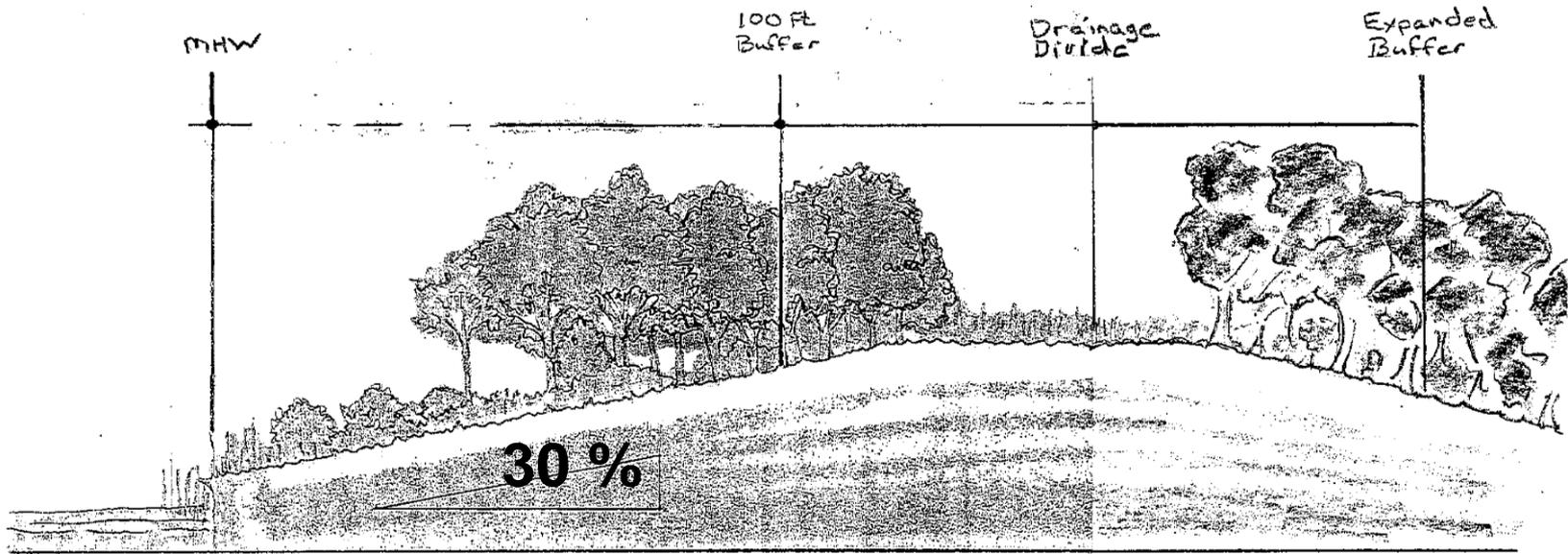
*(ii) if paragraph (i) is not feasible, the property owner may pay a fee-in-lieu of performing the on-site mitigation equal to \$1.20 multiplied by the area in square feet of the new Lot Coverage that exceeds 15 percent of the lot/parcel. All fees-in-lieu collected under this Section will be placed in the Critical Area fees-in-lieu fund to support projects that improve water quality.

Habitat Protection Areas

- **100-ft or expanded Critical Area Buffer**
- **Critical Area Habitat Protection Area Map**
 - **State-listed Species Sites**
 - **Natural Heritage Areas**
 - **Waterfowl Concentration and Staging Areas**
 - **Colonial water-bird nesting sites**
 - **Forest Interior Dwelling Species Habitat**

Critical Area Buffer

- **100-ft or expanded for steep slopes, hydric soils or highly erodible soils**
- **Not expanded beyond a drainage divide**
- **No disturbance without a variance except for water dependent structures such as a pier or access to a pier or the shoreline**



Ordinance Language

- The Buffer shall be expanded beyond 100 feet to include 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. The minimum 100 foot Buffer shall be expanded to include the following contiguous areas ***though it will not be expanded beyond a drainage divide on grandfathered lots:***
 - Steep slopes
 - Non-tidal wetlands
 - A “Wetland of Special State Concern”
 - Highly erodible soils

Definitons

- *Drainage Divide- An elevation on a topographic map that separates watersheds*
- *Grandfathered lot in the Critical Area- A single lot or parcel of land that was legally of record on the date of the Critical Area Program approval (December 13, 1988)*
- *Watershed- All land area drained by a particular creek, stream, river or waterway at the smallest scale*

Removal of Trees within 10 Feet of a Cliff

- Individual trees, living or dead, may be removed which are in danger of falling and causing damage to dwellings or other structures, or which are in danger of falling and therefore causing the blockage of streams, or resulting in accelerated shore erosion (mitigation ratio = 1:1, except that no mitigation or buffer management plan is required for the removal of a tree within 10' of a cliff, which is in danger of falling and has a diameter at 4' above the ground of 4" or greater).



Critical Area Buffer Establishment

- **None required for in-kind replacement of a primary structure in same foot print**
- **Grandfathered lots – New development of a vacant lot = total lot coverage**
- **Non-grandfathered lot – entire buffer**
- **Addition or accessory structure = 2x new lot coverage**
- **Substantial Alteration = total lot coverage existing and approved**

Buffer Mitigation

- **Buffer Management Plan Required (Simplified, Minor, & Major)**
- **1:1 Shore Erosion Control**
- **2:1 Water access, removal of invasive species**
- **2:1 Permitted development or clearing in Special Buffer Management Area**
- **3:1 Other Permitted development or clearing**

Buffer Mitigation (continued)

- **Individual Trees – based on canopy coverage**
- **Hazard Trees – 100 sq. ft. independent of size**
- **Bond plantings at \$0.50/sq.ft. for 2-yrs**
 - Requires initial and final inspections
- **Fees in Lieu of Planting (FIL) - \$0.50/sq.ft. times ratio of planting**

Buffer Mitigation (continued)

- **Hazard Trees**
 - Have the potential to fall and strike a structure (home, pier, etc.) and
 - Are physically impaired

Buffer Mitigation (continued)

- **Planting Requirements**
 - No lawn can be established in planting area
 - Mixture of trees and shrubs as described in Zoning Ordinance
 - Credit as described in Zoning Ordinance (i.e. 200 sq.ft. for 2” caliper, 8’ tree)

Shore Erosion Control Structures in State-listed Species Sites

- **Require Habitat Protection Plan developed in coordination with DNR, Natural Heritage Division and US Fish and Wildlife Service**
- **Mitigation required for loss of endangered species habitat**
- **Requires MDE and USACOE permits if at or below MHW**

Permits

- **Building, Grading and Vegetation Removal Permits**
- **Critical Area Worksheet for Building and Grading Permits and Site Plans and Subdivisions**
- **Some permits and all variances require Critical Area Commission Staff review**

Variances

- **Article 11 of the Zoning Ordinance**
- **Allow reductions in setbacks such as Critical Area Buffer and Building Restriction Lines**
- **Submit permit application, get referral to Board of Appeals (BOA)**
- **Present your case (6-8 weeks to schedule)**
- **Must show hardship**
- **If receive variance, 30 day wait for permit**

Violations

- **Building or Clearing without Permits**
- **Citation and Potential \$500 non-compliance fee**
- **Mitigate 4x the area disturbed or cleared without permits**
- **When replanting cannot occur on site, FIL of \$120/sq.ft. can be paid to meet mitigation requirement**

Actions that Do Not Require Permits

- Pruning limbs from the lower 1/3 of a tree
- Maintaining a grassed lawn or garden
- Removing ornamental shrubs with replacement
- Planting any shrubs or trees that do not require the removal of other shrubs or trees.



Calvert County Critical Area Reforestation Program

Program Administrator:
Robin Munnikhuysen

Program Mission

- **Maintain over 100% reforestation in the Critical Area**
- **Promote forest stewardship through education**

Program Description

- **Calvert County established a tree planting program in 1992 to address the reforestation requirements of the Critical Area Program**
- **The Program is funded primarily by fees paid by property owners when the clearing of trees is necessary**

Program Description, Continued

- **The Reforestation Program provides and plants trees on properties where owners agree to maintain them for at least 10 years**
- **Interested persons submit an application for free trees to Community Planning and Building**

Program Description, Continued

- **The Critical Area Reforestation Evaluation (CARE) Committee provides oversight of the planting program and approves applications requesting trees**
- **There are usually 2 plantings/year in the spring and fall**
- **Calvert County has maintained over 100% forest replacement in the Critical Area**

Contact Information – Hand-outs

- **County Critical Area Website:**
<http://www.co.cal.md.us/index.aspx?nid=1246>
- **Critical Area Commission**
Website:<http://www.dnr.state.md.us/criticalarea/>
- **Dave Brownlee** brownldc@co.cal.md.us, 410-535-1600 ext. 2338
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Thank you! Questions?

