

STAFF REPORT
Solomons Growth Allocation Findings

January 29, 2010

APPLICANT: Calvert County

PROPOSAL: Growth Allocation

COMMISSION ACTION: Approve Growth Allocation Request

STAFF RECOMMENDATION:

STAFF:

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article § 8-1808.1 – Growth Allocation
COMAR 27.01.02.06 – Location and Extent of Future
Intensely Developed and Limited Development Areas

DISCUSSION:

Calvert County is requesting growth allocation to convert 29.74 acres in the Solomons Town Center from Limited Development Area (LDA) to Intense Development Area (IDA). The change would include 16 properties (see attached spread sheet) between Lore Road to the South, the Solomons Landing development to the North, Rt. 2/4 to the West and Back Creek to the east (See attached list of properties to be affected and Figure 23. The sixteen parcels recommended for growth allocation are within the Solomons Town Center, which is listed as a priority area for Growth Allocation in the County Zoning Ordinance and these parcels are adjacent to properties designated IDA.

Except for a few residences at the north end, this area is intensely developed and includes an area greater than 20 acres. Included in this area are hotels, marinas, dredging operations, commercial establishments, a utility building and restaurants. The current LDA designation will prevent these property owners from upgrading their facilities.

Calvert County held a joint public hearing on November 3, 2009, to receive comments on the proposed growth allocation request. The Board of County Commissioners and County Planning Commission hosted the hearing. The Board of County Commissioners upon receiving recommendations from the Planning Commission unanimously approved the proposed 30.07 acres of growth allocation to change the designation from LDA to IDA on December 8, 2009.

Growth Allocation Criteria

Natural Resources Article 8-1808.1(c) requires the Critical Area Commission to ensure that the following standards have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria:

1. *Locate a new Intensely Developed Area in a Limited Development Area or adjacent to an existing Intensely Developed Area in the Town.*

All sites are adjacent to properties that are within the Solomons town center and are designated IDA except on the west side of Rt.2/4 is a federal installation, which is an intensely use military recreation base.

2. *Locate a new Limited Development Area adjacent to an existing Limited Development Area or an Intensely Developed Area.*

This standard is not applicable for this growth allocation request.

3. *Locate a new Intensely Developed Area in a Limited Development Area in a manner that minimizes impacts to a habitat protection area as defined in COMAR 27.01.09, and in an area and manner that optimizes benefits to water quality.*

The properties considered for this project will be required to meet the 10% Phosphorus reduction requirements for properties designated Intensely Developed Area. The waterfront properties are designated as Special Buffer Management Areas (SBMAs), indicating that the Buffer does not sufficiently fulfill the functions found in COMAR 27.01.09.01.B. Other than the Buffer there are no other habitat protection areas.

4. *Locate new Intensely Developed Area or Limited Developed Area in a Resource Conservation Area at least 300 feet beyond the landward edge of tidal wetlands, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources;*

This standard is not applicable for this growth allocation request.

5. *Locate new Intensely Developed Areas and Limited Development Areas in a manner that minimizes impacts to the defined land uses of the Resource Conservation Area.*

This project is located within the Solomons Town Center and is not adjacent to any RCA properties. All parcels under this growth allocation request are located adjacent to other IDA properties with similar land uses.

6. *Except in Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester, no more than one-half of the expansion allocated in the criteria of the Commission may be located in Resource Conservation Areas.*

This standard is not applicable for this growth allocation request.

7. *New Intensely Developed or Limited Development Areas [to be located in the Resource Conservation Area] involving the use of growth allocation shall conform to all criteria of the Commission for Intensely Developed or Limited Development Areas and shall be designated on the comprehensive zoning map submitted by the local jurisdiction as part of its application to the Commission for program approval or at a later date in compliance with Section 8-1809(g)*

This standard is not applicable for this growth allocation request.

8. *In Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, if the county is unable to utilize a portion of the growth allocated to the county in items (1) and (2) above within or adjacent to existing intensely developed or limited development areas as demonstrated in the local plan approved by the Commission, then that portion of the allocated expansion which cannot be so located may be located in the resource conservation area in addition to the expansion allocated in item (5) above. A developer shall be required to cluster any development in an area of expansion authorized under this paragraph.*

This standard is not applicable for this growth allocation request.

The Code of Maryland Regulations provides the following additional instructions for growth allocation requests from local jurisdictions in COMAR 27.01.02.06, which include the following that are applicable to this project:

9. *The area of expansion of Intensely Developed or Limited Development Areas, or both, may not exceed an area equal to 5 percent of the county's portion of the Resource Conservation Area lands that are not tidal wetland or federally owned.*

Calvert County has sufficient growth allocation. The granting of this growth allocation request (30.07 acres) will not result in Calvert County exceeding its total growth allocation allotment.

In accordance with §8-1808.1(c) (3), the Commission shall consider the following factors when reviewing a map amendment involving a new Intensely Development Area:

1. *Consistency with the jurisdiction's adopted comprehensive plan and whether the growth allocation would implement the goals and objectives of the adopted plan.*

The County updated their Comprehensive Plan in 2004. This project is consistent with the goals of this plan, as commercial development is encouraged in the town centers including Solomons. The change in Critical Area designation for these properties is one tool that will encourage such redevelopment in this town center.

2. *Whether the development is served by a public wastewater system;*

The properties considered for this growth allocation request are served by the Solomons public wastewater system.

3. *Whether the development is to have an allowed average density of at least 3.5 units per acre, as calculated under §5-7B-03(H) of the State Finance and Procurement Article;*

The allowed density in the town center is greater than 3.5 units per acres though much of this property is already developed commercially.

4. *For a new Intensely Developed Area (IDA) that is greater than 20 acres, to be located in a priority funding area, as described under §5-7B-02(1) and §5-7B-0 of the State Finance and Procurement Article;*

Solomons has been designated as a Priority Funding Area by the Maryland Department of Planning.

5. *To have a demonstrable economic benefit to the area;*

Under the current LDA designation, property owners are unable to upgrade facilities on each lot due to lot coverage limits. The granting of this growth allocation will permit owners to make such upgrades that will provide a reinvestment in existing properties, redevelopment and new development.

6. *Use of existing public infrastructure where practical;*

The entire area is served by Public Water and Sewer.

7. *Consistency with State and regional environmental protection policies regarding the protection of threatened and endangered species and species in need of conservation;*

There is no habitat protection area associated with this area.

8. *Impacts of a priority preservation area;*

The site is not and is not adjoining a priority preservation area. It is entirely within the Solomons Town Center.

9. *Environmental impacts associated with wastewater and stormwater practices and discharges;*

Sewage is disposed of via the Solomons Wastewater Treatment Plant which uses pretreatment and fast-rate land application. With the new designation, all the properties will have to meet the 10% reduction in pollutants when proposed new development. All development will be consistent with the Calvert County Stormwater Management Ordinance.

10. *Environmental impacts associated with location in a coastal hazard area or increased flooding attributed to the proposed development.*

The site is not located in a coastal hazard area. All new development will be consistent with the Calvert County Floodplain Ordinance.

Figure 23. CAMA 09-9.

Proposed LDA to IDA Using Growth Allocation



Existing IDA

Proposed
LDA to IDA

Proposed LDA to IDA in Solomons					Tax Map 44
Critical Area Submittal January 27, 2010					
				CA	
	Parcel	Acres	Name	Designation	Use
South of Hospitality Drive					
	583	7.61	Holiday Inn	LDA	Hotel/Marina
	394	9.67	Spring Cove Marina	LDA	Marina/Restaurant
	152	0.82	Hospitality Harbor	LDA	Hotel/Marina
	117	0.64	Bell Atlantic	LDA	Utility Bldg.
		18.73	Subtotal		
North of Hospitality Drive					
	220	2.08	Oswald Wilson & James Compton	LDA	Dredging Operation
	150	0.26	C & O Wilson and Family, LTD	LDA	Commercial
	470	0.55	S. MD Dredging	LDA	Boomerangs?
	219	1.73	Louis Cirina et al.	LDA	Shopping Center
	217	0.19	Louis Cirina et al.	LDA	Warehouse
	318	0.82	Albert Wells	LDA	Restaurant
	54	1.81	C & O Wilson and Family, LTD	LDA	Commercial
	53	0.62	Gordan and Nalda Lankford	LDA	Residential
	151	0.49	C& O wilson LTD Ptnrshp	LDA	Residential
	180	0.30		LDA	Residential
	323	0.63	Bridget and Gary Stuart	LDA	Residential
	496	1.54	Bridget ann Stuart LLC	LDA	Residential
		11.01	Subtotal		
		29.74	Total		