

## Lot Consolidation and Reconfiguration in the Critical Area

**An applicant for lot consolidation or reconfiguration in the Critical Area shall submit the following:**

1. Replatting Procedures & Checklist – (All applicable items must be addressed);
2. The date of original recordation that created each parcel of land or buildable lot to be consolidated or reconfigured shall be shown on the plan (plats and deeds shall be submitted for all lots/parcels shown on the replatting);
3. A plat drawn to scale;
4. A plat that shows all existing and proposed lot or parcel boundaries along with a table that list existing and proposed parcels and lots.

**An applicant (or applicant’s agent) for lot consolidation or reconfiguration in the Critical Area shall complete this section as the Findings of Fact required by COMAR 27.01.02.08, effective 8/10/09. All items must be addressed. Circle “yes” or “no” (as applicable) for each item.**

- |    |   |                  |                |
|----|---|------------------|----------------|
| 1. | The proposed replatting (consolidation or reconfiguration) will result in no greater number of lots or parcels in the Critical Area than the existing configuration;  | Yes              | No             |
| 2. | The proposed replatting (lot consolidation or reconfiguration) will result in no greater lot coverage than the existing configuration would allow;  | Yes              | No             |
| 3. | The proposed replatting (lot consolidation or reconfiguration) does not (a) create an additional riparian lot or parcel, waterfront lot, or any other lot or parcel deeded with water access, or (b) Intensify or increase impacts associated with riparian access. | a) Yes<br>b) Yes | a) No<br>b) No |
| 4. | The proposed replatting (lot consolidation or reconfiguration) does not include a Resource Conservation Area that serves development activities in the Intensely Developed Area or Limited Development Area.  | Yes              | No             |
| 5. | The proposed replatting (consolidation or reconfiguration) will not create a lot or parcel that will serve development activities outside the Critical Area   | Yes              | No             |

- |    |   |                            |                         |
|----|---|----------------------------|-------------------------|
| 6. | The proposed replatting (lot consolidation or reconfiguration): (a) delineates each Habitat Protection Area (HPA) including required buffers on site, (b) provides protection measures for the HPA that provides for the least adverse impact (approved HPA Plan required per Section 8-1.08 of the CCZO), and (c) results in no greater impact to the HPA than the impact from the existing lot or parcel configuration. | a) Yes<br>b) Yes<br>c) Yes | a) No<br>b) No<br>c) No |
| 7. | The proposed replatting (lot consolidation or reconfiguration) provides for the possibility of stormwater management for all proposed development activities at the building permit stage (this shall be shown and/or noted on the replatting).   | Yes                        | No                      |
| 8. | The proposed replatting (lot consolidation or reconfiguration) provides benefits to fish, wildlife, and plant habitat (a note addressing this shall be included on the replatting).   | Yes                        | No                      |

If you answered *yes* to any of items 1-6, list the item number below along with a written explanation and/or if you answered *no* to item 7 or 8, list the item number below along with a written explanation:

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Additional comments:

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

This form has been reviewed and approved by a Calvert County Environmental Reviewer.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

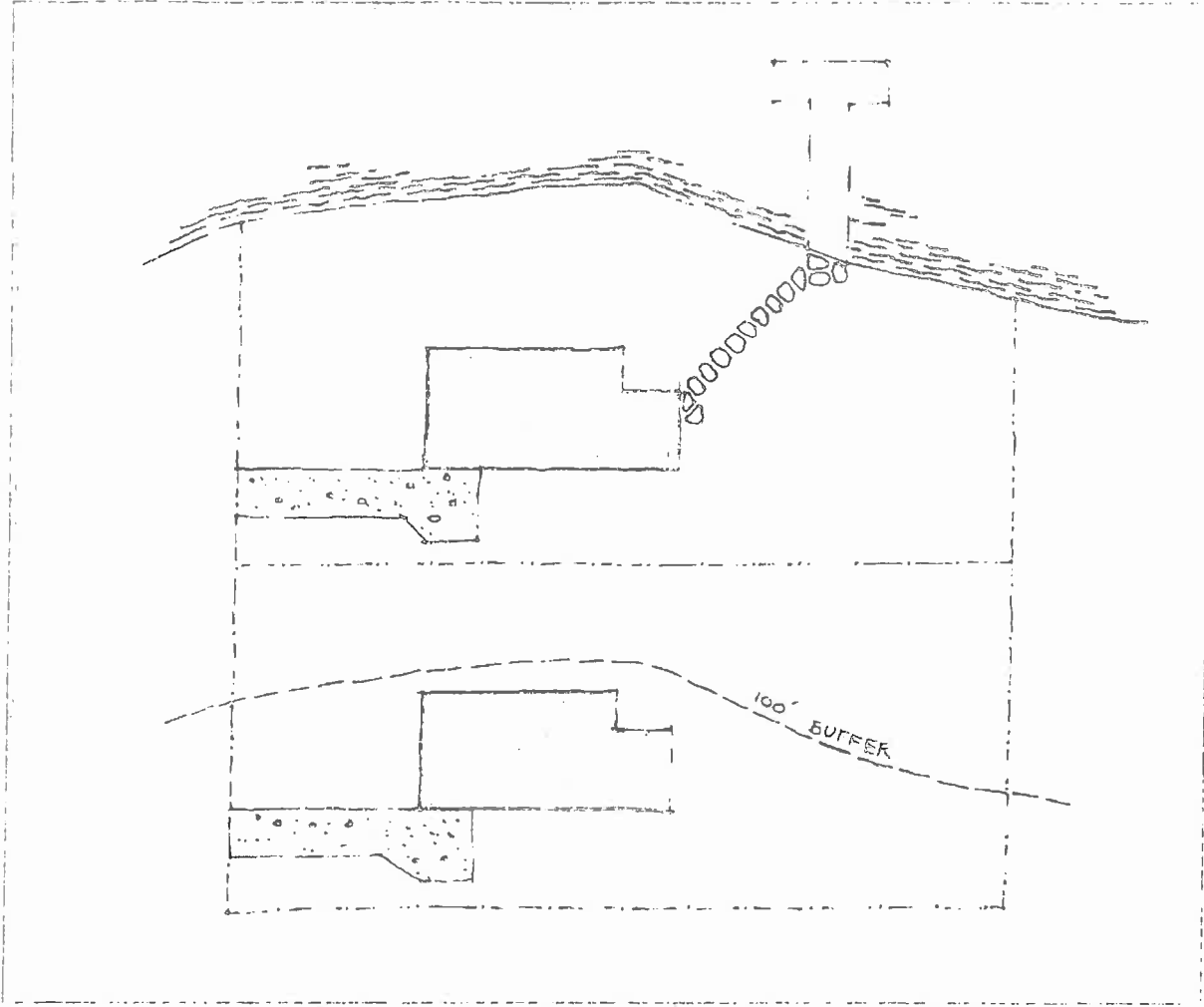
A signed and approved copy of this form shall be sent to the Surveyor/Engineer of the replatting.

Note: The County shall submit a copy of the reviewed and approved replatting and findings of fact to the Critical Area Commission within 30 days of approval and shall not grant any permits or approvals until at least 30 days after the Commission received the copy of the approval. If written comments from the Critical Area Commission are not received by the County within 35 days (calendar days) of the date the package was sent by the County, the County will proceed with the replatting process, recordation of the replatting and review of any pending or submitted permits.

Mailing date to Critical Area: \_\_\_\_\_

End of 35 days date: \_\_\_\_\_

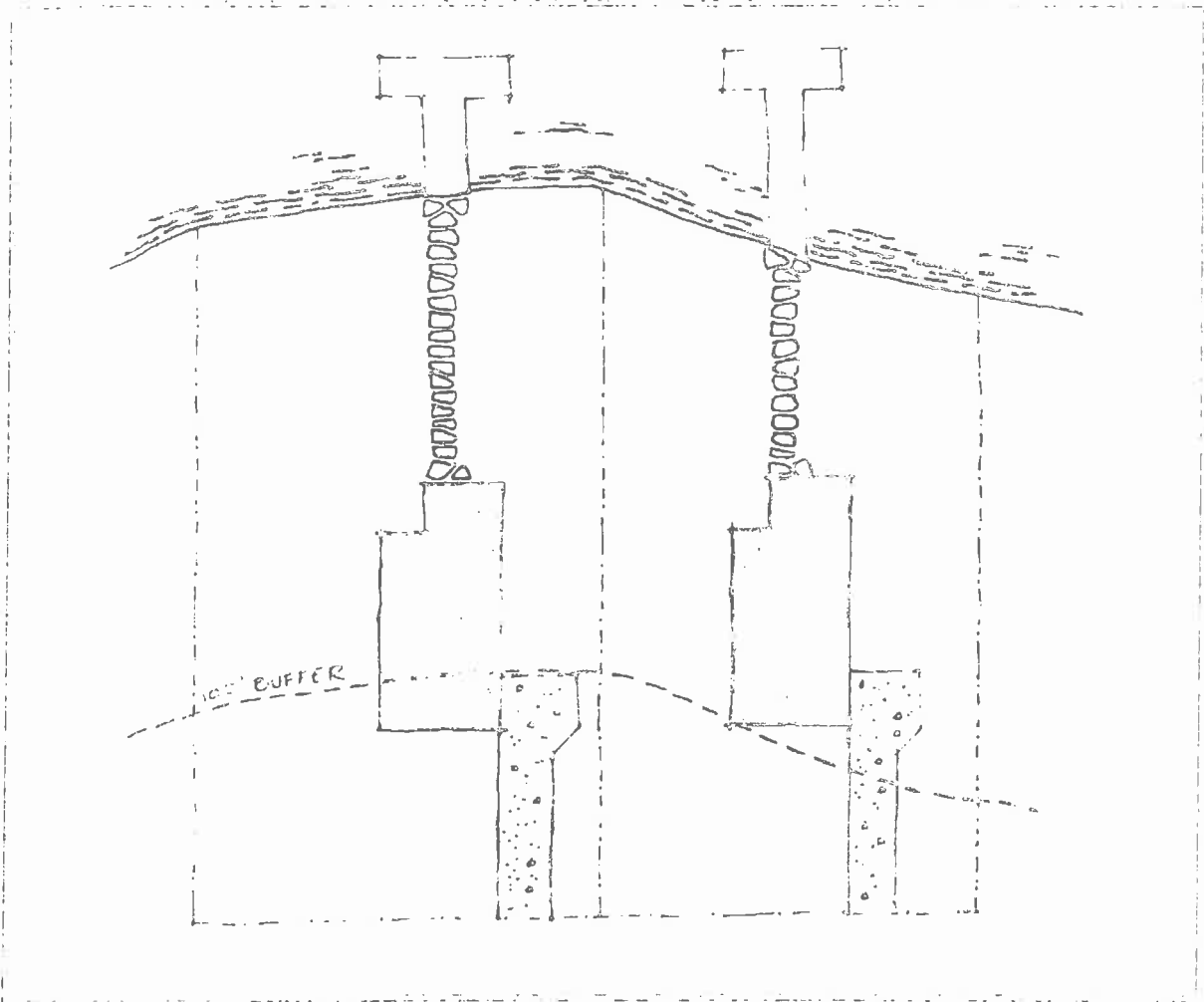
## EXAMPLE 1 - EXISTING CONDITION



### **EXISTING CONDITION**

This is a typical example where a property owner wants to change the configuration of two existing, grandfathered lots in order to make both of them waterfront lots.

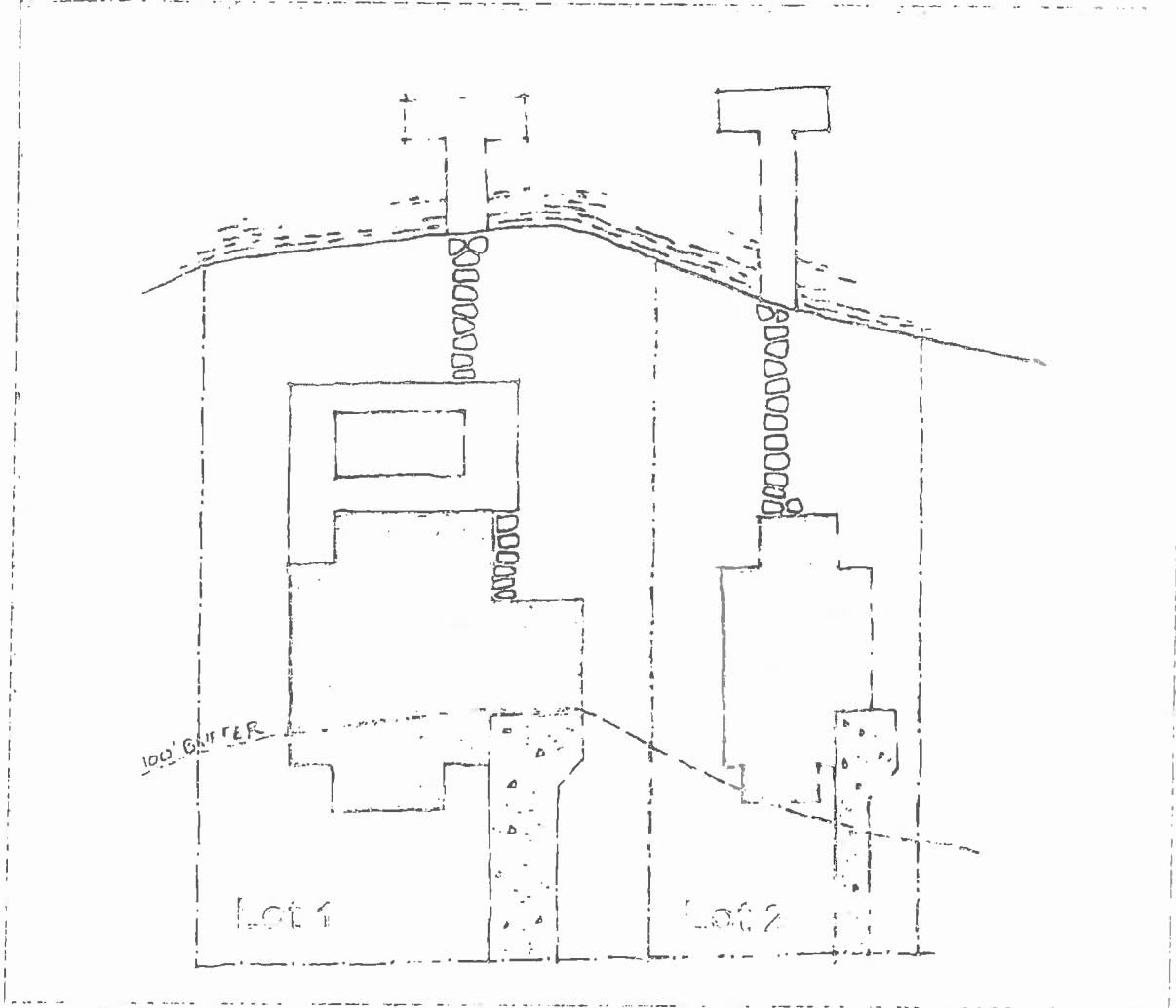
## EXAMPLE 1: PROPOSED RECONFIGURATION



### **PROPOSED RECONFIGURATION**

The proposed reconfiguration reorients the lots so that both are waterfront. It is easy to see that this change substantially increases impacts to and human activity within the 100-foot Buffer. This type of reconfiguration **would not** comply with the proposed regulations.

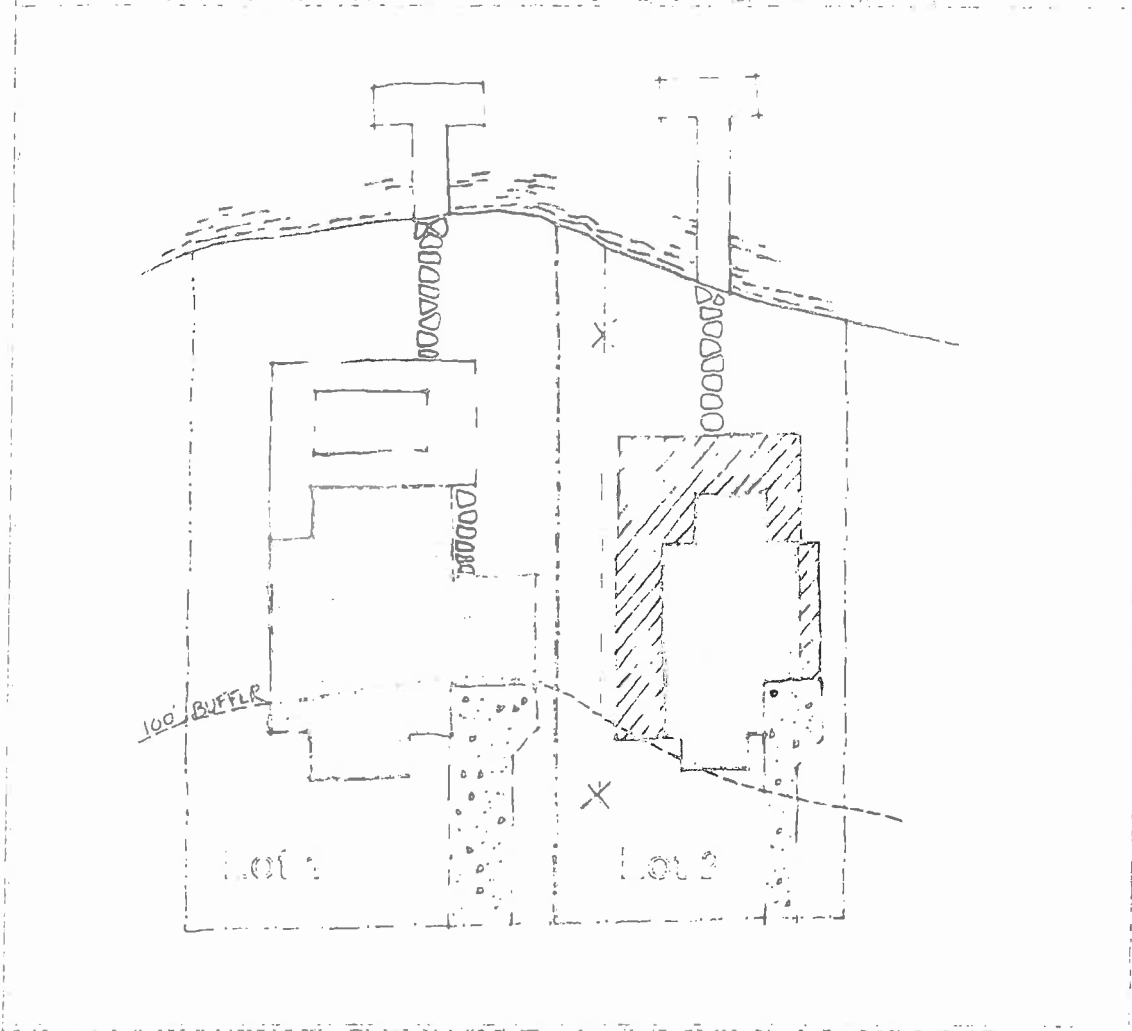
## EXAMPLE 2: EXISTING CONDITION



### EXISTING CONDITION

This is a typical example where the property owner on Lot 2 wants to adjust the western boundary of his property to accommodate an addition and create a larger lot with a higher square footage of lot coverage. Lot 1 is already nonconforming with respect to lot coverage

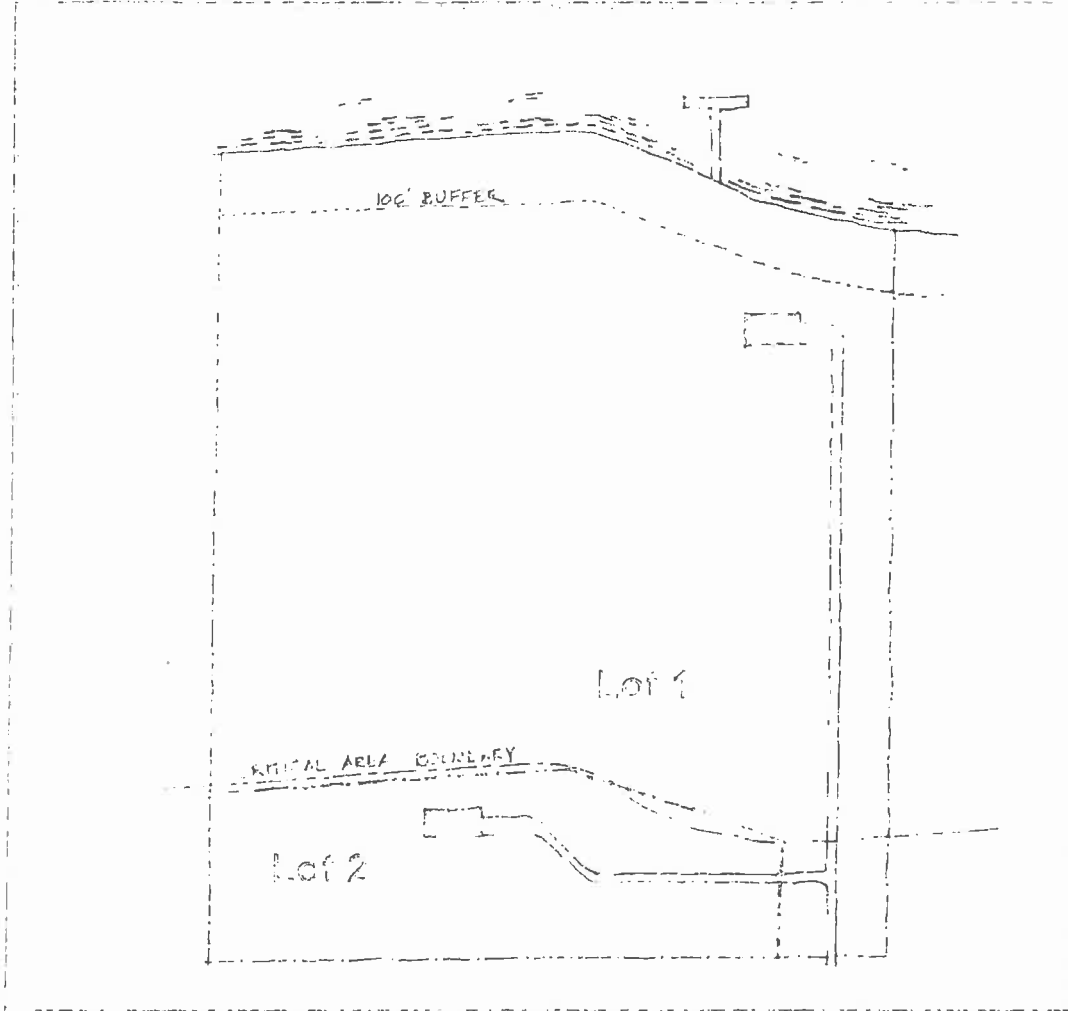
## EXAMPLE 2: PROPOSED RECONFIGURATION



### PROPOSED RECONFIGURATION

The proposed reconfiguration moves the western boundary of Lot 2, making it larger and avoiding the need for a lot coverage variance. (A buffer variance would still be required.) Lot 1, which is already nonconforming with respect to lot coverage is made more nonconforming because the size of Lot 2 has decreased. It is easy to see that this change allows for an increase in negative impacts associated with increases in lot coverage. This type of reconfiguration **would not** comply with the proposed regulations.

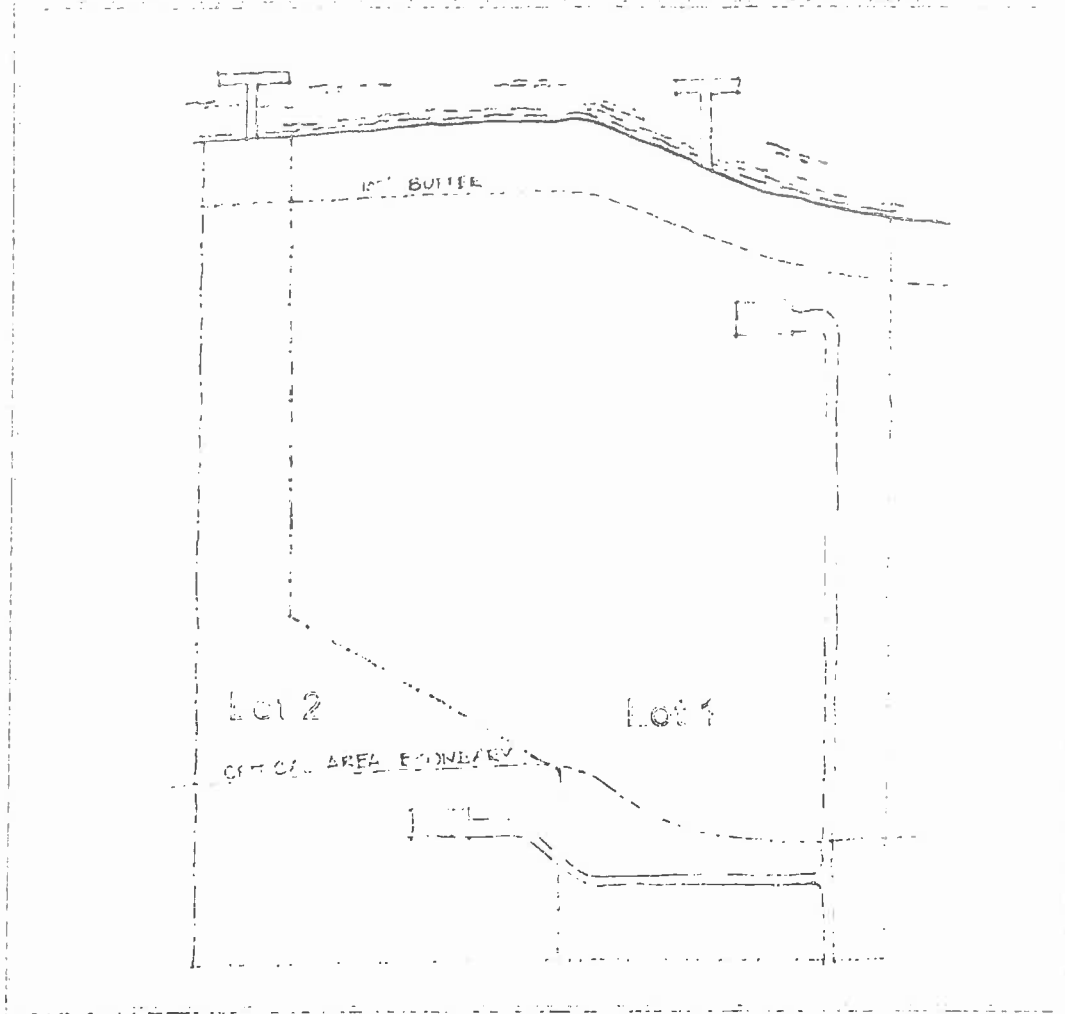
### EXAMPLE 3: EXISTING CONDITION



#### **EXISTING CONDITION**

This is a typical example where the property owner on Lot 2 wants to acquire additional land from the property owner on Lot 1 in order to change Lot 2, which is located outside the Critical Area, into a waterfront lot. Lot 2 does not have any development rights within the Critical Area.

### EXAMPLE 3: PROPOSED RECONFIGURATION

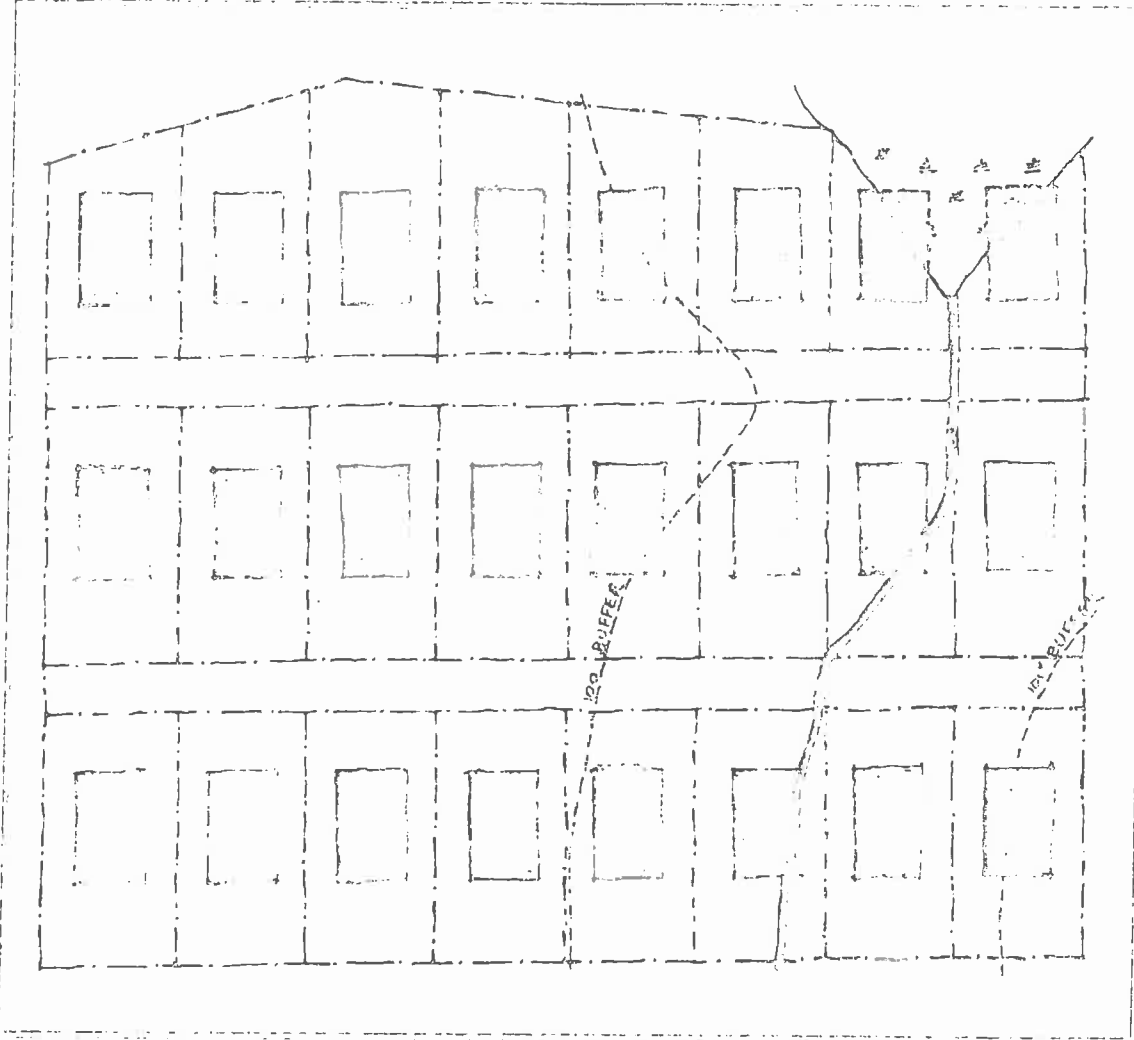


#### **PROPOSED RECONFIGURATION**

The proposed reconfiguration changes Lot 2 from a non-critical Area lot to a waterfront lot. Lot 2 does not have any development rights within the Critical Area, yet it is quite likely that the property owner will begin using the Critical Area portion of his reconfigured lot for access to the water and potentially other development activities. It is easy to see that this reconfiguration allows an increase in adverse environmental impacts in the Critical Area over what would have been permitted with the existing configuration and therefore **would not** be consistent with the proposed regulations.



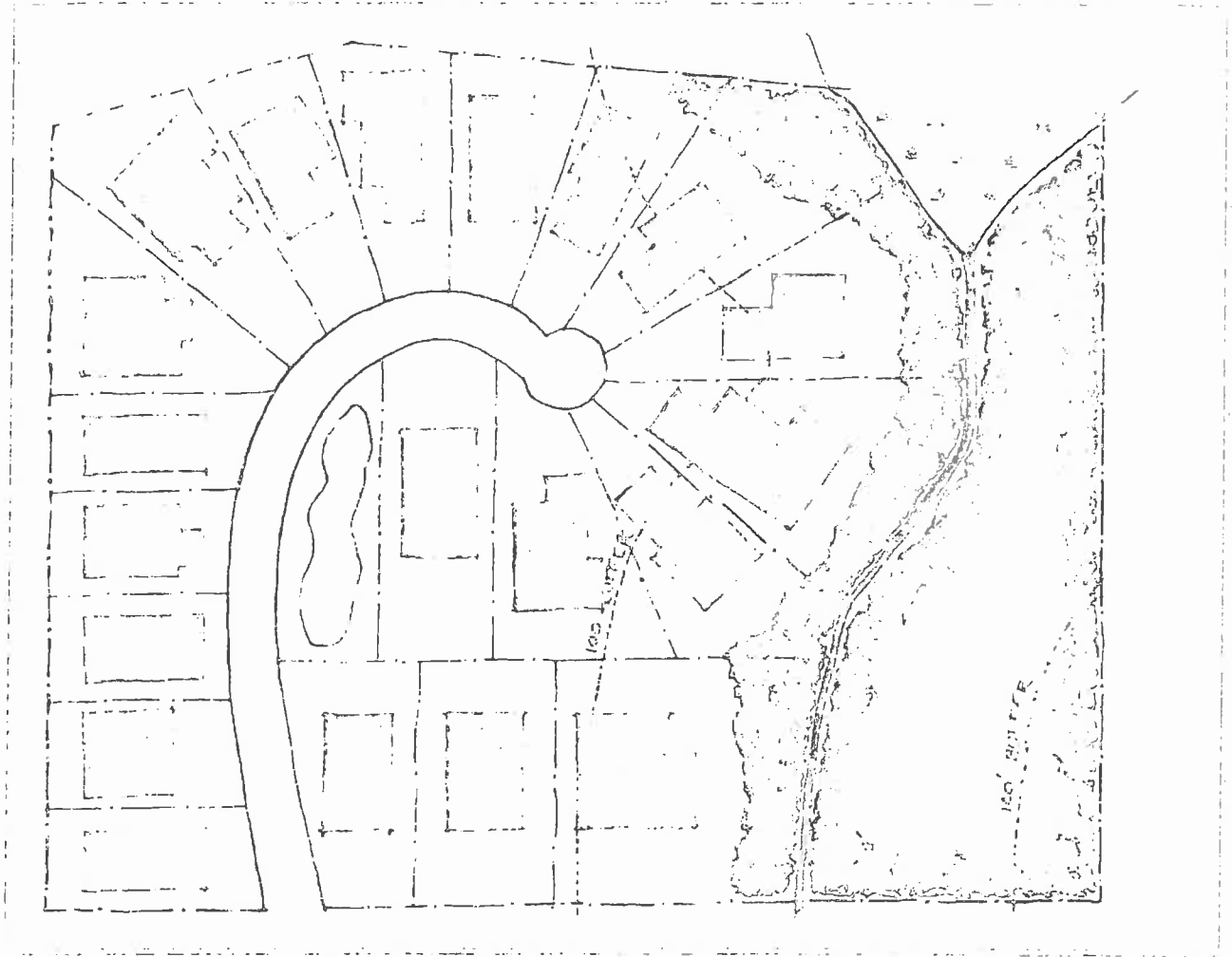
## EXAMPLE 4: EXISTING CONDITION



### EXISTING CONDITION

This is a typical example where a subdivision was platted with little or no consideration of environmental features or where the environmental features have changed significantly. In this case, the property owner would like to reconfigure the lots to avoid costly construction in wetlands, a lengthy permit review process, and a variety of variances. The property owner would like to make some of the lots larger so that the project would include a more marketable mix of housing types.

## EXAMPLE 4: PROPOSED RECONFIGURATION



### EXISTING CONDITION

The proposed reconfiguration does result in a reduction of lots (although this is not required by the proposed regulations), but it is easy to see that the new lot lay-out dramatically decreases impacts to the stream Buffer, avoids the wetlands, reduces the number of lots requiring variances, and provides opportunities to improve habitat and water quality by eliminating all development on the eastern side of the stream and providing a 25' - 35' forested Buffer on the western side of the stream. It is easy to see that this reconfiguration would decrease the adverse environmental impacts in the Critical Area over what would have been permitted with the existing configuration and therefore **would be** consistent with the proposed regulations.