

St. Mary's County Maryland

Commission on the Environment

May 4, 2005

MEMORANDUM

FROM: Commission on the Environment
TO: Board of County Commissioners for St. Mary's County
RE: Report on recommendations to improve Environmental Quality of
Development in Growth Areas

In response to the request of the Board of County Commissioners, the Commission on the Environment (COE) met with the St. Mary's River Watershed Association to review the recommendations of the Hilton Run Watershed Management Plan and have developed findings and recommendations for the Board to consider. The following is a brief report of consensus findings and recommendations that we believe the Board should consider as means to accommodate development while protecting habitat and water quality for the watershed lands, and the streams, rivers, and bays of St. Mary's County. The recommendations presented below are listed in the order of importance we place on the recommendations.

1. There is significant body of research compiled and conducted by the Center for Watershed Protection that shows that watersheds that have impervious surface area coverage that exceeds 15% of total watershed land area experience degraded water quality and that when you exceed 25% that the water quality no longer supports most in-stream species. Current development regulations would appear to allow or encourage more than 50% site coverage by buildings, parking, roads, and other impervious surfaces which is well above the limit at which degradation may be irreversible. A study of the St. Mary's River and McIntosh Run watersheds (conducted by KCI for the County under a Sensitive Area grant in the late 1990's) showed that most "12-digit watersheds"* in the study areas were not yet at the 15% limit, that zoning, if not altered, would result in exceeding the limit, and that changes to zoning regulations to reduce footprints of impervious surface (without reducing overall development capability) could protect streams and floodplains from the degradation seen in more urban areas throughout the state. *The COE recommends that the Board of County Commissioners consider setting an impervious surface limit on development to impose a 15% cap on impervious surface on parcels without altering overall development potential. In defined areas like the Lexington Park "Wedge," where concentrated development is planned and desired allow coverage to exceed the limit as an incentive for infill and revitalization of those areas provided that open lands in the same 12-digit watershed are protected from development to offset the increases.*

*Maryland identifies watersheds using a "Hydrologic Unit Code." Maryland's 12-digit watersheds average 11 square miles in area.

2. Major subdivisions require clustering of the development envelope on 50% or less of the parcel. Review of a number of development proposals demonstrated for us that while 50% open space may be protected outside the lots, the configuration of that open space is often very fragmented—with narrow areas or small blocks broken up by smaller clusters of lots. Fragmented open space is less than optimal for protecting wildlife habitat, natural functions and agriculture. A body of research shows that efficient clustering reduces infrastructure costs for development—shorter roads require less paving, smaller utility networks requires less site work and clearing, and the resulting reduction in impervious surfaces and alteration reduces the need for stormwater management infrastructure and maintenance. *The COE recommends that criteria be added to the zoning ordinance to require that development envelopes be compact and that retained open space be in large contiguous blocks. We further recommend that applicants be required to target the open space blocks within Green Infrastructure as mapped by Maryland DNR and where possible that open space be required to be clustered adjacent to open space on adjacent lots.*

3. Low Impact development as a means to meet stormwater management requirements is a concept embraced by many jurisdictions in Maryland. The COE supports this concept and would support measures to strengthen the county stormwater management regulations. Current regulations require modest improvement in water quality above the existing condition, and no increase in runoff quantity (i.e. stormwater leaving a former farm field must make minimal improvements to both the quality and quantity of the runoff that leaves the field). Given the level of existing degradation of streams in urban areas and the water bodies downstream of these areas (as evidenced by the St. Mary's River Project findings), we find that there is a need to not only protect streams and our tidal rivers from further degradation, but to take steps to begin to repair existing damage. *The COE recommends the County Commissioners consider changes to stormwater management regulations to require that stormwater designs for all new development outside the Downtown Wedge and Downtown Mixed-use (DMX) zone assure that runoff leaving a site matches the runoff quality and quantity of a fully forested condition on the site.*
4. Current stream and wetland buffer expansion criteria require 100-feet for streams and 25-feet for wetlands plus hydric soils associated with the wetlands and expansion to the top of adjacent steep slopes and to include adjacent highly erodible soils. This determination made on a site by site basis requires significant field work. The determination of stream and wetland buffers imposed by the ordinance could be streamlined by setting a wider buffer, based on the detailed GIS data existing for the county, and that has few if any expansion criteria requirements. In addition to streamlining the development design, review and approval process, we believe the provision can continue to protect water quality, manage stream erosion and maintain and enhance important habitat and wildlife corridors. *The COE recommends that, for the Development Districts, Town Centers and Village Centers, the Board of County Commissioners consider setting stream buffers at a uniform width of 300-foot buffer for streams (as shown on county planimetric maps) and 100-foot for wetlands (as shown on Department of Natural Resources' DOQQ wetland maps) and that this buffer be widened to include the floodplain when it extends beyond the mapped buffer.* We note that, where development is in the Critical Area, the current regulations are required to remain in effect.
5. The Comprehensive Zoning Ordinance uses design enhancements as incentives for increased density. We believe this partly undermines the TDR program's effectiveness. We also believe that many of these incentives are actually necessary to maintain and improve water quality in our streams, creeks, and bays. *The COE recommends that the design and density incentives included in Schedule 32.2 be removed as means to allow denser development and that TDR's be used as the only means to increase density or floor area ratios (F.A.R.) above the base allowed in Schedule 32.1. We further recommend that some or all of the design enhancements so deleted should be added to Chapter 51 general standards for development and applied to uses in all zones except the DMX zone where redevelopment will make implementation problematic.*
6. Regarding the Office Business Park (OBP): The Commission supports draft recommendations submitted to the Planning Commission by the St. Mary's River Watershed Association (See attached). We believe in the "live where you work" concept and would not like to see the OBP, which we believe was created and intended primarily for office and business development in and around the downtown core areas, to become predominately residential developments. We find that maintaining dense development near jobs improves the affordability of housing, which seems a vital goal for the DMX and OBP zones, and that denser development with both jobs and homes in close proximity can reduce the transportation infrastructure burden for the county by encouraging walking or biking options and by making focused public transportation routes possible. *In addition to the SMRWA recommendations, the COE recommends that the OBP criteria require occupancy of non-residential development on a parcel within the zone before full planned residential development can be achieved on that parcel.*

7. We perceive that there may be significant unoccupied existing non-residential square footage within the county and that identification, tracking and utilization of this vacant space could become a means to 1) encourage redevelopment and infill in existing development areas, 2) slow “green field” development, and 3) allow the county to concentrate infrastructure development in the “Core” of the growth areas. *The COE recommends that the County Commissioners consider whether a “percent vacant cap” could be imposed for general retail and office uses for development located outside the “Wedge” in Lexington Park.* We recognize that an inventory will be needed to taken and maintained to accomplish this task.
8. Mining operations in the heart of the county’s planned growth areas would appear to be a significant deterrent to development and infill in the Development Districts and other designated growth areas. *The COE therefore recommends the BCC revisit the table of uses and conditions for mining operations for zones within the growth areas to 1) remove new mining operations from the allowable uses, 2) allow existing permits to continue under their existing conditional use permits but with limited opportunity for expansion to new areas, and 3) that if renewal of existing conditional approvals occurs then require the renewed conditions to include water quality monitoring for the streams downstream of the operations.*

There are additional recommendations that we believe are of merit in the Hilton Run Plan including agricultural land protection incentives and transportation network enhancement recommendations. However, for the Growth areas, we believe that the eight recommendations outlined above can:

- Yield significant environmental improvements at the same time that they streamline the development design, review and approval processes,
- Encourage use of TDR’s in the Development District,
- Encourage investment in Lexington Park as an easier place to develop than in green fields outside the “Core” and rural areas
- Result in Growth Areas that are more desirable places to develop with high quality environmentally sound projects.

Your consideration of these proposals is appreciated. The members of the Commission on the Environment would welcome an opportunity to meet with the Board of County Commissioners and with county staff to discuss these recommendations and to work on the practical aspects of implementation.

Respectfully submitted by:

Nancy Smith, Chairman
Commission on the Environment