

S1829-6616

GR 183-07 Greensboro Farms
SUB

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

July 25, 2007

Thomas L. Riddlerberger, Mayor
Town of Greensboro
PO Box 340
Greensboro, MD 21639

RE: Town of Greensboro – Growth Allocation Text Amendments

Dear Mr. Riddleberger:

On July 11, 2007, representatives of the Town of Greensboro appeared before the Program Subcommittee of the Critical Area Commission to discuss a proposal for amendments to the growth allocation provisions of the zoning ordinance to address the use of growth allocation for projects such as Greensboro Farms. As you know, the Town asserted that strict application of the adjacency guidelines would hinder effective implementation of the Town's comprehensive plan and the desire of Town officials to accommodate residential and commercial growth that is consistent with the prevailing character of the Town. The Town also suggested that in certain situations, alternative provisions can accomplish the planning goals of the locational guidelines and meet the spirit and intent of the Critical Area law and Criteria. Commission staff reviewed a prior draft of the proposed ordinance provisions this spring and provided comments to the Town. In response to staff's comments, the Town made additional revisions. The Town requested comments from the Program Subcommittee on their proposal as set forth in the following document, *Town of Greensboro, Proposed Zoning Ordinance Amendments, REVISED DRAFT 6/18/07*. The purpose of this letter is to summarize the discussion of the Program Subcommittee on July 11, 2007.

The Subcommittee discussion resulted in a determination that the proposed language for Town Code section 159-49.H.1.b for addressing situations in which alternative application of the adjacency provisions is appropriate with the changes noted below. The Subcommittee recommended that the last sentence of the proposed language be removed because it could be confusing and create inconsistencies with the provisions regarding the original mapping standards. The Subcommittee believed that deleting this sentence would not necessarily restrict the Town's application of the provisions as may be necessary to address specific proposals within the Town. The following language was determined to be acceptable:

b. Application of Adjacency Guidelines. If because of an irregularity in the Town's boundary or an unusual configuration of the Critical Area boundary of the lands proposed for growth allocation, the Town Commissioners, upon recommendation of the Planning Commission, find that strict application of guidelines in subsections H.1.a.(1) or H.1.a.(2) of this Section is impracticable, the use of growth allocation may be approved if:

- (1) The land proposed for growth allocation is located within the boundaries of the municipality;
- (1) The location of the growth allocation is consistent with the Town's current comprehensive plan;
- (3) The development plan for the growth allocation land requires a buffer between new IDAs and existing RCAs, and between new LDAs and existing RCAs as follows:
 - (i) *Where land proposed for reclassification to IDA or LDA abuts land in the RCA, except as provided in subsection b.(3)(ii) the development plan for the land proposed for reclassification to IDA or LDA will provide for a forested buffer within the land proposed for reclassification to IDA or LDA along its common boundary with existing RCA classified land. The forested buffer shall be 100 feet wide, except that if the width of the land proposed for reclassification to IDA or LDA is less than 100 feet wide the forested buffer shall extend the entire width of the land proposed for reclassification.*
 - (ii) *Where land proposed for reclassification to IDA or LDA abuts land in the RCA that is not characterized by nature-dominated environments such as wetlands, forests or abandoned fields or by resource-utilization activities such as agriculture, forestry, fisheries activities or aquaculture, or where the application of the forested buffer provided for in subsection b.(3)(ii) would result in the creation of less than 40,000 square feet of new forested land, the development plan for the growth allocation land will provide for a 25 foot wide vegetated buffer within the land proposed for reclassification to IDA or LDA along its common boundary with the existing RCA classified land. ~~Land that is used for a road, for a cemetery, or for residential purposes at a density greater than 1 dwelling unit per 5 acres of land is not characterized by nature-dominated environments or resource-utilization activities.~~*

The Subcommittee also discussed the Town's proposal to use growth allocation for the Greensboro Farms Project. The Greensboro Farms Project involves the development of a

mixed-use project on 168 acres. The project will include approximately 24 acres of commercial development and 232 single-family residential lots. There are approximately 12 acres within the Critical Area.

The Subcommittee reviewed the plans dated July 11, 2007 and acknowledged that because of the configuration of the property and the location for the Critical Area boundary, it was difficult to apply the adjacency guidelines as set forth in the amended law. In reviewing the project relative to the Town's proposed amendments to the growth allocation provisions of the zoning ordinance, the Subcommittee agreed with the Town that on this site, the alternative provisions could accomplish the planning goals of the locational guidelines and meet the spirit and intent of the Critical Area law and Criteria. The Subcommittee also stated that for the purposes of evaluating this specific project, the provisions allowing the use of a 25-foot vegetated buffer as a protective measure between the new IDA and existing RCA would be appropriate and could be supported. The Subcommittee emphasized to the Town that the growth allocation request must comply with all other applicable standards for growth allocation applications and that appropriate documentation will need to be submitted with the growth allocation request.

Thank you for sending representatives to participate in the Program Subcommittee discussion on July 11, 2007. If you have any questions, please feel free to call me at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: Roby Hurley, MDP
David Kibler, Town Manager
Mary Owens, CAC



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May 14, 2007

Mr. David Kibler
Town of Greensboro
P.O. Box 340
Greensboro, Maryland 21639

RE: Draft Ordinance

Dear Mr. Kibler:

Thank you for providing the additional information that was discussed at the meeting on March 21, 2007. I have reviewed the information that you provided and the proposed zoning ordinance amendments that were approved by the Town Planning Commission on March 20, 2007. I have also discussed the proposal with Ren Serey, the Executive Director of the Commission, and Marianne Dise, the Commission's legal counsel.

In reviewing the Town's proposal, I have several concerns that I believe may be shared by the Commission if they were to review the proposed zoning ordinance amendments pertaining to the "Application of Adjacency Guidelines." Over the last several years, the Commission has reviewed numerous growth allocation requests from several jurisdictions. These requests have varied in their size and location, and the projects themselves have varied in their use and intensity. In spite of this diversity, several important concepts have evolved that the Commission believes are particularly germane to their role in the review and approval of growth allocation requests and that are applicable to the Town's proposed ordinance. These concepts are:

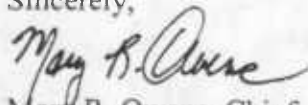
- Isolated parcels or regions of Limited Development Area (LDA) or Intensely Developed Areas (IDAs) are not desirable in the Critical Area because they can promote fragmentation of habitat and a sprawl pattern of development. Locating growth allocation projects so that they are adjacent (adjoining) land with the same or a more intense Critical Area classification is an effective way to ensure that development is concentrated.
- The adverse environmental impacts that often accompany more intense land uses and development can usually be more effectively managed and mitigated when they are concentrated in the same area. Locating similarly developed areas near each other facilitates the sharing of public utilities, stormwater systems, and infrastructure, which can minimize adverse environmental impacts.

- In order to ensure that new IDAs are located where they minimize their impacts to the defined land use of the Resource Conservation Area (RCA), it is appropriate to provide buffers, setbacks, transitional areas, zoning restrictions and development performance standards because these tools serve to create a protective transition zone between RCA lands and uses and IDA lands and uses. These measures are often necessary because more intense land uses tend to be in conflict with the defined land uses of the RCA, agriculture, forestry, fisheries activities, and aquaculture. Locating new intense uses in the RCA without appropriate protective measures can compromise the continued viability of the RCA uses and may ultimately contribute to sprawling development patterns.
- In addressing the application of the locational guidelines and specifically adjacency, the Commission is concerned with ensuring to the degree possible, that a consistent approach is used. If a jurisdiction determines that there are certain situations where the adjacency guidelines should not be strictly applied, the jurisdiction should develop alternative provisions that will provide the necessary flexibility while still meeting the purposes, policies, goals and provisions of the Critical Area law and Criteria. The Commission has specifically discussed that provisions allowing the creation of a single residential lot or the use of a growth allocation project point system can be appropriate. The provisions should not be specific to a certain project, but rather should be generally applicable to situations where the jurisdiction finds that a more creative approach is warranted.

In evaluating the Town's proposal for revisions to the Town's zoning regulations, I believe that the Commission may find that while the 100-foot wide forested buffer may serve to ameliorate conflicts created by locating incompatible land uses next to each other, the numerous exceptions would render it largely ineffectual. As you are aware, the Commission is generally concerned about maintaining consistency throughout the State as jurisdictions make changes to their Critical Area Programs. This is not to say that the Commission believes that a standardized approach or formula must be used, but rather that provisions developed by a local government should not be based on a specific property or situation, and should be broadly applicable and validly defensible.

If you would like the opportunity to discuss the proposed zoning ordinance amendment with the Program Subcommittee of the Critical Area Commission, arrangements can be made for the meeting on June 6, 2007. If you have any questions about this letter or would like to discuss the matter with the Program Subcommittee, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief

Program Implementation Division

cc: Roby Hurley, MDP
Marshall Johnson

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 18, 2004

Ms. Jeanette DeLude
Town of Greensboro
P.O. Box 340
Greensboro, Maryland 21639

RE: Ordinance No. 2004-O-28: Buffer Exemption Area Designation of Sunset Avenue Area and Riverview Lane Area
Ordinance No. 2004-O-29: Buffer Exemption Area Provisions

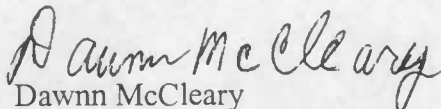
Dear Ms. DeLude:

Thank you for providing information regarding the two ordinances recently passed by the Town of Greensboro as amendments to its Critical Area Program. The first amendment adds two new Buffer Exemption Areas to the Town's Critical Area Map. The areas are identified as the "Sunset Avenue Area" which includes five parcels and the "Riverview Lane Area" which includes four parcels. These sites include Buffers adjacent to tidal waters and tributary stream. Existing development within the Buffer includes houses, driveways, decks, a pool, outbuildings, a town street, and parking areas. The second amendment involves replacing the Town's provisions for development activities within Buffer Exemption Areas with revised provisions that are consistent with the Commission's policies for.

We understand that the Town Commissioners voted to approve Ordinance No. 2004-O-28 and Ordinance No. 2004-O-29 on October 7, 2004. The Critical Area Commission received your letter on October 13, 2004 and is accepting the information as a complete submittal. Chairman Madden will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of this determination and the procedures for review by the Critical Area Commission.

If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Roby Hurley
Mary Owens

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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March 8, 2004

Mr. John Hall
Attorney
Town of Greensboro
P.O. Box 340
Greensboro, MD 21639

RE: Spiering Farms Annexation
Town of Greensboro

Dear Mr. Hall:

Thank you for providing information regarding the proposed annexation of 156.489 acres of land from Caroline County into the Town of Greensboro. This office understands a portion of the land proposed to be annexed is located within the Critical Area. Currently the area is designated as a Resource Conservation Area, and it is proposed to be annexed into the Town with this designation.

Based on the information provided, it appears that the Mayor and Council of the Town of Greensboro will be holding a public hearing on March 18, 2004 to review the annexation. Following approval of the annexation, in accordance with the provisions of §8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the Town will submit a request for approval of this map change to the Critical Area Commission for review and approval.

If you have any questions about the Critical Area map amendment process, please feel free to call me (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Roby Hurley
David Kibler
Mary Owens
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