

**ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT**

*Phillip Shire, Director
William B. Hunt Deputy Director*



BOARD OF COUNTY COMMISSIONERS
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Lawrence D. Jarboe, Commissioner
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Daniel L. Morris, Commissioner

August 5, 2014

MEMORANDUM

TO: Planning Commission
FROM: Sue Veith, Environmental Planner
RE: Staff report regarding Request for growth Allocation

SITE INFORMATION

Control #: 12-245-001 Jason Mills Growth Allocation

Owner: Applicant: Jason Mills (Parcel 66)
Parent Parcel: Snow Hill Manor Farm, LLC And Others
SRA Owners: James W & Karen Nutter (Parcel 64 & SRA A)
Michael Bruce Haskell (Parcel 138 & SRA B)
Christopher E Baker, & Karen A Schwartz Trustees (Parcel 67 & SRA C)

Agent: None (application by County on behalf of the applicant, parent parcel owner and SRA owners).

Location: NORTH SNOW HILL MANOR RD, LEXINGTON PARK 20653-0000

Applicant parcel: TM 58 GRID 24 PAR 66 **E.D.: 1**

Parent parcel: TM 58 GRID 18 PAR 9, **E.D.: 1**

SRA Parcels: TM 58 GRID 24 PAR 64, 138, 65, 66, 67 **E.D.: 1**

Zoning: **Parent parcel and SRA's A, B, C, applicant's proposed D:** RPD /RCA

Applicant parcel and SRA parcels: RPD/LDA

Acreage: 7.178 development envelope, a portion of the 46.73 acres of Critical Area within the parent parcel as it existed on December 1, 1985

Action Requested: Growth allocation to change the Critical Area overlay from Resource Conservation Area (RCA) overlay to the Limited Development Area Overlay in the Chesapeake Bay Critical Area for a 7.178 acre development envelope encompassing 1.078 acres of the Snow Hill Manor Road right-of-way and 6.1 acres of the parent parcel TM 58, Block 18, Parcel 9 owned by SNOW HILL MANOR FARM LLC, which contains 193.15 acre of which 46.73 acres was in the Chesapeake Bay Critical Area on December 1, 1985. The request is necessary to approve sewage reserve area (SRA) to provide septic disposal for a vacant grandfathered LDA lot (TM 58, Block 24, Par.66) owned by Jason Mills and to account for 3 existing SRA's created by boundary line adjustment plats (EWA 54/87, MRB 36/125, EWA 38/34) within the parent parcel after December 1, 1985 to serve grandfathered LDA lots (TM 58, Block 24, Par.138, TM 58, Block 24, Par.64, TM 58, Block 24, Par.67).

BACKGROUND

Attachment 1: ANALYSIS OF THE REQUEST FOR GROWTH ALLOCATION prepared by staff provides a project description, staff analysis regarding the compliance of the request with the criteria for award of Growth Allocation projects in accordance with COMAR.

The Planning Commission is required by the Comprehensive Zoning Ordinance to hold a hearing to review the criteria for growth allocation (as presented in Attachment 1), to take public testimony, and to make findings and to forward the findings as to the application's adherence to the criteria, the proposed map amendment as shown in Attachment 2 and forward a Planning Commission recommendation for consideration by the Board of County Commissioners at their hearing on the request.

Attachment 2: Provides a draft of the map revision proposed if award of growth allocation is granted

STAFF RECOMMENDATION: Approval

Staff recommends that the Planning Commission approval by resolution (Attachment 3:Resolution for PC Chairman's signature) that accepts the findings and recommends approval of request for growth allocation.

MOTION:

The Planning Commission may recommend that the Board for County Commissioners deny the request, approve the request or approve the request with conditions. Staff has prepared the following motion consistent with the staff recommendation above:

"In the matter of Case #12-245-001 Jason Mills Growth Allocation, request for a map amendment to change the Critical Area overlay from Resource Conservation Area (RCA) overlay to the Limited Development Area Overlay in the Chesapeake Bay Critical Area for a 7.178 acre development envelope encompassing 1.078 acres of the Snow Hill Manor Road right-of-way and 6.1 acres of the parent parcel TM 58, Block 18, Parcel 9 owned by SNOW HILL MANOR FARM LLC, I move that the Planning Commission, having accepted the finding of this staff report and Exhibit 1 and having conducted a public hearing regarding this request, approve a resolution recommending that the Board of County Commissioners approve an amendment to award 7.178 acres of the subject property by amending the Critical Area Overlay from Resource Conservation Area (RCA) Critical Area Overlay to Limited Development Area (LDA) Critical Area Overlay.

NEXT STEPS

Following action by the Planning Commission regarding correction of the recommendation of award, the resolution, motions and minutes from the public hearing shall be forwarded to the Board of County Commissioners for consideration.

Following hearings and the motions by the Board of County Commissioners regarding award of growth allocation, the minutes of the PC and BCC hearings, the BCC motions, resolutions and full size copies of Zoning Map 58 will be prepared and submitted for approval of map amendment by the Critical Area Commission in accordance with the procedures established by the CAC and state law. Upon CAC approval of the map amendment, the final resolution will be prepared and that resolution and the amended zoning map shall be submitted for signature by the BCC.

Attachments:

- 1: ANALYSIS OF THE REQUEST FOR GROWTH ALLOCATION (includes 5 exhibits)
- 2: Draft Tax Map 58 revision as proposed for LDA
- 3: Draft Resolution for PC Chairman's signature

c: Admin. File

July 31, 2014

ANALYSIS OF THE REQUEST FOR GROWTH ALLOCATION

Jason Mills Growth Allocation

Zoning Map Change Request #1224500001

The following analysis was prepared to address the Critical Area Commission requirements for processing of a growth allocation request per COMAR 27.01.02 and .06-3. are provided in this Staff report in accordance with .06-1A(1) through (8)

- (1) DLUGM staff has made the following determination that the project meets the standards listed under Natural Resources Article, §8-1808.1(c)(2), Annotated Code of Maryland, and Regulation .06-3 of this chapter; Information documenting compliance is provided herewith
 - As required by §8-1808.1(c)(2) (c): the new limited development areas is located adjacent to existing limited development areas or intensely developed areas;
 - As required by §8-1808.1(c)(3): to date less than one half of the expansion allocated to St. Mary's County has been located in resource conservation area;
 - As required by §8-1808.1(c)(4)The proposed new limited development area to be located in the resource conservation area conforms to all criteria of the Commission for limited development areas and shall be designated on the enclosed comprehensive zoning map (Appendix 4)
 - As required by §8-1808.1(c)(5)an environmental report dated 7/31/2014 (Appendix 5)
- (2) This ANALYSIS OF THE REQUEST FOR GROWTH ALLOCATION provides the information and documentation needed to address the factors to be considered by the Critical Area Commission under Natural Resources Article, §8-1808.1(c)(4), Annotated Code of Maryland, and Regulation .06-3 of this chapter;
- (3) Exhibit 1: Conceptual site development plan (Scale 1"=500') and Exhibit 2: Detail of Conceptual site development plan (Scale 1"=100') and Exhibit 3: Growth Allocation Site Plan of SRA for Jason Mills . meet the criteria of .06-1 B and are provided to address items 1-10
- (4) Exhibit 4: Environmental features map (Scale 1"=500') meets the criteria of .06-1 B and is provided to address items 11 through 19. Within the area proposed for Growth Allocation there are no streams, steep slopes, highly erodible soils , hydric soils associated with wetlands, non-tidal wetlands, or tidal wetlands per DNR, NRCS, detailed county mapped information, and staff site visit.
- (5) Staff finds that Exhibit 5: Environmental Report demonstrates that the project has been designed and will be constructed in compliance with the requirements of the proposed Critical Area LDA land classification.

Attachment 1: ANALYSIS OF THE REQUEST FOR GROWTH ALLOCATION
Zoning Map Change Request #12-245-00001

- (6) As required by §8-1808.1(c)(6) and to address .06-1B (21) through (23) staff makes the following findings:
- a. There are no rare, threatened, and endangered species identified for the site;
 - b. The site is not in an area mapped by DNR as habitat for Forest interior dwelling birds or colonial water birds and the area does not meet the dimensional criteria for such habitat per the Comprehensive Zoning Ordinance;
 - c. Inland site is not in an area identified as having anadromous fish and their propagation waters and other aquatic species located on-site.
 - d. The site is not in an area mapped by DNR as having plant and wildlife habitat or as a historic waterfowl staging and concentration area;
 - e. Upland site does not affect submerged aquatic vegetation;
 - f. Minimal impacts to riparian forests are anticipated and will be required at permit stage to fully comply with the County Critical Area program and state regulation. Total forest in the proposed LDA is 5.424 acres. The maximum clearing, if all areas of forest in the four SRA's would be 1.4802 acres (27.29 %). All clearing associated with the project is required to be mitigated and natural forest regeneration over abandoned septic system is anticipated to occur. No impacts to tidal or nontidal wetlands requested or anticipated.
 - g. No natural heritage areas and other historical and cultural resources identified.
- (7) A draft of the proposed Zoning map is provided as Attachment 6.
- (8) DLUGM staff has verified that the amount of proposed growth allocation indicated on the map submitted as Attachment 5 is accurate. Staff used existing plats and the County's Geographic Information System (GIS) to delineate a single contiguous boundary for this request for Growth Allocation to convert 7.178 acres development envelope from RCA to LDA in order to: 1) Approve a new 0.436 acre sewage reserve area (SRA) on the parent tract in an area currently mapped RCA to provide septic disposal for a vacant grandfathered LDA lot, and 2) To correctly account for density used by 3 existing SRA parcels created on the parent tract without use of growth allocation in the RCA by boundary line adjustment plats recorded in 1992 & 2002 to provide septic disposal for 3 grandfathered LDA lots and 3) To map 4.404 acres of the parent tract and 1.078 acres in the road ROW necessary for a contiguous development envelope.

Other applicable Considerations identified in 06-1 B :

(24) Existing lot coverage, impervious coverage are shown on the concept plan and calculation are provided in the Environmental report at PART A, # 9.

(25) No development except the existing and proposed sewage reserve area easements is requested or proposed at this time. Staff finds that future RCA development on the balance

Attachment 1: ANALYSIS OF THE REQUEST FOR GROWTH ALLOCATION
Zoning Map Change Request #12-245-00001

of the parent parcel *should not* be prohibited as a condition of approval for this application. All RCA development must be in accordance with all regulations in effect at the time of any future application.

(27) Mitigation as discussed in the environmental report at PART A , # 10 will be required to obtain a permit for development on TM 58/ Bl. 24/ Par. 6

Prepared by _____ Date _____

Exhibits:

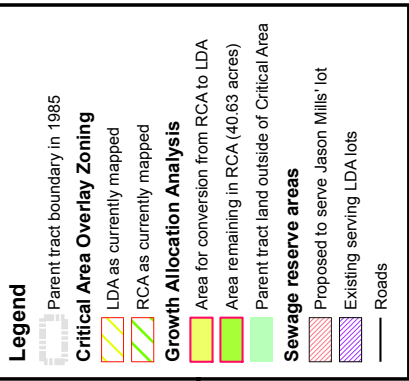
- 1: Conceptual Site development plan
(Scale 1"=500')
- 2: Exhibit 2: Detail of Conceptual Site development plan with Environmental features shown
(Scale 1"=100')
- 3: Growth Allocation Site Plans:
 - A. Plat 36/125 for SRA serving Parcel 64
 - B. Plat 54/87 for SRA serving parcel 138
 - C. Plat 38/34 for SRA serving Parcel 67
 - D. Growth Allocation site plan #12-245-001 showing proposed SRA for Parcel 66
- 4: Environmental features map
(Scale 1"=500')
- 5: Environmental Report

12-245-001,
Jason Mills
Growth Allocation:

19361 N SNOW HILL MANOR ROAD
TM/58/BI.24/Par.66

Request for Growth Allocation to convert 7.178 acres development envelope from RCA to LDA in order to:

- 1) Approve a new 0.436 acre sewage reserve area (SRA) on the parent tract in an area currently mapped RCA to provide septic disposal for a vacant grandfathered LDA lot, and
- 2) To correctly account for density used by 3 existing SRA parcels created on the parent tract without use of growth allocation in the RCA by boundary line adjustment plats recorded in 1992 & 2002 to provide septic disposal for 3 grandfathered LDA lots and
- 3) To map 4.404 acres of the parent tract and 1.078 acres in the road ROW necessary for a contiguous development envelope.



TM 58/ BI. 24/Par. 66 & SRA "D" (proposed)

TM 58/ BI. 24/Par. 64 & SRA "A"

TM 58/ BI. 24/Par. 138 & SRA "B"

TM 58/ BI. 24/Par. 67 & SRA "C"

TM 58/BI. 18/ Par.9

St Mary's River

St Mary's River

2011 Aerial

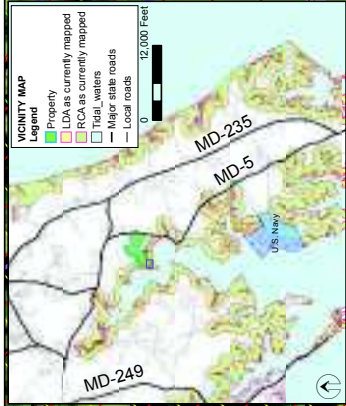
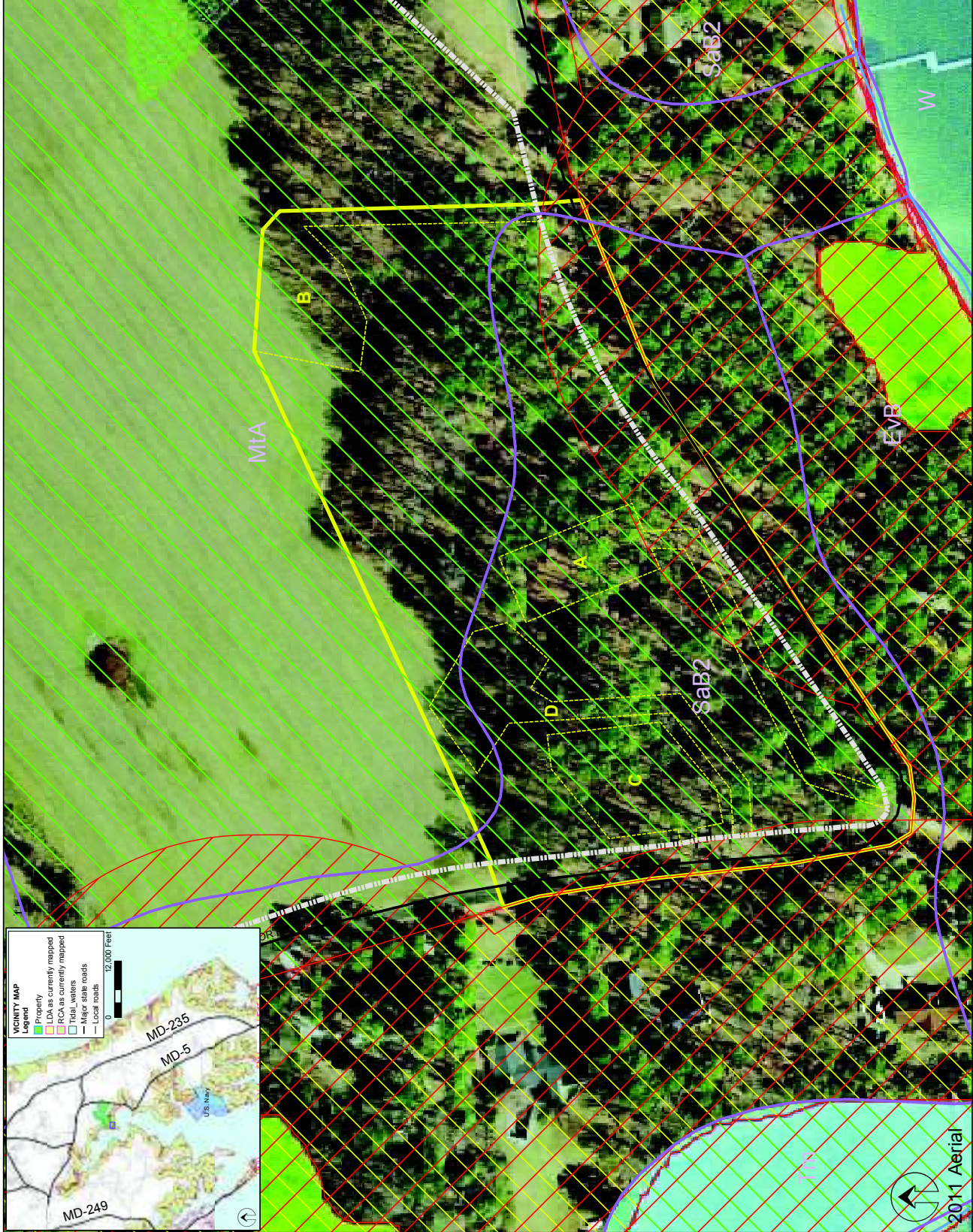
Exhibit 2: Detail of Conceptual Site development plan with Environmental features shown

12-245-001, Jason Mills Growth Allocation:

Request for Growth Allocation to convert 7.178 acres development envelope from RCA to LDA.

Refer to Exhibit 3 which provides plats and proposed plan for detailed SRA dimensions:

- A Plat 36/125 for SRA serving Parcel 64
- B Plat 54/87 for SRA serving parcel 138
- C Plat 38/34 for SRA serving Parcel 67
- D Growth Allocation site plan #12-245-001 showing proposed SRA for Parcel 66



Legend

- Parent tract boundary in 1985
- Sewage reserve areas**
 - SRA boundaries
 - Area for conversion from RCA to LDA
 - 300 foot Growth Allocation buffer
- Critical Area Overlay Zoning**
 - LDA as currently mapped
 - RCA as currently mapped
- Sewage reserve areas**
 - SRA boundaries
 - Streams
 - Tidal wetlands
 - Nontidal wetlands
 - DNR mapped FIDS habitat
 - Roads
- Soil types from Web Soil Survey
 - Highly Erodible soil
 - Hydric soil



July 31, 2014

ENVIRONMENTAL REPORT

Jason Mills Growth Allocation

Zoning Map Change Request #12-245-00001

This report was prepared by DLUGM staff to fully conform to the requirements of COMAR for a growth allocation request. The information is based on a prior report by the applicant's consultant with the addition of missing information, inclusion of the conditions necessary for staff to recommend approval of the Growth Allocation under the guidelines, and is formatted to be consistent with COMAR 27.01.05-2, for Environmental_Reports. The acreage and square feet calculations rely on detailed analysis using existing plats, submitted site plans, and the best available GIS data and aerial images.

Jason Mills requested the construction of a single family dwelling unit on an existing parcel of record. The home (dwelling) will be located on the west side of North Snow Hill Manor Road with an off-site sewerage disposal areas zone RPD/LDA on the east side of Snow Hill Manor on a tract identified as **TM 58, B18 as parcel 0066** and zoned RPD RCA.

Review revealed that prior SRAs in the RCA subdivided from the parent parcel have been approved to serve LDA lots without use of Growth allocation.

PART A

1. Project Description: This request is for a Growth Allocation development envelope located on the East side of that road on **TM 58, B18 as parcel 09** that encompasses the existing and proposed SRA's and additional land in the Road Right of way and in the parent parcel as needed to meet Growth Allocation criteria for new LDA adjacent to existing LDA as described below:

Request for award of growth allocation to change the Critical Area overlay from Resource Conservation Area (RCA) overlay to the Limited Development Area Overlay in the Chesapeake Bay Critical Area for a 7.178 acre development envelope encompassing 1.078 acres of the Snow Hill Manor Road right-of-way and 6.1 acres of the parent parcel TM 58, Block 18, Parcel 9 owned by SNOW HILL MANOR FARM LLC, which contains 193.15 acre of which 46.73 acres was in the Chesapeake Bay Critical Area on December 1, 1985. The request is necessary to approve sewage reserve area (SRA) to provide septic disposal for a vacant grandfathered LDA lot (TM 58, Block 24, Par.66) owned by Jason Mills and to account for 3 existing SRA's created by boundary line adjustment plats (EWA 54/87, MRB 36/125, EWA 38/34) within the parent parcel after December 1, 1985 to serve grandfathered LDA lots (TM 58, Block 24, Par.138, TM 58, Block 24, Par.64, TM 58, Block 24, Par.67).

Subdivision History: The site of the proposed SRA is on a large tract previously owned by the applicant's family (grandmother). Consistent with a number of other lots of record

for family members, provisions were made, on that farm tract, for heirs in the event of the need to establish approved SRA sites if the waterfront (existing parcels) needed alternate perc areas at the time of actual permit application. Consistent with that historical use of the family farm as a resource for the SRA's, Mr. Mills was granted a proposed easement area designated by the heirs, applied for and secured an approved perc test and requested an SRA in 2006.

Subdivision History:

1985 Parent Tract was 245.683 acres.

Plat recorded inside Critical Area (RCA Overlay) on parent tract:

1992 plat 36/125 -0.46 ac

1992 plat 38/34 - 0.41 ac

2002 plat 54/87 -0.45 ac

Plat recorded outside of Critical Area on parent tract:

2010 plat 68/84 - 69.86 ac Sec 1, -40.931 ac Sec 2, - 20.00 ac Sec 3

Leaving: 113.572 acres of which 46.73 acres is in the Critical area and 66.842 acres is outside the Critical Area

Proposed Change:

7.178 acres from RCA to LDA

1.078 acres in Snow Hill Manor ROW

6.1 acres in parent parcel

Remaining acreage in RCA would be 40.63 acres

2. Type of Project

- a. The subject activity in the Growth Allocation area is the construction of a mound system. The components of the mound system consist of a force main (underground pipe) and the landscaped (grass covered) mound in a designated easement area.
- b. The request is for award of growth allocation to change the Critical Area overlay from Resource Conservation Area (RCA) overlay to the Limited Development Area Overlay in the Chesapeake Bay Critical Area for a 7.178 acre development envelope encompassing 1.078 acres of the Snow Hill Manor Road right-of-way and 6.1 acres of the parent parcel TM 58, Block 18, Parcel 9 owned by SNOW HILL MANOR FARM LLC, which contained 193.15 acres [at time of request] of which 46.73 acres was in the Chesapeake Bay Critical Area on December 1, 1985. The request is necessary to approve a sewage reserve area (SRA) to provide septic disposal for a vacant grandfathered LDA lot (TM 58, Block 24, Par.66) owned by Jason Mills and to account for 3 existing SRA's created by boundary line adjustment plats (EWA 54/87, MRB 36/125, EWA 38/34) within the parent parcel after December 1, 1985 to serve

grandfathered LDA lots (TM 58, Block 24, Par.138, TM 58, Block 24, Par.64, TM 58, Block 24, Par.67).

- c. The change in classification would allow the construction of a single family dwelling unit on the a grandfathered LDA lot owned by Jason Mills Serviced by providing a tested, designated and approved on-site sewerage disposal system on land across the street. The change will also correctly map a contiguous LDA development envelope the includes three previously approved sewage reserve easements created by boundary line adjustment plat in 1992 and 1994 to serve three grandfathered LDA lots without review for growth Allocation. Development on existing grandfathered LDA lots in the Critical Area is consistent with the County's Comprehensive Zoning Ordinance and 2010 Comprehensive Plan. Development is not allowed on sites that cannot meet the minimum requirements for sewage disposal. In the rural area sewage disposal is provided by onsite sewage disposal systems. For vacant grandfathered lots that do not pass percolation tests (perc test), development is not allowed unless a sewage disposal area serving the lot can be provided. The Comprehensive Sewer and Water Plan is silent on the means of accomplishing this for vacant lots outside areas planned for sewer. The County, however, has a history of approving expansion of lots via the use of Boundary Line Adjustment Plats to encompass nearby areas that do pass a perc test. Use of growth allocation for this purpose and in this general vicinity is consistent with prior use of growth allocation (e.g. Bohannon growth allocation award of 2003). The Comprehensive Plan generally supports the request as noted in the excerpts below
- Vision 1 – Quality of life and sustainability: Adequate sewerage disposal contributes to the stewardship of the land, water and air.
 - Vision 4 – Community Design: Plan supports infill development, takes advantage of existing lot in lieu of creating additional lots.
 - Vision 9 – Environmental Protection: Adequate sewerage helps maintain healthy water, natural systems and living resources.
 - Pg3-6, (4) Rural Preservation District (RPD) Prime farm land, timber and mineral resources lands, residential developments characteristic of the county's rural character which are to be preserved for a wide range of economic and aesthetic purposes. Acknowledges continued nonconforming commercial and residential activities on existing parcels throughout the district, but limits their expansion or creation....
 - Pg 5-29 5.16.1.A.i. ... accommodate growth in the Critical Area and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in the Critical Area can create adverse environmental impacts

3. The parent tract TM 58/ Bl. 18 / Par.9 which currently encompasses 193.15 acres in 1985 contained 237.0094 acres of which 46.7233 acres was in the Critical Area. The difference in acreage is the result of subdivision outside the Critical Area and the creation of three existing SRA's within the Critical Area.

This application is to correct an error made when 3 SRA's were created in the RCA on the parent parcel in 1992 and 1994 to serve LDA lots without use of Growth Allocation and to move forward on the application filed by Jason Mills to accommodate his request for placing an SRA on 0.408m acres of the parent parcel (as agreed by the current owner of the land in the parent parcel).

Mapping as requested by the County would result in 7.18 acre of LDA (a 6.1 acres portion of the parent parcel as it existed on December 1, 1985 and 1.078 acres in the road ROW that separates that parent parcel from existing areas mapped LDA. The request will leave 40.63 acres of RCA land in the parent parcel which could be developed at 1 dwelling per 20 acre density.

4. The forested area on the overall tract within the Critical Area is 7.178 acres, the forested area within the development envelope requested for Growth allocation is 5.424 acres. Per existing and proposed plats and existing forest cover determined from aerial photos, the maximum clearing that could occur in all four SRA areas is 1.48 acres which is 27.3% of the area proposes as LDA.
Per the plan (see Attachment 6) for the currently requested development, the SRA for Jason Mills encompasses 17,761 square feet of which 15,361 square feet is forested. Proposed limits of disturbance for Jason Mills' SRA installation will be 5,510 square feet of which 5,250 are forested.
5. Given that the limits of disturbance proposed for the overall development of Jason Mills' lot and the SRA is 12,650 square feet, storm water management using Environmental Site Design to the Maximum Extent Possible (ESD to the MEP) will be required at the time of permitting.
6. N/A this application is not for an IDA designation
7. Construction in the Growth Allocation area is of a short duration (less than a week) , with access easement accomplished by trenching and mound work by limited felling of trees. These activities would typically exhibit low risk for erosion. Blaze orange construction fencing and silt fencing and will be required as a condition of the permit to be installed at the limits of disturbance prior to the start of any work on the site.
The area of the mound planted in turf as required for mound system approval.
The force main area proposed for natural regeneration will receive wood and leaf mulch (No grass in this will be allowed) and management of invasive species in the area required until a shrub/shrub canopy develops.
8. Existing impervious coverage within the area requested for growth allocation is 19,264 square feet of road which existed prior to December 1, 1985. Zero square feet of new lot coverage are proposed within the area requested for new LDA. Zero square feet of impervious coverage are in the remaining RCA portion of the parent parcel.

9. Clearing associated with the three existing SRA's has regenerated sufficiently to provide a closed forest canopy although the areas above the easements are in grass or minimal natural vegetation. No additional mitigation will be required until replacement systems are installed and notation in the Departments parcel records will reflect this requirement. The proposed clearing associated with the SRA for Jason Mills will be 2050 square feet acres for the mound system and 3,200 square feet of clearing necessary for installation of the force main.

Mitigation required for the permit will include:

- 2050 square feet (equivalent to six 2"-caliper trees) for the initial clearing of forested area that will remain permanently open for the mound system, plus
- 4,100 square feet of mitigation for anticipated clearing for the two sewage reserve areas (equivalent to ten 2" caliper trees) plus
- 3,200 square feet of mitigation for the force main access (which is proposed to be via natural regeneration) [Staff has determined that sufficient native tree coverage exists within 300 feet of the cleared location to assure a seed source for the proposed natural regeneration].
- The applicant (J. Mills) will be required to plant to the extent possible on his parcel but given the limited area for planted mitigation and the requirement for planting on the grandfathered LDA lot needed for the proposed development, the use of Fee-in-lieu of planting or offsite planting can be considered as an option to planting on the applicant's parcel.

10. The local zoning district is the Rural Preservation District wich has a base density of 1 dwelling per 5 acres with a requirement for TDR purchase to increase density. An SRA The parent tract is in farm and forest use with the 3 existing SRAs occupying a forested area in the south west corner of the tract. At the conclusion of the construction of the 4th SRA, in the Growth Area, a grassed earthen mound will be on the edge of a fallow farm field. The force main area will be allowed to naturally regenerate return to a scrub/shrub condition. (see also requirements noted at 8 above)

11. Afforestation is not required for the parent tract which has 46.73 acres in the critical area with 11.520 acres of forest coverage in the Critical Area or (24.67%)

12. Any land disturbance activities are temporary and of limited duration.

PART B. N/A This site is not in the Atlantic Coastal Bays area

PART C. N/A Development of a Habitat Protection Area plan is not required because are no identified Habitat protection areas within the area proposed for Growth allocation.



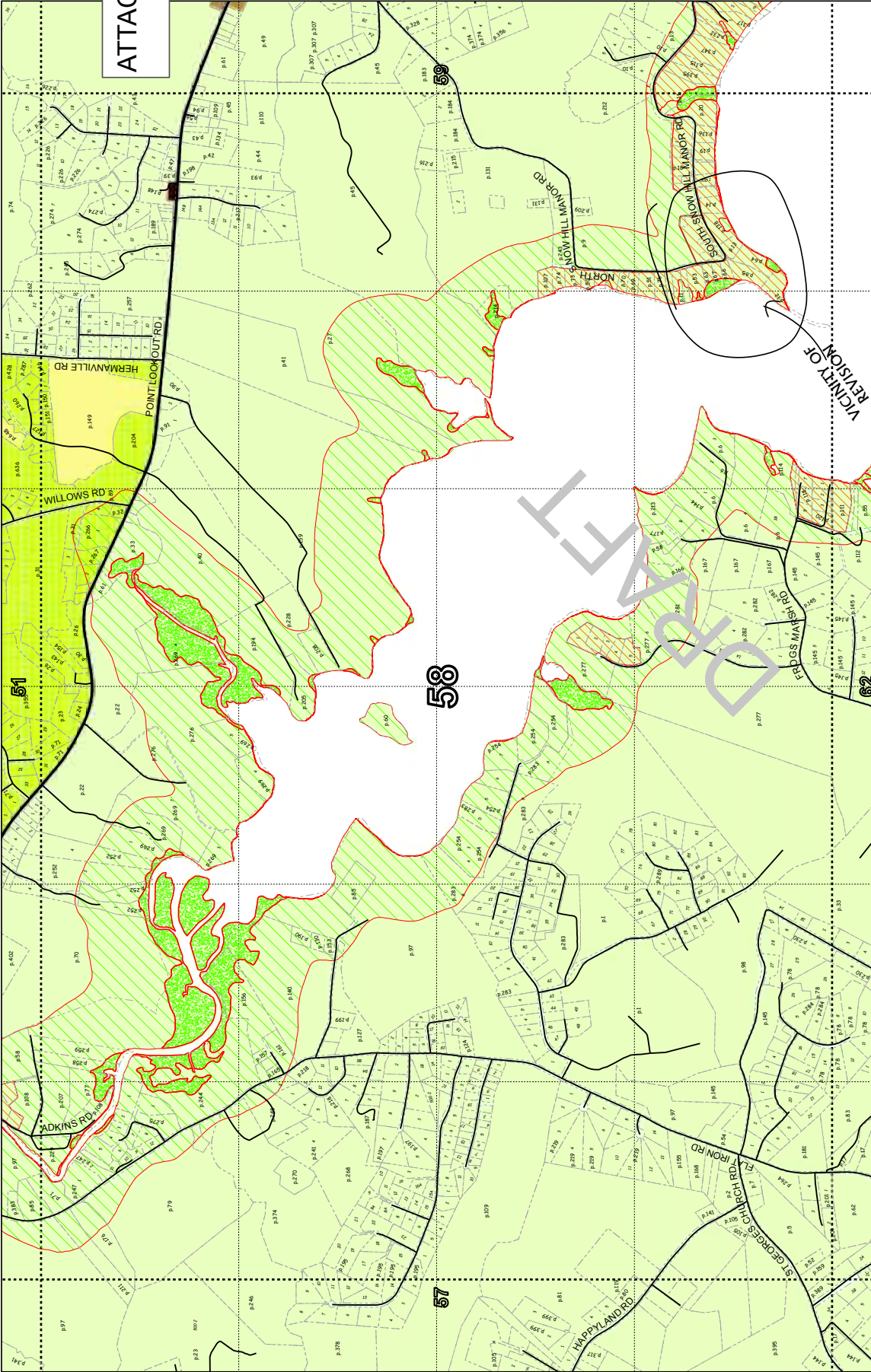
ATTACHMENT 2

Revised: 12/13/12

St. Mary's County Zoning Map Atlas

1,800 900 0 1,800 3,600 Feet

58
Map



Overlay Zones

- IDA CA-Non-county
- LDA CA-Tidal Wetland
- RCA BMO
- Clearzone
- APZ-1
- APZ-2
- AE
- PUD
- Historic District

Base Zones

- RPD
- RSC
- RL-T
- RL
- RH
- RNC
- RIMX
- VMX
- TMX
- DMX
- CMX
- OBP
- J
- CM

Other Features

- Non-County lands
- Road R.O.W.
- Roads
- Tax Map boundaries
- Property Lines
- Growth Areas

RESOLUTION

WHEREAS, Application No. 12-245-001 was filed with the St. Mary's County Department of Land Use and Growth Management by Mr. Jason Mills (hereinafter the "Applicant") for Critical Area Growth Allocation pursuant to Section 41.9 of the St. Mary's County Comprehensive Zoning Ordinance (hereinafter the "CZO"); and

WHEREAS, said application for Growth Allocation is for 7.178 acres, including portions of Parcel 9 of Grid 18 on Tax Map 58 owned by Snow Hill Manor Farm, Inc. of the ROW for Snow Hill Manor Road (hereinafter the "parent parcel", and the platted sewer reserve areas (SRA) for parcels 138, 64, and 67 of Grid 24 on Tax Map 58) in the Snow Hill Manor area of the 1st Election District in St. Mary's County Maryland; and

WHEREAS, said application is also for Growth Allocation necessary to correct the prior approval of sewage reserve areas in excess of density allowed under County Commissioners Resolution Z-86-26, which Resolution placed said Parcel 9 within a Resource Conservation Area (RCA) zoning district with an allowable residential density of one (1) dwelling per twenty (20) acres; and

WHEREAS, the applicant has applied to place an additional SRA on the parent parcel in order to develop parcel 67 of Grid 24 on Tax Map 58

WHEREAS, in accordance with Section 41.9 of the CZO, it was determined by staff and included in the Staff report to the Planning Commission that, if this request is granted, the County must change the overlay zoning district from RCA to Limited Development Area (LDA) and deduct Growth Allocation for a 7.178-acre development envelope adjacent to existing LDA which contains sufficient land in the parent parcel, road right-of-way and the platted SRA areas to encompass the three (3) platted SRA's and one (1) proposed SRA; and

WHEREAS, following due notice published in the July 23, 2014 and July 30, 2014 editions of *The Enterprise*, a newspaper of general circulation in St. Mary's County, the posting of the Property, and written notification to the adjoining property owners, the Planning Commission conducted a public hearing on August 11, 2014 to consider the Applicant's request; and

WHEREAS, the Planning Commission has considered the staff report, public testimony on the Applicant's request, and comments provided during the open record period, and the Planning Commission accepts the findings of the Staff report and recommendations therein;

WHEREAS, the Planning Commission finds that the proposed subdivision and development of the Property would be consistent with the Comprehensive Plan and with the purposes of Growth Allocation as set forth in the CZO.

NOW THEREFORE BE IT RESOLVED by the St. Mary's County Planning Commission that it is recommended to the Board of County Commissioners that the zoning district overlay on the Property be changed from RCA to LDA, and that the Board forward to the Chesapeake Bay Critical Area Commission a Notice of Intent to award 7.178 acres of the County's Growth Allocation to the Property.

Jason Mills Growth Allocation

BE IT FURTHER RESOLVED by the St. Mary's County Planning Commission that said approval be subject to the following conditions and to the Chesapeake and Coastal Bays Critical Area Commission's approval:

1. Reforestation and regeneration within the development envelop associated with the Application for development on the applicants lot and SRA shall be required as described in Attachment 1, Exhibit 5, Item 9. Reforestation and regeneration will be required at the time of permitting of development. A requirement for mitigation for clearing of any forest for future replacement of septic system within the existing SRA's within the development envelope shall be noted in the property records for parcels 138, 64, 66, and 67 of Grid 24 on Tax Map 58. Future mitigation shall be in accordance with the St. Mary's County Comprehensive Zoning Ordinance.
2. All TEC comments shall be addressed and all ordinance provision for subdivision approval necessary to record the SRA for Jason Mills Lot shall be met prior to final subdivision approval by the Planning Commission. The planting agreement assuring reforestation and regeneration shall be executed at the time the subdivision is recorded. All ordinance criteria for development review and approval shall be met prior to issuance of grading, environmental or building permits.

BE IT FURTHER RESOLVED by the St. Mary's County Planning Commission that this Resolution shall be effective upon its adoption.

Date of Adoption: _____

ST. MARY'S COUNTY PLANNING COMMISSION

James Howard Thompson, Chairman

Attest:

Phillip J. Shire, Director
Department of Land Use and Growth Management