

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 1095 (Delegate Minnick, et al.)
Environmental Matters

Chesapeake Bay Critical Area - Impervious Surface Limits

This bill provides that all lots one-half acre or less in size that existed by December 1, 1985 may contain man-made impervious surfaces that fill up to 25% of the lot; for those existent lots between one-half and one acre the impervious surface size is limited to 15% of the lot. A local jurisdiction may allow a property owner to exceed impervious surface limits if certain conditions are met. All fees-in-lieu collected by a local jurisdiction due to this provision must be used to fund projects that improve water quality within the critical area. Local jurisdictions must amend local critical area protection programs by December 31, 1996 to conform with these provisions.

Fiscal Summary

State Effect: None. Any decreases in workload attributed to reduced variance processing will be reallocated to other Critical Areas functions such as technical assistance. (It is estimated that 50 fewer variances will need to be reviewed.)

Local Effect: Indeterminate effect on revenues and expenditures.

Fiscal Analysis

Bill Summary: Currently, man-made impervious surface limits are:

- 25% for all pre-1985 residential lots one-half acre or less;
- 25% for all pre-1985 nonresidential lots one-quarter acre or less; and
- 15% for all others.

Under this bill, the impervious surface limit is increased from 15% to 25% for all nonresidential lots that are one-quarter to one-half acre in size. It allows exceptions to be made to these limits in specified circumstances without an official variance process.

Local Effect: Local revenues will decrease to the extent that less people need to file for a

variance (and pay application fees) in order to exceed impervious surface limits. However, to the extent that mitigation under this bill is attained through fees-in-lieu, local revenues will increase.

Baltimore County advises that expenditures could decrease, since the bill would eliminate the need for variances in certain cases. Local decisions which allow landowners to exceed impervious surface limits and how to mitigate for these are expected to take less staff time than would be dedicated to variance processing. However, Queen Anne's County reports that not many people currently apply for variances, and that since this bill makes it easier for landowners to make the case for exceeding limits it is likely that more of them will attempt to do so. In this case, workloads would increase due to the need to make decisions in these cases.

Overall, local workloads will decrease or increase depending upon the number of variances currently applied for and how many more landowners will attempt to negotiate for impervious surface limit exceptions under this bill. In most cases, it is expected that any such increase or decrease will not affect needed staffing levels. Hence expenditures would not be affected, though resources would be reallocated.

Information Source(s): Department of Natural Resources, Queen Anne's County, Baltimore County, Salisbury, Annapolis, Department of Fiscal Services

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