Subdivision Regulation Amendments

November 14, 2024

Agenda

1. Common Topics of Comments Received
2. Discuss Comments & Potential Resolution to Comments in Each Topic Area
3. Receive Public Feedback on Proposed Resolutions to Comments (3 Minutes per Speaker)
4. Discuss Timeframe to Complete & Adopt Subdivision Regulation Amendments.

Common Topics of Comments Received

1. Comments related to previous versions of the Subdivision Regulations
2. Clarify items to reduce inconsistent interpretation
3. Establish required review timeframes for each step of permitting
4. Open Space Requirements
5. Stormwater/LID Requirements
6. Utility Requirements
7. Enforcement

Clarifications

Article 3 – Definitions

Comment Received:
Definition of development should remain as currently defined.

Resolution:
Agree existing definition is consistent with the definition established in 11-24-1 of the Code of Alabama.

Comment Received:
Update definition of flag lot to clarify that the narrow corridor (flagpole) may not have any obstructions such as wetlands, dirt pits, etc.

Resolution:
Agree

Comment Received:
Update definition of Setback lines to clarify parking pads are not allowed within highway construction setback.

Resolution:
Agree.

Clarifications

Article 3 – Definitions

Comment Received:
Update front yard setback definition to prevent parking in front yard.

Resolution:
This cannot be modified in this way because parking is allowed in driveways which are typically within the front yard setback.

Comment Received:
Add definition for Low Impact Development (LID)

Resolution:
Agree

Clarifications

Section 4.2 – Exceptions to Required Approvals

(a) Types of exemptions:

1. Family divisions. In accordance with and subject to the provisions of *Alabama Code* § 11-24-2 (1975), as amended, the sale, deed, or transfer of land (including transfers made pursuant to a will or the laws of intestate succession) by the owner to a person or persons, all of whom are members of the owner's immediate family (see definition of *Family Division* in *Section 3.2*). Deeds for each new parcel must include a restriction that prohibits the sale of the parcel to anyone who is not an immediate family member as defined in these regulations for twenty-four (24) months after the approval of the exemption.

Family division. A division in accordance with the Code of Alabama 1975, Chapter 11-24-2(d) among the following designated legally related immediate family members: An owner's spouse, parent, grandparent, child, grandchild, and/or sibling. Adopted or step-related individuals of the same status of an owner are also the owner's immediate family members.

Comment Received:
Do not change family exemption language. It is unclear what authority the County has to impose deed restrictions on an owner exercising rights granted by the State law.

Resolution:
Agree to leave family exemption as currently adopted.

Clarifications

Section 4.4 – Sketch Plan Pre-Application Meeting

Comment Received:
Proposed restructuring of sketch plan fee:

Current fees: Base fee $250 + $40/lot
(Example cost for 250-lot subdivision at current rate: $10,250)

Proposed fee: $500 flat fee for 10 lots or less, $1,000 flat fee for any sketch plan over 10 lots.

Resolution:
Agree. This request is consistent with the strategic goals of streamlining permitting process. Sketch plans should not overburden applicants as this is where the framework of the application is developed.

Fee structure is not within the Subdivision Regulations but will be updated and approved as a separate resolution concurrent with the Subdivision Regulation Amendments.

Proposed fee: $500 flat fee for 25 lots or less, $1,000 flat fee for 26-100 lots, & $2,000 flat fee for greater than 100 lots.

2. A minimum 60-foot wide, unless otherwise approved by the County Engineer per *Baldwin County Design Standards for New Road Construction*, private ingress and egress easement.

(i) Lots shall front on the easement and not be bisected by it. The width of frontage along the easement shall meet the requirements of *Section 5.1.1* in unzoned areas or the *Zoning Ordinance* where zoning has been adopted;

(ii) The existing or proposed easement must be in uplands; or, if wetland crossings are required for access, the USACE permit must be submitted at the time of application.

(iii) No more than five (5) lots can be accessed by the same ingress and egress easement.

(iv) If more than two (2) lots will be accessed by the same ingress and egress easement, a commercial turnout permit may be required. When required, the Applicant shall submit a Preliminary Plat application instead of a Concurrent Preliminary/Final Plat application.

Comment Received:

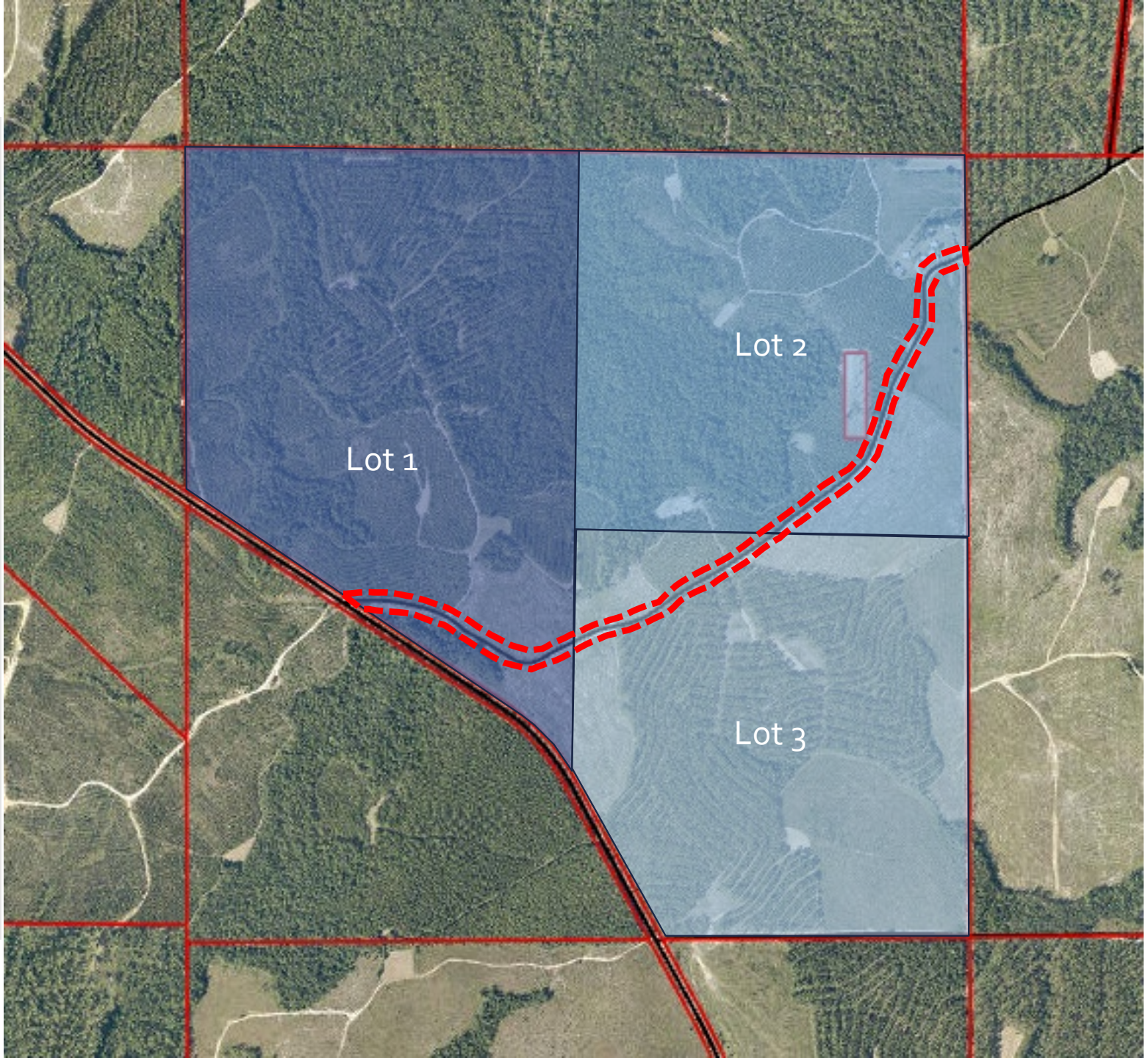
If the large acre lots front on the 60' wide easement and not bisect it, who will own the easement? Are you requiring a POA to be set up?

Resolution:

No, we are not requiring a POA to be set up for large acre subdivisions. Access easements would follow common lot lines, and the easements would still be owned by the property owners. Purpose is to not unduly impact property owners by having their lots split by easements and to ensure access is achievable and able to be maintained to all lots. Lots and easements should be designed to allow the easements to follow common lot lines.

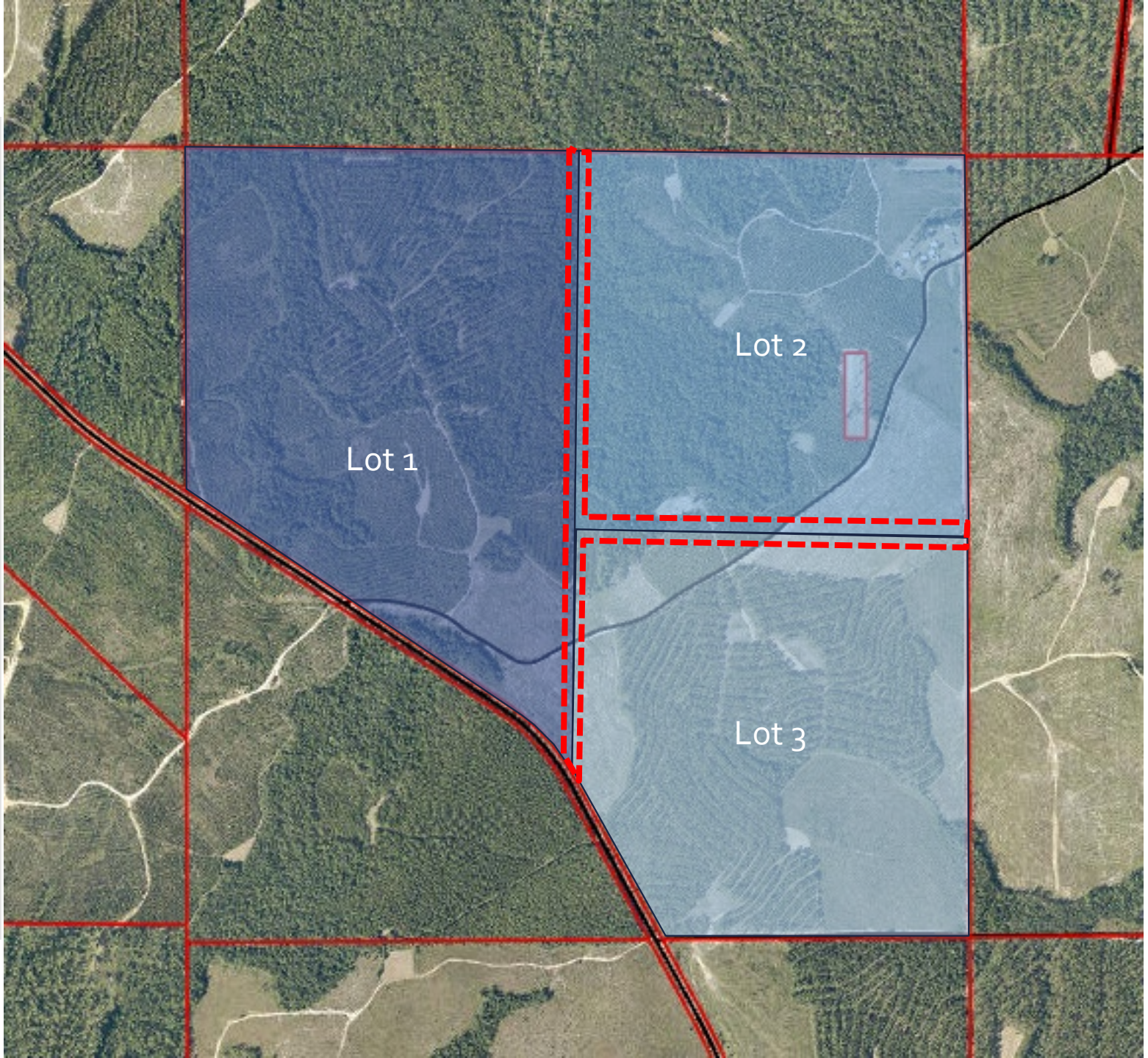
Clarifications

4.5.8 - Special Requirements for Large Acre Subdivisions



Clarifications

4.5.8 - Special Requirements for Large Acre Subdivisions



Clarifications

4.5.8 - Special Requirements for Large Acre Subdivisions

Clarifications

4.5.8 - Special Requirements for Large Acre Subdivisions

Clarification

Section 4.5.2 – Preliminary Plat Requirements

Comment Received:
Add submission of phasing plan as Preliminary Plat submittal requirement. Access and open space requirements are affected by project phasing so proposed phasing will need to be established with the Preliminary Plat.

Resolution:
Agree.

Clarification

Section 4.5.4 – Effective Period of Preliminary Plat

Comment Received:
Clarify extensions must be for valid reason. Planning Commission should be provided a letter from the applicant stating the "valid" reason of extension request.

Resolution:
We can add qualifiers. Must establish set parameters so that extension requests can be objectively.

Possible solution: Development must have obtained subdivision construction permit to qualify for extension.

Clarification

5.1.1 – Minimum Design Standards

Minimum Standards for Subdivisions

Lot Size*	Required Utilities	Road-way Type	Minimum Lot Width	Curb and Gutter	Sidewalk†	Broadband Connect.	Building Front Setback ††	Building Rear Setback ††	Building Side Setback ††
≥ 40,000 SF (minimum 40,000 SF contiguous uplands)	Overhead power	BCDS**	120 feet	No	No	§ 5.2.5(c) shall not apply	30	30	10
20,000 SF to < 40,000 SF	Overhead power, either water or sewer	BCDS**	120 feet	No	No	§ 5.2.5(c) shall not apply	30	30	10
20,000 SF to < 40,000 SF	Underground power, either water or sewer	BCDS**	80 feet	Yes, if new roads proposed	Yes, if new roads proposed	§ 5.2.5(c) shall apply if new roads proposed	30	30	10
7,500 SF to < 20,000 SF	Underground power, streetlights, water, and sewer	BCDS**	80 ~~60~~ feet	Yes, if new roads proposed	Yes, if five lots or more	§ 5.2.5(c) shall apply if new roads proposed	30	30	10
7,500 SF to < 20,000 SF	Underground power, streetlights, water, gravity sewer, LID techniques	BCDS**	60 feet	Yes, if new roads proposed	Yes, if five lots or more	§ 5.2.5(c) shall apply if new roads proposed	30	30	10

Comment Received:

Add clarification that 60 feet wide lots must implement the "Alternative Street Section" shown in Figure 5.1.

Define what is considered "high density" and clarify when the "Alternative Street Section" is required.

If a landowner has property that zoning allows 60' lots does this table apply, or does this table only apply in unzoned areas?

Resolution:

Agree. Will add clarification. Alternative Street Section shall be applied to all streets where lots widths are between 60 feet to 80 feet in width.

Will clarify that zoning ordinance will determine lots widths and sizes for zoned areas.

Clarification

5.2.4 – Cluster/ Community Mailbox Units

5.2.4 Cluster/Community Mailbox Units (CBU)

Cluster/Community mailbox units (CBU) shall comply with the USPS National Delivery Planning Guide for Builders and Developers. The Developer shall coordinate the location of the CBU within the boundaries of the development with the County Engineer as well as the U.S. Postal Service. The CBU shall be located within a common area to be maintained by the residents of the development and shall meet the following:

(a) Accessibility shall meet all A.D.A guidelines;

(b) The location of the CBU shall not impede the flow of traffic into or out of the development.

Comment Received:
Add required parking calculation to determine number of spaces required for each CBU.

Resolution:
Agree. Will add clarification. Proposed parking calculation:

Number of Mailboxes	Parking Spaces Required
0-20	1
21-60	2
61-80	3
81-100	4
101+	4 plus 1 per each additional 50 mailboxes or portion thereof above 100

Section 5.4 Lots

Lots shall comply with the following requirements:

(a) The minimum lot size and lot width for non-exempt subdivisions shall be as provided in *Table 5.1* in *Section 5.1.1.* The minimum lot size and width for exempt subdivisions are as follows except in cases where additional lot area or width is required by the *Baldwin County Zoning Ordinance* or County Health Department;

1. Where public water and centralized wastewater collection and treatment are not provided, said lot shall be a minimum of 40,000 square feet in area with a minimum lot width of 120 feet. Each lot shall provide a minimum of 40,000 SF of contiguous uplands unless the purpose of the lot is for conservation and no development or building shall occur.
2. Where a lot is served by either public water or a centralized wastewater collection and treatment system, but not both, said lot shall be a minimum of 20,000 square feet in area with a minimum lot width of 80 feet.
3. Where public water and centralized wastewater collection and treatment are provided, said lot shall be a minimum of 7,500 square feet in area with a minimum lot width of 80 feet.

Comment Received:

Why is 40,000 sf contiguous uplands required where public water and sewer are not provided?

Resolution:

40,000 sf of contiguous uplands are required by health department standards to accommodate on-site well and non-engineered septic sewer system.

Comment Received:

5.4(a)3 add "except where LID techniques are being implemented, then minimum lot width is 60 feet"

Resolution:

Agree

Clarification

5.4(a) – Lots

5.5.7 Frontage on Improved Roads

(a) No subdivision shall be approved unless all resultant lots have frontage on, and continuous access from:

1. an existing paved street, either publicly or privately maintained, with suitable asphalt width and right-of-way as required by the *Baldwin County Design Standards for New Road Construction*; or

2. a proposed paved street upon a plat approved by the Baldwin County Planning Commission or municipal planning commission to be recorded in the Office of the Probate Judge. Such street or highway shall be suitably improved as required by these regulations or be secured by an improvement guarantee as provided for by *Section 7.2* of these regulations.

(b) Subdividers proposing subdivision developments that obtain access from existing publicly maintained roads which do not have adequate asphalt and/or right-of-way widths will be required to make improvements to the existing roadways and provide additional rights-of-way to adhere to the standards of the *Baldwin County Design Standards for New Road Construction*;

(c) For developments with 50 or more lots where lots will be adjacent to an unpaved road, the unpaved road must be paved the length of the proposed lots that will abut the road;

(d) If a proposed subdivision is proposed to gain access from a privately maintained street, with suitable asphalt width and right-of-way as required by the *Baldwin County Commission Design Standards for New Road Construction*, the Applicant shall provide a letter from the entity responsible for maintaining the private street as evidence of the approval of such owner. Also, see *Section 5.5.1* for private street provisions.

(e) Any improvements to, or alterations of, an unimproved County right-of-way shall require a license agreement approved by the Baldwin County Commission.

Comment Received:

Add clarification that paving is required when development is accessing a public unpaved road.

Resolution:

Agree. Will clarify as requested. Will need to also increase landscape buffer to 20 feet between lots and adjacent unpaved road to mitigate dust impacts and complaints from the new homes.

Clarification

5.5.7 – Minimum Development Standards

(d) Multiple road accesses may be required by the Baldwin County Planning Director or County Engineer, or designee, to improve traffic safety and circulation. Subdivisions or developments with fifty (50) or more lots or units shall have a minimum of two accesses with adequate right-of-way and pavement width as defined in the Baldwin County Commission Design Standards for New *Road Construction*.

1. The accesses shall be on different roads where possible.
2. If two accesses are located on the same road, they shall be placed a minimum of 500 feet apart unless a waiver for closer spacing is approved by the Planning Director or County Engineer.

Comments Received:
Add clarification that the 2nd access does not have to be built by the 50th lot but rather during some future phase of the project. Add clarification that variance can be requested for sites that are unable to meet this requirement. Additional comment received stating one access is sufficient for developments containing up to 100 lots.

Resolution:
Agree. Will clarify that 2nd access needs to be shown on the phasing plan and clearly indicate the phase in which the 2nd access point will be constructed. Will also clarify variance process in this section.

ISO guidelines state that developments over 30 lots require a 2nd access point for public safety. We are increasing the number of lots above ISO guidelines by requiring at 50 lots. It would create safety issues to increase the number of lots that require 2nd access any further.

Clarification

5.5.9 – Minimum Development Standards

5.5.14 Traffic Study Requirements

For proposed subdivisions (a) containing 50 lots or more, (b) phases or additions that increase the total number of lots within a subdivision to 50 or more, or (c) which in the opinion of the County Engineer will generate Average Daily Traffic of 500 trips or more, the Applicant shall have a traffic study performed for the proposed development.

(a) After consultation with the Planning Director, the County Engineer will define the scope of the traffic study. The County Engineer shall determine the improvements required to be made by the developer along with the other subdivision improvements.

(b) The Developer will perform the Traffic Study using the services of a qualified traffic engineer preapproved by the County Engineer. This study will be submitted simultaneously with the subdivision application.

(c) All studies shall be in accordance with the *Baldwin County Traffic Impact Study Requirements* and the *Baldwin County Access Management Policy*. All recommendations of the study will be considered as the minimum conditions required for the subdivision to be approved. However, the County Engineer reserves the right to require improvements within the County right-of-way that the study indicates are not warranted.

(d) At all times, the Applicant can choose to bypass the study and accept the improvements required by the County as conditions of subdivision approval.

(e) For subdivision developments containing less than 50 lots the Applicant may be required to submit current (within 12 months) traffic counts of the links adjacent to the proposed

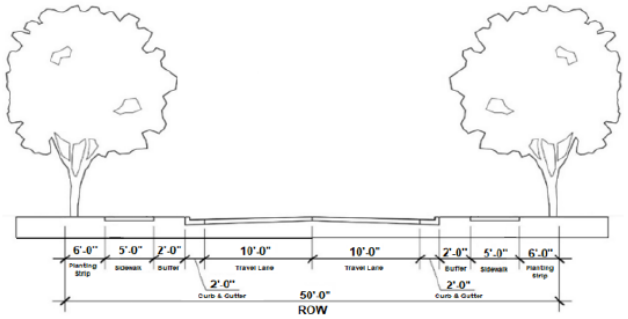
Comments Received: Why does this state a qualified traffic engineer and not a professional traffic engineer?

Resolution: Will update to clarify it must be a PE with experience in traffic impact studies and approved by the County Engineer or their designee.

Clarification

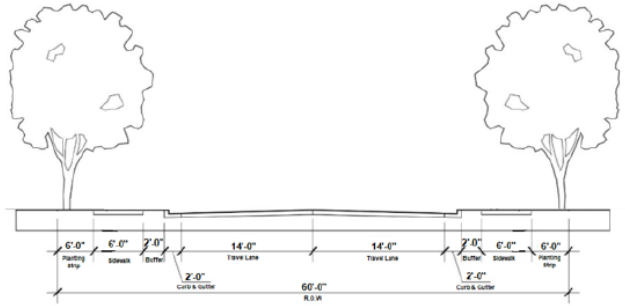
5.5.14 – Traffic Study Requirements

FIGURE 5.1



TYPICAL RESIDENTIAL STREET SECTION

FIGURE 5.2



ALTERNATIVE RESIDENTIAL STREET SECTION

Comment Received:
Provide utility corridors and consider allowing some utilities to be below the street and/or sidewalks. Add clarification for when the Alternative Street Section is to be used.

Resolution:
Agree. Will revise to allow street trees outside of the ROW but no further than 5 feet from ROW line. Alternative Street Section will be clarified to be required on streets where lots are between 60 feet and 80 feet in width.

Clarification

5.6 – Street Design Standards

Section 5.7 Sidewalks

(a) Sidewalks shall be located within the right-of-way or within an easement of sufficient width adjacent to the right-of-way.

(b) Construction of sidewalks shall be in accordance with County specifications and these regulations. Sidewalks shall be a minimum of 5 feet wide and constructed with reinforced concrete that has a minimum 28-day compressive strength of 3000 psi. Control joints shall be installed every five (5) feet and expansion joints every twenty (20) feet and shall comply with the latest ALDOT standard.

(c) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.

(d) The surety to be posted by the Developer pursuant to *Sections 7.1* and *7.2* of these regulations shall, in addition to all other anticipated construction expenses, cover the cost of all proposed sidewalks.

(e) All sidewalks which are to be located within the subdivision shall be constructed prior to Final Plat approval. No Certificate of Occupancy shall be issued for a structure situated upon a lot until the portion of any required sidewalk adjacent to such lot has been completed or repaired and approved by the County Engineer or designee.

(f) All sidewalks shall be in accordance with current A.D.A. requirements.

(g) All sidewalk crossings shall be installed by the developer prior to Final Plat approval and shall be inspected for compliance with A.D.A. requirements.

Comment Received:
Add cross grades of sidewalks must comply with current ADA requirements.

Resolution:
Agree.

Clarification

5.6 – Street Design Standards

Clarification

5.12.2(f)

(f) Common Areas. Stormwater management facilities ~~It is required that retention/detention~~ and open swales (ditches) along with access to those facilities shall always be in common areas. Projects developed under these procedures shall establish (in the recorded plat) common areas for the retention/detention facilities and include provisions for maintenance in the ~~Trust Indentures~~ covenants and restrictions. All drainage swales, detention ponds, ditches, or similar stormwater conveyances shall receive solid sod and shall be fully established and stabilized before Final Plat approval. Common areas outside of the drainage system that do not discharge offsite can be seeded and mulched with an ALDOT-approved seeding mix. The seeds shall be germinating and the area moving towards permanent stabilization.

Comment Received:

Can we modify the solid sod of drainage features to allow for permanent sold stand of vegetation?

Add "On wet ponds, sod should be placed on the slope to the water level. On dry ponds, sod will be placed on the entire slope." Also, clarify that only disturbed common areas require seed and mulch.

Resolution:

Agree. We can amend and clarify that solid stand of vegetation is acceptable.

Clarification

5.12.2(j)

(j) *Permanent Ponds/Lakes*. Permanent ponds (wet ponds) or lakes with fluctuating volume controls may be used as retention/detention areas provided that the limits of maximum ponding elevations are no closer than 30 feet horizontally from any building and less than 2 feet below the lowest sill elevation of any building.

1. Maximum side slopes for the fluctuating area of permanent ponds/lakes shall be one (1) foot vertical to three (3) feet horizontal (3:1) unless proper provisions are included for safety, stability and ease of maintenance.

2. Special consideration is suggested to safety and accessibility for children in design of permanent ponds/lakes in residential areas. The County Engineer reserves the right to require fencing or other safety measures.

Comment Received:
Needs clarification on when fencing would be required.

Resolution:
Agree. Will remove this sentence

Clarification

5.12.4(c)

5.12.4 ~~Maintenance~~ Stormwater Management Preliminary Application Plan Sheet Requirements

A generalized drainage plan must be submitted at the time of Preliminary Plat application and shall at a minimum:

(a) Be on a sheet the same size as that submitted at the time of Preliminary Plat application and be at the same scale;

(b) Show the layout of the proposed lots and common areas;

(c) When applicable, show the Finish Floor Elevations for lots;

Comment Received:
Remove FFE requirement for Preliminary Plat requirements. At this stage, only generalized drainage design is complete, and it would be nearly impossible to accurately establish finished floor elevations.

Resolution:
Agree. Will remove this sentence

Section 5.13 Construction Best Management Practices (CBMPP) ~~Erosion and Sedimentation~~

5.13.1 General

It is the purpose of this section of the *Subdivision Regulations* to further the maintenance of safe and healthful conditions, prevent and control water pollution, prevent and control soil erosion, protect spawning grounds, protect fish and aquatic life, control building sites, control placement of structures and land uses, preserve ground cover and scenic beauty, and promote sound economic growth. This will be done by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity.

Comment Received:
The Zoning Ordinance already has CBMP provisions. Some of the provisions in the Subdivision Regulations appear to be duplicate of the Zoning Ordinance while other areas are different but share a common theme. In addition to regulating construction activity rather than the division of land, proposed Section 5.13 raises the concern that having two sets of CBMP requirements creates the potential for inconsistent and possibly contradicting provisions.

Resolution:
The Subdivision Regulations establishes construction standards for development activities, and it is appropriate to include CBMPP standards within the Subdivision Regulations. The intent of this revision is to have the same CBMPP standards in both regulatory documents as not all areas of the County are zoned. It is expected there would be duplication between the Zoning Ordinance & Subdivision Regulations. We will update to ensure that both regulations contain the same language.

Clarification

5.13.2 – Construction Best Management Practices

5.13.2 General Requirements

(a) Construction Best Management Practices Plan

The Design Engineer shall submit an ADEM-approved Construction Best Management Practices Plan. Said plan shall be prepared by a Professional Engineer licensed in the State of Alabama. The CBMPP shall be in the form of the ADEM CBMPP Template. If the County Engineer or his/her designee determines, upon review of such plan, that additional erosion control items are required, the Applicant shall include such requested items on the erosion control sheets in the Construction Plans.

Comment Received:
Insert "QCP" after Design Engineer. QCP is who ensures the stormwater plan is administered properly.

Resolution:
Agree.

Clarification

5.13.2(a) – Construction Best Management Practices

2. *Design Criteria.* All best management practices including but not limited to erosion and sediment control measures, concrete washout, trash, etc. during and after construction, etc. shall meet the design criteria, standards and specifications given in the most current version of the *Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas*. The ~~erosion and sedimentation control plan~~ CBMPP shall be a part of the Construction Plans and shall meet the requirements of ADEM General NPDES Permit prior to the commencement of any land-disturbing activity including but not limited to tree cutting and root removal. In Priority Construction Sites as determined by ADEM, the County Engineer, at his/her discretion, may require stricter standards.

Comment Received:
Need to clarify if the ADEM General NPDES Permit need to be issued or outline the requirements that need to be met.

Resolution:
Will clarify that the ADEM General NPDES Permit must be issued prior to Subdivision Permit NTP and commencement of construction.

Clarification

5.13.2(a)2 – Construction Best Management Practices

4. *Site Stabilization.* All drainage swales, detention and retention ponds, ditches, or similar stormwater conveyances shall receive solid sod and shall be fully established and stabilized before Final Plat approval. Common areas outside of the drainage system that do not discharge offsite can be seeded and mulched with an ALDOT-approved seeding mix. The seeds shall be germinating and the area moving towards permanent stabilization. Temporary vegetation must be established on all areas to be built on within six (6) months.

Comment Received:
Can we modify the solid sod of drainage features to allow for permanent sold stand of vegetation?

Clarify that only disturbed common areas require seed and mulch.

What is required for areas that may not be built on within 6 months?

Resolution:
Agree. We can amend and clarify that solid stand of vegetation is acceptable. Only disturbed areas require seed and mulch. Will delete the last sentence as it is redundant.

Clarification

5.13.2(a)4 – Construction Best Management Practices

(d) *Non-compliance*. Any permitted site that has continued compliance issues and/or offsite impacts may be issued a Stop Work Order per *Section 13.5.1*, ceasing all activity except BMP installation and maintenance. At that time the Permittee may be required to submit an updated CBMP Plan prepared by a Qualified Credentialed Professional.

Comment Received:
Need to explicitly clarify what constitutes "continued compliance issues or impacts" and what warrants a stop work order being issued.

Resolution:
Agree. We will clarify that "continued compliance issues" are sites that have more than 3 CBMPP compliance violations within a 60-day period. Will add clarification that stop work order can only be issued on sites that meet this definition of continued compliance issues.

Clarification

5.13.3(d) – Construction Best Management Practices

Clarification

5.16(b) – Special Requirements for RV Parks/ Campgrounds

(b) *Access*. RV parks and campgrounds shall have direct access to a paved County, City, State or Federal highway or roadway ~~that has a minimum width (edge-of-pavement to edge-of-pavement) of twenty-four (24) feet within 300 feet of the recreation vehicle park entrance, in each direction~~. The Applicant shall adhere to *Section 5.5.3* in regard to existing roadways. To ensure that adjacent roads are adequate for the proposed development, an approved commercial turnout permit must be submitted with the PUD application.

Comment Received:
Commercial Turnout Permit would require roadway design and drainage calculations to be complete. Why would this be needed prior to submitting a PUD application? This wouldn't be feasible unless an applicant pursued civil design prior to submitting for PUD.

Resolution:
We need to be able to assess the roadway access for the vehicles that will be accessing the RV park. We can revise to only require roadway assessment that will verify existing roadway has proper geometry for the design vehicle.

4.6.1 Pre-Application Procedure and Requirements

Before applying for Final Plat:

(a) Obtain and submit a *No Deficiency Letter* from the County Engineer or designee;

(b) The Design Engineer shall submit an *Itemized Engineer's Cost Estimate* to the County Engineer or designee who will review the *Itemized Engineer's Cost Estimate*. Once approved, the Applicant may proceed with filing an application for approval of the Final Plat.

Comment Received:
There needs to be additional clarity of what is included in the Engineer's Cost Estimate and there should be an outlined timeline from review and approval of the Engineers Cost Estimate

Resolution:
Agree. Will clarify No Deficiency Letter must be issued within 14 days of site inspection with no deficiencies found and Engineers Cost Estimate must be reviewed and approved or comments issued within 14 days of submittal.

Establish Review Timeframes
4.6.1 – Final Platting Procedure

4.6.5 Final Plat Review ~~Engineering Plans and Test Results~~

If the Final Plat complies with these *Subdivision Regulations*, it shall be approved by the Baldwin County Planning Director and County Engineer. Should the Final Plat be deficient in any regard, the Applicant shall be notified of the deficiencies. A resubmitted Final Plat may be approved by the Baldwin County Planning Director and County Engineer after all deficiencies have been corrected.

Comment Received:
Timeline for review and notice of deficiencies need to be explicitly outlined. Proposed timeline for review: 30 days

Resolution:
Agree. Will clarify Final Plat must be reviewed and approved or comments provided within 30 days of complete application.

Establish Review Timeframes
4.6.5 – Final Plat Review

Section 5.15 Project Close-out Procedure ~~Construction Requirements~~

Final Inspection and Release of Final Plat for Signature
Procedure for requesting a final inspection

(a) All improvements shall be installed and the site fully stabilized with permanent vegetation as required by Sections *5.12* and *5.13*.

(b) The Planning and Zoning Department will schedule a final walk through, and a municipal planning jurisdiction representative will participate if applicable. Once the site has obtained

~~a~~ *No Deficiency Letter* from the Planning and Zoning Department regarding the *Subdivision Regulations* and *Zoning Ordinance* (where applicable), the Applicant may submit a Final Plat Application.

Comment Received:
Propose to add a 14-day review period once an Applicant has submitted a Final Plat Application.

Resolution:
Agree. Will clarify No Deficiency Letter must be issued within 14 days of site inspection with no deficiencies found and Final Plat must be reviewed and approved or comments provided within 30 days of complete application.

Establish Review Timeframes
5.15(b) – Final Plat Review

Article 6 ~~Installation of Permanent Reference Points~~ Open Space, Landscaping, and Buffers

Section 6.1 Reservation of Land for Public Purposes

The Planning Director, County Engineer, or their designee may require that the Applicant reserve open spaces for schools, fire stations, rights-of-way, or any other use the Planning Commission deems essential to the welfare of the community.

Comment Received:
How can the Planning Commission determine the necessity of schools or fire stations. Let the BCBOE and Fire Departments their needs.

General comment to all of Article 6: Do not require landscaping as it will increase cost and HOA fees.

How can this be applied consistently? This is essentially giving the Planning Director, County Engineer, or their designee the ability to unofficially eminent domain private property.

Resolution:
Will remove Section 6.1. However, the ability to reserve right-of-way on existing roads will need to be clarified in Section 5.5.9.

Open space and landscaping provide long term value and livability of the neighborhoods being development. This has been acknowledged by stakeholders. We are balancing open space and landscape requirements carefully to minimize long term costs to HOAs.

Open Space Requirements

Section 6.1 – Reservation of Land for Public Purposes

Comment Received:
Remove "or new phases of existing development" under subsection (a).

Reduce lot size requirement to 15,000SF or less

Remove subsection (b)

Resolution:
Agree to remove subsection (b)

Will clarify that this is for new phases of existing developments that have not received Preliminary Plat approval.

Under the currently proposed method of calculating required open space the lot size requirement should not be less than 30,000 SF to properly balance public/private open space requirements. However, if it is determined we should use the proposed method of calculating required open space (will discuss on next slide) this statement would be removed.

Open Space Requirements

Section 6.2 – Open Space

Section 6.2 Open Space

6.2.1 General Requirements

The following regulations are intended to create within new developments, private recreation areas as illustrated in *Figure 6.1*, for the purpose of meeting the informal recreational needs of its residents.

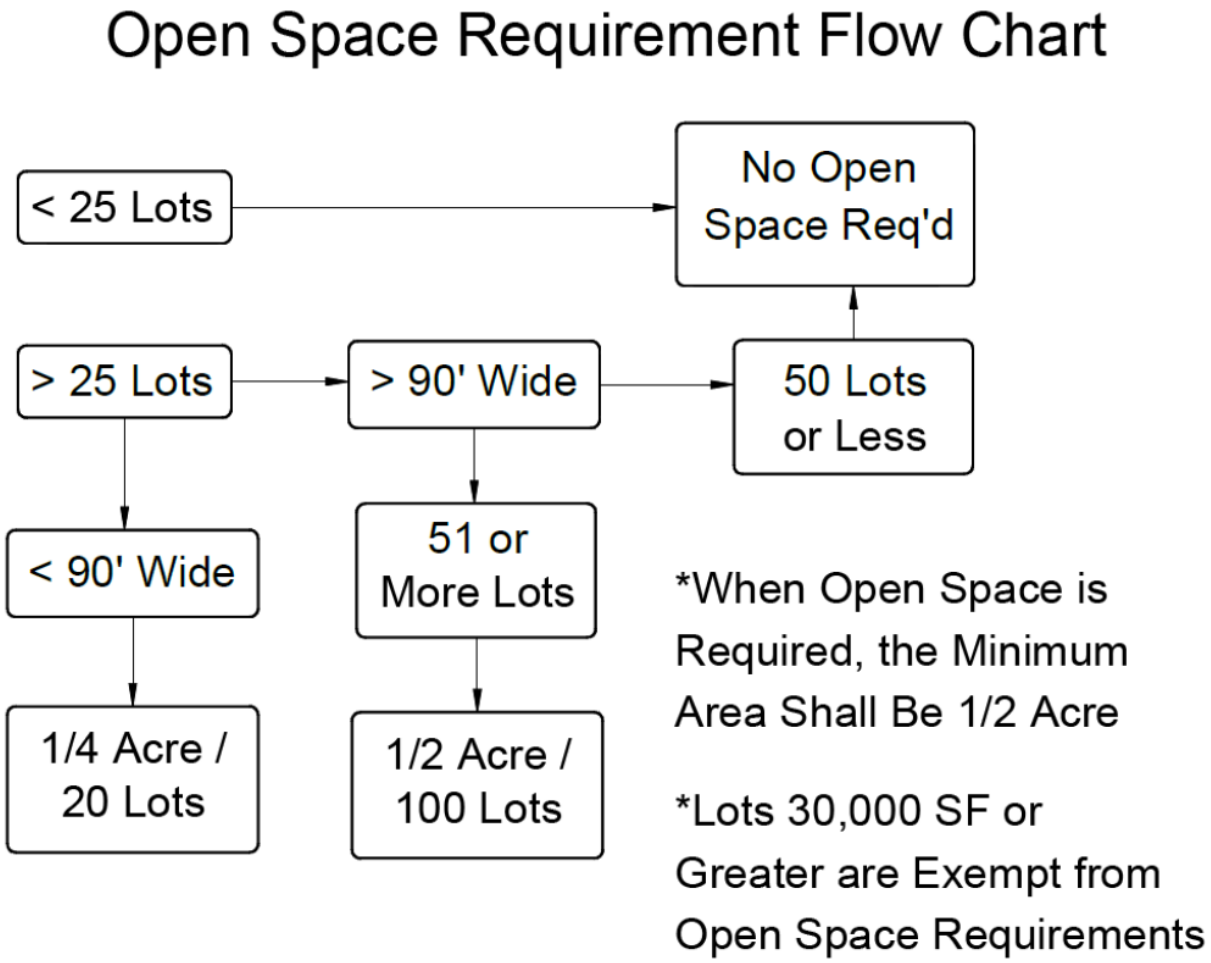
(a) All new developments, or new phases of existing developments, that meet the following requirements shall provide open space consistent with these regulations: a total of twenty-five (25) or more lots/units, and lot sizes of 30,000 SF or less.

(b) For developments having fewer than twenty-five (25) lots or units, the Planning Commission may, at its discretion and if appropriate for a particular subdivision, require that open space be provided in similar quantity and quality as herein referenced.

(c) All developments under Section 5.16, Section 5.17, and Section 5.18 of these regulations shall meet the open space requirements, regardless of the number of sites/units.

Comment Received:

I do believe that Open Space is needed in developments once they have a certain number of lots, and especially when the lots are smaller with not much space in the yards. I have found that they encourage more density and smaller lots, in order to make up for the cost of land lost. We need a way to provide Open Space and encourage larger lots. My proposal is to base the Open Space on the number of units, as opposed to a flat percentage.

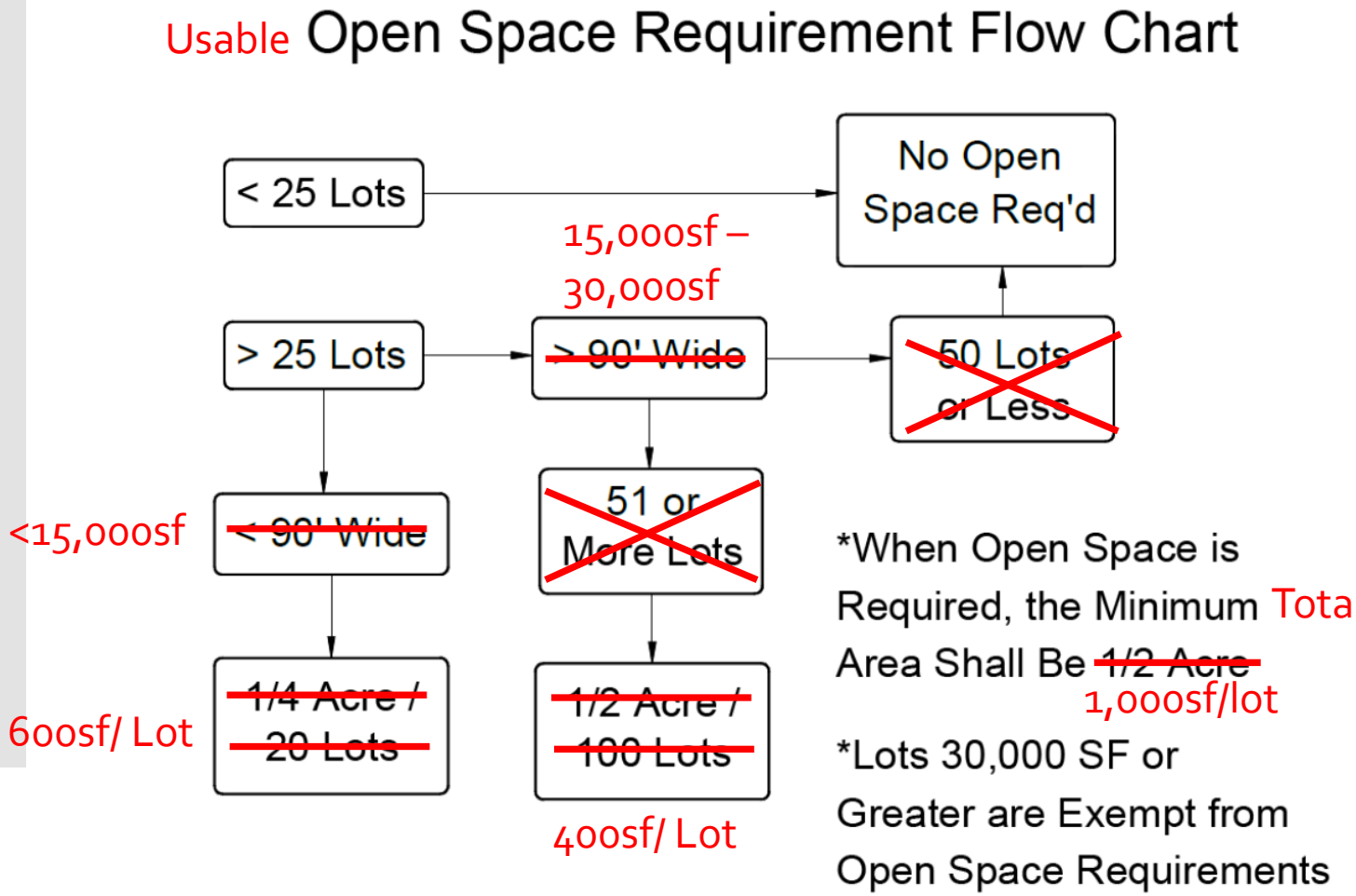


Open Space Requirements

Section 6.2 – Open Space

Resolution:

This is a common approach that would provide a mechanism to tie usable open space requirements to the context of the density being proposed. Would be better to categorize the lot sizes by square footage rather than width as area of open space is what is important so all measures should be by area rather than width. Proposed changes:



Open Space Requirements

Section 6.2 – Open Space

Example:

120 lot subdivision: 60 lots <15,000sf, 60 lots 15,000 to 30,000sf

60x6000sf/lot = 36,000sf

60x4000sf/lot = 24,000sf

Total usable open space required= 60,000sf

120x1000sf/lot = 120,000sf Total minimum open space required

Open Space Requirements

Section 6.2 – Open Space

6.2.2 Area and Use Requirements

(a) Minimum Area

1. Subdivisions. Subdivisions meeting the requirements specified above shall provide a minimum of ten (10) percent of the gross land area of the subdivision as open space. The land shall be labeled as open space on the plat, and adequate provision shall be made for the ownership and maintenance of such areas.

2. Planned Unit Developments. Planned Unit Developments (PUDs) meeting the requirements specified above shall provide a minimum of twenty (20) percent of the gross land area of the development as open space. The land shall be labeled as open space on the site plan and adequate provision shall be made for the ownership and maintenance of such areas.

Comment Received:
For PUDs the usable open space should not include landscape and/or LID facility areas. PUD allow for unique planning with smaller lots but specifically for the reason to have usable open space for the residents when the lots & yards are smaller

Resolution:
Agree. Will clarify that PUDs cannot calculate landscape areas or LID facilities in the usable open space calculation.

Open Space Requirements

Section 6.2 – Open Space

Comment Received: 6.2.3(a) is inconsistent with the Zoning Ordinance. Subdivision Regulations state "open space shall be held in common ownership" while Zoning Ordinance states "open space may be owned in common by residents".

Who is responsible for maintaining landscaping? County or HOA/Homeowners?

Response: The Zoning Ordinance will be updated to clarify that open space shall be held in common ownership.
The HOA or homeowners are currently responsible for maintaining the common areas and stormwater facilities. The required landscaping would be maintained as part of the common areas. Landscaping requirements are minimal and promote native vegetation that requires minimal maintenance.

Comment Received: How long can Planning Staff determine dead or dying trees and require them to be replaced?

Resolution: This would only occur during the maintenance bond period (2 years). All required improvements are required to be covered by a 2-year maintenance bond and prior to releasing the bond all required improvements must be inspected and accepted. Replacing trees would be a requirements of the developer in order to get their bond released for the project.

Open Space Requirements

Section 6.2.3 – Ownership & Maintenance

Open Space Requirements

6.2.4(a)– Design Requirements

Comment Received:

1. "To the extent practicable, be centrally located and designed as an integral part of the Development" This is open to interpretation. Define what "the extent practicable" means. How will it be ensured this is applied consistently when it is open to discretion and ambiguous?

Proposed Change: " Shall provide centrally located community gathering areas and play spaces that are integral to the livability of the Development."

2. Be of appropriate dimensions accommodate active and passive recreational activities. This is also open to interpretation. Define what "appropriate dimensions" means. How will it be ensured this is applied consistently when it is open to discretion and ambiguous?

Proposed Change: "Be of appropriate size as described in Figure 6.1 to accommodate active and passive recreational activities."

Open Space Requirements

6.2.4(a)– Design Requirements

Comment Received:

3. Be accessible to the largest practicable number of lots or units within the development. Define what "Be accessible to the largest practicable number of lots or units within the development" means. How will it be ensured this is applied consistently when it is open to discretion and ambiguous? It would be clearer to state "open space must have at minimum one access point or area".

Proposed Change: "Be accessible to all lots or units within the Development and shall not be isolated to the rear of lots in a manner that limits accessibility within the Development."

Lots or units should face or be adjacent to open space. Non-adjoining lots or units shall be provided with safe and convenient pedestrian access to open space in the form of sidewalks within the street right-of-way and pedestrian paths or sidewalks within open space areas. Are roads and or sidewalks considered "safe and convenient pedestrian access"? How will it be ensured this is applied consistently when it is open to discretion and ambiguous?

Proposed Change: "Lots or units should face or be adjacent to open space. Non-adjoining lots or units shall be connected by safe and convenient pedestrian access to open space in the form of sidewalks within the street right-of-way, or pedestrian paths and/or sidewalks within open space areas.

Open Space Requirements

6.2.4(a)– Design Requirements

Comment Received:

4. Depending on the size of the development, provide sidewalks and/or trails through the open space area. Depending on what size of development? How will it be ensured this is applied consistently when it is open to discretion and ambiguous? If this provision will only be applicable to certain size subdivisions, it needs to be clearly stated.

Proposed Change: "Developments with greater than 80 cumulative acres within all phases, provide sidewalks and/or trails throughout the open space area."

5. Connect to adjacent open space areas to provide a network of open space throughout the community. This isn't always feasible and could unintentionally limit the areas of proposed open space. Define what is considered "adjacent". Will be there certain distance limitations in order to be considered adjacent or not?

Proposed Change: "Usable Open Spaces within the Development shall be connected through sidewalks or pedestrian trails to provide a network of Open Space throughout the Development. Sidewalks constructed along the streets within the Development can be utilized to safely connect usable Open Spaces."

Comment Received: There needs to be clear guidelines about what is approvable or not as it relates to natural areas being considered open space.

Resolution: Will clarify that all areas that include jurisdictional wetlands, natural wetland buffers, other undisturbed natural areas, and landscape buffers will be considered open space but not calculated towards usable open space requirements.

Comment Received: Define what are considered "steep slopes" or "other areas considered unusable".

Resolution: Will clarify steep slopes would be any slope greater than 8%. Will remove "other areas considered unusable.

Comment Received: 6.2.4(b) 50% of the required open space must be "usable open space". This term need to be defined

Resolution: Agree. Will add definition of usable open space.

Open Space Requirements

Section 6.2.4(b) – Usable Open Space

(b) *Usable Open Space*. A minimum of fifty (50) percent of the required open space shall be usable and accessible for passive or active recreation purposes such as parks, recreational facilities, or pedestrian ways. The remainder may be approved as natural areas such as jurisdictional wetlands, natural wetland buffers, and other undisturbed natural areas.

1. The following shall not be counted as open space: Steep slopes, internal street rights-of-way, driveways, off-street parking areas, off-street loading areas, or other areas considered "unusable."

2. Land utilized for drainage and stormwater management shall not be counted as open space unless the Applicant demonstrates, to the satisfaction of Planning Commission staff, that such land can be utilized as an amenity. Areas where LID stormwater management techniques are utilized may count as open space.

3. Landscaped buffers shall be counted as open space, but not usable open space unless the Applicant demonstrates, to the satisfaction of Planning Commission staff, that such land can be utilized for recreation.

(b) *Usable Open Space*. A minimum of fifty (50) percent of the required open space shall be usable and accessible for passive or active recreation purposes such as parks, recreational facilities, or pedestrian ways. The remainder may be approved as natural areas such as jurisdictional wetlands, natural wetland buffers, and other undisturbed natural areas.

1. The following shall not be counted as open space: Steep slopes, internal street rights-of-way, driveways, off-street parking areas, off-street loading areas, or other areas considered "unusable."

2. Land utilized for drainage and stormwater management shall not be counted as open space unless the Applicant demonstrates, to the satisfaction of Planning Commission staff, that such land can be utilized as an amenity. Areas where LID stormwater management techniques are utilized may count as open space.

3. Landscaped buffers shall be counted as open space, but not usable open space unless the Applicant demonstrates, to the satisfaction of Planning Commission staff, that such land can be utilized for recreation.

Open Space Requirements

Section 6.2.4(b) – Usable Open Space

Comment Received: Applicant must "demonstrate to the satisfaction of Planning Commission staff" that land can be used as an amenity. How can it be ensured it will be applied consistently?

Proposed Change: "Land utilized for drainage and stormwater management shall not be counted as open space unless the stormwater facility is a wet pond and contains amenities such as walking paths that will safely activate the area."

Comment Received: Areas where LID techniques are used "may qualify" — this needs to be changed to will qualify.

Resolution: Will update to will qualify as usable open space within developments that meet LID Standards established in Section 5.11.3.

Section 6.3 Landscaping and Buffers

These regulations establish minimum standards for the provision, protection, installation, and maintenance of landscape plantings. Minor deviations from the requirements of these provisions may be permitted if approved by the Planning Commission.

Comment Received: General comment: Remove landscaping requirements it will be additional costs to the homeowners and HOA.

Response: Landscaping & buffering is an important component of preserving property values and buffering adjacent uses from the new development. This topic is highlighted each Planning Commission meeting from the public and the Planning Commission members and is important to incorporate to promote smart and sustainable growth. Landscaping requirements are minimal compared to other jurisdictions to minimize long term maintenance costs.

Comment Received: Define what is considered "minor deviations from the requirements".

Resolution: Will remove this sentence.

Open Space Requirements

Section 6.3– Landscaping & Buffers

Open Space Requirements

6.3.2(a)2– Street Trees

2. Street trees. Canopy trees (as defined in *Section 6.3.3*) shall be planted on both sides of new streets in an alternating pattern approximately one hundred (100) feet apart in the locations shown in the residential street typical section (*Figure 5.2*).

   (i) Street trees shall not be of a low, bush species that might obstruct vision. They shall be pruned to remove foliage, limbs, or other obstructions between existing grade and a height of eight (8) feet at maturity;

   (ii) At planting, be a minimum height of eight (8) feet and a minimum two (2) inch caliper measured at six (6) inches above grade level;

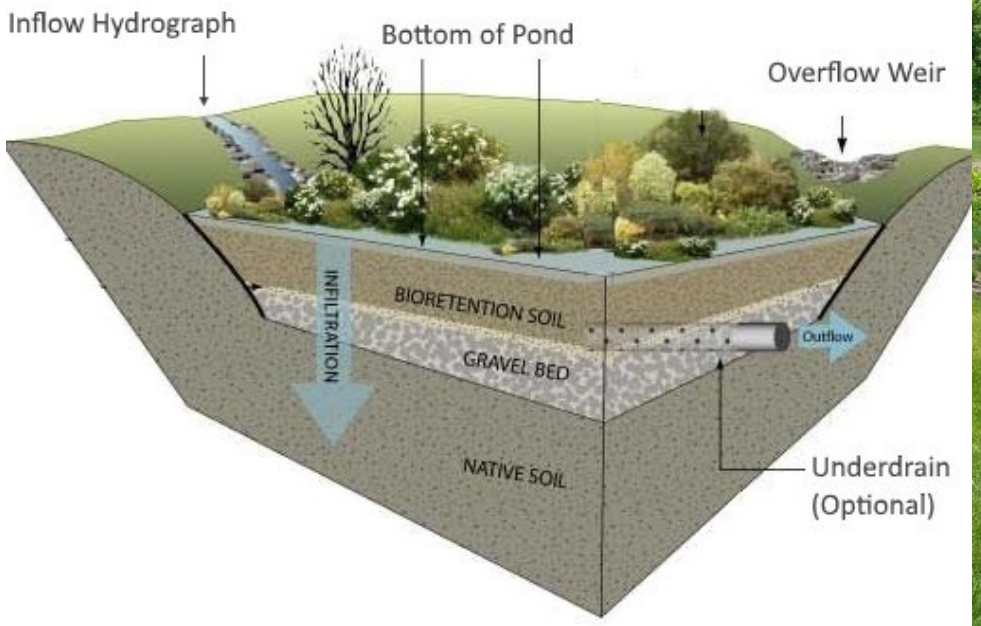
   (iii) Tree planting wells shall be as large as possible to allow ample growing space and prevent damage, and shall not impede access to utilities, sidewalks, or streets;

   (iv) Variations in the placement of street trees may be necessary due to the location of driveways, street corners, sidewalks, topography, and planting conditions. Minimum distances between street trees and other improvements are as follows:

   - 25 feet from a street intersection
   - 30 feet from a stop sign or other traffic signs
   - 5 feet from a fire hydrant
   - 2 feet from property lines

Comment Received:
Where does the Street Trees need to be planted. If planted within the ROW they could conflict with utility corridors. Does the County want irrigation within the ROW?

Resolution: We will update the text to allow street trees within the front yard of the lots within 5 feet of the ROW line. We do not want to encourage utility conflicts or irrigation within the ROW.



Stormwater Requirements

Example Stormwater Techniques

Stormwater/ LID Requirements

5.11.2(b) – General Requirements

redirect stormwater to adjacent properties.

(b) *Securing Drainage Rights*. When a proposed new drainage system will divert water into an unnatural water system or onto private land adjacent to the subdivision, drainage rights must be secured by the Applicant and indicated on the Final Plat.

(c) Accommodations for Spring or Surface Water. The Applicant shall be required to carry away

Comment Received:
This should not be required if the drainage study accurately takes into account the predevelopment drainage conditions, and discharge is returned to the natural sheet flow drainage pattern.

Resolution: Agree. Will revise to clarify.

Stormwater/ LID Requirements

5.11.(f) – General Requirements

(f) *Effect on Downstream Drainage Areas*. The Design Engineer shall review the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the County Engineer or designee may withhold approval of the subdivision until provision has been made for the necessary downstream improvements.

The layout shall include an appropriate conveyance of offsite flows that does not pass through required detention areas. Stormwater discharges from a developed site must be routed to an existing natural or manmade stormwater channel with adequate capacity. Calculations must be submitted that show the capacity of the receiving stormwater channel to handle the required design storms. The routing calculations must extend, at a minimum, as far as the second downstream street crossing or to a named water body. Routing calculations must extend further downstream if the County Engineer has reasonable concerns about the capacity of a downstream stormwater channel based on scientific or engineering evidence. Analysis of the downstream system shall include flow capacity and velocity for existing and proposed flow conditions.

Comment Received: Do not agree that upstream flows cannot pass through required detention area. When done correctly this should be encouraged to regulate downstream impacts.

Resolution: Agree. Will revise to remove this sentence.

Comment Received: Requirements of this section should be the discretion of the PE for the proposed development.

Resolution: The remainder of this section is necessary to clearly define what the stormwater calculations must consider in order to protect downstream public stormwater facilities and downstream properties. This will clarify these requirements that are unclear in the current regulations.

Stormwater/ LID Requirements

5.11.3 – LID & Green Infrastructure

5.11.3 Low Impact Development Techniques (LID) and Green Infrastructure ~~Drainage Systems~~

The use of Low Impact Development Techniques (LID) and Green Infrastructure (GI) is encouraged for new developments and shall be designed by the Engineer of Record for the project. Where implemented, the design and integration of LID techniques shall promote the health, safety, and general welfare of the community and shall be designed to work in a complementary fashion with the proposed development drainage plan.

(a) When LID techniques are used in conjunction with the requirements of *Section 5.1.1* of these regulations, a Developer may qualify for reduced lot widths of 60 feet.

(b) The use of LID techniques is encouraged and, if implemented, is to be designed from an entire site development perspective by the Engineer of Record for the project. The design and integration of LID techniques shall promote the health, safety and general welfare of the community and shall be designed to work in a complementary fashion with the drainage plan for the proposed development. Practices shall be designed in accordance with the *Alabama LID Handbook* (www.aces.edu/lid) and certified by a credentialed professional in

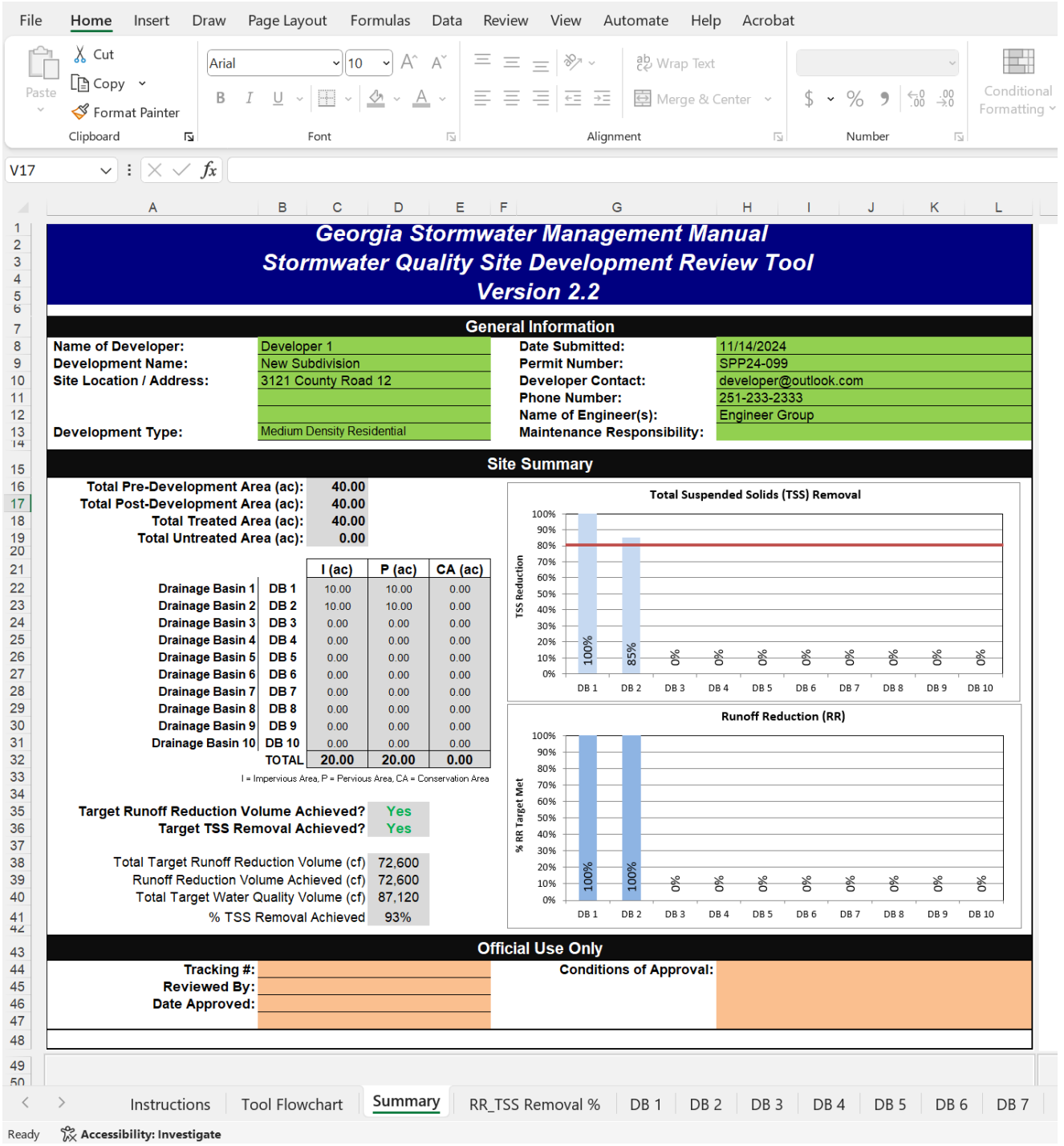
Comment Received: On what basis will the County determine if LID Standards are met to achieve 60' minimum lot width?

Resolution: Will clarify that LID standards will be met when the development provides documentation that LID techniques established in the Alabama LID Handbook are being utilized to achieve a run-off rate reduction of 1" from pre-development conditions, sediment reduction of 80% is achieved, and nutrient reduction of 50% is achieved.

The Alabama LID Handbook provides guidance for the sediment and nutrient reduction that each LID technique provides.

Stormwater/ LID Requirements

5.11.3 – LID & Green Infrastructure



File Home Insert Draw Page Layout Formulas Data Review View Automate Help Acrobat

Cut Copy Format Painter — Paste — Clipboard

Arial 10 — Font

Wrap Text Merge & Center — Alignment

Number — Conditional Formatting

V17

Georgia Stormwater Management Manual
Stormwater Quality Site Development Review Tool
Version 2.2

General Information

Name of Developer:	Developer 1	Date Submitted:	11/14/2024
Development Name:	New Subdivision	Permit Number:	SPP24-099
Site Location / Address:	3121 County Road 12	Developer Contact:	developer@outlook.com
		Phone Number:	251-233-2333
		Name of Engineer(s):	Engineer Group
Development Type:	Medium Density Residential	Maintenance Responsibility:	

Site Summary

Total Pre-Development Area (ac):	40.00
Total Post-Development Area (ac):	40.00
Total Treated Area (ac):	40.00
Total Untreated Area (ac):	0.00

		I (ac)	P (ac)	CA (ac)
Drainage Basin 1	DB 1	10.00	10.00	0.00
Drainage Basin 2	DB 2	10.00	10.00	0.00
Drainage Basin 3	DB 3	0.00	0.00	0.00
Drainage Basin 4	DB 4	0.00	0.00	0.00
Drainage Basin 5	DB 5	0.00	0.00	0.00
Drainage Basin 6	DB 6	0.00	0.00	0.00
Drainage Basin 7	DB 7	0.00	0.00	0.00
Drainage Basin 8	DB 8	0.00	0.00	0.00
Drainage Basin 9	DB 9	0.00	0.00	0.00
Drainage Basin 10	DB 10	0.00	0.00	0.00
	TOTAL	20.00	20.00	0.00

I = Impervious Area, P = Pervious Area, CA = Conservation Area

Target Runoff Reduction Volume Achieved?	Yes
Target TSS Removal Achieved?	Yes
Total Target Runoff Reduction Volume (cf)	72,600
Runoff Reduction Volume Achieved (cf)	72,600
Total Target Water Quality Volume (cf)	87,120
% TSS Removal Achieved	93%

Official Use Only

Tracking #:		Conditions of Approval:	
Reviewed By:			
Date Approved:			

Instructions | Tool Flowchart | Summary | RR_TSS Removal % | DB 1 | DB 2 | DB 3 | DB 4 | DB 5 | DB 6 | DB 7

Ready Accessibility: Investigate

Stormwater/ LID Requirements

5.11.3 – LID & Green Infrastructure

overwinter.

Pollutant Removal

Table 4.1.10
Pollutant Removal Table

Sediment	Nutrients		Metals	Pathogens
	N	P		
a.85%	40%	45%	No Data	No Data
b.80%	50%	60%	MOD	No Data
c.80%	50%	60%	MOD	No Data

a. NCDENR, 2007*
b. City of Auburn, 2011
c. Georgia Manual, 2001

* Research has demonstrated pollutant removal efficiencies of 60% for both N and P in the Coastal Plains.

Bioretention pollutant removal is dependent on the presence of plants, microorganisms, specialized cell media, and mulch; the absence of one of these components decreases the pollutant removal efficiency associated with the BRC. Bioretention shows greater than 35% reduction in nutrients and a minimum of 80% reduction in total suspended solids (TSS). Nutrient removal is more variable compared to TSS, which is likely due to the complexities of chemical breakdown processes and the behavior of nutrients.

Total Suspended Solids: Although most TSS is removed through sedimentation, some suspended fine particles are removed via filtration through the top layer of media and mulch.

Total Nitrogen: An IWS layer creates anaerobic conditions to a facilitate reduction in nitrogen through denitrification. Nitrogen is removed 30” below the media surface. Nitrogen uptake by plants is increased when plant tissue is harvested frequently.

Total Phosphorus: It is critical to soil test cell media prior to installation to determine that the extractable phosphorus is low to very low, especially if phosphorus reduction is a primary concern. Research has shown phosphorus removal depends on the phosphorus content originally found in the BRC media. Media with high extractable phosphorus is likely to leach phosphorus from the BRC. Two-thirds of phosphorus is bound to sediment and is deposited on the mulch layer and surface layer of media as stormwater enters the BRC; thus, mulch can be removed and replaced to assist in phosphorus reduction. The remaining third is soluble phosphorus, which is removed at a depth of 12” or more below the media surface. Phosphorus has the most variable range of pollutant reduction.

Stormwater/ LID Requirements

5.11.3 – LID & Green Infrastructure

5.11.3 Low Impact Development Techniques (LID) and Green Infrastructure ~~Drainage Systems~~

The use of Low Impact Development Techniques (LID) and Green Infrastructure (GI) is encouraged for new developments and shall be designed by the Engineer of Record for the project. Where implemented, the design and integration of LID techniques shall promote the health, safety, and general welfare of the community and shall be designed to work in a complementary fashion with the proposed development drainage plan.

(a) When LID techniques are used in conjunction with the requirements of *Section 5.1.1* of these regulations, a Developer may qualify for reduced lot widths of 60 feet.

(b) The use of LID techniques is encouraged and, if implemented, is to be designed from an entire site development perspective by the Engineer of Record for the project. The design and integration of LID techniques shall promote the health, safety and general welfare of the community and shall be designed to work in a complementary fashion with the drainage plan for the proposed development. Practices shall be designed in accordance with the *Alabama LID Handbook* (www.aces.edu/lid) and certified by a credentialed professional in

Comment Received: LID facilities are smaller in nature and need to be installed at the source of the runoff and often will need to be installed in the ROW. Can we add this allowance in this section?

Resolution: LID facilities should be placed outside of the County ROW to eliminate conflicts with other infrastructure within the County ROW. Additionally, development incentives are associated with the use of LID techniques, therefore public ROWs should not be used to achieve development incentives.

Comment Received: Clarify that if LID standards are met the developer qualifies for reduced lot width of 60 feet.

Resolution: Agree. Will clarify that if LID standards are met and gravity sewer is provided within the development, the development shall be allowed 60-foot minimum lot width.

Stormwater/ LID Requirements

5.11.3(c) – LID & Green Infrastructure

and other natural features.

(c) The Design Engineer shall work closely with the Baldwin County Planning & Zoning and Highway Departments for consideration of site constraints and LID technique selection to achieve a "best-fit" solution. The County Engineer or designee has the authority to exempt these requirements for developments with extenuating circumstances based on site constraints. Economic constraints shall not be considered. Water quality and quantity shall still be addressed to the maximum extent practicable.

Comment Received: The County Engineer or designee has the authority to exempt requirements. How can this be guaranteed to be applied consistently if application is at the discretion of the County Engineer or designee?

Resolution: Will remove this sentence as requested.

Comment Received: Request LID techniques be removed until Baldwin County has clearly outline the proposed regulations, techniques, and manner in which they will be applied consistently and equitably.

Resolution: We have now clarified how LID techniques will be reviewed and what metrics must be achieved to gain LID bonuses. There is no need to remove.

(d) *Method of Calculation.* The SCS Method will be the only accepted method used to determine the sizing of stormwater detention/retention areas for stormwater runoff from drainage areas of ~~200~~ 20 acres or greater. The Rational Method will ~~not~~ be permitted for such use for stormwater runoff from drainage areas up to ~~200~~ 20 acres. See *Figure 5.3* for an example of a Discharge Hydrograph.

Comment Received: Proposed re-write: The method of determining stormwater runoff shall be as follows: the Engineer may use the Rational Method for determining inlet spacing, roadway spread, and the sizing of opened and closed pipe network and collection basins. For areas greater than 200 acres, the Engineer may use Regression Equations (rural or urban) or SCS Method only.

Resolution: Agree. Will clarify "the Engineer shall use the Rational Method for determining inlet spacing, roadway spread, and the sizing of opened and closed pipe network and collection basins."

Stormwater/ LID Requirements

5.12.3(d) – Minimum Requirements for Stormwater Facilities & Design Criteria

(h) The hydraulic elevations resulting from channel retention/detention shall not adversely affect adjoining properties.

(i) All stormwater culverts within Baldwin County right-of-way shall not be permanently surcharged (submerged).

(j) *Permanent Ponds/Lakes*. Permanent ponds (wet ponds) or lakes with fluctuating volume controls may be used as retention/detention areas provided that the limits of maximum

Comment Received: Can we modify to say "existing stormwater culverts in existing County ROW"? Given the flat topography in many parts of Baldwin County a pressured stormwater system is sometimes necessary. I understand we do not want to surcharge culverts that were not designed to be submerged but properly designed pressure systems in new projects needs to be allowed.

Resolution: Agree. Will clarify that existing culverts cannot be surcharged. Will also clarify that new systems that are designed to be pressurized would be allowed with the approval of the County Engineer.

Stormwater/ LID Requirements

5.12.3(i) – Minimum Requirements for Stormwater Facilities & Design Criteria

Comment Received:

Proposed strike through below, some of the proposed required information is not necessarily available at the time of construction plans:

Master Lot Grading Plan (when required) - A plan drawn to a scale not less than 1:100 showing the proposed overall drainage and grading~~, house type, etc.~~ in a plan of subdivision. This plan must also show the directions of the ~~minor and major~~ storm flows within the limits of the development. Master lot grading plans shall show existing and/or proposed roadway centerlines and grade elevations, the proposed minimum elevation of the lowest floor, ~~proposed driveway material and location~~, proposed drainage culvert size and location if applicable, swale locations and an indication of the proposed drainage flow directions of the site including outfall locations from the property. Elevations must be based on the NAVD 88 datum. ~~If roof gutters are to be utilized to control roof runoff, the location of the downspouts must be indicated on the lot grading plan~~. For projects that lie within a designated floodplain, the lot grading plan must depict the location and zoned designation of the special flood hazard area(s), the elevation of the proposed minimum lowest floor in AE zones, or the elevation of the proposed lowest horizontal structural member and V zone certification in VE zones. Additional information may be required, such as topographic and wetland information as warranted by specific site conditions and project characteristics;

Resolution: Agree. Will revise with these proposed changes.

Comment Received: Do the subdivision regulations identify when a master lot grading plan is required?

Resolution: Yes. 5.12.5(h) requires that subdivisions with lots less than 40,000 sf must set FFE and provide master lot grading plan. Will clarify 5.12.5(h) to make this clearer.

Stormwater/ LID Requirements

5.12.5(i) – Stormwater Management Construction Plan Requirements

Comment Received5.12.5(i): If the lot grading plan is a part of the approved construction plans County staff can require the lots be built exactly to those plans. Will the homebuilder be able to use another engineering firm to produce lot grading plants? Due to this, if a lot grading plan is required in construction plans, it should include proposed minimum FFEs, direction of stormwater flow and lot grading detail only. This gives the contractor and homebuilder enough information to grade the lots to match the engineer's intent for stormwater management. The detail could look something like this graphic.

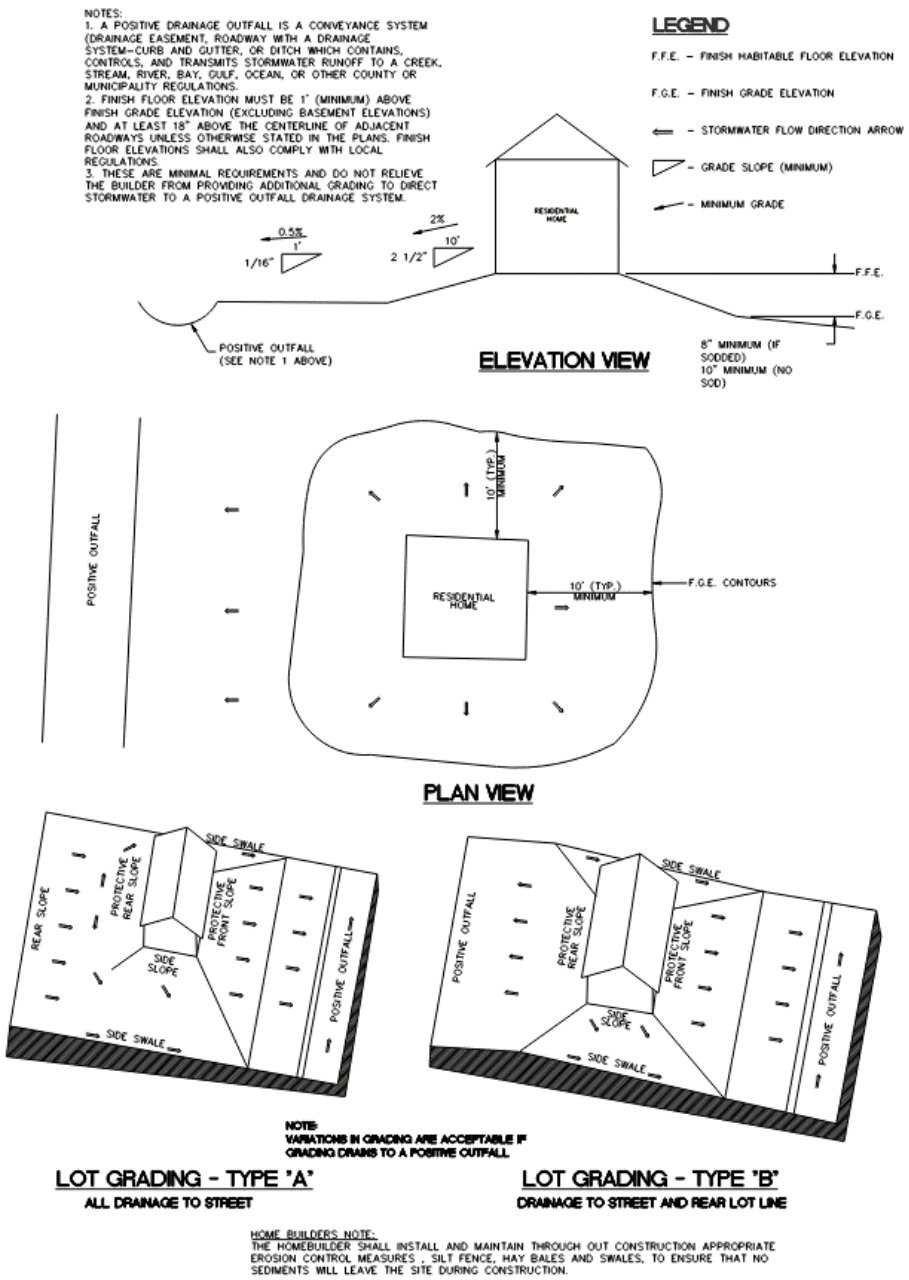
Resolution: This is what we would expect for lot grading plan. Enough information that the future homebuilder (and their engineer) could grade the lot to work with the intent of the engineer of record of the development. We will add a graphic similar to this to clearly describe that this is what is required.

Comment Received5.12.5(e): Change "cross section" to "typical section"

Resolution: Agree

Stormwater/ LID Requirements

5.12.5(i) & (e) – Stormwater Management Construction Plan Requirements



Stormwater/ LID Requirements

5.12.5(i) – Stormwater Management Construction Plan Requirements

Comment Received: The utility willingness and capabilities letter is a communication tool used to confirm/document the understanding between the developer and utility provider that utility service is available and will be provided to the development, subject to certain terms and conditions the developer must meet as referenced in the letter. The willingness and capabilities letter also serves as notice to the County Commission and Planning and Zoning Department that the utility is willing and able to provide service to the development, subject to certain terms and conditions being met

Response: During prior communications with utility companies, it was requested that we clearly specify what is needed in the written report with the ability to serve the development. The added text is the clarification that was requested. It is standard planning and engineering practice to evaluate the level of service for **all** infrastructure impacted by new development to ensure development approvals are consistent with available capacities and capabilities of expansion to accommodate the proposed development.

Utility Requirements
4.5.1 – Preliminary Plat Application Procedure & Requirements

Comment Received: The Alabama Department of Environmental Management is responsible for permitting and oversight of wastewater treatment facilities.
Response: Agree. We are not attempting to regulate any wastewater treatment facility. We are evaluating the level of service available to serve proposed developments which is within our regulatory authority and standard planning and engineering practice. The information regarding the receiving wastewater treatment plant ADEM permit number, permitted capacity, and peak flows is being requested to evaluate the level of service and ability of the utility provider to serve the development which is within the authority of the County to evaluate.

Comment Received: BCSS respectfully asserts that some of the proposed amendments seeking to regulate the provisions of service by utilities is beyond the authority of the county to regulate the subdivision of land. For example, the permitting, capacity, operation, and maintenance of wastewater treatment facilities are under the jurisdiction of ADEM.
Response: The proposed revisions are within the legal authority given to the County to regulate the subdivision of property and establish development standards. We are not attempting to regulate wastewater treatment facilities. We are evaluating the **level of service of all required infrastructure,** including utilities, to ensure the public infrastructure has the ability to serve the proposed development. We will discuss this in detail on the following slides.

Utility Requirements
4.5.1 – Preliminary Plat Application Procedure & Requirements

(h) Be accompanied by documentation that the proposed plat was submitted to each utility company providing a required utility (see *Table 5.1* in *Section 5.1.1* for required utilities) along with a written report from each documenting its ability and willingness to serve said development. Documentation of the following will be required in the written report to verify the ability to serve said development. For specific utility requirements, see *Section 5.2.5*. Applicant will supply any additional information that may be required by Baldwin County Design Standards.

1. Sewer:

(i) Location, type, and size of sanitary sewer main adjacent to the proposed development;

(ii) Receiving wastewater treatment facility information including: ADEM Permit Number, permitted capacity, and previous 12 months of Daily Discharge Flows as reported to ADEM;

(iii) If sewer is not currently adjacent to the site, provide engineered plans showing the proposed sewer main extension required to serve the proposed development;

(iv) If this information is not sufficient to determine the provider's ability to serve the proposed development, the Planning Director, County Engineer, or designee reserves the right to require a detailed engineering study to evaluate the ability to adequately serve the proposed development.

2. Water:

(i) Location, type, and size of water main adjacent to the proposed development.

(ii) Hydrant flow test at the nearest existing fire hydrant that includes Flow (GPM), Static Pressure, Residual Pressure, and Calculated Fire Flow at 20PSI.

(iii) For subdivisions with more than 25 lots, provide design calculations that show projected pressure and flow of the most interior proposed hydrant within the development.

(iv) If water is not currently adjacent to the site, provide engineered plans showing the proposed water main extension required to serve the proposed development.

(v) If this information is not sufficient to determine the provider's ability to serve the proposed development, the Planning Director, County Engineer, or designee reserves the right to require a detailed engineering study to evaluate the ability to adequately serve the proposed development.

Utility Requirements
4.5.1 – Preliminary Plat Application Procedure & Requirements

Comment Received: At the time of Preliminary Plat application, the development design has not been finalized. Information pertaining to the number of lots, size of lots, lot layout, infrastructure design, infrastructure type, street layout, utility easements, etc. are not in final form and are subject to conditions or changes required by Planning Commission. Therefore, the current Baldwin County Subdivision regulations regarding the provisions of utility services are sufficient to establish the availability of utility service. Final utility design for improvements outside of the proposed development are completed after preliminary plat approval and should be included in the construction plan review.

Response: Preliminary Plat application **does** establish lot & street layout, lot size, and number of lots so this is the stage where the level of service of the required utilities must be evaluated. Will clarify that the required information for necessary upgrades and/or extensions do not have to be engineered plans. However, we must require enough information be provided for the required upgrades to properly condition the approval of the preliminary plat to ensure the necessary upgrades are included. Final engineering design of the utility upgrades will only be required with the construction plan submittal and review.

Utility Requirements
4.5.1 – Preliminary Plat Application Procedure & Requirements

Comment Received: State law gives the County the authority to regulate the subdivision of land, but the grant of authority to regulate subdivisions does not give the county the authority to dictate and/or control the operation, management and construction outside of the land which is being subdivided.

Response: State law gives the County authority to require standards for roadway, drainage, and utilities within the boundary of the subdivision of property. We are not dictating or controlling the operation, management and construction of utilities outside of the boundaries of the subdivision. If improvements are needed for roadway, drainage, or utilities outside of the boundary of the subdivision, it is the responsibility of the design engineer and/or utility provider to provide the necessary studies and plan for improvements to provide the level of service needed to serve the subdivision.

Utility Requirements
4.5.1 – Preliminary Plat Application Procedure & Requirements

(b) *Sanitary Sewer System.*

1. Connection to a sanitary sewer system is required when necessary to meet the lot size requirements of *Section 5.4(a)* and when necessary to comply with the utility requirements as specified in *Table 5.1*, *Section 5.1.1* of these regulations. When sanitary sewer is installed, sewer stub-outs shall be provided for each lot and shall extend to the property line of the said lot.

2. Sanitary sewer collection systems for developments containing more than 50 units should be gravity systems. Low pressure systems, i.e. multiple grinder pumps, are discouraged. Where gravity sewer is impractical, the Design Engineer will submit a statement justifying the need for a low pressure system. A waiver must be approved by the Planning Commission.

3. Where subdivisions meet the lot size requirements of *Section 5.4(a)* and comply with the utility requirements as specified in *Table 5.1 in Section 5.1.1* of these regulations, and are served by gravity systems and LID techniques, the minimum lot width may be reduced to 60 feet.

4. If no sanitary sewer system is provided, on-site disposal systems may be used after approval is received from the Health Department. Where neither public water nor public sewer is available, lots may be platted only where a minimum of 40,000 SF of contiguous uplands exist, unless the purpose of the lot is for conservation and no development or building shall occur.

Utility Requirements

5.2.5 (b) – Sanitary Sewer System

Comment Received: This provision is internally inconsistent in that the first two sentences suggest that the use of gravity systems is preferred but not required, while the last two sentences suggest that using gravity system is a requirement that can only be waived if the engineer can justify.

Resolution: Agree. Will correct this section to clearly state it is a requirement unless waiver is granted.

Comment Received: Waiver should be granted by the County Engineer instead of the Planning Commission

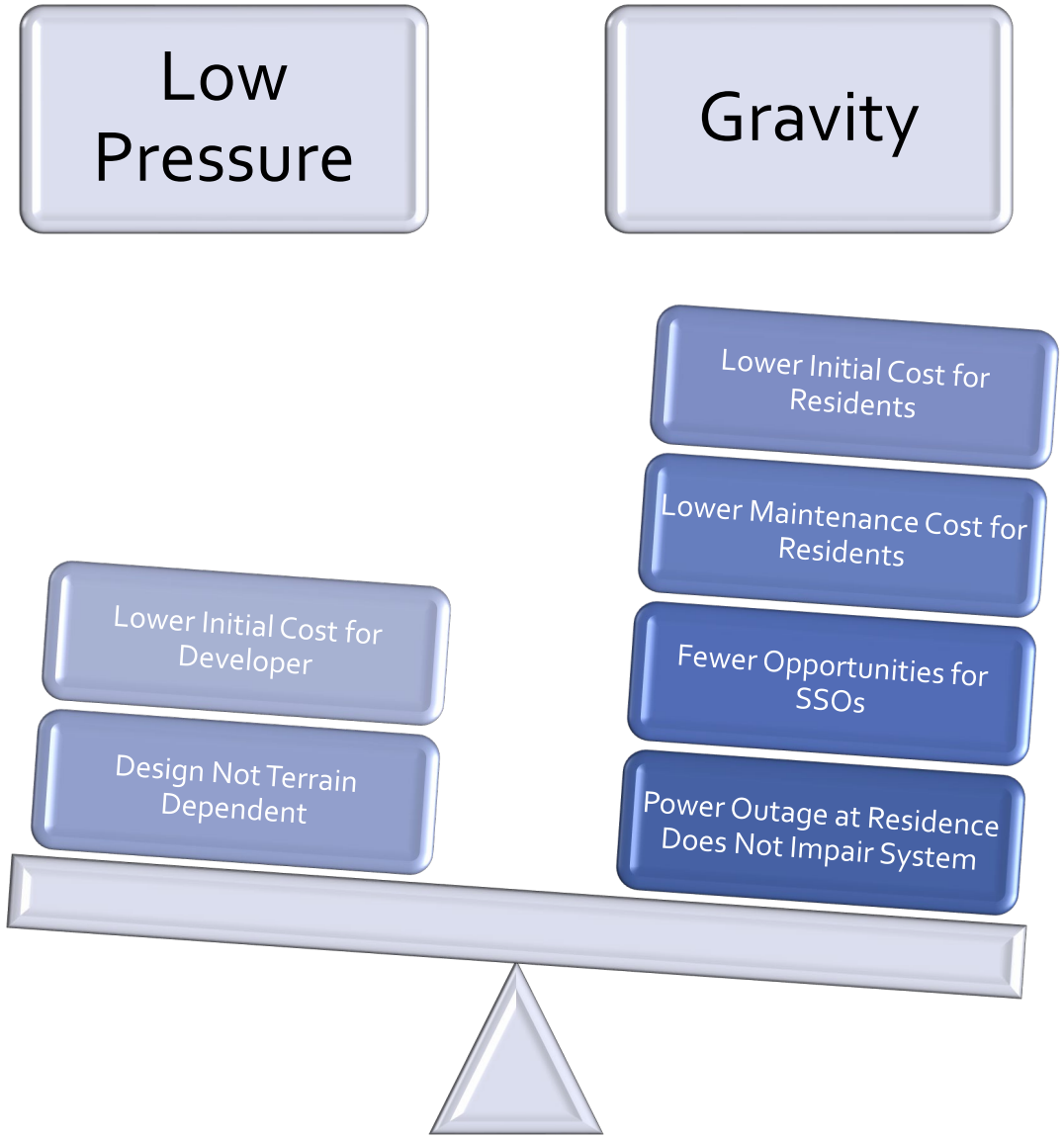
Resolution: Agree. Will correct this to indicate waiver must be granted by the County Engineer.

Utility Requirements
5.2.5(b) – Sanitary Sewer System

Comment Received: The proposed amendments to the subdivision regulations purport to limit the use of low-pressure sewer collection systems and the use of grinder pumps, which is a viable and proven system for the collection and transmission of wastewater for treatment along with gravity systems. In addition, in many areas that are subject to high levels of rain, wetland areas, and areas subject to flooding and/or significant surface drainage, gravity systems, which are open systems which utilize manholes and other components which are not completely enclosed, allow the inundation of stormwater into the wastewater collection system resulting in significant increases of water in the system, which can result in sewer overflows. The design of the system should be left to the utility provider (and the engineer of record) which will be ultimately responsible for its construction, operation, and maintenance in accordance with ADEM requirements.

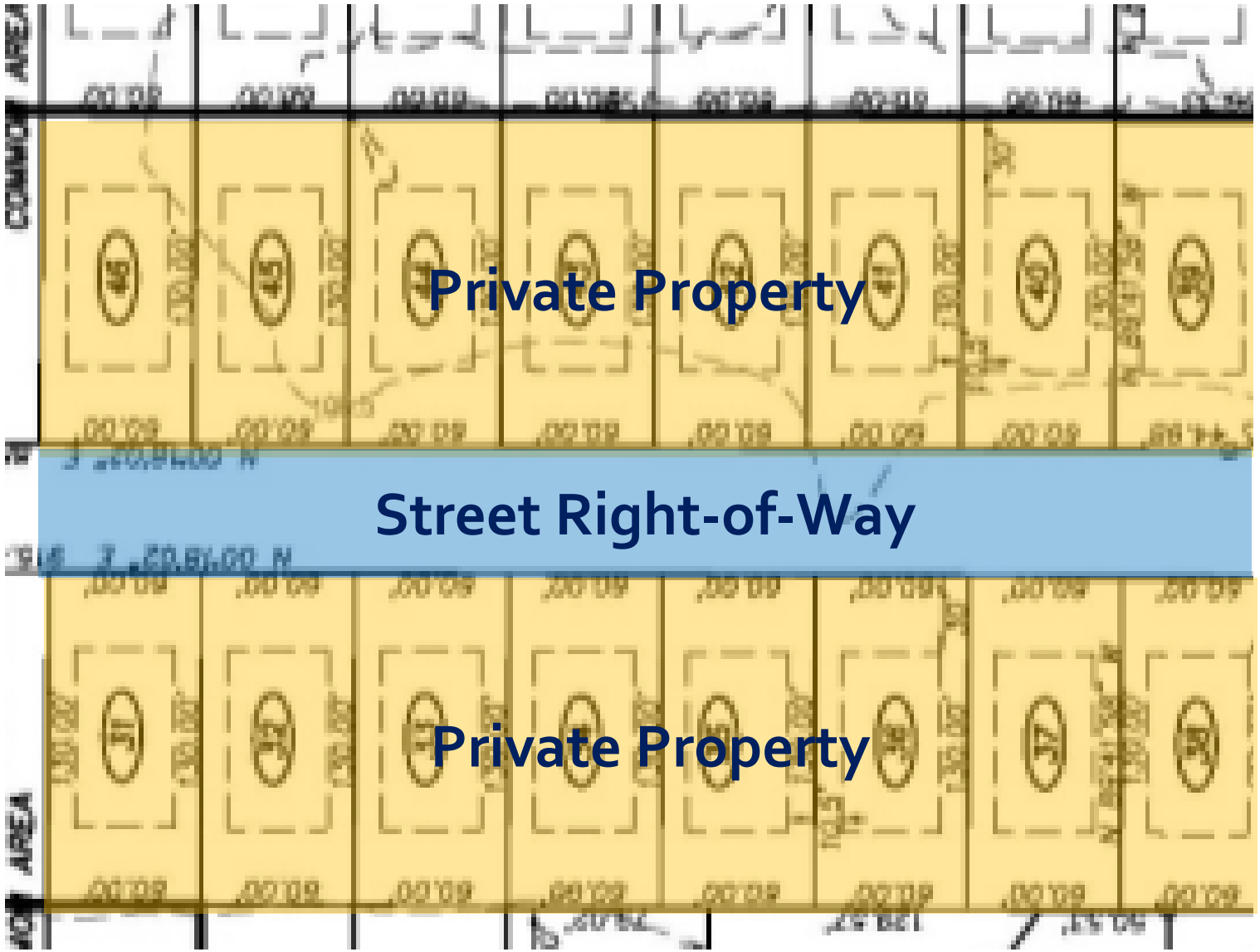
Response: The ability to obtain a waiver from this requirement will allow the utility provider, engineer of record, and County Engineer to evaluate if the site is not feasible for gravity sewer should the conditions described be present with the proposed development. These sites will be the minority so the regulation must be written to require gravity for all sites unless it is proven to be unfeasible from an engineering perspective. The use of gravity systems is standard engineering practice as it is more reliable and maintained by the utility provider while also reducing the short-term and long-term costs to the homeowners.

Utility Requirements
5.2.5(b) – Sanitary Sewer System



Utility Requirements

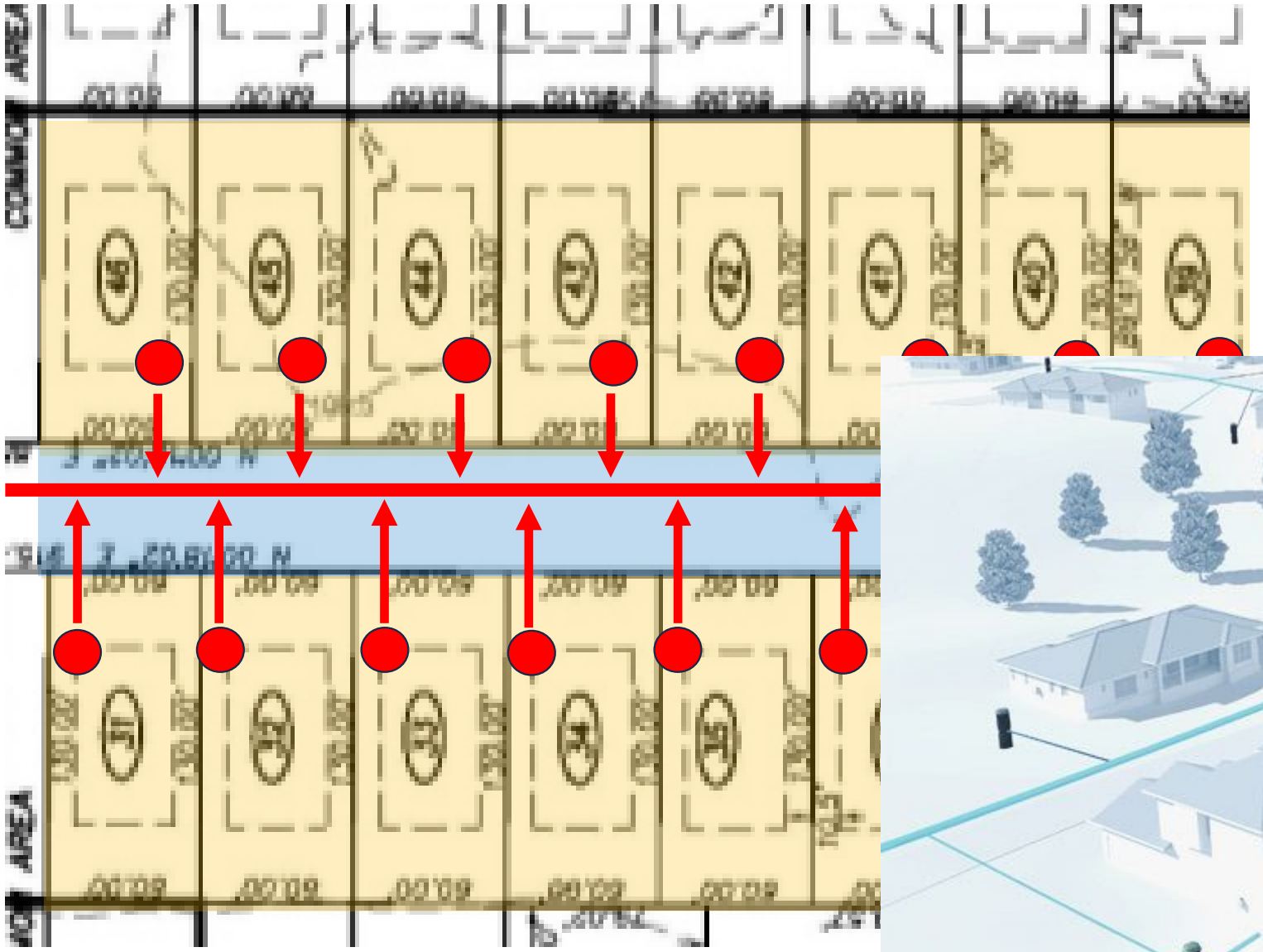
5.2.5 – Sanitary Sewer System

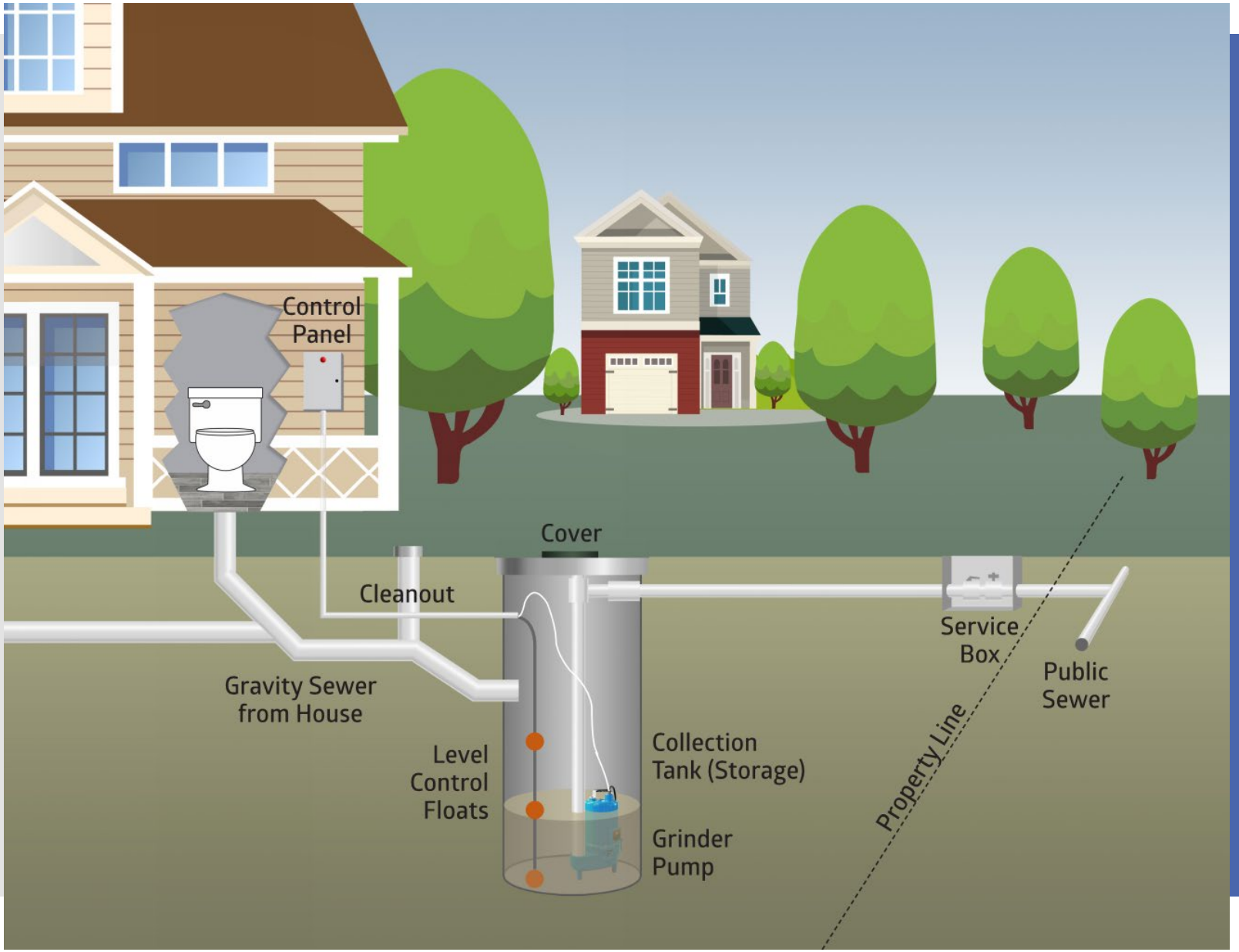


Utility Requirement

5.2.5 – Sanitary Sewer System

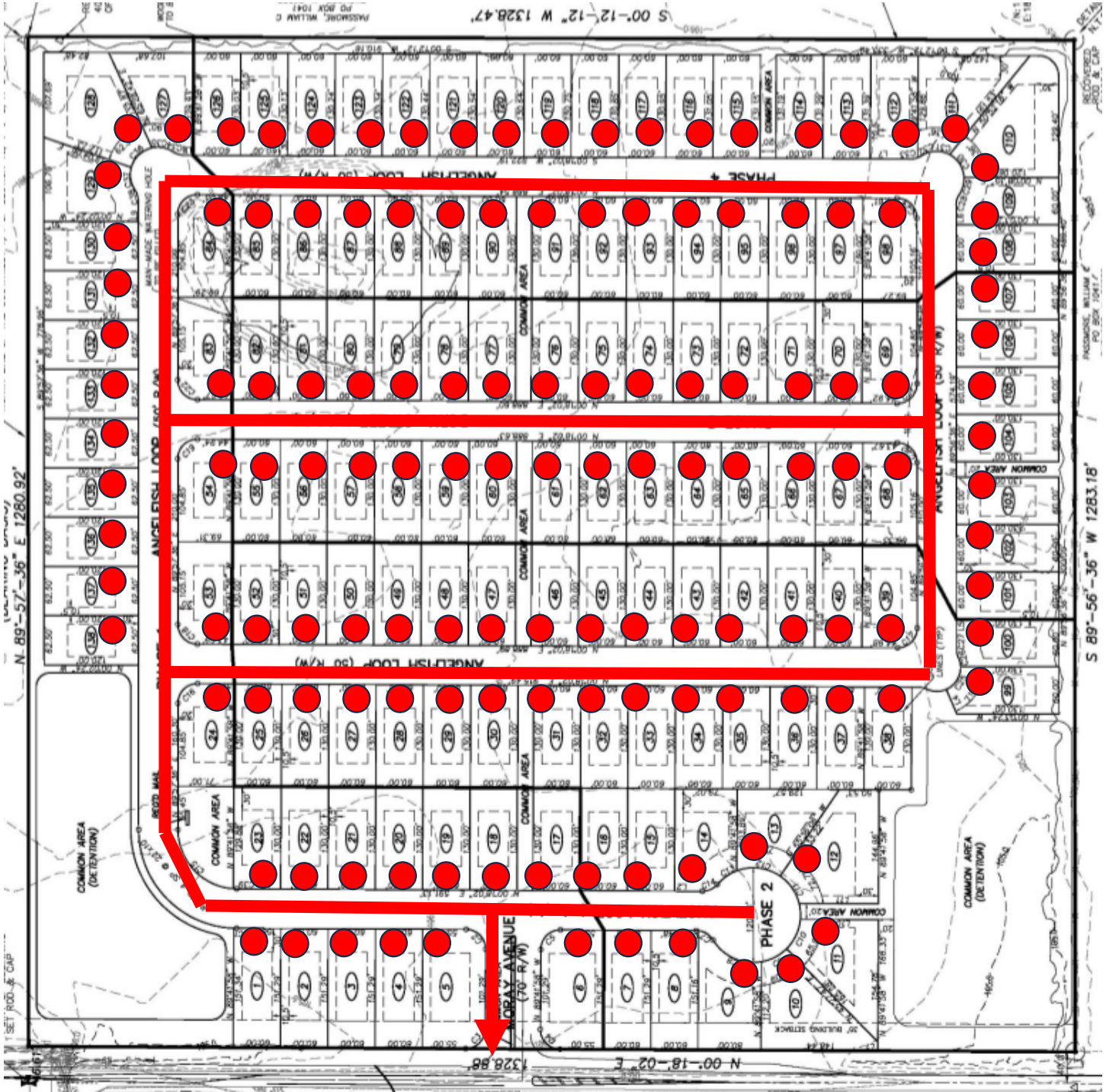
Utility Requirements





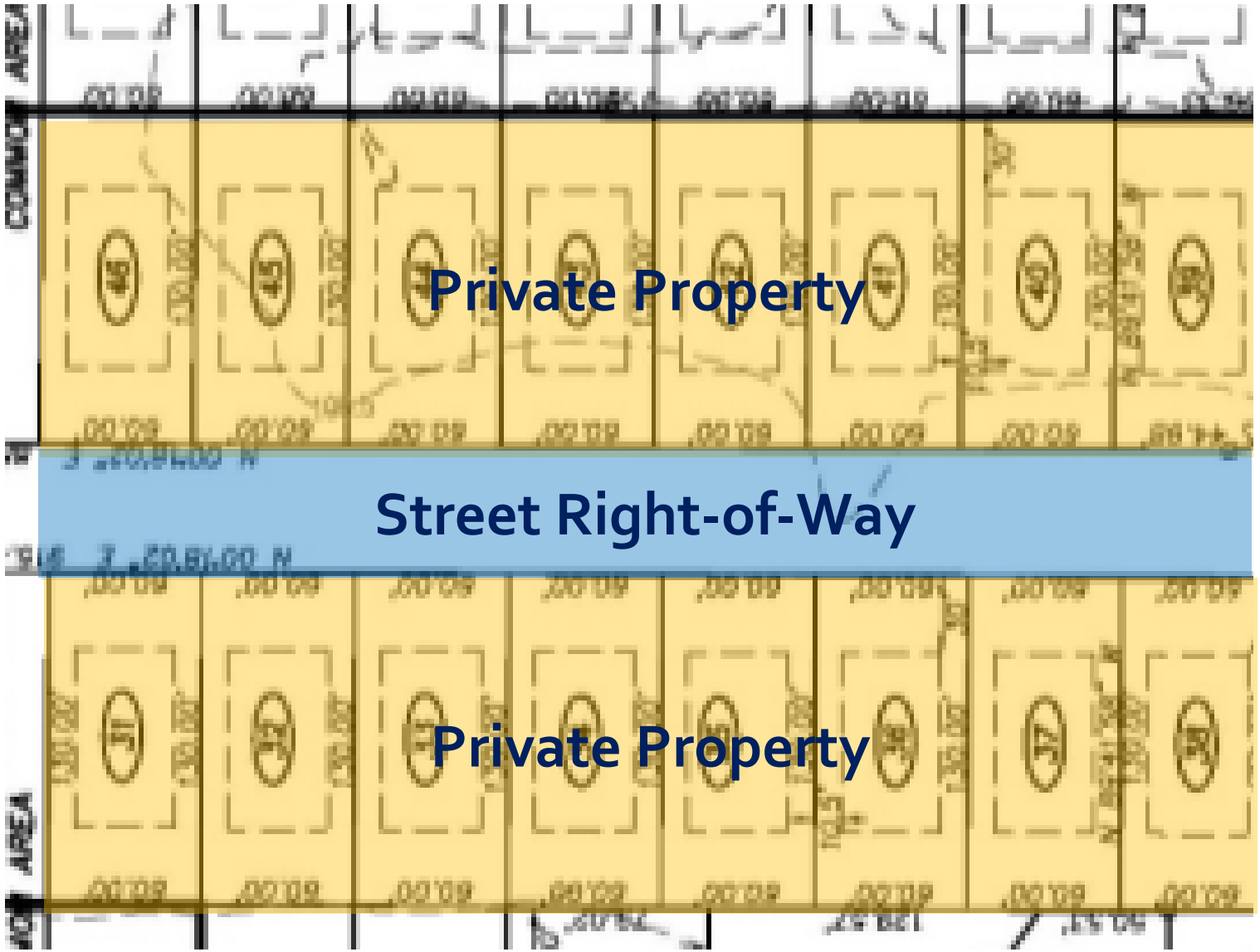
Utility Requirements

5.2.5 – Sanitary Sewer System



Utility Requirements

5.2.5 – Sanitary Sewer System

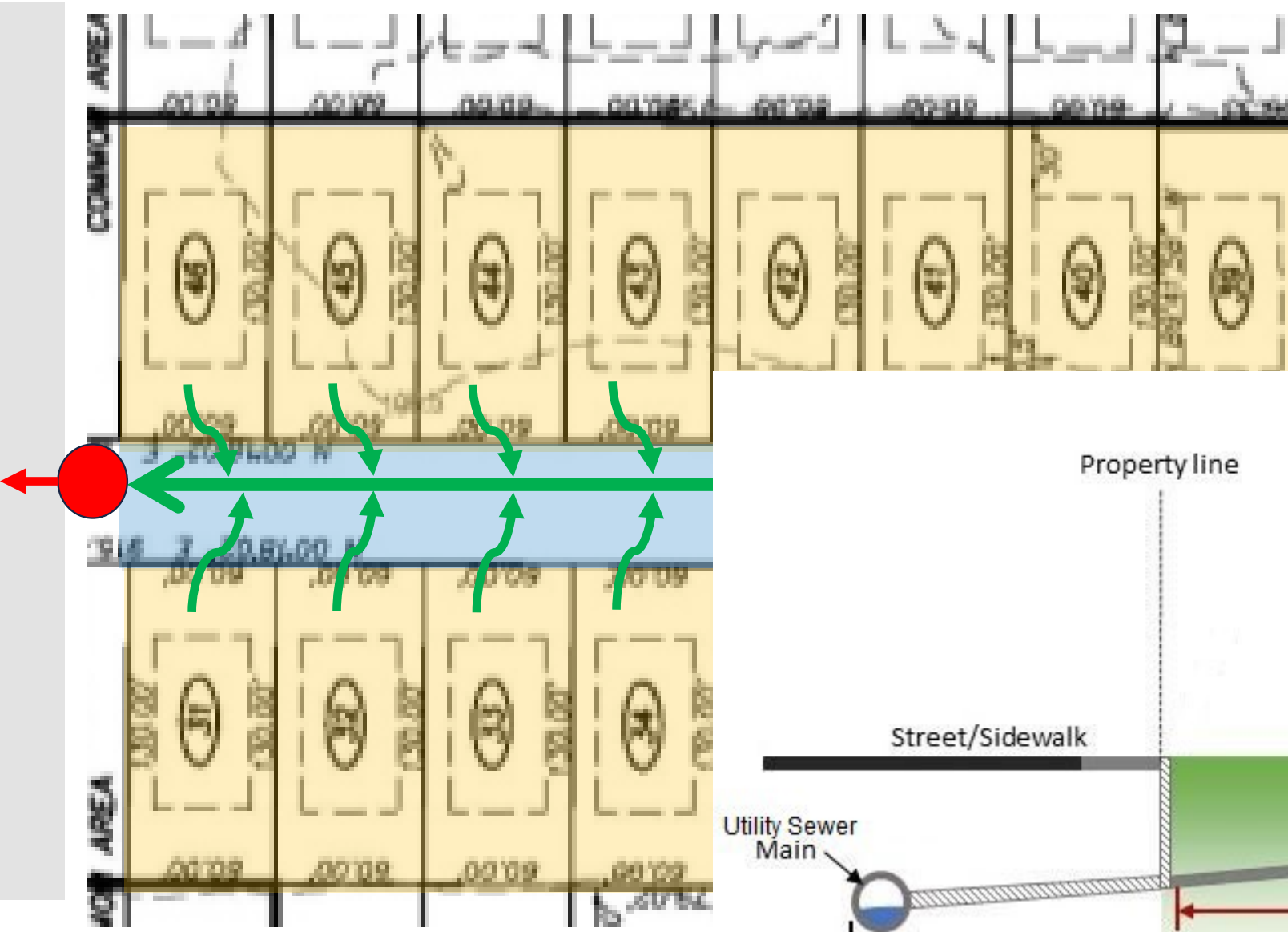


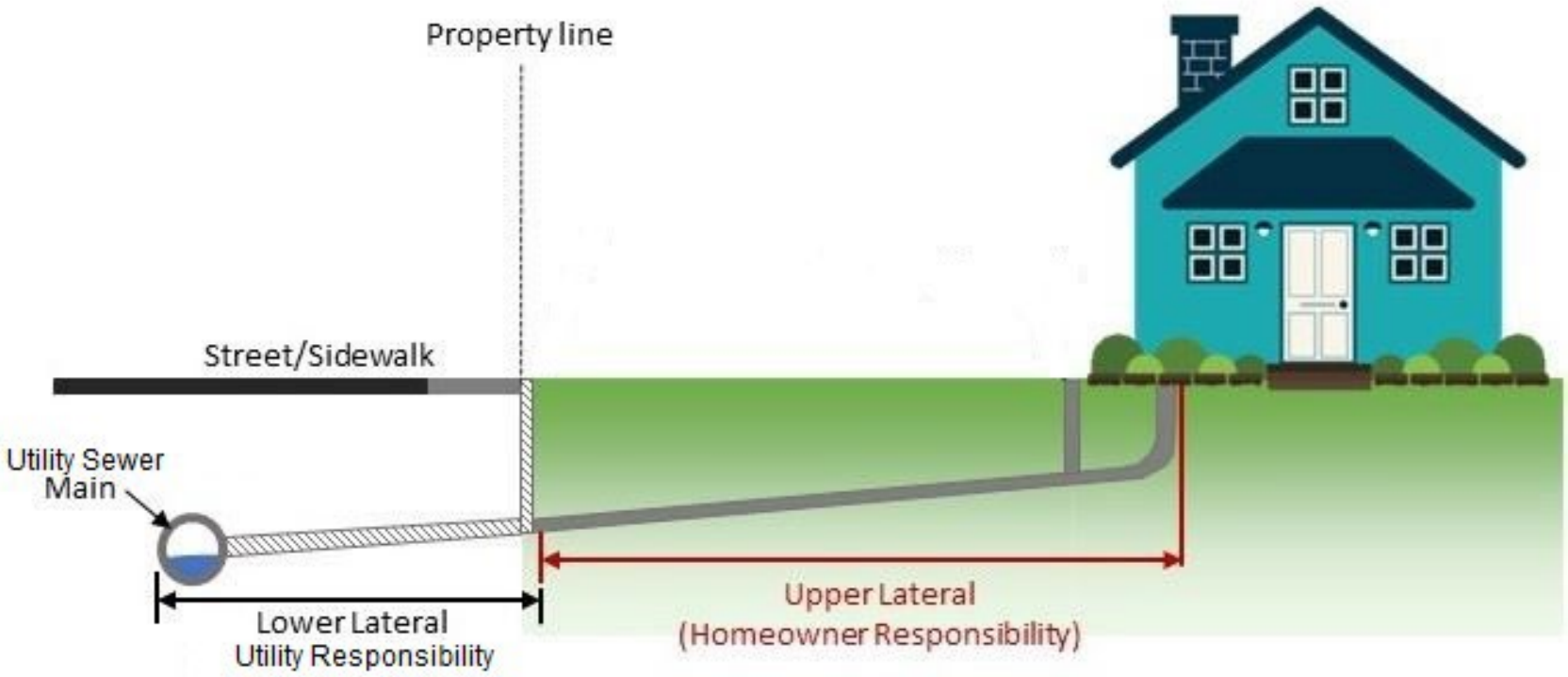
Utility Requirements

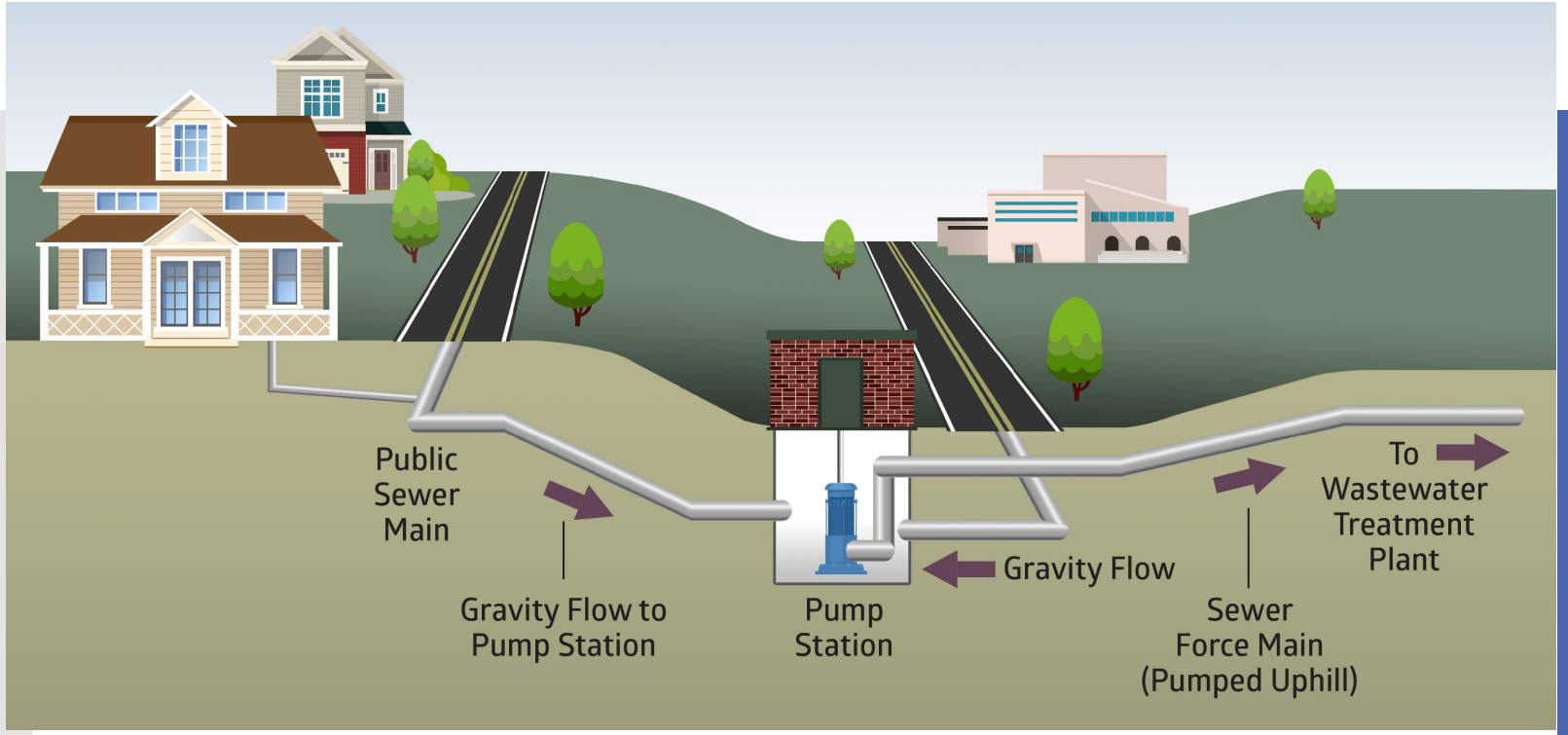
5.2.5 – Sanitary Sewer System

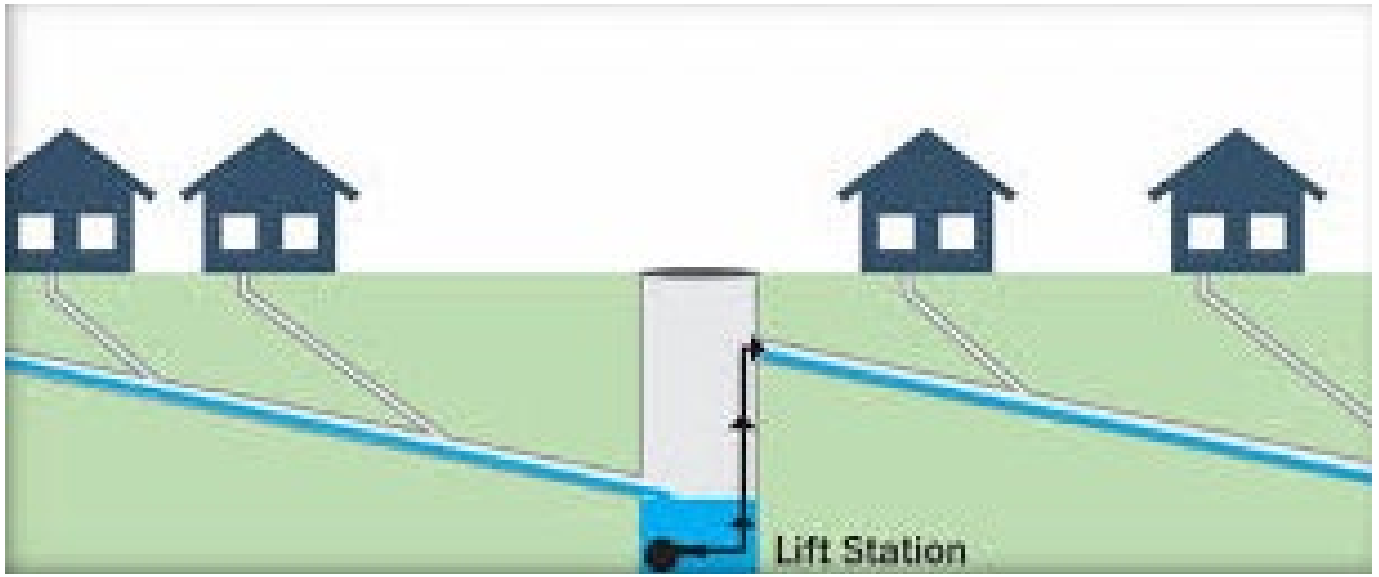
Utility Requirements

5.3.5 Sanitary



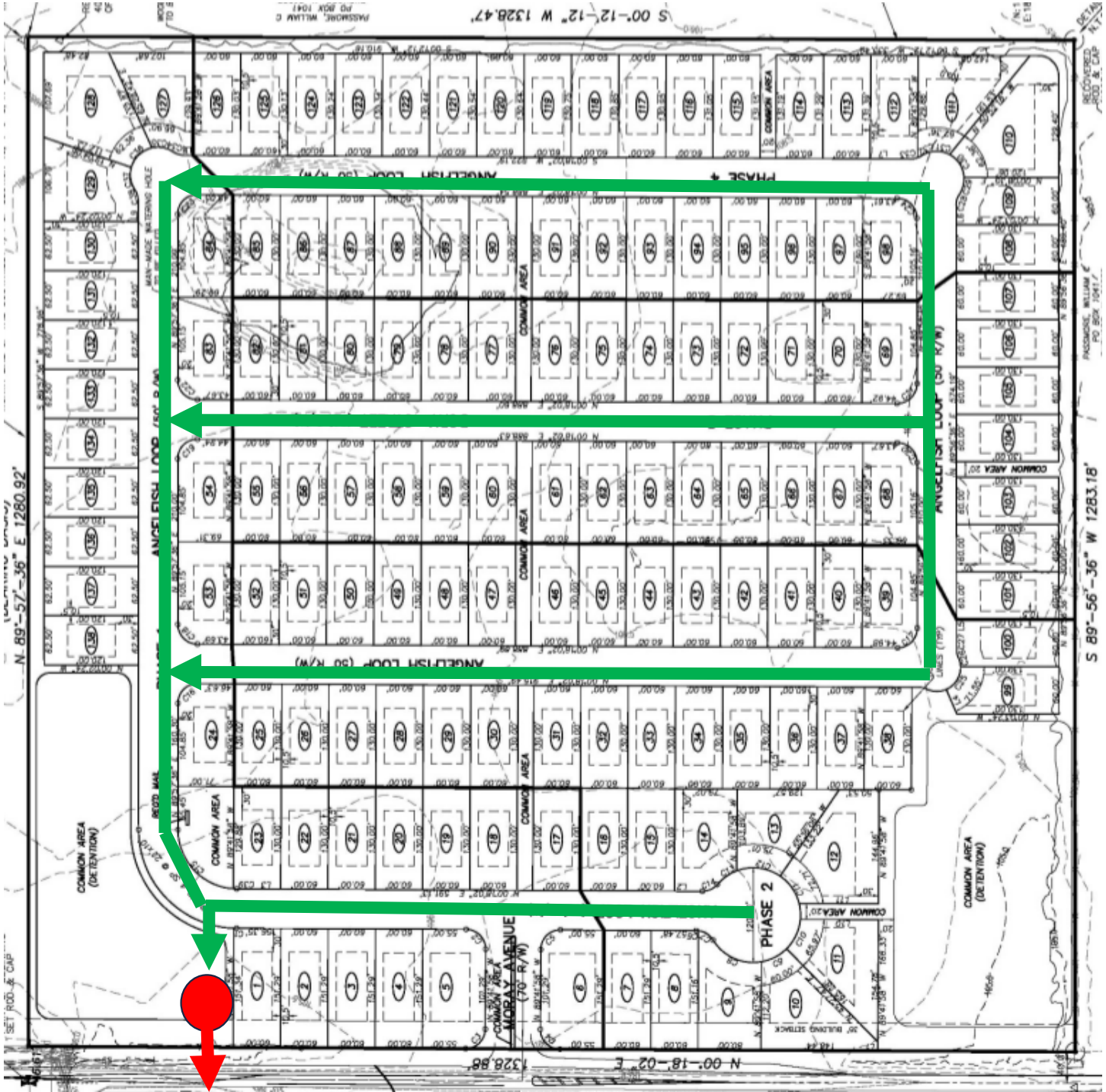






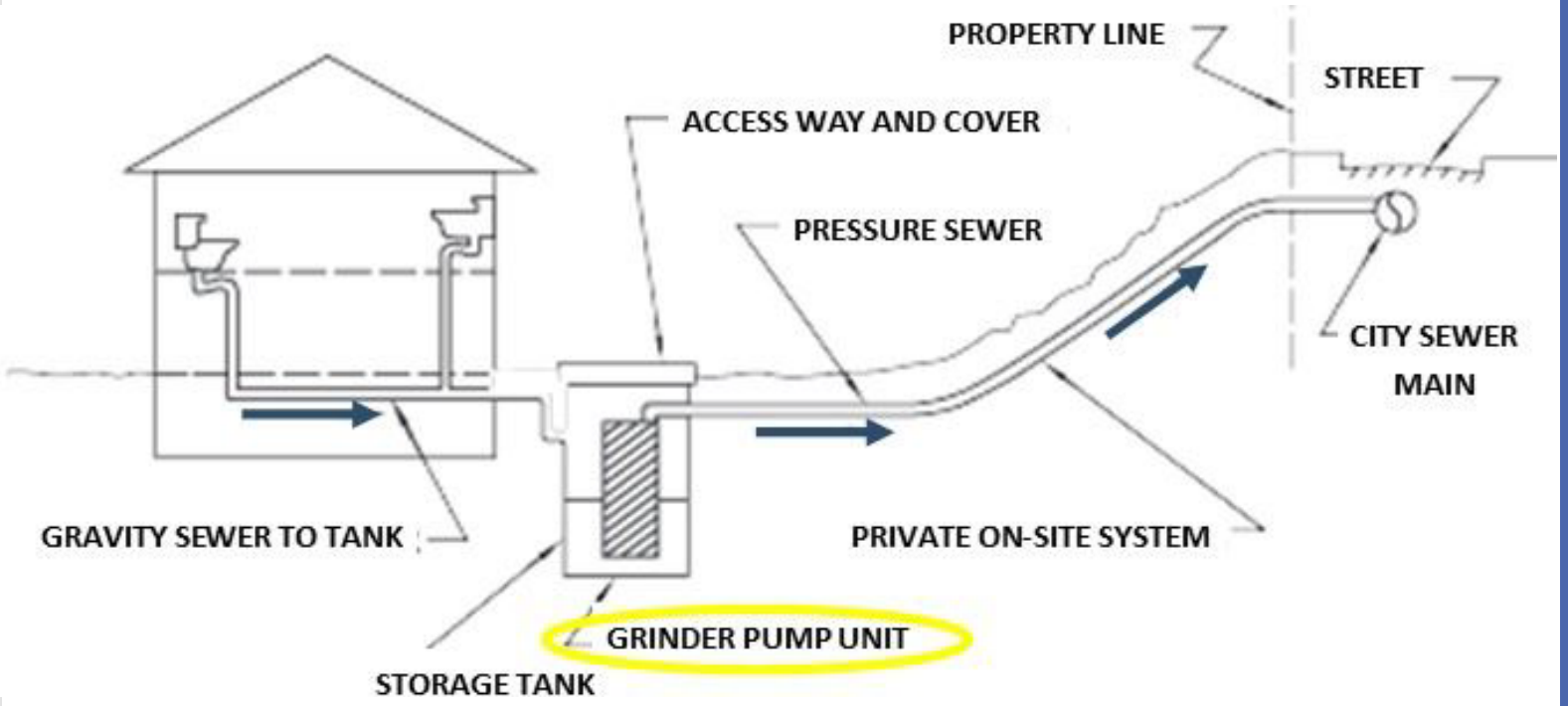
Utility Requirements

5.2.5 – Sanitary Sewer System



Utility Requirements

5.2.5 – Sanitary Sewer System



Utility Requirements

5.2.5 – Sanitary Sewer System

(c) *Provision of Broadband Service.*

If required in *Table 5.1* in *Section 5.1.1* of these regulations, the Applicant shall ensure that reliable, high-speed broadband connectivity (minimum 25 megabits per second download speed and 25 megabits per second upload speed) is made available at each lot in the development.

1. The requirements of this section can be accomplished during the Preliminary Plat approval by provision of a letter from a broadband provider certifying that they are willing and able to provide marketable service at the minimum required speeds to each lot in the subdivision. ~~Upon a showing by the Applicant that 1) no broadband providers are willing to provide service to the proposed subdivision or 2) that costs associated with the provision of the broadband service are unreasonable, the Planning Commission may waive the requirements of this section~~.

2. In the event broadband cannot be installed, the Developer shall install conduit for future installation of broadband prior to issuance of Final Plat approval.

~~3. The requirements of this section can be accomplished during the Final Plat approval by provision of a letter from a broadband provider certifying that marketable broadband service, at the minimum required speeds, is available to the subdivision. The Applicant shall act in good faith to coordinate with the broadband provider for the installation of the required infrastructure during the construction phase. Upon a showing by the Applicant that the broadband provider failed to install the required broadband infrastructure or failed to provide the required letter, despite the good faith efforts of the Applicant, the Planning Director may waive the requirements of this section as it relates to the Final Plat approval. A letter from the Applicant explaining the need for the waiver shall be made part of the file.~~

Comment Received: There are satellite options for service and different providers can have different conduit requirements so installing conduit without know who the future provider could be potentially a waste.

Resolution: This requirement was added in response to the large number of complaints that the County Commissioners have been receiving from neighborhoods where broadband companies are coming in after development is complete to install fiber which is damaging homeowner's yards and streets within the development. If this requirement is problematic, it can be removed, however, this will lead to additional complaints from homeowners and residents after the development is complete.

Utility Requirements

5.2.5(c) – Provisions of Broadband Service

(d) *Easements*

An easement, a minimum of 15 feet wide on the rear and/or side lot lines shall be provided for utilities as required by the utility providers and/or the Baldwin County Planning Commission. Proper coordination shall be established between the Applicant and the applicable utility companies for the establishment of utility easements. Utility and drainage easements should generally be indicated on Preliminary Plats and Final Plats exclusively with a note like the following:

DRAINAGE/UTILITY EASEMENTS
EXTERNAL REAR AND SIDE BOUNDARY LOT LINES: 15 FEET
INTERIOR REAR AND SIDE LOT LINES: ~~7.5~~ 10 FEET

Unless requested by a utility company or by Planning and Zoning staff for clarity purposes, drainage and utility easement boundary lines generally **should not** be displayed in the plan view on Preliminary Plats and Final Plats.

Utility Requirements

5.2.5(d) – Easements

Comment Received: Conflicting easement width requirement. The paragraph does not differentiate between external and internal rear and side easement requirements.

Resolution: Agree. Will update and clarify required easement width 15 feet on rear and side lot lines on the exterior boundary of the development and 10 feet easements along the rear and side lot lines internal to the development.

Comment Received: There were numerous comments questioning the policing powers that the proposed amendments to Article 13 would give the County. Specific comments questioned that why an alleged violation would initiate enforcement activities prior to being confirmed by County staff.

Response: The proposed amendments are an attempt to unify our enforcement language across all regulatory documents to ensure there is consistent enforcement in all areas and remove as much interpretation as possible.

If the County Commission feels this is unnecessary, the current enforcement section of the Subdivision Regulations can remain as currently adopted. However, if the County Commission choses to update this section and create unified enforcement language within the development regulations, the draft will be updated to clarify that enforcement actions can only begin once a violation has been verified by County staff. The updates will also clarify the additional clarification comments that were received.

Enforcement
Article 13

1. Staff recommends the comments be addressed as outlined today and incorporated into the Subdivision Regulation Amendments
2. Staff recommends that the revised amendments be advertised as required by the Code of Alabama and Article 12 of the Baldwin County Subdivision Regulations. The advertisement timeline will be scheduled to allow the required public hearing to be held on January 7, 2025. The Baldwin County Commission can consider adopting the proposed amendments at the January 7, 2025 regular meeting.

Recommendation & Timeframe to Complete Proposed Amendments

QUESTIONS?

Email: planning@baldwincountyal.gov