

Critical Area Commission

STAFF REPORT

August 2, 2023

APPLICANT:	Cecil County
PROPOSAL:	Critical Area Boundary Mapping Update
COMMISSION ACTION:	Concurrence with Chairman's Determination of Refinement
STAFF RECOMMENDATION TO CHAIR:	Approve w/Conditions
STAFF:	Michael Grassmann
APPLICABLE LAW/REGULATIONS:	Ch. 119, Acts of 2008, §1—4 COMAR 27.01.11

DISCUSSION

On May 16, 2023, the Cecil County Council approved Bill 2023-7, officially amending the County's Critical Area maps to update the 1,000-foot boundary in accordance with Critical Area law. The maps were developed in partnership with the County, the Maryland Department of Natural Resources, the Maryland Department of the Environment, and the Eastern Shore Regional GIS Cooperative (ESRGC) and followed the process outlines in COMAR 27.01.11.

C As required, the new 1,000-foot boundary is based on more accurate data and procedures. Due to the update, there was a gain of 2,040 acres of Critical Area and a loss of 2,227 acres, resulting in a net loss of 187 acres. Cecil County also had six preexisting Critical Area extensions, four of which did not change. One of the extensions was changed due to private properties opting out of the extended Critical Area, and another extension area was remapped to fit a growth allocation boundary (Attachments 1 and 2, respectively). Cecil County chose not to include an accompanying text amendment to address pending approvals and applications, or to update the County's Critical Area definition per Natural Resources Article §8-1807.

STAFF RECOMMENDATION

The mapping update was completed in accordance with State Law and COMAR 27.01.11; therefore, Commission staff recommends the Commission concur with the Chair's determination that the Cecil County mapping update can be reviewed as a refinement to the County's Critical Area Program.

Further, staff recommends the Chair approve the map update with the condition that the County submit a text amendment within 6 months of the approval date revising Article XI, Part I, Sections 191 (Critical Area Definitions) and 192 (Official Critical Area District Maps) of the Cecil County Zoning

Code to reflect changes associated with the mapping update as shown below:

Section 191.11

Critical Area means all lands and waters defined by the County's approved Critical Area Program, pursuant to Natural Resources Article, §8-1807, Annotated Code of Maryland. They include:

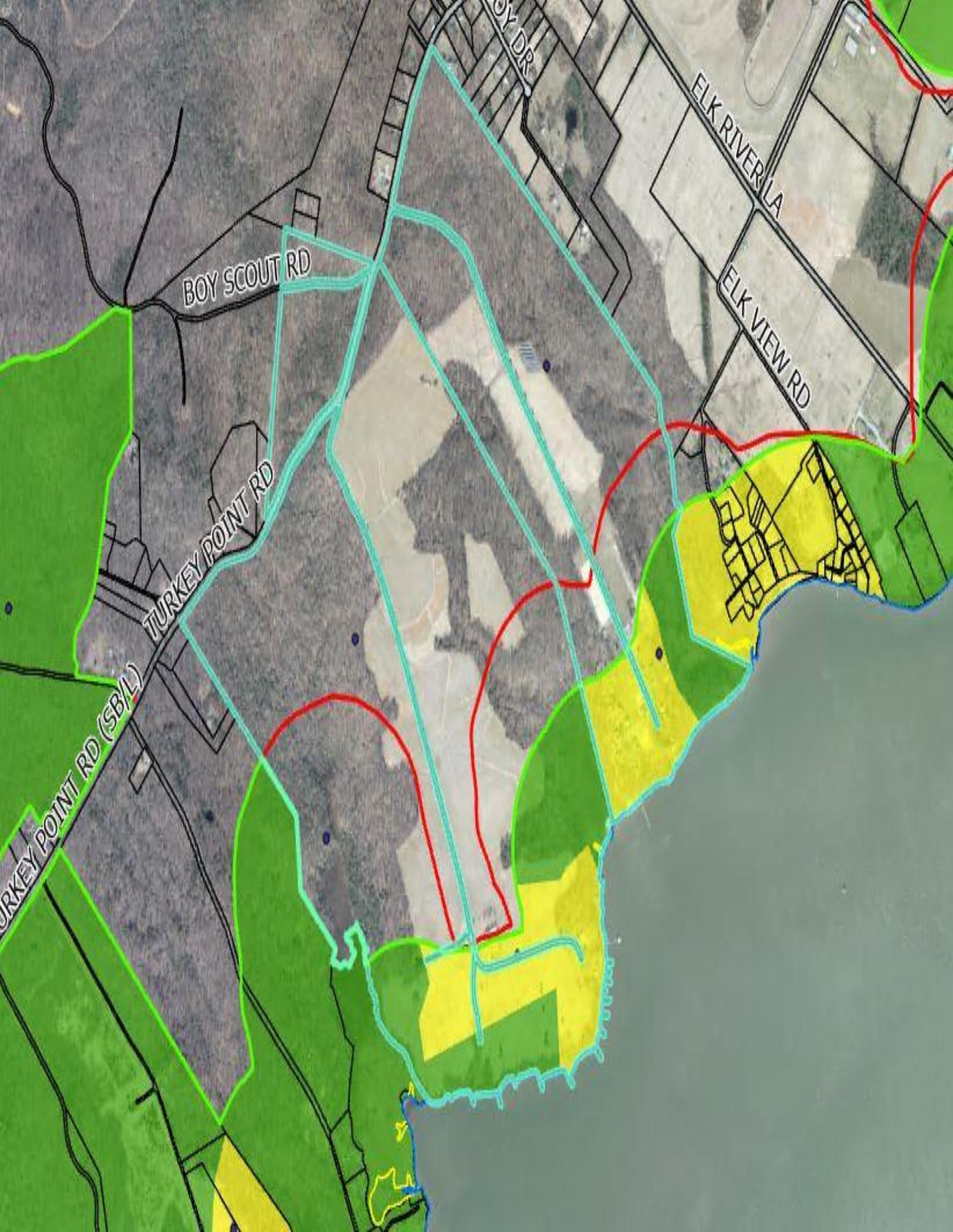
- (a) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide [as] **and all areas** indicated on the [State wetlands maps] **Critical Area Statewide Base Map**, and all State and private wetlands designated under Natural Resources Article, Title 9, Annotated Code of Maryland;
- (b) All land and water areas within one thousand (1,000) feet beyond the landward boundaries of **Critical Area Statewide Base Map, and all** State or private wetlands and the heads of tides designated under Natural Resources Article, Title 9, Annotated Code of Maryland; and
- (c) Modification to these areas through inclusion or exclusions proposed by the County and approved by the Critical Area Commission as specified in Natural Resources Article, §8-1807, Annotated Code of Maryland.

Section 192

2. The Critical Area shall include all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

- a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the [state wetlands maps] **Critical Area Statewide Base Maps**, and all State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland.
- b. All land and water areas within 1,000 feet beyond the landmark boundaries of **the Critical Area Statewide Base Map, and all** state or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland; and
- c. Modification to these areas through inclusions or exclusion proposed by local jurisdictions and approved by the commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

3. The County Council may elect to adjust the Critical Area Boundary to delete areas of the County from the Critical Area District only at such time as new [Official Wetland] **Critical Area Statewide Base Maps** are adopted by the State of Maryland or an area of the Critical Area has been approved by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays for exclusion. The County Council may also elect to add areas to the Critical Area at any time, subject to approval by the Critical Area Commission. Such changes shall be treated as amendments to the Critical Area District.



BOY SCOUT RD

TURKEY POINT RD

TURKEY POINT RD (SB/L)

ELK RIVER LA

ELK VIEW RD



CLK NECK RD

FOXWOOD RD

ORIOLE RIVERMIST DR
CT

CHESAPEAKE COVE LN

OLDFIELD POINT RD