

Critical Area Commission
Chesapeake and Atlantic Coastal Bays
Meeting held via Google Meet

May 23, 2025

Program Implementation Committee Minutes

Committee Members in Attendance: *Bunker (Chair), Herr-Cornwell (Co-Chair), Adams, Etherton, Gerthoffer, Mulkey, McCall, Porter, Richards, Rodvien*

1. Welcome and Roll Call:

- Chair: Commissioner Bunker welcomed all attendees. Charlotte confirmed a quorum of 8 members.
- The Meeting was conducted virtually on Google Meet, and the video will be posted online to comply with open meeting requirements.

2. Approval of April 11, 2025 Program Implementation Committee Minutes

- Motion to Approve: Commissioner McCall
- Second: Commissioner Mulkey
- Vote: The minutes were approved unanimously.

3. Calvert County – Comprehensive Review

Presenter: Jon Coplin. Recommend Concurrence with the Chair's determination of refinement; Approval with Condition.

Mr. Coplin presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. The Board of Calvert County Commissioners has approved its comprehensive update to the County's Critical Area program as required by State law. Calvert County last updated their Critical Area program in 2010. On February 18, 2025, the Calvert County Commissioners approved Ordinance #13-25, which repealed and replaced the County's entire Zoning Ordinance. Article 22 of the County's new approved Zoning Ordinance contains the revised Critical Area program.

Discussion:

Commissioner Rodvien: How do intrafamily transfers work in practice?

Calvert County: Ron Marney explained that they are making it consistent with their subdivision ordinance. County residents want to limit that amount of development in the rural areas, so they are proposing stricter intrafamily transfer provisions.

Commissioner Rodvien: Has anyone looked at the equity implications of intrafamily transfer?

Charlotte Shearin: Intrafamily transfers were in the original law because it was a common practice in rural areas and they wanted to allow the practice to continue.

Commissioner Adams: Is the transfer generational?

Charlotte Shearin/Nick Kelly: Yes, and that it is confined to immediate family members. Further, only lots of record are eligible for intrafamily transfer.

ACTION:

Commissioner Bunker asked for a motion to concur with the Chair's determination of refinement, and to approve with conditions as outlined in the staff report. Commissioner Adams so moved. Commissioner Rodvien seconded. Motion passed unanimously.

4. Somerset County – Text Amendment: RCA Uses

Presenter: Maggie White. Recommend Concurrence with determination of refinement; approval with conditions.

Ms. White presented in accordance with the staff report, the contents of which have been incorporated into and made part of the minutes. The Somerset County Council has approved an amendment to the County's Critical Area Code that would allow a new commercial use, Special Events, in the Resource Conservation Area.

Discussion:

Commissioner Adams: Asked if something could be written into the text about working to make events as accessible as possible.

Somerset County: The County said they were open to including it in the requirements,

Shearin: Critical Area staff will work with the County to ensure that the reasonable accommodation provisions apply to the text amendment.

Commissioner Herr-Cornwell: Requested clarification regarding why the County was requesting 72 hours instead of 48 hours per event.

County: Jesse Drewer explained that at the public hearing, a property owner requested an extension to 72 hours to allow for set-up and break-down for an event.

Commissioner Herr-Cornwell: Do other jurisdictions allow for 72 hours?

Kelly: Queen Anne's County, whose ordinance was the basis for Somerset County's text amendment, does not include set-up and break-down time in the 48 hours, but they have restrictions on time of year.

Commissioner Herr-Cornwell: Seventy-two hours seems like a long time and wants to make sure it is specified in the text amendment that it includes set-up and break-down time, to ensure that event times do not extend into the set-up and break-down time.

Commissioner Bunker commented that it sounds like we need to amend the language that was submitted, based on the comments from Commissioner Adams and Commissioner Herr-Cornwell. Charlotte Shearin asked for Emily Vainieri's help in refining the language.

ACTION:

Commissioner Bunker called for a motion to concur with the Chair's determination of refinement, and recommend approval based on the following conditions: (1) Prior to the full Commission Meeting, Critical Area staff and the County shall coordinate to ensure that accessibility is addressed in the program and applies to special events; (2) The County

shall incorporate and amend the following provision within 1-102E.9(e) with the underlined text – “There shall be no limit on the time of year that special events are allowed, however, the use of a property for special events is limited to twenty (20) special events per calendar year. No event shall be permitted to exceed seventy-two (72) hours, including set-up and take-down.”

Commissioner Adams so moved. Commissioner Herr-Cornwell seconded. Motion passed unanimously.

5. VOTE: Anne Arundel County – Text Amendment: Agritourism

Presenter: Jamileh Soueidan. Recommend concurrence with Chair’s determination of refinement; Approval with conditions.

Ms. Soueidan presented in accordance with the staff report, the contents of which are incorporated into and made part of the minutes. The Anne Arundel County Council approved a text amendment to the County Code that would allow new commercial uses in the Resource Conservation Area related to agritourism, including farm stays and special events.

Discussion:

Commissioner Mulkey: Asked for the definition of an Agricultural Heritage Site.

Anne Arundel County: Sterling Seay and Lynn Miller read the definition from the County’s code.

Commissioner Adams: Stated he wanted to make sure that accessibility language is included in the text amendment.

County: Accessibility is addressed in general, in County code, but that language can be added if needed. The County will update the approval condition as the Somerset text was updated, to explicitly address accessibility.

Commissioner Herr-Cornwell: Asked for clarification about how the County determines the difference between the various uses (heritage site vs Bed & Breakfast, for example).

County: Bed and Breakfast is for homes and inns and is limited to guest rooms. Licensing would not review agricultural heritage sites because the uses would be camping, glamping, and not inside a detached family dwelling.

Chair Fisher: Is there a category that would allow for new structures to be built?

County: Structure must be currently existing. Agricultural heritage sites can include temporary structures, but those must be taken down within five days of the final date of the permit.

Commissioner Mulkey: Thanked the County for the carefully crafted language that provides opportunities to agricultural properties experiencing development pressure.

ACTION:

Commissioner Bunker called for a motion to concur with the Chair's determination of refinement, and recommended approval based on the following condition: (1) Prior to the full Critical Area Commission Meeting, Critical Area staff and the County shall coordinate to ensure that accessibility is addressed in the program and applies to special events. Commissioner Mulkey so moved. Seconded by Commissioner Herr-Cornwell. Motion passed unanimously.

6. INFORMATION ONLY: Anne Arundel County Draft Text Amendment – Tree Trimming

Presenter: Annie Sekerak

Ms. Sekerak presented in accordance with the memorandum, the contents of which are incorporated into and made part of the minutes. Anne Arundel County is requesting preliminary review and feedback from the Program Committee regarding their draft tree trimming text amendment.

Discussion:

Commissioner Rodvien: Asked for and received clarification about pruning on steep slopes.

Anne Arundel County: They would only require approval if the area to be pruned was larger than 2,500 square feet.

Commissioner Bunker: Do property owners need to come back for a second habitat enhancement plan (HEP) if they need to prune in the spring and fall, or is it piecemeal?

County: Plan would be comprehensive for the entirety of the project. The plan can be open for two years.

Commissioner Adams: Asked for the definition of steep slope.

County: In the Critical Area, slope means 15% or greater.

Commissioner Herr-Cornwell: How will the County track the clearing to prevent piecemeal clearing?

County: If the clearing is performed using permits, they will pull previous permits to check. Clearing without permits would result in an enforcement action. They can check aerial photos (new images every six months or so). The County stated they want to encourage the right kind of invasive removal projects as well as others. A Habitat Enhancement Plan should be for restoration, so it includes invasive species removal and replanting with native species or allowing for natural regeneration.

Commissioner McCall: Noted it is good to see a process that allows for clearing invasive species but had the same concerns as Commissioner Herr-Cornwell as far as piecemeal work.

Chair Fisher: Who is eligible to apply for a Habitat Enhancement Plan?

County: Anyone should be eligible, but during review can request additional information if needed.

Chair Fisher: Are there other requests that could be covered by a Habitat Enhancement Plan besides invasive species control (stream restoration, rain garden, for example)?

County: Stream restoration projects are not included because they go through the grading permit process.

Chair Fisher: It appears that Habitat Enhancement Plans require 1:1 mitigation. What happens when Critical Area mitigation requirements require greater than 1:1 for Buffer disturbance?

County: If it is cleared without a permit, it would be at a higher ratio, but the goal of the Habitat Enhancement Plan is to address invasive species, not Buffer clearing.

Shearin: The Critical Area regulations allow for a Simplified Buffer Management Plan, which conforms to the County's vegetative management plan; any activities that would require additional mitigation under our regulations would not fall under the Habitat Enhancement Plan or the County's vegetation management plan. Critical Area staff has worked with the County regarding larger invasive species management projects and is generally supportive of the County's proposal.

Commissioner Bunker: Relayed a question sent to him by **Commissioner Wilson**, who was unable to attend the meeting. He asked what is meant by "restoring ecological balance."

County: Sometimes the County has allowed pruning in the Buffer because it can allow the sun to come through and help restore understory vegetation that will help stabilize the steep slopes.

Chair Fisher: Summarized that it seems that all have the same intention in regard to removing invasive species, and suggested the County add more specifics to the section on mitigation. He suggested they review the supporting documentation with Critical Area staff.

Meeting adjourned.