

Critical Area Commission

STAFF REPORT

March 4, 2026

APPLICANT: Queen Anne’s County

PROPOSAL: Text Amendment - Growth Allocation Standards

JURISDICTION: Queen Anne’s County

COMMISSION ACTION: Concurrence with Chair’s Determination of Refinement

RECOMMENDATION: Approval

STAFF: Margaret White

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1808.1(c) and §8-1809(p);
COMAR 27.01.02.06

DISCUSSION:

Queen Anne's County has submitted County Ordinance #25-12 for review and approval by the Critical Area Commission. The proposed text amendment amends section § 14:1-76.D of the County’s Zoning Code related to growth allocation standards. Specifically, it proposes alternative location standards to allow nonadjacent growth allocation for an existing non-profit institutional use that provides or secondary education or is used as a youth camp. Upon reviewing the submitted materials and given that the County addressed comments provided by the Program Committee in October 2025, Commission staff recommends concurrence by the Critical Area Commission with the Chair to process this text amendment as a refinement and further recommends that the Chair approve the text amendment as proposed.

A copy of Ordinance #25-12 is attached to this staff report (Attachment 1).

Growth Allocation Location Standards and Alternative Adjacency Option

Natural Resources Article 8-1808.1 and COMAR 27.01.02.06-3 require a local jurisdiction to locate a new Intensely Developed Area (IDA) in a Limited Development Area (LDA) or adjacent to an existing IDA, and to locate a new LDA adjacent to an existing LDA or an IDA. However, the statute and regulations also allow a local jurisdiction to propose an alternative standard for nonadjacent growth allocation if the alternative standard is consistent with the comprehensive plan and the Commission approves the alternative standard as part of the local program. Additionally, COMAR 27.01.02.03B(2) allows a local jurisdiction to propose an alternative standard for IDAs that are less than 20 acres if the Commission approves the alternative standard as part of the local program. Without such a standard, a new IDA must be at least 20 acres or must contribute to creating an area of IDA that is at least 20 acres.

Summary of Proposed Text Amendment

This proposed text amendment provides alternative growth allocation standards with respect to both location and the minimum 20-acre IDA requirement to allow for the expansion of a non-profit institutional use existing as of June 29, 1988, that provides primary or secondary education or is used as a youth camp. Such expansion under this standard is:

- Restricted to adjacent parcels under the same ownership;
- Cannot use more than 150 acres of growth allocation throughout the County;
- Permitted to be smaller than 20 acres and can be composed of one or more development envelopes with the approval of the Critical Area Commission. The development envelope must include septic and stormwater management facilities;
- Cannot be used to satisfy adjacency requirements for future growth allocations not affiliated with the secondary education or youth camp; and
- Allowed to be transferred to different owners provided that the growth allocation awarded is limited to the education or youth camp proposed by the application; a change in use is not allowed.

The purpose of allowing for smaller IDAs is to provide a local jurisdiction with the flexibility needed to accommodate certain commercial, industrial, or institutional uses provided it is consistent with the jurisdiction's adopted Comprehensive Plan.

Program Committee Information Only Discussion and Recommendations

The initial text amendment was brought to the Program Committee for information only on October 4th, 2025. During this meeting, the Committee expressed concerns surrounding the possibility of parcels granted this growth allocation changing ownership in the future, as well as the future implications of such growth allocations creating an "anchor" for intense development on adjacent parcels. As noted in the last two bullet points in the previous section, these concerns were addressed by additional growth allocation standards.

STAFF RECOMMENDATION

The proposed text amendment to Queen Anne's County's Critical Area Program meets the goals, policies, and procedures of the Critical Area law and regulations; therefore, Commission staff recommend that the Commission concur with the Chair's determination that this text amendment be processed as a refinement to the Queen Anne's County Critical Area program. Furthermore, Commission staff recommend the Chair approve the text amendment as proposed.

ATTACHMENTS

1. County Ordinance #25-12



County Commissioners:

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
J. Patrick McLaughlin, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

ACTION ITEM

MEMORANDUM

DATE: DECEMBER 9, 2025
TO: QUEEN ANNE'S COUNTY COMMISSIONERS
FROM: STEPHANIE JONES, PRINCIPAL PLANNER
SUBJECT: REQUEST FOR INTRODUCTION AND CONCEPTUAL APPROVAL
THE GUNSTON SCHOOL, INCORPORATED
CITIZEN SPONSORED CRITICAL AREA TEXT AMENDMENT
#25-12 – GROWTH ALLOCATION NON-ADJACENCY (ALTERNATIVE) STANDARDS

Chapter 14:1 contains provisions specific to Critical Area text and map amendments. In accordance with § 14:1-74, citizens may file such amendments for consideration only during the first five business days in the months of February and August of each calendar year. This application was submitted during the August timeframe.

OBJECTIVE

The intention of Text Amendment/County Ordinance #25-12 is to amend the existing growth allocation standards within the Chesapeake Bay Critical Area to allow for the award of growth allocation within the Resource Conservation Area (RCA), non-adjacent to existing Limited Developed Area (LDA) or Intensely Developed Area (IDA), for the expansion of non-profit institutional uses that provide secondary education or youth camps that have existing as of June 29, 1988.

PLANNING COMMISSION RECOMMENDATION

At its November 13, 2025 meeting, the Planning Commission members voted unanimously (5:0) to send a favorable recommendation to the County Commissioners regarding the proposed amendment. In addition, the Planning Commission included a clarification regarding the applicability of this amendment to any existing non-profit institutional use as of June 29, 1988 that provides secondary education or is used as a youth camp lawfully existing as of the date of enactment of this amendment. This would include the Hole in the Wall Gang Camp which received a conditional use approval from the Board of Appeals as a youth camp on March 10, 2022. The applicant agreed to this addition and edits have been included within the attached ordinance.

COUNTY COMMISSIONER ACTION

Action Requested:

- Conceptually approve County Ordinance #25-12 as recommended by the Planning Commission.
- Introduce County Ordinances #25-12 as amended (legislation attached).
- Sign draft letter to the Critical Area Commission to forward County Ordinance #25-12, as presented, for consideration and approval as a local program refinement.

Suggested Motion:

I move to introduce and conceptually approve County Ordinance #25-12 as attached. I further move, that through the signature of the drafted letter to the Critical Area Commission that this ordinance be

conveyed to the Critical Area Commission for its consideration and approval as a local program refinement.

Attachments: County Ordinance #25-12, DRAFT letter to Critical Area Commission for signature, Planning Commission recommendation letter, and Planning Commission November 13, 2025 Memorandum and attachments (Application, Applicable Laws and Consistency Findings, Recommendation from Economic Development Commission)

COUNTY ORDINANCE NO. 25-12

A BILL ENTITLED

AN ACT CONCERNING Use of Growth Allocation in Resource Conservation Areas in Queen Anne's County;

FOR THE PURPOSE of amending the existing growth allocation standards within the Chesapeake Bay Critical Area to allow for the award of growth allocation within the Resource Conservation Area (RCA), non-adjacent to an existing Limited Development Area (LDA) or Intensely Developed Area (IDA), for the expansion of current non-profit institutional uses as of June 29, 1988 that provides secondary education or is used as a youth camp lawfully existing as of the date of enactment of this amendment; providing a definition of Secondary Education; including specific conditions; limiting such award of growth allocation to no more than 150 acres; and generally dealing with and revising the growth allocation standards within the Chesapeake Bay Critical Area in Queen Anne's County;

BY ADDING a definition to Section 14:1-11 of the Code of Public Local Laws of Queen Anne's County and AMENDING Section 14:1-76 of the Code of Public Local Laws.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the Code of Public Local Laws of Queen Anne's County be and is hereby ADDED TO and AMENDED to read as set forth on Exhibit A attached hereto and incorporated herein.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46th) day following its adoption.

INTRODUCED BY: _____

DATE: _____

PUBLIC HEARING HELD: _____

VOTE: _____ YEA _____ NAY

DATE OF ADOPTION: _____

Exhibit A

CRITICAL AREA PROGRAM TEXT AMENDMENT PROPOSED BY THE GUNSTON SCHOOL, INCORPORATED

§ 14:1-11 Definitions.

SECONDARY EDUCATION

Stage of formal education typically occurring between the ages of 13 and 18.

§ 14:1-76 Growth allocation process.

D. Review criteria.

6. No more than 1/2 of the total growth allocation of the County may be located in the ~~RCA resource conservation areas~~, except as provided in Subsection D(6)(b) ~~or (c)~~ of this section;

- (a) New ~~IDA intensely developed~~ or ~~LDA limited development areas~~ involving the use of growth allocation shall conform to all criteria of the Commission and shall be designated on the ~~Official Critical Area Map~~ ~~Comprehensive Zoning Map~~ submitted by the County as part of its application to the Commission for program approval or at a later date in compliance with § 8-1809(g) of the Environmental Article of the Annotated Code of Maryland; and
- (b) If the County is unable to utilize a portion of the growth allocated in Subsection D(5)(a), (b) and (c) of this section within or adjacent to existing ~~IDA intensely developed~~ or ~~LDA limited development areas~~, then that portion of growth allocation which cannot be so located may be located in the ~~RCA resource conservation area upon recommendation by the Planning Commission, conceptual approval by the County Commissioners and award of growth allocation~~. A developer shall be required to cluster any residential development in an area of expansion in order to minimize impacts.
- (c) Location criteria that varies from the criteria required under Subsections D(5)(a), (b) and (c) of this section may be utilized to:

[1] ~~M~~meet a public need for emergency or medical services including any facility that supports such services.

[a+] The area of proposed IDA ~~growth allocation~~ may be less than 20 acres.

[b2] No more than 20% of the growth allocation ~~from the General Pool~~ may be utilized by this nonadjacency standard.

[2] Allow only for the expansion of a non-profit institutional use existing as of June 29, 1988 that **currently** provides secondary education or is used as a youth camp, **subject to the following:**

[a] Regardless of the existing non-profit institutional use as of June 29, 1988, this standard only applies to secondary education and youth camps, **lawfully existing as of the date of enactment of this amendment.**

[b] Only the expansion of the secondary education and youth camp may occur on adjacent parcels under the same ownership and proposed use.

[c] No more than 150 acres of growth allocation may be utilized by the nonadjacency standard of this Subsection [2].

[d] The area of the proposed LDA or IDA may be within one or more development envelope(s) that include all septic and stormwater management facilities and may be less than 20 acres. The use of more than one development envelope on a parcel may be permitted, if approved by the Critical Area Commission.

[e] **No LDA or IDA established through the award of nonadjacent growth allocation under this section [2] may be considered to satisfy the adjacency requirement of § 14:1-76(D)(5) for future growth allocation requests not affiliated with the secondary education or youth camp use.**

[f] **Growth allocation awarded under this section [2] is limited to the education or youth camp use proposed by the application. Transfer of ownership of all or portion(s) of the land subject to the growth allocation shall not be restricted.**



Queen
Anne's
County

THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY

The Liberty Building
107 North Liberty Street
Centreville, MD 21617

e-mail: QACCommissioners&Administrator@qac.org

County Commissioners:

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
J. Patrick McLaughlin, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

County Administrator: *Todd R. Mohn, PE*
Executive Assistant to County Commissioners: *Stephanie L. Jarrell*
County Attorney: *Patrick Thompson, Esquire*

December 9, 2025

Erik Fisher, Chair
Critical Area Commission
580 Taylor Avenue
Annapolis, MD 21401

Re: The Gunston School, Incorporated – Citizen Sponsored Critical Area Text Amendment
#25-12 Growth Allocation Non-adjacency (Alternative) Standards

Dear Chair Fisher,

Please accept this letter as Queen Anne's County's request for consideration and approval of County Ordinance #25-12. The intent is to amend the existing growth allocation standards within the Chesapeake Bay Critical Area to allow for the award of growth allocation within the Resource Conservation Area (RCA), non-adjacent to existing Limited Developed Area (LDA) or Intensely Developed Area (IDA), for the expansion of non-profit institutional uses that provide secondary education or youth camps that have existing as of June 29, 1988.

This ordinance received a favorable recommendation by the Queen Anne's County Planning Commission at its November 13, 2025 meeting with an additional clarification. This language clarifies the applicability of this amendment to any non-profit institutional use that existed as of June 29, 1988 that provides secondary education or is used as a youth camp lawfully existing as of the date of enactment of this amendment. The County Commissioners introduced and conceptually approved this amendment as attached at its December 9, 2025 meeting and now convey this ordinance as a program refinement to your board for processing. Principal Planner Stephanie Jones has been coordinating this review with the Critical Area Commission staff, so please do not hesitate to contact her at 410.758.1255 or sijones@qac.org should you have any questions.

QUEEN ANNE'S COUNTY
BOARD OF COUNTY COMMISSIONERS

Christopher M. Corchiarino, President

Philip L. Dumenil

James J. Moran

J. Patrick McLaughlin

Jack N. Wilson