

**CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100
Annapolis, Maryland 21401**

MEMORANDUM

To: Critical Area Commission

From: Annie Sekerak

Date: November 4, 2026

Subject: RCA Use Workgroup

The purpose of this memo is to provide an overview of the work and results of the Resource Conservation Area (RCA) Use Workgroup. The workgroup was made up of seven Commission members and met on four occasions. Based on the deliberation during the meetings, the workgroup identified a Floating Overlay District as a new pathway for local jurisdictions to allow for an intensification or change in use within the RCA.

Meeting #1, June 29, 2026

The workgroup reviewed the existing criteria (goals, defined land uses, and policies) that guides the location and intensity of development and use within the RCA and the current pathways that local jurisdictions have to allow for an intensification or change in use within the RCA (RCA Use Text Amendment or Growth Allocation).

In addition, the workgroup considered the Commission's concerns that have been voiced about: allowing too many uses via an RCA Use text amendment; relaxing limits for a use that make sense in one specific location or within one jurisdiction that may end up conflicting with the RCA Use Criteria when applied more broadly to many locations or to other jurisdictions; and how awarding growth allocation may create new anchors for future growth.

The workgroup identified a gap of projects involving the adaptive reuse of existing structures, which do not seem to perfectly fit under either existing process, and was asked to consider the following questions:

- Should the Commission establish additional guidance and parameters to direct whether a proposal should be processed as an RCA use or as a growth allocation?
- To capture the gaps identified, should a third pathway be created for local jurisdictions to allow for an intensification or change in use within the RCA, particularly for adaptive reuse when the footprint is minimally increasing?

Meeting #2, July 27, 2026

Additional background was provided to the workgroup by the Commission's former Executive Director, Ren Serey, on the RCA Use Criteria and how the Commission has historically reviewed and approved RCA use changes. The workgroup determined that a third pathway to allow for an intensification or change in use within the RCA (in addition to the RCA Use text amendment and growth allocation pathways) is a potential option to better ensure that land in the RCA is used in accordance with the goals of the Critical Area law and defined land uses and policies of the RCA. The workgroup discussed ideas for a potential new pathway to better accommodate the adaptive reuse of vested structures in the RCA.

Meeting #3, September 4, 2026

The workgroup reviewed the various options brainstormed at previous meetings, including the following:

1. Critical Area Commission Oversight and Approval for Intensification of Use within Vested/Historic Structures
 - a. New Commission-level Special Exception Process
 - b. New Floating Overlay District
2. Commission-Approved Program Update to Allow Local Jurisdiction Oversight and Approval for Intensification of Use within Vested/Historic Structures
 - a. Update to Existing RCA Use Provisions
 - b. Update to Existing Non-Conforming Use Provisions

The workgroup discussed the advantages and challenges of these options and Assistant Attorney General Emily Vainieri provided input regarding the legal requirements and implications of each option. The workgroup ultimately decided in favor of moving forward with Option 1.b. New Floating Overlay District, which is envisioned to be a temporary overlay zone applied to individual properties to allow a nonconforming use of a vested structure while maintaining the RCA designation and associated development standards. This option would require review and approval by the Critical Area Commission for each request for a floating overlay district.

Meeting #4, September 24, 2026

The workgroup reviewed the selected new pathway (floating overlay district) and brainstormed potential general criteria for the floating overlay to ensure the goals, defined land uses, and policies of the RCA are still considered and addressed under this new pathway. Potential criteria include:

- Time limit for the proposed use and/or requirement for routine reapplication;
- Eligibility limited to existing, vested properties and structures;
- Limits on Critical Area requirements like lot coverage, tree clearing, and Buffer impacts;
- Requirements for habitat and water quality offsets; and
- Additional climate resiliency and equity considerations.

Next Steps

Based on the recommendations and guidance from the workgroup, Commission staff will begin the process of drafting regulations, including soliciting input and feedback from local jurisdictions. Staff will provide periodic updates to the Commission as needed throughout the process. The final draft of the regulations will eventually be presented to the full Commission for a vote to publish in the Maryland Register.

Please feel free to reach out to Annie Sekerak at ann.sekerak@maryland.gov or 410-260-3466 if you have any questions.