

**Critical Area Commission
Chesapeake and Atlantic Coastal Bays
Meeting at 100 Community Place, Crownsville, Maryland**

July 6, 2022

~ Approved ~

Program Implementation Subcommittee

Attendees: Herr Cornwell (Chair), Blazer, Ferguson, Hewitt, Lewis, Marks, Merritt, Rhodes, Taylor

Item 1. Information Only: Regulation Updates – Growth Allocation Provisions and Shore Erosion Control Chapter Presented by Lisa Hoerger

The current draft regulations focus primarily on the shore erosion protection works regulation in Subtitles .01 and .02 of COMAR Title 27. The purpose of this draft is to modernize the drafting style, update, and, where necessary, delete certain outdated provisions. This draft also includes a separate update related to growth allocation regarding how towns can utilize their growth allocation.

Ms. Hoerger also discussed the current outreach Commission staff has made to local jurisdictions and the environmental community for feedback, which is ongoing. At the time of the presentation, Baltimore County and St. Mary's had minor inquiries, but nothing of a significant nature.

Discussion – Commissioner Ferguson asked if the subcommittee would see the regulations again after CAC staff received feedback from the local jurisdictions. Ms. Hoerger stated that they would. Ms. Hoerger also discussed the potential for voting on these regulations at the next Commission meeting and then briefly explained the 90-day promulgation process. He also asked if CAC staff anticipated if any counties would be opposed to the language clarifying the language related to the 50% limit on use of growth allocation in the RCA for towns. Ms. Hoerger and Nick Kelly explained the current process for towns when they request growth allocation and stated that she did not expect any concerns from counties.

Commissioner Merritt asked whether the change in Shore Erosion Control terminology indicated a change of definition, and Ms. Hoerger replied the change is only to be consistent with MDE terminology.

Commissioner Hewitt discussed the growth allocation regulations in the context of a current growth allocation request by the Town of Leonardtown.

Item 2. Town of Rock Hall – Critical Area Boundary Mapping Update

Presented by Tay Harris

The Town Council of Rock Hall voted on May 12, 2022 to adopt of Ordinance No. 2022-01. This action constituted local adoption and incorporation of the updated Critical Area 1,000-foot boundary line update as well as the Critical Area Overlay District Map. This refinement is limited to the boundary line update only.

Discussion: Commissioner Hewitt asked if the Town would lose development rights with the land that would be added to the Resource Conservation Area in the Critical Area. Ms. Hoerger explained that this would not occur.

Commissioner Blazer identified a slight clerical error in the proposed map that Ms. Harris said would be corrected before final posting.

Commissioner Lewis made a motion to Concur with Refinement and Approve as proposed. Commissioner Ferguson seconded. All voted in favor. The motion carried unanimously.

Item 3. Town of Rock Hall – Critical Area Map Designation Updates (Kent County)

Presented by Annie Sekerak

The Town Council of Rock Hall voted to approve an update to the Town's 1,000-foot Critical Area boundary map through the adoption of Ordinance No. 2022-01. The update included several Critical Area land designation changes from Limited Development Area to Intensely Developed Area. The mapping designation changes are being made through either the mapping mistake process or by use of growth allocation.

Commissioner Ferguson made a motion to Concur with Refinement and Approve as proposed. Commissioner Marks seconded. All voted in favor. The motion carried unanimously.

Item 4. Town of North East – Map Update Extension Request (Cecil County)

Presented by Alex DeWeese

The 24-month deadline for adoption of the Town's updated Critical Area Maps. The Town is unable to meet the deadline due to two anticipated public hearings in mid-July. The Town expects to adopt the proposed map updates by July 27, 2022. As such, the Town of North East is requesting a 90-day extension of the Critical Area updated map adoption timeline; therefore, the new deadline for local approval of the Critical Area maps will be October 4, 2022.

Commissioner Hewitt made a motion to approve the request to delay the deadline. Commissioner Taylor seconded the motion. All voted in favor. The motion passed unanimously.