

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

October 5, 2022

Program Implementation Subcommittee

Attendees: *Greer (Chair), Acle, Blazer, Grant, Herr-Cornwell, Lewis Malkus, Merritt, Mulkey, Rhodes, Taylor*

Guests: Joel Gallihue (Harford County), Matthew Kropp (Harford County), Kelly Krinetz (Anne Arundel County)

Item 1. Approval of September Program Subcommittee Meeting Minutes

Commissioner Taylor moved to approve the minutes from the September 7 Program Subcommittee meeting. Commissioner Blazer seconded the motion. Commissioner Merritt abstained from voting, as she was not present for that meeting. All others voted in favor. **Motion passed unanimously.**

Item 2. Town of North East – Critical Area Boundary Map Designation Updates

Presented by Lisa Hoerger

The Mayor and Commissioners of the Town of North East passed Ordinance No. 2022-07-01 on July 27, 2022. This action constituted local adoption of the updated Critical Area map of the Town, as well as the corrected Special Buffer Areas (SBA) map. The update resulted in a gain of 8 acres and a loss of 36 acres, with a net loss of 28 acres. There were 267 acres that remained the same. In addition, this map update included a correction to the Town's SBA maps. A portion of six lots located within the Town of North East were inadvertently left unmapped as SBA despite being within the Buffer and adjacent to a mapped SBA.

Discussion: None.

Commissioner Taylor moved to concur with the Chairman's determination of a refinement and recommend the Chairman approve the Critical Area Map update as outlined in the staff report. Commissioner Merritt seconded the motion. **Motion passed unanimously.**

Item 3. Harford County – Comprehensive Review

Presented by Tay Harris

On June 21, 2022, the Harford County Council completed a comprehensive review of its Critical Area Program through the approval of Bill Nos. 22-011, 22-012, and 22-013. The three ordinances repealed and re-enacted with amendments the following Chapters of the Harford County Code:

- Bill 22-011: Chapter 267 ‘Zoning Ordinance’ (Definitions, Administration and Enforcement, and Chesapeake Bay Critical Area Overlay District)
- Bill 22-012: Chapter 169 ‘Master Plan’, which includes the Harford County Critical Area Program.
- Bill 22-013: Chapter 268 ‘Subdivision Regulations’

Commission staff recommended approval with the condition that the program be updated with appropriate references to the Habitat Protection Area report and maps by Wildlife and Heritage Service by April 30, 2023.

Discussion: Joel Gallihue, (Harford County Planning and Zoning), explained that a new council is being seated and that it is not feasible to expect to be able to get an updated approval by April 30, 2023. Joel requested that the condition of approval be extended to the end of the year. After discussion, the Program Subcommittee recommended a deadline of July 1, 2023 with a requirement that if they cannot meet the deadline the County come in and request an extension.

Commissioners Taylor, Greer, and Herr-Cornwell had questions about the MBA maps related to which properties were added and which ones were not added. Properties that were not designated as MBA would have to apply for a variance to develop in the Buffer, whereas properties that are designated as MBA have some flexibility. Additionally, the Buffer is delineated in the field at the time of application.

Commissioner Blazer moved to concur with the Chairman’s determination of a refinement and also to recommend the Chairman approve Harford County’s Comprehensive Review as outlined in the attachment to the staff report, with the exception of changing the due date for approval of Bill 22-011 and Bill 22-012 from 4/30/23 to 7/31/23. Commissioner Taylor seconded the motion. **Motion passed unanimously.**

Item 4. Harford County – Critical Area Boundary Mapping Update

Presented by Lisa Hoerger

Commission staff worked with Harford County, the Maryland Department of Natural Resources, the Maryland Department of the Environment, and the Eastern Shore Regional GIS Cooperative (ESRGC) to develop updated Critical Area maps for the county. These draft maps were vetted by the agencies, were provided to affected property owners, and lastly, were delivered to the county for public comment and local approval.

The update resulted in a gain of 735 acres and a loss of 1,273 acres, with a net loss of 538 acres within Harford County’s Critical Area. Most of the loss is attributed to removing the Critical Area acreage of Aberdeen Proving Ground which are federal lands.

Discussion: Commissioner Blazer referred to the map, and asked for confirmation that anything red along the water was open water, and Lisa confirmed. Joel Gallihue thanked CAC staff for their assistance.

Commissioner Lewis made a motion to concur with the Chairman's determination of a refinement and to recommend the Chairman approve the map update as proposed. Commissioner Marks seconded. All voted in favor. **Motion passed unanimously.**

Item 5. Text Amendment – Nurseries with Landscaping and Plant Sales (Anne Arundel County)

Presented by Jen Esposito

Anne Arundel County has submitted a text amendment to their Critical Area Program for approval by the Critical Area Commission. Bill No. 57-22 amends sections of the County's Zoning Code relating to the Nurseries with Landscaping and Plant Sales use which is currently a permitted use in the Resource Conservation Area (RCA). The intent of the bill is to provide greater flexibility for nurseries to also sell and store items related to nursery and landscaping uses. The bill was passed by the County Council on July 18, 2022, and was approved by the County Executive on July 29, 2022.

Discussion: Kelly Krinetz (AA Planning & Zoning) clarified that the bill that was passed was not specifically for Critical Area, but is applicable county-wide. The bill is before the Commission because it affects uses in the Critical Area and compliance with changes to the Resource Conservation Area (RCA) use list. Commissioner Lewis asked about stormwater management requirements and it was confirmed that they would still be required. Commissioner Taylor asked how many nurseries are in the RCA and what acreage would be affected. Kelly Krinetz replied that she did not have the exact numbers but there is at least one major nursery in the RCA. Commissioner Malkus remarked that if a business is selling things like pavers, stones, etc. used in landscaping, this should be encouraged over asphalt. Commissioner Rhodes shared that she had been involved in this legislation and that it came about as a result of violations, with businesses exceeding the 1% limit.

Commissioner Rhodes made a motion to approve the proposed text amendment. Commissioner Malkus seconded the motion. Commissioner Taylor opposed. Commissioner Blazer abstained. All others voted in favor. **Motion passed.**