

**CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100  
Annapolis, Maryland 21401

**MEMORANDUM**

**To:** Critical Area Commissioners

**From:** Lisa Hoerger, Regulations Manager

**Date:** April 23, 2025

**Subject:** COMAR 27.03.01.03 - Notice Requirements for State Agency and Local Agency Development  
COMAR 27.03.01.04 – Categories of Applications to be Submitted to the Executive Director

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**Discussion**

At the direction of Chair Fisher, Commission staff are proposing to make amendments to COMAR 27.03.01.03, Notice Requirements for State Agency and Local Agency Development and amendments to COMAR 27.03.01.04, Categories of Applications to be Submitted to the Executive Director. The purpose of these amendments is to make updates due to changes in the Commission staff's reorganization of duties and priorities, the effectiveness of local government review of development applications, and changes to the Commission's meeting schedule.

**Necessity for Regulations**

**COMAR 27.03.01.03 - Notice Requirements for State Agency and Local Agency Development**

The proposed amendment to 27.03.01.03 is minor in nature and was precipitated when the Commission and the Committees began meeting on different dates. The current regulation instructs State and Local government agencies to provide public notice for development activities proposed on State or local government lands.

The current regulation states, "At least 14 days were provided for public comment..." (COMAR 27.02.01.02B(1)(d)). This language was valid when a project was presented to the Project Committee and the full Commission for vote on the same day; however, since the Project Committee now meets two weeks in advance of the full Commission, the language has to be clarified to ensure that the 14-day notice would be fulfilled prior to the meeting of the Project Committee.

**27.03.01.04 - Categories of Applications to be Submitted to the Executive Director**

The changes to COMAR 27.03.01.04 are proposed to streamline the volume of projects required for submission for Commission staff review. This will benefit both the planning staff from local jurisdictions and the Commission staff. When project review began in the early 1990s,

Commission staff's review and guidance was vital. Over time local planning staff became more proficient in applying the laws and regulations. In addition, the Commission staff has reorganized to focus on broader policy initiatives such as regulatory updates, local program updates, policy research, and education of various audiences (local government decision-makers, planning staff, state agencies, and the general public). Certain development applications will still be required to be submitted to Commission staff for comment; this abbreviated list is based on projects that potentially have the most impact on water quality and habitat, or those projects in which local jurisdictions still frequently seek additional support from Commission staff for review.

The following project application types will still require review by Commission staff:

- Variances in Intensely Developed Areas (IDA), Limited Development Areas (LDA), and Resource Conservation Areas (RCA);
- All subdivisions, site plans, lot consolidations or reconfigurations, zoning map amendments, special exceptions, and conditional approvals in the RCA;
- Subdivisions in the IDA or LDA only if a habitat protection area is impacted or is associated with an approved growth allocation;
- Applications for major minor solar energy generating projects in LDAs or RCAs; and
- Final approvals for:
  - Major solar energy generating systems,
  - Variances,
  - RCA development projects,
  - Subdivisions,
  - Buffer Management Plans associated with a shoreline stabilization measure; and
  - Major Buffer Management Plans, by request from the Executive Director.

The following project application types will no longer be required to be submitted to Commission staff; however, they will still require local government staff review and approval:

- Site plans, zoning map amendments, special exceptions, and conditional uses in the LDA; and
- Subdivisions and lot consolidations or reconfigurations in IDAs or LDAs **unless** there is a Habitat Protection Area impacted, or the subdivision is part of a growth allocation request.

If you have any questions prior to the April 23, 2025, Commission meeting, please contact Lisa Hoerger at (410) 260-3478 or [lisa.hoerger@maryland.gov](mailto:lisa.hoerger@maryland.gov).