Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland
April 4, 2001

SUBCOMMITTEES

11:00 a.m. - 12:00 p.m. Project Evaluation

Members: Bourdon, Cain, Witten, Giese, Goodman, Cooksey, Hearn, Graves, Olszewski, Jackson, McLean, Andrews, Jones

St. Mary's College - Comprehensive Water Quality Plan Information (30 minutes)	Mary Owens, Pgm Chf
DOT/SHA - Planting Plan - MD Route 2 Mitigation	Lisa Hoerger , Plnr
Anne Arundel County (20 minutes)	Mary Owens, Pgm Chf

11:00 a.m. - 12:00 p.m. **Program Implementation**

Members: Foor, Myers, Barker, Wynkoop, Johnson, Lawrence, Duket, Samorajczyk, Bradley, Evans, Wenzel

St. Mary's County - Comprehensive Review Update (20 minutes)	Mary Owens , Pgm Chf
Worcester County - Comprehensive Review Update (30 minutes)	LeeAnne Chandler, Plnr

PANELS

9:30 a.m. - 10:30 a.m. Anne Arundel County - County Bill #78-00, Buffer Exemption Areas for Government Reuse Facilities

Panel Members: Foor, Evans, McLean, Cooksey, Samorajczyk

10:30 a.m. - 11:00 a.m. Charles County Comprehensive Review - RCA Uses

Panel Members: Bourdon, McLean, Cooksey, Goodman

12:00 p.m. - 1:00 p.m. LUNCH

Chesapeake Bay Critical Area Commission
Department of Housing and Community Development
Crownsville, Maryland
April 4, 2001

AGENDA

1:00 p.m. - 1:05 p.m.	Approval of Minutes of March7, 2002	John C. North, II, Chair

PROGRAM AMENDMENTS AND REFINEMENTS

1:05 p.m. - 1:30 p.m.	VOTE / Anne Arundel County County Bill #78-00: Buffer Exemption Areas for Government Reuse Facilities	Lisa Hoerger, Planner Dr. Foor
1:30 p.m. - 1:40 p.m.	VOTE / Charles County Comprehensive Review - RCA Uses	LeeAnne Chandler, Planner
1:40 p.m. - 2:00 p.m.	INFORMATION / St. Mary's College Comprehensive Water Quality Plan	Mary Owens, Prog. Chief Chip Jackson, Associate Vice President for Facilities
2:00 p.m. - 2:10 p.m.	Old Business Legal Update - Comprehensive Reviews	John C. North, II, Chairman Marianne Mason, Commission Counsel - Mary Owens
2:10 p.m. - 2:20 p.m.	New Business Update - 10% Pollutant Reduction Rule	Andrew Der, Planner

Next Commission Meeting: May 2, 2001 The meeting will be held at the Dept. of Housing and Community Development in Crownsville.

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Department of Housing and Community Development
Crownsville, Maryland
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Chesapeake Bay Critical Area Commission
People's Resource Center
Department of Housing and Community Development
Crownsville, Maryland 21401
March 7, 2001

Approved

The Chesapeake Bay Critical Area Commission met at the People's Resource Center in Crownsville, Maryland . The meeting was called to order by John C. North, II, Chairman, with the following Members in attendance:

Barker, Philip, Harford County
Bradley, Clinton, Eastern Shore MAL
Bourdon, Dave, Calvert County
Cain, Deborah, Cecil County
Cooksey, David, Charles County
Evans, Judith, Western Shore MAL
Foor, Dr. James, C. QA County
Giese, William, Jr., Dorchester County
Graves, Charles C., Baltimore County
Jackson, Joseph A., Worcester County
Olszewski, John A. Baltimore County
Samorajczyk, Barbara, Anne Arundel County
Witten, Jack, St. Mary's County
Wynkoop, Samuel, Prince George's County
Setzer, Gary for Hearn, J.L., Maryland State Department of the Environment
Goodman, Robert, Maryland State Department of Housing and Community Development
Duket, Larry, Maryland State Department of Planning
Lawrence, Louise, Maryland State Department of Agriculture
McLean, James, Maryland State Department of Business and Economic Development
Andrews, Meg, Maryland State Department of Transportation
Wenzel, Lauren, Maryland State Department of Natural Resources

Not In Attendance:
Johnson, Samuel Q., Wicomico County
Jones, Paul, Talbot County
Myers, Andrew, Caroline County
Rice, William, Somerset County

The Minutes of February 7, 2001 were approved as read.

Lisa Hoerger, Planner, CBCAC presented for VOTE, the Contract 1, Sediment and Erosion Control Plan for Rosalie Island in Prince George's County. The Commission at its December meeting approved the stormwater management design for compliance with the 10% Pollutant Reduction Rule for this project with several conditions. Because of the large scope of this project the construction will occur in several phases and have multiple contracts. If there are any changes under these multiple contracts then the plans have to be submitted to the Commission for review and approval. The sediment and erosion plans were not ready for review at the time of the approval of the stormwater designs. This project has received conceptual approval from MDE and is currently awaiting final approval. NAME OF PERSON described the technical details of the plan. Dave Bourdon moved to approve the project as presented with the condition that the Commission staff receive monthly updates of the status of the site inspections. The motion was seconded by Debbie Cain and carried unanimously.

Joe Jackson, Worcester County Critical Area Commission Representative introduced Jean Lynch, County Commissioner for Worcester County and Sandy Coyman, Director of the Office of Comprehensive Planning with Coastal Bays, who gave a presentation to the Commission explaining their opposition to House Bill #99 for adding the Coastal Bays to the Critical Area Program. Dave Blazer, Director of the Maryland Coastal Bays Program and John Roder, Citizens Advisor for the Coastal Bays Program were also in attendance. Ms. Lynch explained the major new initiatives of the Coastal Bays Comprehensive Management Plan (CCMP) involving the

Federal Government, State Agencies and County Government , local government representatives and citizens groups. She said that the focus is on water quality, habitat protection and maintaining the rural character of the County, and that the focus is not on Buffer issues. Mr. Coyman said that Worcester County is meeting its commitment in protecting and restoring the coastal bay watershed stating that the concern is about whether the County is able to meet the commitment and obligations of the CCMP. He reviewed the highlights of the CCMP - forestry, wetlands, rural legacy issues, subwatershed planning, shore erosion,and said that as part of the subwatershed planning process options for protecting the existing 25 foot Buffer are being discussed. Mr. Coyman said that under the subwatershed plan (under an October 1, 2001 deadline) the CCMP states that the County must make "substantial progress towards implementing , increasing the buffer capacity of coastal water". Further, the CCMP policy committee and has been looking at condensing some of the work on the remaining watershed and will has come up with some interim measures which have been discussed and want the opportunity to meet their commitment. This CCMP plan has over 430 different actions in it and it is believed that the County is doing a great job implementing it but the buffer issue and the subwatershed plans are the most contentious, but Bill #99 has advanced discussion and of the coastal bays. He said that if a management plan or a concensus is not achieved through the process, then there would be some type of Critical Area legislation come from the State and be scheduled next year. Erin Fitzsimmons spoke in support of House Bill #99 and says that the bays need protection beyond a 25 foot buffer.

MOTIONS: Joe Jackson moved to give the County enough time to effectively implement their Program and that the Commission not endorse House Bill #99 at this time because it is premature. Sam Wynkoop restated Mr. Jackson's motion as taking an affirmative position in opposition to the Bill, accepted by Mr. Jackson. Mr. Wynkoop seconded the motion. There was more discussion of this issue among the Commission members. Dr. Foor moved to amend the motion: that the CBCAC opposes Bil #99, as it is premature, the Critical Area Commission taking an affirmative position in opposition to the bill and to revisit it within 12 months. Mr. Jackson accepted the amendment to his motion.
Chairman North called for a vote: the motion failed with 9 in favor and 10 opposed.
Lauren Wenzel moved that the CBCAC remain neutral on House Bill #99 at this time, to monitor the progress of the County and only take action if it is warranted. Dave Bourdon seconded the motion with an amendment that the Commission will remain neutral on the Bill until October of this year and will revisit the issue next year. Ms. Wenzel accepted the motion. Chairman North called for a vote and the motion carried unanimously.

Wanda Cole, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement the use of 6.3 acres of growth allocation requested by St. Mary's County to change the Critical Area overlay designation from RCA to LDA for the creation of a minor subdivision of the Eagan property to create two lots. The entire property is in the Critical Area of St. Catherine's Bay in Avenue, Maryland. Ms. Cole said that there will be no new development in the 100 foot Buffer and in fact the Buffer for lot 2 will be expanded to 200 feet. This project has been approved by the St. Mary's County Board of County Commissioners and the Planning Commission with conditions. There are no known Habitat Protection Areas on the property other than the Buffer. The conditions recommended by the staff for approval of this project are: * that clearing for Lot 2 be limited to 30 percent of the existing forest cover as required by the St. Mary's County Zoning Ordinance. * that forest mitigation is required at a ratio of 1.5:1 for Lot 2 and 1:1 for Lot 1. Reforestation will first be directed to the site's 100-foot Critical Area Buffer and Expanded Buffer in order to complete the establishment of the Buffer. * that the limits of disturbance on Lot 1 be modified during the site plan phase to allow equipment to work around the house and pool without encroaching into the 100-foot Critical Area Buffer. The Commission supported the Chairman's determination of Refinement.

Ms. Cole presented for Concurrence with the Chairman's determination of Refinement the request for approval of the use of .33 acres of growth allocation to change the Critical Area overlay designation of the Thomas Daugherty property for LDA to IDA in Calvert County. This entire property lies within the Critical Area of Back Creek in Solomons Town Center, Solomons, Maryland and does not have its own growth allocation

acreage. The County has approved a change in the use of the property from residential to commercial and the proposed commercial use will exceed the LDA limits for impervious surface. This change in use and in the use of growth allocation will provide a public benefit by the creation of professional office space and jobs. The proposed growth allocation request has been approved by the Calvert County Planning Commission and the Board of County Commissioners of Calvert County. The growth allocation is consistent with the Commission's growth allocation policy. There are no known Habitat Protection Areas on the property and the 100-foot Buffer is not present on this property. The Commission supported the Chairman's determination of Refinement.

Lisa Hoerger, Planner, CBCAC presented for Concurrence with the Chairman's determination of Refinement the request by Talbot County to use 23.92 acres of growth allocation to change the Critical Area designation from RCA to LDA on the Ayres Property on the Choptank River. This site is adjacent to parts of a known historic waterfowl concentration area. The 100-foot Buffer shown on the site plan must be re-established in native Buffer vegetation. This growth allocation has been approved by the Talbot County Council and by the Planning Commission and staff. Dr. Foor read the condition recommended for support of this Refinement because of the deficiency in the County's Program at this time wherein they are silent on protection of the Buffer. The condition: that the 100-foot Buffer must be established and maintained in natural vegetation sufficient to ensure the water quality and habitat functions specified in the Critical Area Criteria. A plat note shall be placed on the plat and appropriate language inserted in each deed to ensure that the Buffer on each lot is established and maintained; the plat notes and draft deed language shall be reviewed and approved by Commission staff. The Chair accepted the condition and the Commission supported the Chairman's determination of Refinement.

Ms. Cole presented for VOTE the proposal by the Maryland Department of General Services to upgrade the existing roads and to construct a new parking lot, a bio-retention facility, a bituminous sidewalk and an infiltration basin for Jefferson Patterson Park and Museum in Calvert County. The area is a designated RCA and there will be no impacts to the 100-foot Critical Area Buffer. There will be minor impacts, within the required limits and there will be mitigation. Dave Bourdon moved to approve the project as presented with three conditions: 1) copies of the MDE approvals for nontidal wetlands, stormwater management, and sediment and erosion control shall be provided to the Commission prior to construction. If these approvals result in significant changes in the footprint within the Critical Area, these changes must be presented to the Commission for approval. 2) Forest mitigation using native species shall be provided on-site at a 1:1 ratio. The planting plan must be provided to staff for review and approval 3) maintenance agreements for the bioretention facilities and infiltration basin are required. DGS staff shall coordinate with Commission staff to ensure appropriate agreements are executed. The motion was seconded by Dave Cooksey and carried unanimously.

Ms. Hoerger presented for VOTE the proposal to build additions to the existing Tilghman Elementary School with additional parking. The proposed site is approximately ten acres and is located entirely within the Critical Area and is designated LDA. This is the only location that can be utilized for the purpose of providing additional school classroom space and community services. This project requires a conditional approval for State and local government development since it exceeds the 15% impervious surface limitation.
Ms. Hoerger described the technical details of the project and said that this project meets the qualifying characteristics for consideration of a conditional approval and is consistent with COMAR 27.02.06. This conditional approval request also contained the elements required within a conditional approval and additionaly there must be an agreement to three conditions. Dave Bourdon moved to approve the conditional approval for the project for the Tilghman Elementary School as presented with the three conditions: 1) the applicant shall resubmit any revisions to the plan to the Commission for approval; and 2) the applicant shall resubmit any revisions for the stormwater management and sediment and erosion control plans. 3) the applicant will work with Commission staff regarding the proposed species proposed for landscaping, and will coordinate follow-up site visits to monitor the survivability of the planting areas. The motion was seconded by Dave Cooksey and carried unanimously.

Old Business

Bill Giese reported that in the last few months there has been considerable activity at the Hyatt site in Cambridge in Dorchester County. A protection area was set up for great blue herons nesting on the site and apparently a pair of bald eagles have come onto the site and the herons have left. He commented that it will be interesting to see whether the herons return as the construction did not deter the bald eagles.

Commission Counsel, Marianne Mason, Esquire, gave a legal update to the Commission.

She reported that a Refinement involving a growth allocation, the Bridgeview office building in Calvert County, wherein the Critical Area Commission suggested to the County Board of Appeals a better way was to apply for growth allocation when a variance was granted by the County for the owner to exceed the impervious surfact limit on a parcel. The Board granted the variance and the Commission filed an appeal in Circuit Court consequently bringing every body to the table which resulted in the applicant applying for growth allocation . The Commission will be dismissing the Circuit Court appeal.

She reported on three other cases, all at the Boards of Appeal level: One in Wicomico County wherein the Board issued a formal opinion denying a variance in a case involving a gentleman who built six structures in the Buffer. Another in Wicomico County involving a house originally built entirely in the 100-foot buffer. The Commission staff testified and the County ordered 6:1 mitigation for all the disturbance to the Buffer.and, in Somerset Countythere has been no decision of a house built in the marsh.

Ms. Mason said that later on in the month she will argue in Anne Arundel County on our appeal of a variance for a house that was built in the Buffer. This case was reported last year of a house where the board issued a variance for the house to be built on a lot 600 feet closer to the water in the middle of a riparian forest when there were two alternate locations.

New Business

Chairman North reported on legislation and said that at the Commission's last meeting, it was indicated that there was to be a Bill introduced in the House and a companion Bill in the Senate the purpose of which was to deal with the regrettable undermining of the critical area concepts, particularly with the concept of variances that have resulted from the three unfortunate decisions of the Court of Appeals. He said that there was a good hearing in the House and Senate, that Governor Hughes spoke on behalf of the legislation for the House hearing and there was no opposition. He siad that there was opposition in the Senate from MACCO, but generally the reception was favorable but that despite the overwhelming testimony in favor of the bill, there remains some question as to whether or not the Chair would handle it favorably in committee. Governor Hughes will personally speak with Governor Glendening and with Delegate Guns to urge passage of the Bill. Dr. Rogers has spoken with the Speaker in respect to enlisting his assistance in this direction and had a favorable response generally from the Speaker.

Ren Serey, Executive Director of the CAC, reported on two other bills: The first bill, introduced by Delegate Weir who Chairs the Oversight Committee, regards sewer hook ups in the RCA and intrafamily transfers regarding a particular situation in Baltimore County which has since been resolved and the bill has been withdrawn. A second Bill #563, introduced by Senator Colburn, has had a hearing. This Bill intended to change the forest conservation act periodic reviews from a 2 year period to a 6 year period and the Critical Area Comprehensive Reviews from a 4 year period to a 6 year period. He said that DNR did not support the forest conservation act portion act but the Critical Area Commission testified in favor of the Critical Area portion on the theory that every jurisdiction either has completed at least one comprehensive review or has a review in progress and it really will not make much difference to our process. The purpose of this bill was to coordinate these local reviews with the existing requirements so that they would all be done at the same time.

The Commission was reminded of the Workshop for the Commission members to be held on March 28th at Wye Island. Information will be forthcoming in two days.

Chairman North reported that the Day on the Bay on the State Boat, Maryland Independence, is scheduled for June 14th. Because of the Poplar island destination this outing will be an all day (8:30 a.m. – 5:00 p.m.) affair. There has been an excellent response in interest and for attendance from the Commission members. As soon as the Commission Coordinator finalizes the logistics of this outing, which involve a transfer boat from the State Boat to the Island, the information will be sent out. The Joint Legislative Oversight Committee will be invited.

There being no further business, the meeting adjourned.

Minutes submitted by: Peggy Mickler, Commission Coordinator

CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Full Commission

From: Mary Owens

Date: March 19, 2001

Subject: St. Mary's College Water Quality Comprehensive Plan

Last year, the staff of the Facilities Department of St. Mary's College began work on a project to comprehensively identify, analyze, and evaluate water quality issues at St. Mary's College. The College is a 275-acre campus located on the St. Mary's River in St. Mary's County. The campus, while characterized as an area of "intense development" for purposes of Critical Area project evaluation, is characterized by many sensitive environmental features including steep bluffs, tidal and nontidal wetlands, extensive tributary streams, and approximately 2,700 linear feet of shoreline. The campus also has numerous archaeologically significant areas. The campus is expanding rapidly to accommodate an increase in the number of students as well as the addition of new academic programs.

In preparing to undertake this study, the staff of the College decided to use an innovative approach to addressing the varied and complex water quality issues on the campus by involving stormwater engineers, environmental consultants, and a landscape architect in the entire project, so that physical, environmental, and aesthetic issues could be addressed simultaneously. The purpose of the project was to address the following issues:

- Evaluation of peak stormwater discharges for existing development and for development proposed in the 20-year master plan;
- Evaluation of existing stormwater facilities at St. Mary's College;
- Recommendations for sites where water quality could be improved and how the improvement could be accomplished;
- Recommendations for Best Management Practices for stormwater quality and quantity;
- Evaluation of and recommendations for grounds maintenance practices (such as mowing, watering, and fertilizer application);

- Recommendations for shoreline preservation, protection, and stabilization, particularly near the Boathouse and Waterfront Area;

Representatives from A. Morton Thomas and Associates, Biohabitats, Inc., and Michael Vergason Landscape Architects have completed extensive site analysis at St. Mary's College over the last several months. They have met several times with College staff and Commission staff, and many issues have been evaluated and discussed. At this time, the project is nearing completion, and the consultants are preparing their final plan documents. The final plan includes a report describing and analyzing the water quality issues and proposing recommendations as well as associated maps depicting drainage areas, sensitive environmental areas, and the location and type of recommended Best Management Practices.

Staff from St. Mary's College will be attending the Project Subcommittee and the full Commission meeting to brief the Commission on this innovative approach to analyzing stormwater quality issues and to receive feedback from the Commission on the plan and the recommendations that are included in it.

CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Project Subcommittee

From: Mary Owens, Lisa Hoerger

Date: March 19, 2001

Subject: MD Rt. 2 Mitigation

At the December 2000 meeting, a representative from the State Highway Administration (SHA) attended the Project Subcommittee meeting to report on the progress of locating an appropriate mitigation site for the MD Route 2 Widening Project. At that time, SHA and Commission staff was in the process of scheduling a site visit to Historic St. Mary's City to tour an area of shoreline as the possible mitigation site.

The SHA reported on this project because mitigation was required as a condition of the original December 1999 approval. The Commission required the following condition:

> The applicant will bank 1.32 acres of forest mitigation and identify another site within the Critical Area within one year. The site will be planted once funding has been allocated. A status report on where the mitigation will occur and on funding availability will be given to the Commission in one year. *

Commission staff has been working with the staff of SHA and the staff of Historic St. Mary's City on a potential project that could benefit both agencies. Historic St. Mary's City is an 832-acre museum of living history and archaeology at the site of Maryland's first capital that includes extensive frontage on the St. Mary's River. The portion of the shoreline located between the State House and the "Town Square" portion of the site is an area that is an important part of the visitor experience at Historic St. Mary's City. This area is characterized by breathtaking views of the St. Mary's River and is the location of the path to the pier where the *Maryland Dove* is docked. Currently, there are more than 48,000 visitors to Historic St. Mary's City each year, and almost all of the visitors travel down the path through the Buffer to the pier.

Unfortunately, the current path is not accessible to the disabled because of its slope, and the path is difficult for some older visitors to negotiate because of its uneven surface. The Buffer in this area is partially vegetated, but is very degraded due to the dominance of exotic and invasive species, including multiflora rose, Japanese honeysuckle, English ivy and clematis. Weedy tree species, such as paper mulberry, and a dense growth of bamboo

have altered the historic character of the site and do not optimize the habitat and water quality functions of the Buffer.

Commission staff, in coordination with the staff of SHA and Historic St. Mary's City, is proposing that a Buffer Management Plan be developed and implemented for a portion of this shoreline, and that this effort would satisfy SHA's mitigation requirement for the Route 2 Widening Project. This effort is proposed to address 450 of the total 1400 linear feet of shoreline that needs treatment, and will potentially serve as a model for completing the remaining portion of the Buffer. The project will involve the eradication of invasive species and the removal of dead and dying trees that have been adversely impacted by the invasive species. Due to the extremely steep slopes in the area and the possibility of archaeological resources, much, if not all of the eradication effort, will need to be accomplished by hand. Trees that need to be removed will be cut at ground level and their root systems will be left intact, and other erosion control practices will be installed. Following the removal of the exotic and invasive species, the area will be replanted with native species to recreate the historic forested riverbank. Aspects of bayscaping, including species selection for wildlife, limited fertilizer application, and limited supplemental watering will be employed in the design. Temporary seeding of rye grass may be necessary in some areas to temporarily stabilize the bank until permanent plantings can be installed.

This project will also include the identification, but not the construction, of an improved access to the pier where the *Maryland Dove* is located. The existing path will need to be redesigned to meet the slope and surface requirements specified for access by the disabled. Historic St. Mary's City already plans the construction of the path as Capital Project in the Fall of 2003. At a later date, Historic St. Mary's City is proposing to improve a second path leading from the reconstructed Town center to a 17th century landing. This path improvement is not part of the Buffer Management Plan for the area that will be addressed by SHA's mitigation project This access will not be paved and will not need to be designed to be accessible by the disabled since its primary purpose is to re-create the historic landing.

In early January Commission staff performed a site visit to investigate whether this area could qualify as a mitigation site for SHA. Based on the field visit and subsequent conversations with Historic St. Mary's City staff and SHA staff, it appears both agencies are willing to work with each other to accomplish this project. At this point Commission staff would like to discuss the project with the Project Subcommittee to determine if this project will satisfy the mitigation requirement for the MD Route 2 project.

* The mitigation amount was later changed to .93 acres after the area was recalculated.

CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Program Subcommittee

From: Mary Owens

Date: March 26, 2001

Subject: St. Mary's County Comprehensive Review Update

Jon Grimm, the Director of the St. Mary's County Department of Planning and Zoning, has been invited to the April 4, 2001 Program Subcommittee meeting to discuss the County's progress on the comprehensive review of the County's Critical Area Program. The County's original Program was adopted in March 1990. St. Mary's County is somewhat unique in that the County uses the zoning ordinance to fully implement the Critical Area Program, and the County does not have a separate program document. In March 1993, the County made extensive text amendments to the zoning ordinance to clarify some provisions and provide stronger enforcement provisions.

In November 1995, Commission staff provided comments to St. Mary's County staff advising them of issues that needed to be addressed in their comprehensive review. In 1996, the County began work on extensive revisions to the entire County zoning ordinance and requested that the Commission allow them to deal with the comprehensive review of the Critical Area Program as part of the overall ordinance update, which would create a Unified Land Development Code for the County. Since that time, Commission staff have met with County staff and provided comments on several draft documents. At the most recent meeting in December 2000, it appeared that most of the substantive issues could be resolved with minor text changes.

In our continuing effort to ensure timely progress and completion of comprehensive reviews, the County has been asked to attend the Program Subcommittee meeting and discuss any issues of concern that are outstanding and to provide the Subcommittee with an anticipated schedule for completion of the comprehensive review.

If you have any questions or if you would like to discuss any issues prior to the Commission meeting, please contact me at (410) 260-3480.

Chesapeake Bay Critical Area Commission

STAFF REPORT
April 7, 2001

APPLICANT:	Anne Arundel County
PROPOSAL:	Amendment – County Council Bill #78-00
COMMISSION ACTION:	Vote
PANEL RECOMMENDATION:	Pending Panel Discussion
STAFF:	Lisa Hoerger
APPLICABLE LAW/ REGULATIONS:	Natural Resources Article §8-1809(h)

DISCUSSION:

The Anne Arundel County Council passed Bill #78-00 which provides for development and redevelopment of government reuse facilities and sites in Buffer Exemption Areas in the Critical Area. The bill also sets standards for these uses in the County' Critical Area program. Bill #78-00 is attached for your review.

The existing County Zoning Ordinance addresses residential BEAs but does not have language that addresses other types of uses in BEAs. Recently, the County acquired the David Taylor Research Center from the Navy. This property is located on the Severn River directly across from the Naval Academy. While this property was the primary impetus behind Bill #78-00, the Bill is intended for all future government reuses sites.

As you may recall, the Commission created a Buffer Exemption Area Policy last April that addresses commercial, industrial, institutional, recreational and multi-family uses in BEAs. This policy allows local jurisdictions to adopt alternative provisions if these provisions are approved by the Critical Area Commission as an amendment to the jurisdiction's Critical Area Program. Anne Arundel County proposes Bill #78-00 as an alternative provision for reviewing government reuse facilities in BEAs. The panel will be comparing the provisions in this bill to those in the Commission's policy which can be found in your Commission Manual.

A public hearing was held on March 1, 2001 at the Department of Education. Dr. James Foor chaired the Commission panel. The remaining panel members are Judith Evans, Barbara Samorajczyk, David Cooksey and Jim McLean. There were approximately 40 people in attendance at the public hearing. Twenty people testified in opposition to the bill. No one testified in favor of the bill. The closing date for public comments was March 16, 2001. Several letters were mailed to the Commission offices. Two written items were received that expressed support for the bill. The panel will reconvene on Tuesday, March 27th at which time they will also conduct a site visit of the David Taylor Research Center. The recommendation of the panel will be discussed at the Commission meeting.

Chesapeake Bay Critical Area Commission

STAFF REPORT
April 4, 2001

APPLICANT:	Charles County
PROPOSAL:	Comprehensive Review of the Charles County Critical Area Program and Overlay Zoning Ordinance
COMMISSION ACTION:	Vote
STAFF RECOMMENDATION:	Approval with conditions
PANEL:	Dave Bourdon, David Cooksey, Bob Goodman, Jim McLean
PANEL RECOMMENDATION:	Pending
STAFF:	LeeAnne Chandler
APPLICABLE LAW/ REGULATIONS:	Annotated Code of Maryland, §8-1809(g)

DISCUSSION:
In February, the Commission approved with conditions the four-year review of the Charles County Critical Area Program with the exception of the RCA uses section. At the suggestion of the Commission's Chairman and the formal request by the County, the RCA uses section was placed on hold pending a meeting. A meeting was held with the Charles County Commissioners on March 5th, 2001. At that meeting, the RCA uses issue was discussed at length.

The County proposed new language and a list of uses to be permitted in the RCA as part of the package of amendments for the Comprehensive Review. Some of the proposed uses were identified by the Program Subcommittee and staff as being clearly commercial in nature and therefore would not be consistent with the State Criteria. In the meeting with the County Commissioners, there appeared to be consensus regarding the need for growth allocation for new commercial, industrial or large institutional uses in the RCA. A letter has been sent back to the County Commissioners, summarizing the Commission's understanding of the outcome of the meeting.

The following is the proposed RCA uses section with the suggested additional language in ***BOLD ITALICIZED CAPS*** and deletions in ~~strikeout.~~ This information was provided to the Commissioners at the meeting and they appeared amenable to the changes. Staff recommends

approval of the RCA uses section of the County's Zoning Ordinance amendments with the following changes:

Section 132(d)ii. - RCA Uses [pages 155-156]

d. General Regulations

1. Except as provided below, permitted uses, accessory uses and special exception uses in the Critical Area shall be limited to those permitted within the existing applicable underlying base zone, as shown on the Official Charles County Zoning Maps.

2. Existing industrial and commercial facilities, including those directly supporting agriculture, forestry AND aquaculture, shall be allowed in the RCZ. Additional land may [not] be USED IN THE RCZ [zoned] for industrial or commercial development, ~~LIMITED TO THOSE USES AND REQUIREMENTS~~ ***EXCEPT AS PROVIDED*** IN FIGURE VIII-2. [except as provided in Section 134.] ~~NEW USES NOT LISTED IN TABLE VIII-2 SHALL BE ALLOWABLE IN THE RCZ ONLY IF STRUCTURAL ELEMENTS RESULTING IN SIGNIFICANT IMPERVIOUS SURFACE AREA, INCLUDING PARKING, FACILITIES AND ROOFED STRUCTURES, ARE LOCATED OUTSIDE OF THE RCZ.~~ ALL OTHER USES PERMISSIBLE IN THE UNDERLYING BASE ZONE SHALL REQUIRE A GROWTH ALLOCATION, AS ESTABLISHED IN SECTION 134.

(Section will read: "Existing industrial and commercial facilities, including those directly supporting agriculture, forestry and aquaculture shall be allowed in the RCZ. Additional land may not be used in the RCZ for industrial or commercial development, except as provided in Figure VIII-2. All other uses permissible in the underlying base zone shall require growth allocation as established in Section 134.")

Figure VIII-2
USES PERMISSIBLE IN THE RCZ

<u>Uses Permitted Without Additional Requirements Specific to the RCZ</u>

Commercial Assembly/Repair of Agricultural Equipment (accessory to a farm)
Grain Dryers and Related Structures (accessory to a farm)
Hunting and Fishing Cabins
Greenhouses (no on-premise sales)
Commercial Kennels ***(MINIMUM 5 ACRES)***
Tenant Houses
Primary Residences with Accessory Apartment ***(SUBJECT TO 1 DU PER 20 ACRES)***
Seafood Processing & Operations (accessory to on-site waterfront access or products raised on-site)
Group Homes (no more than 8 occupants)

Day Care Homes (less than 7 care recipients)
Halfway Houses ***(NOT MORE THAN 9 OCCUPANTS)***
Elderly Care Homes (no more than 8 occupants)
Rooming Houses, Boarding Houses rented by the month
Bed and Breakfast, Tourist Homes
Shelters (not more than 8 rooms or efficiencies)
Migrant Workers Housing (occupants employed on owner's farm)
Helistops
Private and Family Burial Sites
Blacksmith Shops, Welding Shops, Ornamental Iron works, Machine Shops and Sheet Metal Shops
Saw Mills (accessory to on-site harvest)
Wineries
Wood/Stump Grinding (accessory to on-site harvest)

Uses Permitted with Maximum Impervious Surface
of the Lessor of 15% of the Site Area or 20,000 square feet

~~Group Homes (9 to 16 occupants)~~
~~Day Care Centers (between 7 and 30 recipients)~~
~~Elderly Care Homes (between 9 and 16 recipients)~~
Private Elementary & Secondary Schools
Churches, Synagogues & Temples
Private Libraries, Museums, Art Centers & similar uses
~~Social, Fraternal Clubs and Lodges, Union Halls, Meeting Halls and similar uses~~
SERVICE ORGANIZATIONS AND NON-PROFIT CHARITABLE ORGANIZATIONS OR INSTITUTIONS
Campground and Camps ***(PROVIDED THAT AREAS OF INTENSE ACTIVITIES (SUCH AS DINING HALLS, BATH HOUSES, TENNIS COURTS, ETC.) ARE LOCATED OUTSIDE OF THE RCZ OR OBTAIN GROWTH ALLOCATION)***
~~Nursing Care Institutions~~
Fire Stations, Rescue Squads & Ambulance Services ***(ACCESSORY USES SUCH AS A BINGO HALL WOULD REQUIRE GROWTH ALLOCATION)***
Private use airport
Veterinary Office and Hospitals ***(ONLY AS ACCESSORY TO A FARM)***
~~Nursery/Day Care Centers (more than 30 recipients)~~
~~Antique Shops & Art Galleries~~
Research Facilities & Laboratories ***(NON-COMMERCIAL ONLY)***

A Is the proposed development in the IDA of the Critical Area?

If yes, then go to Step C. If not, go to Step B.

B Stop here. The 10% process does not apply. The development might still be subject to certain Critical Area stormwater management and mitigation requirements. Please refer to the Commission's Guidance for Impervious Surfaces.

C Is the impervious surface area for the entire project greater than 250 square feet?

If yes, then go to Step D. If not, go to Step B.

D Is the proposed development for a single lot, single family home?

If yes, go to Step E. If not, go to Step F.

E Stop here and use Part III of the Applicant's Guide: Residential Water Quality Management Plan.

F Will the project have a total land disturbance greater than 5000 square feet?

If yes, go to Step G, if not, go to Step I.

G If new development, is the project consistent with standards and practices of the Maryland Department of the Environment (MDE) 2000 Stormwater Design Manual? OR
If redevelopment, is the project consistent with the MDE 20% impervious surface reduction regulations in COMAR 26.17.02.05D?

If yes, go to Step H. If not, go to Step I.

H The project is likely to be consistent with the 10% Rule. Please provide the stormwater management plan including 10% calculation worksheets to the applicable local review authority and the Commission for concurrence. Stop here.

I Use Part II of the Applicant's Guide: Standard Application process.