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Harry Knight, Deputy Director

May 18, 2021

To: Commissioners of St. Mary's County  
Dr. Rebecca Bridgett, County Administrator

From: William B. Hunt, Director *WBH*

Subject: Information for the decision to adopt the ordinance with new 1000 foot Critical Area Boundary Zoning Maps and text allowing property owners the limited opportunity to build using the current Critical Area Boundary

In 2008 the Maryland General Assembly, House Bill 1253, directed the Critical Area Commission to prepare a Statewide Base Map which would include a State-determined shoreline and landward boundary of tidal wetlands and a digitally generated, geo-referenced 1000-foot Critical Area boundary. Counties and municipalities in Maryland must adopt the new 1000-foot Critical Area boundary maps.

The Commissioners of St. Mary's County held a public hearing on March 2, 2021, regarding the adoption of the new maps. At the public hearing the Commissioners discussed the possibility of requesting approval from the Critical Area Commission to allow some grandfathering or other exception for construction projects using the current Critical Area Boundary. A motion was approved directing staff to write a letter to the Critical Area Commission requesting clarification on grandfathering of existing lots.

On March 9, 2021, Critical Area Commission Chairman Deegan, Critical Area staff, Commissioner Hewitt, County Administrator Dr. Rebecca Bridgett, County Attorney David Weiskopf, and Land Use and Growth Management Director Bill Hunt discussed the possibility of a limited exception. The language for a limited exception was provided to the County in a letter from Chairman Deegan, dated March 9, 2021. Chairman Deegan suggested that the County make a request at the April 7, 2021, meeting of the Critical Area Commission to delay adopting the maps to allow time for a text amendment to include language for a limited exception to build using the current Critical Area Boundary.

The ordinance to adopt the maps was returned to the CSMC at its meeting of March 16. Following discussion, the CSMC tabled the ordinance and directed staff to request an extension from the Critical Area Commission to allow time to prepare language that would allow property owners to build using the current Critical Area Boundary for a limited period of time. The County Attorney and Land Use and Growth Management did revise the ordinance and sent the proposed ordinance to the Critical Area Commission for its review prior to the April 7 meeting of the Critical Area Commission. At the

April 7 meeting the Critical Area Commission granted the County an extension to May 19, 2021, for the adoption of the new 1000 foot Critical Area Boundary Maps. The Critical Area Commission was shown the language that would allow construction projects to use the current Critical Area Boundary at the meeting, but no action was taken. If the CSMC adopts the language regarding construction, it will have to be approved by the Critical Area Commission.