

William B. Hunt, AICP, Director

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John E. O'Connor, Commissioner

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

From: William B. Hunt, Director *WBH*

Date: May 18, 2021

Request for Public Hearing Staff Proposal

Topic: Amendment to the Official Zoning Maps of St. Mary's County to delete the existing 1000-foot Critical Area Boundary line and replace it with the new Critical Area Boundary line from the Statewide Base Map as required by HB 1253.

Background: The Comprehensive Zoning Ordinance circa 1994 describes how the Critical Area boundary was first established in Section 38.2.4: The Saint Mary's County, Maryland Ordinance for the Chesapeake Bay Critical Area Program, Initial Mapping Rules. The 1972 Tidal Wetlands maps were used for the 1000-foot boundary, with the boundary drawn manually. The three development categories of Intensely Developed Area (IDA), Limited Development Area (LDA), and Resource Conservation Area (RCA) were delineated using 1986 tax maps overlain with 1985 aerial photos. Supplemental data, if needed, were added using the 1981 U.S. Department of Agriculture aerial photos.

In addition to the inaccuracies with the hand drawn boundary, there have been changes to the shoreline and wetlands. House Bill 1253, which was adopted in 2008, 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 1,000-foot Critical Area boundary. Critical Area Commission staff, the Eastern Shore Regional Cooperative, and Salisbury University GIS staff were responsible for producing the new maps. The Land Use and Growth Management staff here at the time were consulted.

In August 2018 Critical Area Commission staff held a public meeting in St. Mary's County to discuss the map updates. Property owners who had a 1% or greater increase in the Critical Area on their property were sent letters about the meeting. The letter also had a map showing the change on the owner's property. The County GIS Division created an overall map of the County to show the changes in the boundary which was posted on the County website.

The State data files were sent to the County Department of Information Technology which has added the updated 1,000-foot Critical Area Boundary to the County's Official Zoning Map, pending approval by the Commissioners. A copy of the revised zoning maps with the State-determined boundary is included. The State requires that the County adopt the revised maps as they have been drawn.

Prior Action: The Planning Commission conducted a public hearing on January 25, 2021. By unanimous vote the Planning Commission recommended that the Official Zoning Map for St. Mary's County be amended to delete the Critical Area Boundary and replace it with the 1,000-foot critical area boundary on the Statewide Base Map as required by House Bill 1253.

Summary of Proposed Request: The request is to schedule a public hearing on February 23, 2021, to consider the proposed amendment to the Official Zoning Maps of St. Mary's County to delete the existing Critical Area Boundary line and replace it with the new Critical Area Boundary line from the Statewide Base Map as required by HB 1253.

Stakeholders and Notification: The proposed amendment affects properties throughout the County. Therefore it is an amendment for which notification to individuals is not required. Critical Area Commission staff sent individual letters advising owners of the 1% change in the Critical Area on their properties in advance of the August 2018 public meeting. At that meeting individuals with questions could ask them at the several information stations in the Chesapeake Building where Critical Area personnel were available. Critical Area staff also arranged some field inspections in some instances. Notification for the Public Hearing with the CSMC will be provided through the legal ads and posting the information through BoardDocs. This is an unusual situation in which the State requires the County to adopt the maps, which has to be done through public hearings by both the Planning Commission and CSMC but the County cannot change the maps. After the County adopts the maps with the Critical Area Boundary line from the Statewide Base Map the maps will be sent to the Critical Area Commission.

Recommendation: Authorize staff to schedule a public hearing on February 23, 2021, for public comments on the proposed amendment to the Official Zoning Maps to delete the existing 1000-foot Critical Area Boundary line and replace it with the new Critical Area Boundary line from the Statewide Base Map as required by HB 1253.

Timeline:

February 2, 2021– Request for Public Hearing
February 19, 2021– Publish Public Notice
February 26, 2021 – Publish Public Notice
March 2, 2021- Public Hearing 9:00 a.m.
March 9, 2021 – End of Public Comment Period
May 18, 2021– Decision