

CLUA, Inc.
May 29th, 2008
7:00 pm, Rising Sun Library

Start: 7:05 pm End: 8:55 pm. Attendance: ~25

Guest Speakers: Mary Owens & Kate Schmidt - MD Critical Area Commission (CAC)

See Powerpoint presentation. Voice-over comments captured below:

Kate Schmidt: one of 6 Natural Resource Planners

Mary Owens: Education and Conservation Coordinator

- Presentation was split into two parts:
 - the Critical Area basics
 - changes brought about by 2008 legislation.
- CAC staff consists of 6 Nat Resource Planners, 1 Scientific Advisor, 1 Outreach & Education (Mary) and two Chiefs.
- Policies DO accommodate growth
- 6 Municipalities in Cecil are in the Critical Area (Rising Sun & Cecilton are not)
- The programs are locally administered, with a review by the CAC
- CAC Review of a Growth Allocation can result in one of four outcomes:
 - Approve
 - Disapprove
 - Approve with conditions
 - Return for changes
- The CAC staff work closely with local governments so that disapprovals don't often happen
- Local governments can appeal disapprovals
- Growth allocation is equal to 5% of Rural Conservation Area (RCA) acreage. Cecil started with 996.12 acres
 - Acres used = 291.18
 - Acres left = 704.94
- Growth Allocation is assigned by the county, which can "sub-assign" to the towns as they see fit. It makes sense to give the municipalities a growth allocation
- Slide 19: FIDS = Forest Interior Dwelling Species
- Slide 22: MDE: MD Dep't of Environment; ACOE: Army Corps of Engineers
- Slide 24: How to define a stream? Not always easy, especially in the flatter areas on the Coastal Plain. Look to see if there is historical record of base flow in the area. Look at the maps and the soil survey. Streams become more streamlike as development occurs and there is more run-off. In the field, look for a clearly defined channel, hydric soils and a variegated bottom
- Slide 29: The towns have a two-step process. First approval by the county, then the CAC.
 - Until very recently, the county had no formal process or written criteria. They are now asking for information regarding proposed Growth Allocations by towns.
 - CLUA made some suggestions, which, so far, have not been incorporated.
- Slide 31 onward: 2008 Legislation
 - Guidelines are now Standards
 - "Glom" on to existing development

- Slide 34: MACO = MD Association of Counties; MML = MD Municipal League
- Slide 36: MHIC = MD Home Improvement Contractor
- Slide 42: Pilot Counties are Baltimore & Talbot. Cost of infra-red imagery to delineate the Critical Area boundaries is much more expensive than anticipated, but Governor is committed.
 - 1000 foot boundary will move inland in some cases.
 - Workshop for GIS Coordinators is scheduled for 16th June
- Q&A / Discussion
 - There has been a shift in resources, from the MDP circuit riders such as Mary Anne Skilling (sp?) to the CAC, which will have to pick up the slack
 - MD's Critical Area legislation is on the cutting edge vs other states in the Chesapeake Bay watershed.
 - Have to have cooperation between the State & the local government. Staffs are on board but the politicians often are not.
 - Have no input into the current Fly Ash permit, since Fly Ash has been classified as a beneficial re-use, in the state surface mining regulations.

CLUA Business Meeting:

- Treasurer's Report
 - \$2659 in bank.
 - Please pay your dues if you haven't already done so!
- General Announcements, Information
 - The Growth Allocation process will come before the Commissioners on 3 June. CLUA's proposed amendments have been submitted. See attachment (CLUA suggestions in blue).
 - First hearing on Code Home Rule will be on June 5th, second on June 17th.
 - Political Committee has extended invitations to the four candidates, with interviews planned for 11th & 18th June and will be ready to report back at the next General Meeting (25th June @ Kilby Cream)
 - Summer Picnic will be deferred til September (dates are limited in July, and August is a bad month for attendance).
 - Should we positively endorse Charlestown Crossing Final Plat at Planning Commission? General sense was yes.
 - Can we fund "Vote Yes on Code Home Rule" bumper stickers? General sense was yes.

Adjournment at 9:00 pm

Next CLUA Meeting: Thursday, June 25th, 7 p.m., Kilby Cream.

Guest speaker: Bill Kilby: Land Preservation and the recent milestone in the Fair Hill Rural Legacy Area

REVISED MUNICIPAL GROWTH ALLOCATION PROCESS

205.1.a Growth Allocation awarded to the Towns shall follow the following procedure:

- i. Town shall complete its own Critical Area Growth Allocation evaluation process (except for review by the Critical Area Commission) before submitting request to the county Office of Planning & Zoning. ~~Request for GA from the Towns shall be made to the Office of Planning & Zoning~~
- i. Planning & Zoning shall place the request on the meeting agendas for the Planning Commission and Board of County Commissioners.
- ii. Planning & Zoning shall review the request and forward a recommendation to the ~~Board of County Commissioners~~ Planning Commission; the Planning Commission shall review the request and forward a recommendation to the Board of County Commissioners.
- iii. The Board of County Commissioners shall decide whether to grant the request.

205.1.b Growth Allocation requests from the Towns shall contain the following information:

- i. Demonstration of consistency with Town's Comprehensive Plan;
- ii. Existing Critical Area Designation and Requested Designation;
- iii. Number of acres requested and justification for acreage;
- iv. ~~Completed and scored Town Growth Allocation evaluation~~; demonstration of consistency with Town's Critical Area regulations;
- v. Demonstration of minimal impact to sensitive areas and habitats of rare, threatened and endangered species;
- vi. Maximization of clustering to the extent possible;
- vii. Concept plat for the proposed development (including proposed drinking and wastewater services).
- viii. Area map showing regional context (e.g., 2 mile radius from proposed development) showing intensity of shoreline development, extent of public access, and storm surge limits as well as significant natural features and sensitive areas including streams, wetlands, preserved areas, wildlife habitat areas, green infrastructure hubs and corridors, etc).

205.1.c Decision by the county on Growth Allocation requests from the Towns shall be based on the following considerations:

- i. Content of documentation required in section 205.1.b;
- ii. Total Growth Allocation acreage available to all towns and total acreage already granted to requesting Town;
- iii. Intensity of shoreline development already present near proposed allocation, with the objective of preventing local overdevelopment and allowing sufficient wetlands and natural shoreline on all county waterways.
- iv. Use of public water and sewer (required for Town allocations);
- v. Allowance for public access to the shoreline after development;
- vi. Size of requested Growth Allocation, with smaller allocations preferred; allocations will not exceed 20 acres per parcel.