

Maryland's Critical Area Law: Celebrating 40 Years of History while looking to the future

Erik Fisher, AICP, Chair

Critical Area Commission for the Chesapeake and Atlantic Coastal Bays



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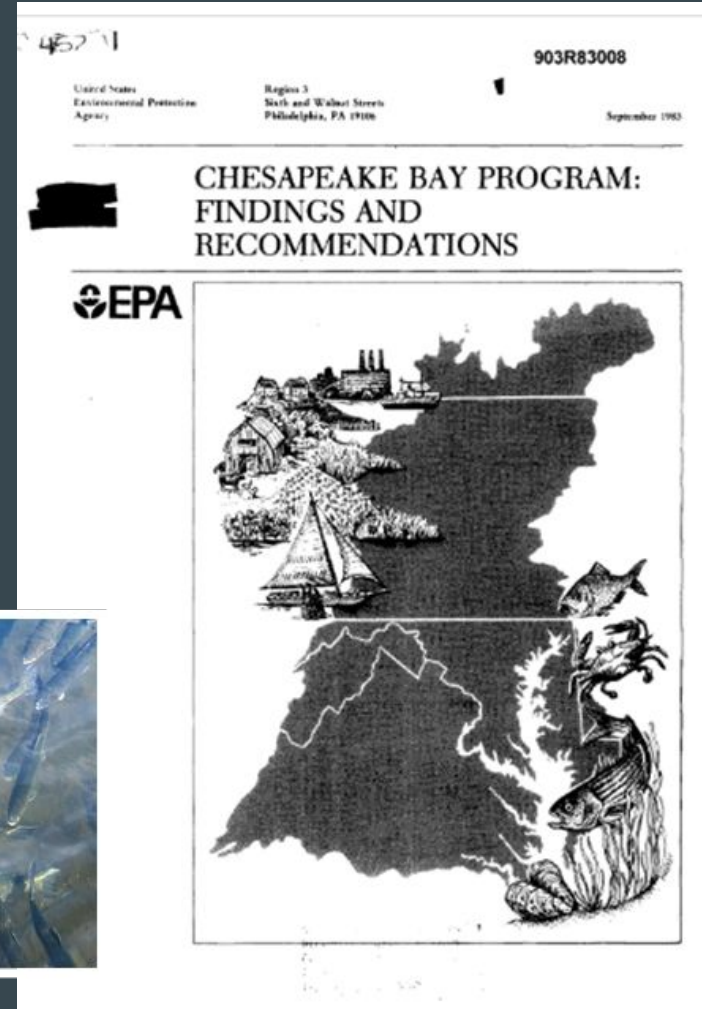
Maryland Planning Commissioners Association
2023 Annual Conference






Origins of the Critical Area Law

- EPA Study in the 1970's
- Findings of decline in living resources
- Hughes Admin convenes a workgroup
- General Assembly
 - Legislation in 1984
 - Subsequent approval of program



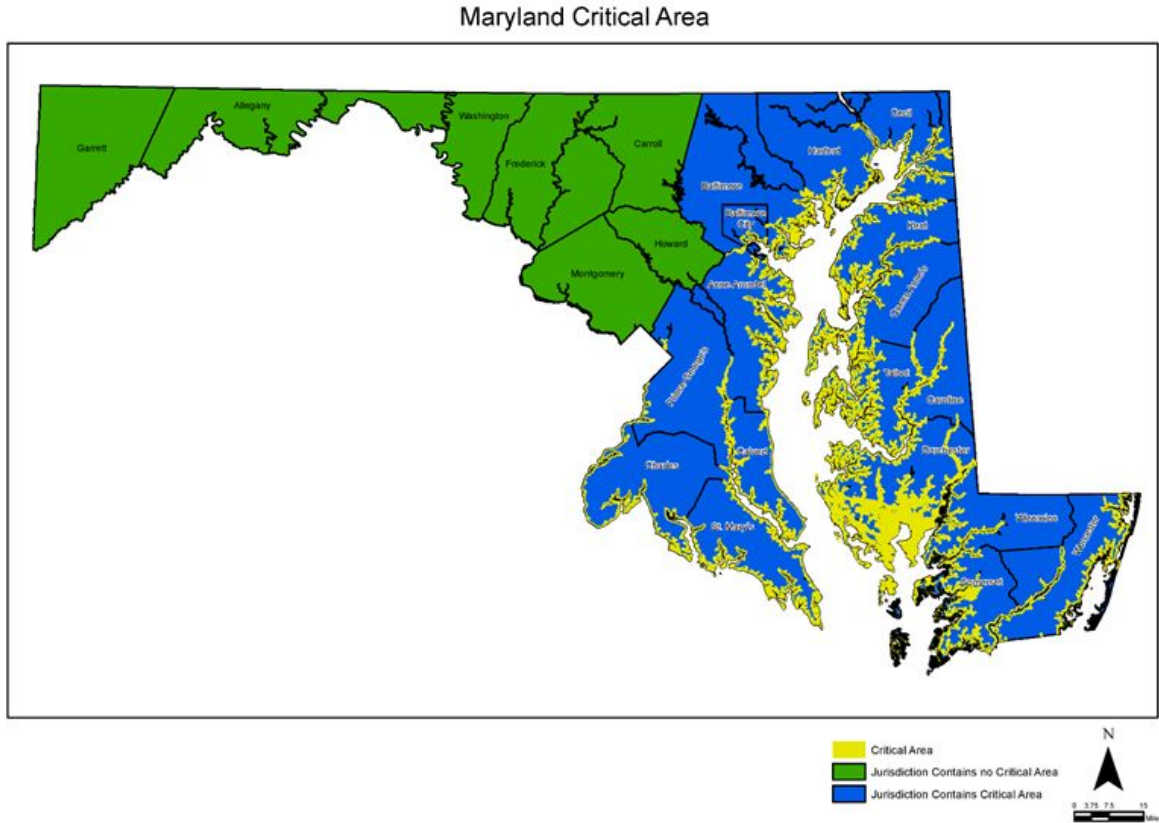


Where is the Critical Area?

Land w/in 1,000 feet of tidal waters of the Chesapeake and Atlantic Coastal Bays

~ 11% of the State & 5,200 miles of shoreline

16 counties, Baltimore City, 47 municipalities





Goals of the Law

1. Minimize adverse impacts to water quality from runoff.
2. Conserve fish, wildlife, and plant habitat.
3. Establish land use policies that accommodate growth & address the fact that the number, movement, and activities of people in the Critical Area can have adverse environmental impacts.





Implementation

The original “urban transect” ?

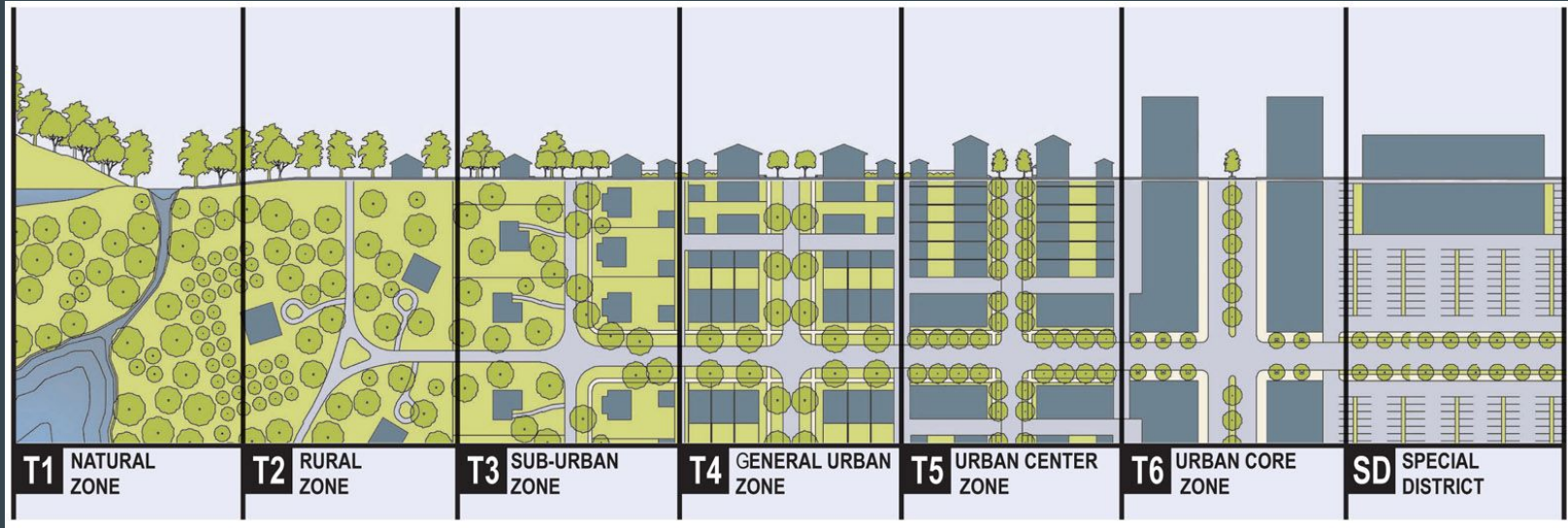
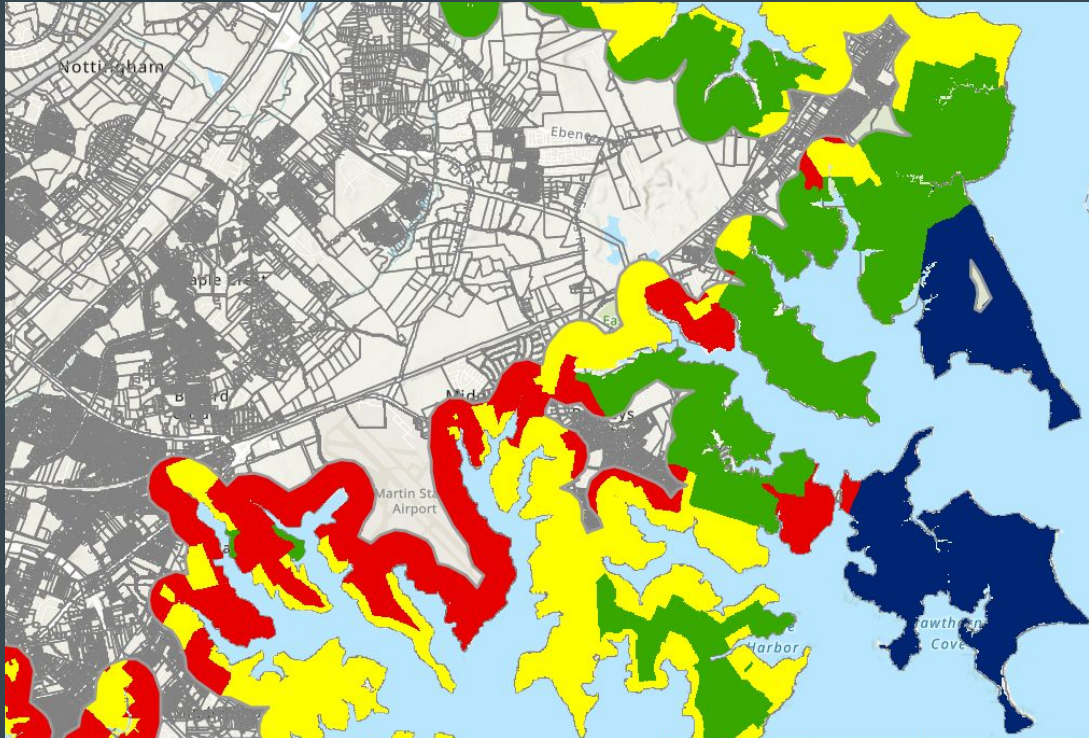


Photo: Duany Plater-Zyberk & Company, via Center for Applied Transect Studies



Implementation



Intensely Developed Area
Site design & SWM

Limited Development Area
Lot coverage & habitat protection

Resource Conservation Area
Density & use

100' Buffer Habitat area



Local programs and partnership

Implemented through local Planning and Zoning Authority

- Comprehensive Plans, zoning, subdivision regulations
- Planning Commissions
- Boards of Appeals

Training Opportunities

- Quarterly meetings with local planners
- Legal training to Boards of Appeals
- Ongoing Educational Opportunities Virtual and In-Person



**Shameless
Plug!**



1990s - Programs, Guidance Documents

- 10% Guidance
- Public Walkways
- Forest Interior Dwelling Birds (FIDS)
- Impervious Surface and Lot Coverage
- Modified Buffer Areas
(Formerly Buffer Exemption Areas)

A Guide to the Conservation
of Forest Interior
Dwelling Birds in the
Chesapeake Bay Critical Area



June 2000



2008 Comprehensive Update HB 1253

- Critical Area Mapping
- Regulatory Authority
- Growth Allocation
- 200-foot Buffer in RCA
- Enforcement





Continued Regulatory and Program Refinements

- Buffer Regulation Updates
- Shore Erosion Control
- New Renewable Energy Chapter
- Public Pathways Assistance Guidance
- Local program innovation



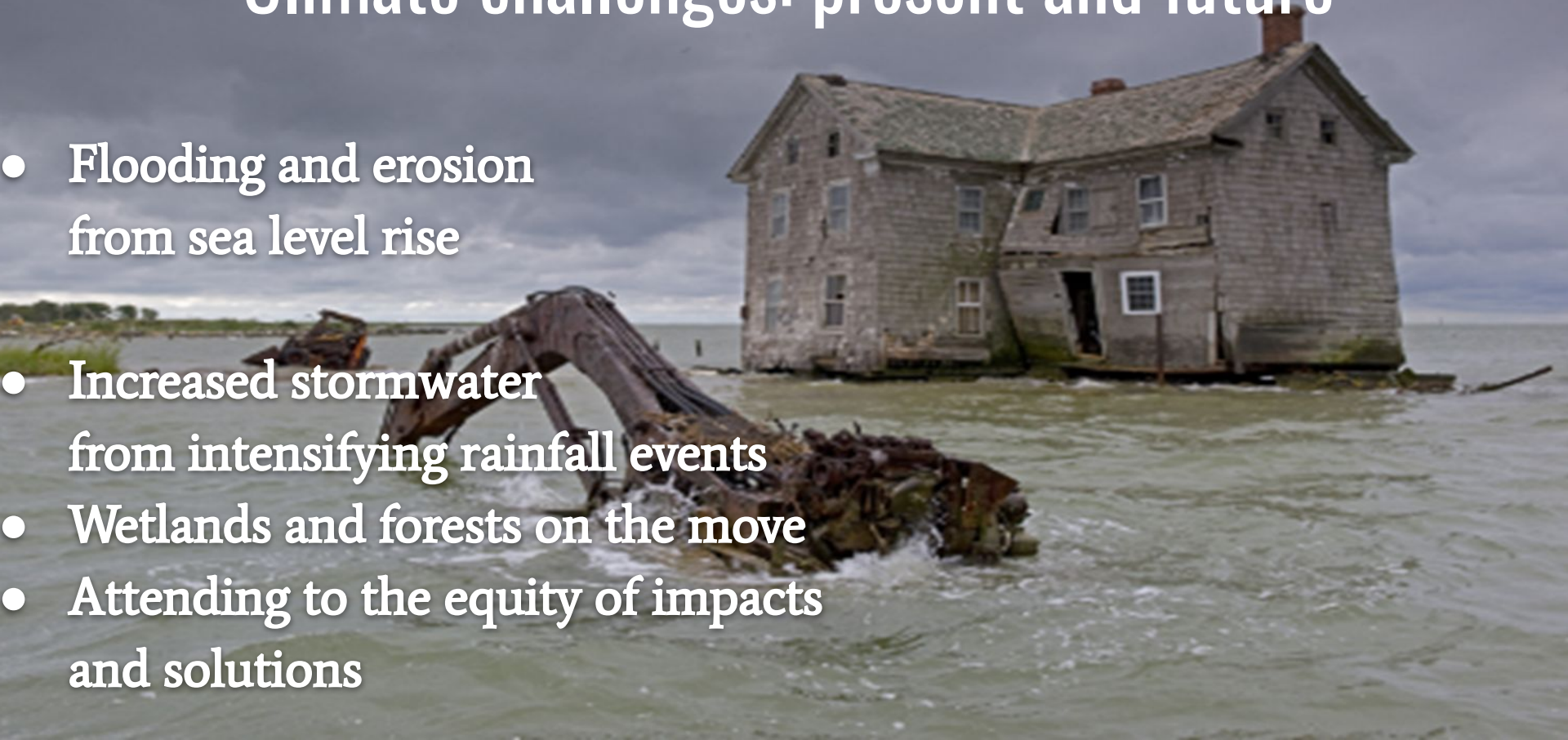


Benefits of the Law

- Land use
 - Orderly development of the coastline
 - Protection & mitigation for water quality and wildlife habitat
 - Retention of natural shoreline buffers
 - Public access
- Program
 - Collaborative problem solving
 - Model for land use management techniques
 - Virtually unlimited source of puns on the word “critical”
 - Something fun to complain about

Climate challenges: present and future

- Flooding and erosion from sea level rise
- Increased stormwater from intensifying rainfall events
- Wetlands and forests on the move
- Attending to the equity of impacts and solutions





Local Decisions have long-term implications

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Oxford prepares for future stormwater infrastructure updates

Story Comments

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FILE PHOTO BY JOSH BOLLINGER

Posted: Wednesday, September 25, 2013 1:21 pm

By JOSH BOLLINGER jbollinger@stardem.com

OXFORD — The town of Oxford is faced with a decision that will affect the future of its stormwater system and flooding issues.

After months of discussing and studying Oxford's stormwater and flooding issues, Sean Williamson, a research assistant with the University of Maryland Environmental Finance Center, came to Oxford on Tuesday, Sept. 24, and again on Wednesday, Sept. 25, to present the center's findings and potential solutions.

Oxford Stormwater

The above picture was taken the day after Hurricane Sandy struck the Eastern Shore in Oct. 2012 at the entrance to Oxford.

"For the last year, we've heard from a number of citizens and businesses from the town of

NOV 12, 2014

Rising sea level, coastal flooding spells disaster for coastal Maryland towns

Kalani Gordon 0 Comment Maryland, Travel

1 of 19 Photos

All along the ragged shore of Chesapeake Bay and the Atlantic coast of the Delmarva Peninsula, north into New England and south into Florida, along the Gulf Coast and parts of the West Coast, people, businesses and governments are confronting rising seas not as a future possibility. For them, the ocean's rise is a troubling everyday reality.



Sand from a recent high tide covers a road near a home with an eroded septic field, October 9, 2014 in Hoppers Island, Maryland. Several islands and property's located at sea level in the lower Chesapeake Bay region are slowly eroding away as sea levels rise. Officials have projected the sea level will rise several feet over the next century leaving many of the Chesapeake bay's lower islands underwater. (Photo by Mark Wilson/Getty Images)

The Baltimore Sun, November 12, 2014.

Panel Discussion

Expected climate impacts can collide with the vision or allowances of local zoning and the comprehensive plan.

Can you share an example of when this occurred, and how you found a way forward?

Planning Commissions and Boards of Appeals often make decisions on a site-by-site basis. While criteria and standards help, rulings often involve discretion, variances, or waivers.

How do you evaluate a citizen's desires for their property where natural resource are a concern?

Climate change impacts like sea level rise and intensifying storms have the potential to create inequities among communities, or amplify disparities that already exist.

What is your jurisdiction doing, or what could local planners do to reduce those disparate impacts?

**What data, analysis, authorities, and/or incentives
do you wish you had that you currently don't have?**

The Critical Area Commission operates as an inter-jurisdictional partnership between the state, municipalities, and counties.

How can the Commission leverage this partnership as it looks forward to the next 40 years?