

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND  
LEGISLATIVE SESSION 2023-08**

**BILL NO. 2023-07**

**Title of Bill:** Amend - Critical Area Maps Program – Summary Draft Maps

**Synopsis:** A Bill to adopt the Critical Area Maps Program by approving all elements of the summary draft map including, the shoreline and landward boundary of tidal wetlands, the digitally generated and georeferenced Critical Area 1,000-foot boundary line; and Critical Area classifications of all areas newly included in the Critical Area.

**Introduced by:** Council President on behalf of the County Executive

**Introduced, read first time and order posted on:** April 18, 2023

**Public Hearing scheduled on:** May 9, 2023 at 7:00 pm

**Consideration scheduled on:** May 16, 2023

**By:** \_\_\_\_\_  
Council Manager

Notice of time and place of public hearing and title of Bill have been posted by April 18, 2023 at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on April 19, 2023 and April 26, 2023 a public hearing was held on May 9, 2023, and concluded on May 9, 2023.

**By:** \_\_\_\_\_  
Council Manager

Explanation: CAPITALS INDICATE MATTER ADDED TO EXISTING ORDINANCE.  
~~Strike through~~ indicate matter deleted from existing ordinance.  
Underlining indicates language added by amendment.  
~~Double Strike through~~ indicates language deleted by amendment.

1           **WHEREAS**, the General Assembly of Maryland enacted [Md. Natural Resources Code Ann. § 8-](#)  
2 [1801](#) to establish a Resource Protection Program for the Chesapeake and the Atlantic Coastal Bays and  
3 their tributaries by fostering more sensitive development activity for certain shoreline areas so as to  
4 minimize damage to water quality and natural habitats; and to implement the Resource Protection  
5 Program on a cooperative basis between the State and affected local governments, with local  
6 governments establishing and implementing their programs in a consistent and uniform manner  
7 subject to State and local leadership, criteria, and oversight; and

8           **WHEREAS**, Cecil County adopted its Critical Area Program on July 5, 1988 to minimize adverse  
9 impact on water quality that result from pollutants that are discharged from structures or run off from  
10 surrounding lands; conserve fish, wildlife, and plant habitats; establish land use policies for  
11 development in the Critical Area which accommodate growth as well as address the environmental  
12 impacts that the number, movement, and activities people may have in the area. The Critical Area  
13 program consists of the Cecil County Zoning Ordinance (“Zoning Ordinance”), Cecil County Subdivision  
14 Regulations (“Subdivision Regulations”), and Critical Area Maps; and

15           **WHEREAS**, [Md. Code Ann., Nat. Res. § 8-1807](#) determines that the planning area for the  
16 Chesapeake Bay Critical Area consists of the following areas, as indicated on the Statewide Base Map:  
17 all waters of and lands under the Chesapeake Bay and its tributaries to the head of tide; and all State  
18 and private wetlands designated under Title 16 of the Environment Article; and all land and water  
19 areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of  
20 tides designated under Title 16 of the Environment Article; and

21           **WHEREAS**, [Md. Code Ann., Nat. Res. § 8-1808](#) requires that a map designating the Critical Area  
22 in a local jurisdiction as one of the minimum elements to the Critical Area program; and

23           **WHEREAS**, the 2008 Maryland General Assembly enacted House Bill 1253, requiring the  
24 Department of Natural Resources and the Critical Area Commission to prepare a Statewide Base Map  
25 updating the 1,000- foot Critical Area Boundary and designations; and

26           **WHEREAS**, the Code of Maryland Regulations (COMAR) Title 27, Subtitle 01, Chapter 11  
27 (27.01.11) provides the definitions, authorized source data, mapping methodology, process for  
28 approval, and directive for periodic review; and

29           **WHEREAS**, the CAC and the Cecil County Department of Land Use and Development Services  
30 (LUDS) reviewed the “working draft maps” from July 2019 through March 2021 which include desktop  
31 site analyses, and site visits to resolve conflicts with Cecil County properties; and

32           **WHEREAS**, the “working draft maps” were made available to public review and comment on  
33 from April 28, 2021; and

34           **WHEREAS**, a public information meeting was held at the June 21, 2021, Planning Commission  
35 meeting; and

36           **WHEREAS**, the CAC notified all affected property owners by letter proposed to gain 1% or more  
37 of Critical Area district on their property through the remapping process of the changes to the map,  
38 and the opportunity to comment in writing or at the Planning Commission meeting; and

39           **WHEREAS**, LUDS notified all affected property owners by letter to proposed to depart from the  
40 Critical Area district on their property through the remapping process of the changes to the map, and  
41 the opportunity to comment in writing or at the Planning Commission meeting; and

42           **WHEREAS**, the public review and comment periods on the working draft maps was closed on  
43 June 25, 2021; and

44           **WHEREAS**, on June 29, 2021, the CAC transmitted that the Summary Draft Map are available on  
45 their webservice at <https://webmaps.esrgc.org/cbca/desktop/Map>; and

46           **WHEREAS**, Cecil County’s local approval process is delineated in Article XI, Part I, Section 203 of  
47 the Zoning Ordinance; and

48           **WHEREAS**, public notice of the Planning Commission review of the Summary Draft map,  
49 including publication of a newspaper of general circulation on July 28, 2021, AND August 4, 2021, as  
50 required by Article XVII, Part III, Section 324 of the Zoning Ordinance was provided by LUDS; and

51           **WHEREAS**, a public hearing for the Summary Draft maps was conducted by the Planning  
52 Commission at their August 16, 2021, meeting; and

53           **WHEREAS**, the Planning Commission recommended approval of the maps; and

54           **WHEREAS**, the County Council of Cecil County has caused notice of a public hearing to be held  
55 on May 9, 2023 on the Summary Draft Maps to be published in a newspaper of general circulation in  
56 Cecil County.

57           **NOW THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**  
58 **MARYLAND**, amends its Critical Area program by approving all elements of the summary draft map

59 including, the shoreline and landward boundary of tidal wetlands, the digitally generated and  
60 georeferenced Critical Area 1,000-foot boundary line; and Critical Area classifications of all areas newly  
61 included in the Critical Area.

62 **AND BE IT FURTHER RESOVLED** that this Bill and all relevant information necessary shall be  
63 forwarded to the Chairman, and as appropriate the Commission, of the Critical Area.

64 **AND BE IT FURTHER RESOLVED** that this Act shall take effect 60 calendar days from the date it  
65 becomes law or upon approval of the Maryland Critical Area Commission under the authority granted  
66 by Section 8-1801, et seq. of the Natural Resources Article of the Annotated Code of Maryland,  
67 whichever is later. If approved in whole or in part by the Maryland Critical Area Commission after the  
68 60 days, the approved provisions of this Act shall take effect on the date the notice of approval is  
69 received by the Department of Land Use and Development Services. If disapproved in whole or in part  
70 by the Maryland Critical Area Commission, the disapproved portions of this Act shall be null and void  
71 without the necessity of further action by the County Council. The Department of Land Use and  
72 Development Services, within 5 days after receiving any notice from the Maryland Critical Area  
73 Commission, shall forward a copy to the County Council.

#### **CERTIFICATION**

I HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and a copy was made available on the Cecil County website.

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BY: Council Manager