

PlanMaryland

Areas of Critical State Concern

*Planning Directors Roundtable
October 14, 2010*



Areas of Critical State Concern

- **Purpose of Today's Presentation**
 - *To discuss ACSC as a potential tool for PlanMaryland;*
 - *Provide some background and history;*
 - *Receive feedback from knowledgeable professionals.*
- **Not the Chesapeake Bay Critical Area designations.**



Areas of Critical State Concern

- **Areas of Critical State Concern (ACSCs)**
 - *History*
 - *Existing Law and Past Regulations*
 - *Original Designations*
 - *Application for PlanMaryland?*
- **Group Discussion**



Some Questions...

How many of you have heard of Areas of Critical State Concern?

How many of you have Areas of Critical State Concern in your Counties and Towns?

How many of you do something differently because of Areas of Critical State Concern?



Authority: Annotated Code of Maryland

Provides that the
Secretary of Planning
prepare a State Development
Plan containing recommendations for land
use, major public works, circulation, and
areas of critical state concern.

(5-601 – 5-615 of Finance and Procurement Act)



History

- **1974 Legislation**
 - Article 88c: Department of State Planning Enabling Legislation
 - As part of State Development Plan structure
- **Past State/Local Designation Process**
 - Regulations adopted in 1976
 - Local Governments nominated sites in 1977
 - Sites were designated in four categories in 1981

Definitions

“Areas of the State that have such unusual or significant importance that future use or development in these areas is of concern to citizens of the State.” (1976)



Definitions

**“A specific geographic area of the State which, based on studies of physical, social, economic and governmental conditions, is demonstrated to be so unusual or significant to the State that the Secretary (of Planning) designates it for special management attention to assure the preservation, conservation or utilization of its special values.”
(1980)**



Definitions

- **“State Concern”** was to be:
 - Characterized by a feature(s) that are unique, significant or scarce;
 - Areas where land actions and public development create interjurisdictional concerns;
 - Areas where financial expenditures introduce a concern for the finances of the State; OR
 - Areas which are essential to, impacted by, or have impact on State policies, plans and programs.

1976 Regulations



Definitions

- “Critical” were areas that:
 - Were susceptible to physical alteration, destruction or loss; OR
 - Contained resources, existing or proposed large developments, public facilities, which may be preempted or curtailed by new land uses.

1976 Regulations



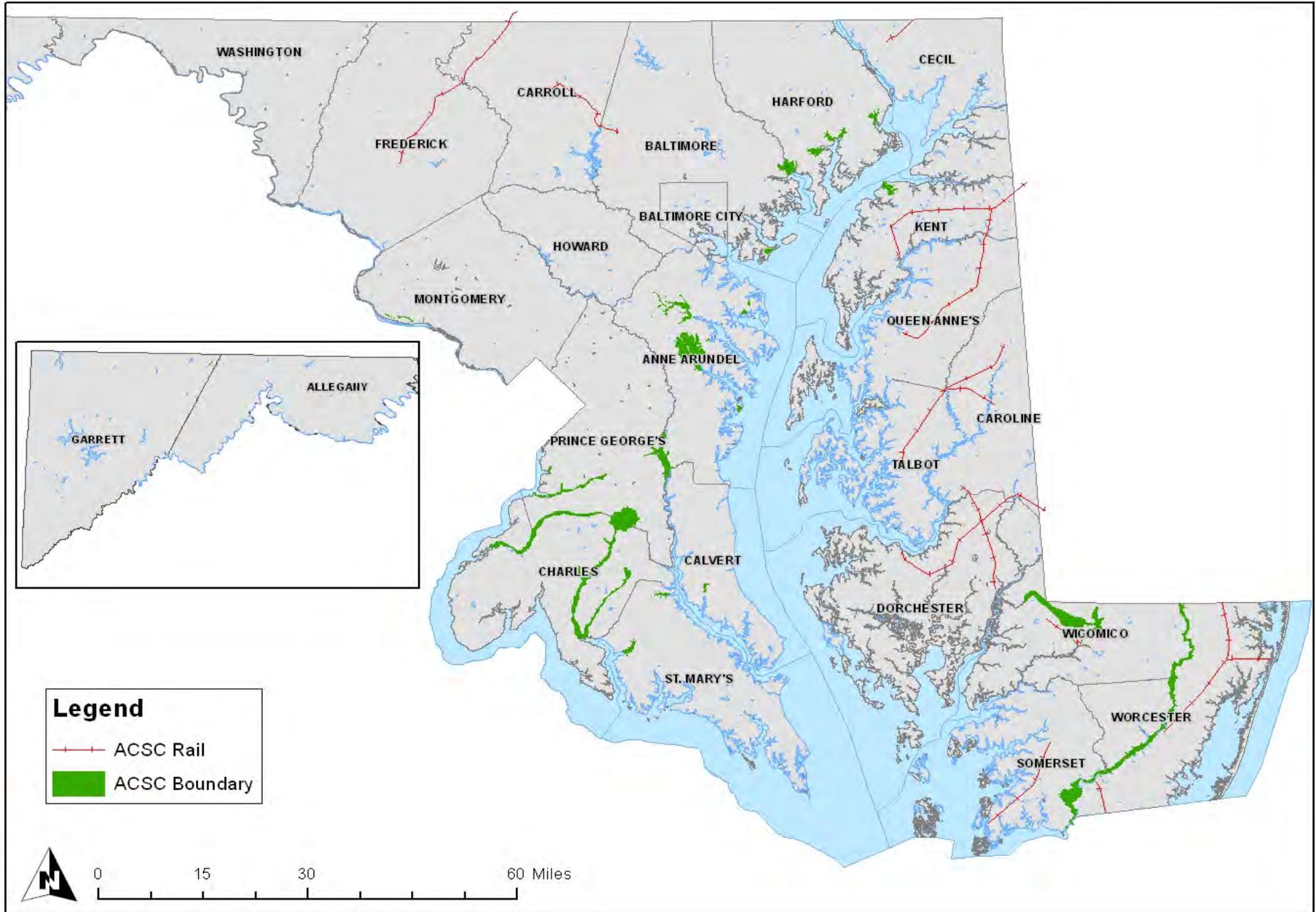
Definitions

- **“Compatible Forms and Levels of Activity”**
 - Assessment of suitability of possible land uses;
 - Summarize recommended compatible forms and levels of land use activity.
- **Management Goals and “Techniques”**
 - Local zoning, land use, health regulations;
 - Local, State, Federal, Private Acquisition;
 - State regulatory programs.

1976 Regulations



Areas of Critical State Concern



ACSC Roles

- **State Governments**
 - Clearinghouse review for consistency with ACSC management goals;
 - Technical assistance to local governments in managing ACSC;
 - Priority for Planning Grants;
 - Intervene when necessary;
 - Conduct regulatory and funding consistent with management goals.

1976 Regulations



ACSC Roles

- **Local Government**
 - Incorporate designated areas into Comprehensive Plans;
 - Amend zoning and subdivision regulations in accordance with management goals;
 - Assure consistency of water, sewer, transportation actions;
 - Annual assessment of the impact of decisions on ACSCs.

1976 Regulations



1977 Local Nominations

- **Local Nomination Process**
 - Regulation established process and categories:
 - Natural Areas
 - Areas of Special Public Concern
 - Areas of Special Economic Concern
 - Areas of Cultural Concern
 - Areas of Major Public Facilities
 - Areas Held in Public Trust
 - Development with Interjurisdictional Impact

1980 Nomination Review

- **Nominations from Local Governments**
 - Over 250 nominations for individual areas;
 - From 20 Counties, 12 Towns, Baltimore City.
- **Some Issues**
 - Inconsistencies in nominations between jurisdictions;
 - Inconsistencies in ways to manage areas;
 - Lack of overarching themes.

1981 Designations

- 57 Sites were Designated in 4 Categories
 - Tidal Wetland Areas
 - Non-Tidal Wetland Areas
 - Protection and Enhancement of Rail Services
 - “Special Areas”



1981 Designations

- **Regulations were extinguished in 1987**
 - Statute remains in effect;
 - No current regulatory guidance for new designations, however not required.
- **Reviewed existing designations in 2008**
 - Internal MDP evaluation of 27 areas using GIS;
 - Reviewed natural resource-based ACSCs based on Maryland Biological Stream Survey and other data.

Types of Designations (1981)

- **ACSCs *could* be designated for a host of types of places:**
 - Rivers, bays, beaches;
 - Reservoirs, noise areas, water supply wellheads;
 - Prime ag lands, prime industrial lands;
 - Historic or cultural areas, parks, public ROWs;
 - Major highways, corridors, airports, marine terminals, defense installations;
 - New Towns, large-scale developments.

Relationship to PlanMaryland

- **How can ACSCs support PlanMaryland?**
 - Could target increased State and local protection of critical natural resource areas;
 - Could reserve lands for future industrial growth where such land is limited and vulnerable to other uses;
 - Could increase predictability between State and local programs and decisions;
 - Could foster greater consistency in local Interjurisdictional planning.



Table Questions

1. What do you think ACSC should be used to accomplish?
2. How can we use the ACSC to accomplish mutual State and local goals and objectives?
3. What issues do you anticipate with the designation of new ACSC?

