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By: **Queen Anne's County Delegation**  
Introduced and read first time: February 2, 2006  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Critical Areas - Growth Allocation**

3 FOR the purpose of authorizing a local Chesapeake and Atlantic Coastal Bays Critical  
4 Area program to allow the local jurisdiction to reverse a decision on certain use  
5 of growth allocation under certain circumstances; creating an exception for a  
6 reversal of a growth allocation use decision to the requirement that certain  
7 zoning map amendments may only be granted under certain circumstances;  
8 altering the definition of "program refinement" to include a reversal of a growth  
9 allocation use decision; and generally relating to growth allocation in local  
10 Chesapeake and Atlantic Coastal Bays Critical Area programs.

11 BY repealing and reenacting, without amendments,  
12 Article - Natural Resources  
13 Section 8-1802(a)(1), 8-1808.1(a) and (b), and 8-1809(i)  
14 Annotated Code of Maryland  
15 (2000 Replacement Volume and 2005 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Natural Resources  
18 Section 8-1802(a)(16) and 8-1809(h)  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2005 Supplement)

21 BY adding to  
22 Article - Natural Resources  
23 Section 8-1808.1(f)  
24 Annotated Code of Maryland  
25 (2000 Replacement Volume and 2005 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Natural Resources**

2 8-1802.

3 (a) (1) In this subtitle the following words have the meanings indicated.

4 (16) (i) "Program refinement" means any change to an adopted  
5 program that the Commission determines will result in a use of land or water in the  
6 Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area in a manner  
7 consistent with the adopted program.

8 (ii) "Program refinement" includes:

9 1. A change to a zoning map that is consistent with the  
10 development area designation of an adopted program; [and]

11 2. The use of the growth allocation in accordance with an  
12 adopted program; AND

13 3. A REVERSAL OF A LOCAL JURISDICTION'S USE OF  
14 GROWTH ALLOCATION TO DESIGNATE A NEW INTENSELY DEVELOPED OR LIMITED  
15 DEVELOPMENT AREA.

16 8-1808.1.

17 (a) This section is intended to establish conditions for development in the  
18 Chesapeake Bay Critical Area and the Atlantic Coastal Bays Critical Area in addition  
19 to those established in criteria of the Commission. However, in the event of any  
20 inconsistency between the criteria and the provisions of this section, this section shall  
21 control.

22 (b) The growth allocation for a local jurisdiction shall be calculated based on 5  
23 percent of the total resource conservation area in a local jurisdiction:

24 (1) In the Chesapeake Bay Critical Area at the time of the original  
25 approval of the local jurisdiction's program by the Commission, not including tidal  
26 wetlands or land owned by the federal government; or

27 (2) In the Atlantic Coastal Bays Critical Area at the time of the original  
28 approval of the local jurisdiction's program by the Commission, not including tidal  
29 wetlands or land owned by the federal government.

30 (F) A LOCAL JURISDICTION'S PROGRAM MAY AUTHORIZE THE LOCAL  
31 JURISDICTION TO REVERSE A DECISION TO USE GROWTH ALLOCATION TO  
32 DESIGNATE A LOCATION AS A NEW INTENSELY DEVELOPED OR LIMITED  
33 DEVELOPMENT AREA IF:

34 (1) AT LEAST 3 YEARS HAVE PASSED SINCE THE DESIGNATION OF THE  
35 LOCATION AS A NEW INTENSELY DEVELOPED OR LIMITED DEVELOPMENT AREA; AND

1 (2) DEVELOPMENT ACTIVITY HAS NOT COMMENCED IN THE NEW  
2 INTENSELY DEVELOPED OR LIMITED DEVELOPMENT AREA.

3 8-1809.

4 (h) (1) As often as necessary but not more than 4 times per calendar year,  
5 each local jurisdiction may propose program amendments and program refinements  
6 to its adopted program.

7 (2) (i) Except for program amendments or program refinements  
8 developed during program review under subsection (g) of this section, a zoning map  
9 amendment may be granted by a local approving authority only on proof of a mistake  
10 in the existing zoning.

11 (ii) The requirement in paragraph (2)(i) of this subsection that a  
12 zoning map amendment may be granted only on proof of a mistake does not apply to  
13 proposed changes to a zoning map that:

14 1. Are wholly consistent with the land classifications in the  
15 adopted program; [or]

16 2. Propose the use of a part of the remaining growth  
17 allocation in accordance with the adopted program; OR

18 3. REVERSE A LOCAL JURISDICTION'S USE OF GROWTH  
19 ALLOCATION TO DESIGNATE A NEW INTENSELY DEVELOPED OR LIMITED  
20 DEVELOPMENT AREA.

21 (i) A program may not be amended except with the approval of the  
22 Commission.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2006.