

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 617 (Queen Anne’s County Delegation)
Environmental Matters

Natural Resources - Critical Areas - Growth Allocation

This bill authorizes a local critical area program to authorize the local jurisdiction to reverse a decision to use growth allocation to designate a location as a new Intensely Developed Area (IDA) or Limited Development Area (LDA) under specified conditions. The bill also states that such a reversal would be considered a “program refinement” under the Critical Area law, and that a zoning map amendment with respect to a reversal would not require the need to show “proof of a mistake.”

Fiscal Summary

State Effect: Although the bill’s changes to the definition of “program refinement” could result in a decrease in the number of hearings held by the Critical Area Commission, the bill’s changes would not materially affect State operations or finances.

Local Effect: The bill’s changes would not significantly affect local finances. Local governments already have the authority to reverse a prior grant of growth allocation; this bill merely establishes the same standards for all local governments concerning such reversals. By providing that a reversal is a “program refinement,” the bill might expedite a reversal. In addition, the bill might make it easier for some local governments to remove a project from a zoning map.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: The decision to use growth allocation may be reversed if: (1) at least three years have passed since the designation of the location as a new IDA or LDA; and (2) development activity has not commenced in the new IDA or LDA.

Current Law: Under the Chesapeake Bay and Atlantic Coastal Bays Critical Area Program, local jurisdictions are required to establish three land use designations: IDAs, LDAs, and Resource Conservation Areas (RCAs). In order to accommodate future population growth, the total IDA and LDA acreage may be increased by a “growth allocation.” This allowable development increase is calculated by a formula.

According to the Critical Area Commission, local governments already have the authority to reverse a prior grant of growth allocation.

Current law authorizes the Chairman of the Critical Area Commission to determine whether proposed changes to a local critical area program are considered program amendments, which require the commission to hold a public hearing, or program refinements, which do not require a public hearing. Except for program amendments or program refinements developed during program review, a zoning map amendment may be granted by a local approving authority only on proof of a mistake in the existing zoning. The requirement to show proof of a mistake does not apply to proposed changes to a zoning map that are wholly consistent with the land classification in the adopted program or propose the use of a part of the remaining growth allocation in accordance with the adopted program.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources (Critical Area Commission), Charles County, Frederick County, Prince George’s County, Somerset County, Department of Legislative Services

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nas/ljm

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