

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 215 (Senator Colburn, *et al.*)
Education, Health, and Environmental Affairs

**Chesapeake and Atlantic Coastal Bays Critical Area Protection Program -
Advisory Committee**

This bill establishes an advisory committee to study and recommend potential legislative reforms of the growth allocation process in the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program. The Department of Legislative Services (DLS) must provide staff for the advisory committee. A final report is due by December 1, 2008.

The bill takes effect June 1, 2007.

Fiscal Summary

State Effect: Any expense reimbursements for committee members and staffing costs for DLS are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The advisory committee must:

- develop criteria and identify Resource Conservation Area (RCA) lands in the State that should not be subject to growth allocation because of their environmental sensitivity and value; and

- recommend legislation for the 2009 legislative session for improving and strengthening growth allocation guidelines and requirements.

The co-chairs of the Joint Committee on the Chesapeake and Atlantic Coastal Bays Critical Area serve as co-chairs of the advisory committee. A member of the advisory committee may not receive compensation but is entitled to reimbursement for expenses under the standard State travel regulations.

Current Law: Under the Chesapeake Bay and Atlantic Coastal Bays Critical Area Law, local jurisdictions are required to establish three land use designations: Intensely Developed Areas (IDAs), Limited Development Areas (LDAs), and 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. In specified counties, if the county is unable to use a portion of the growth allocation within or adjacent to existing IDAs or LDAs, then that portion of the allocated expansion may be located in the RCA in addition to the expansion allocated in the criteria of the Critical Area Commission.

Background: To obtain the final approval required to begin construction of the proposed Blackwater Resort Communities, Dorchester County and the City of Cambridge submitted a “program amendment” to use some of the county’s remaining growth allocation. A panel of Critical Area Commission members reviewed the growth allocation request, which included a number of meetings, public hearings, and the opportunity for public comment. On October 4, 2006, the panel recommended that the proposed growth allocation program amendment be denied; on the same date, the full commission voted unanimously to deny the program amendment, effectively prohibiting construction of the Blackwater Resort Communities anywhere in the critical area. In November 2006, the State agreed to purchase and preserve a majority of the land in question; however, the State is still negotiating a Memorandum of Understanding relating to the purchase.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Maryland Department of Planning, Department of Legislative Services

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ncs/ljm

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